



Report to Planning Committee 10 August 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application Number	22/01726/FULM		
Proposal	Residential development comprising of 87 no. dwellings, including the removal of TPO trees (resubmission)		
Location	Land at Highfields School, London Road, Balderston, Newark on Trent		
Applicant	Avant Homes (Central) Ltd	Agent	DLP Planning Ltd
Web Link	22/01726/FULM Residential development comprising of 87 no. dwellings, including the removal of TPO trees (resubmission) Highfields School London Road Balderton Nottinghamshire NG24 3AL (newark-sherwooddc.gov.uk)		
Registered	13.09.2022	Target Date E.O.T Agreed	12.12.2022 11.08.2023
Recommendation	Refuse for the reason(s) set out at Section 10.0 of this report		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation at the discretion of the Business Manager given the level of local interest and because the Planning Committee has made decisions on all the previous applications at this site.

1.0 Background

The delay in forming a recommendation on this application is due to enabling the applicant the opportunity to address various concerns raised by consultees and officers on numerous occasions. This has demonstrated that the local planning authority has sought to approach this development in a positive way and work proactively with the applicant as recommended by the NPPF and is required to be explained within decisions by the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.0 The Site

The wider site comprises approximately 15.75 hectares of relatively flat land at Highfields School which is located on the north side of London Road and falls within the defined Newark Urban Area within the parish of Balderton. The site area has been extended since the previous applications to include the school itself, its car park and land to the west where two existing sports pitches are located. The developable area remains broadly the same as previously presented.

Land that lies to the south and east of the school buildings forms part of the school's grounds and includes an open grassed area used as a playing field that lies between the main school building and London Road. To the north of the school buildings is a field known as Baileys Field formerly used as a sports field although hasn't been used for this purpose for a long period of time (in excess of ten years). A thin slither of land that connects this field to Barnby Road to the north is included within the application site; this previously provided pedestrian access when it was in operation as a playing field but is now overgrown and inaccessible. To the east of this is an area of open land known as Quibell Field. In addition, included within the red line boundary is a small area of land to the west which forms part of the school's existing playing fields and lies adjacent to a Local Wildlife Site; Ballast Pit containing a long-disused ballast pit containing open water surrounded by woodland.

To the west of the school lies the car parking area serving the school together with the school playing fields. Baileys Field is bounded to the west by the school playing fields and allotments, and by the school buildings to the south. The rear of dwellings located along Barnby Road bound the northern edge of Baileys Field and Quibell Field with the East Coast Mainline located beyond Barnby Road itself. Immediately to the south of Quibell Field are residential dwellings located off The Woodwards, Glebe Park and London Road. Allotments are located to the east of Quibell Field.

The site contains a number of trees protected by Tree Preservation Order. These are predominantly located along the site's frontage to London Road, along the west boundary of the site adjacent to Ballast Pit LWS, and to the east of the school buildings, adjacent to the site's boundary with Nos. 27 and 29 London Road.

3.0 Relevant Planning History

22/01566/TPO – (This application related to trees within the site and alongside London Road) Undertake works to trees protected by Tree Preservation Order N215 as recommended within the attached VIA Tree Survey Report. Additional works added:

- 1) Crown lift trees along entrance drive to 4.0 metres.
- 2) Crown lift avenue trees up to 3 metres for clearance with regards children and cross country.
- 3) Fell Indian horse chestnut (T076) due to fungus.

Permitted 12.12.2022 but condition imposed requiring a replacement for the felled tree.

22/00281/FULM - Residential development comprising 117 dwellings and associated infrastructure, including the removal of 5 individual and 3 groups of TPO trees. Withdrawn July 2022 due to concerns raised by officers.

21/00367/FULM – Residential development comprising 99 dwellings and associated infrastructure including the removal of 8 individual and 3 groups of TPO trees. Withdrawn February 2022 due to concerns raised by officers.

20/02541/TPO - Undertake works to trees identified as being protected by TPO N215:

1. 3mts crown lift (removal of secondary branches) from ground level to groups G9, G14 and G2 (trees only adjacent the playing field side) to give clearance over school playground.
2. Fell damaged Blue Cedar (not protected by TPO)
3. Prune back trees to G11 (side overhanging tennis courts only) by 2mts
4. Prune back trees to G6 (side overhanging driveway only) by 2mts
5. Fell trees to NE boundary due to significant lean (not protected by TPO)
6. 1No. multi stemmed Sycamore (contained within G14) removal of large limb to provide clearance along track

Permitted 02.03.2021

PREAPM/00172/20 – Pre-application advice was sought on a proposal for 94 dwellings and associated infrastructure in August 2020.

17/00357/FULM –



This application for residential development comprising 95 dwellings and associated infrastructure, including the removal 26 TPO trees was refused by the Planning Committee (September 2017).

Reasons for refusal related to the inability to mitigate for the increase in demand upon infrastructure because of inadequate developer contributions being offered along with concerns regarding the loss of 26 trees and inadequate ecological protection which together made the development compromised and unsustainable. An appeal was lodged (**Ref: APP/B3030/W/17/3188864**) and dismissed on 14.02.2019 following a co-joined hearing (see below) with the Inspector finding harm from the loss of trees that couldn't be mitigated and that the viability assessment didn't conform with the national planning policy guidance in respect of simplicity and transparency and ultimately would not make an appropriate financial contribution towards the provision of affordable housing. No harm was found in respect of ecology which was one of the other appeal considerations.

16/01134/FULM –



This application was for residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a multi-use games area (MUGA) and the removal of 8 TPO trees.

This was refused by the Planning Committee (September 2017) on the grounds that the MUGA enclosure designed to address noise issues would lead to an oppressive and unattractive environment and likely give rise to anti-social behaviour. An appeal was lodged (**Ref: APP/B3030/W/17/3188871**) and dismissed on 14.02.2019 following a co-joined hearing (see above). In summary the main issues and conclusions were:

- 1) Character and appearance in respect of the MUGA; *Inspector found no harm*
- 2) Ecology, *Inspector found no harm*
- 3) Crime and disorder in respect of the MUGA; *Inspector found no harm*
- 4) Whether the shortfall in the provision of developer contributions towards affordable housing would be appropriate in the context of the viability of the development; *Inspector found the viability assessment didn't conform with PPG in respect of simplicity and transparency and ultimately would not make an appropriate financial contribution towards the provision of affordable housing.*

14/01964/FULM –



Application was submitted for residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees.

Members considered this application at the Planning Committee in July 2015 and resolved to refuse planning permission (contrary to a finely balanced recommendation of approval by Officers) on the grounds that: *“By reason of the layout, density, juxtaposition and type of uses proposed including re-provision of school car parking, sports field, MUGA and access, this application presents a series of compromises which accumulatively lead to an unacceptable and unsustainable development. This is with respect to noise for future residents, residential*

privacy, a failure to maximise community use and lack of appropriate infrastructure and affordable housing. All these matters taken as a whole make the development unsustainable... An appeal was lodged (Ref: APP/B3030/W/15/3133508) which was subsequently dismissed. The Inspector found harm to living conditions from noise from the MUGA and through loss of privacy. The Inspector concluded that based on the unilateral undertaking that offered £235,219 in developer contributions and a CIL receipt of £669,326 the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme. However in the planning balance the scheme was not considered sustainable development and was dismissed on 3rd March 2016.

Tree Preservation Order – N215 Alternative ref: 11/00116/TPO confirmed 50+ trees as being protected at this site.

4.0 The Proposal

Various amendments have been submitted during the course of this application which amongst other things has resulted in the number of units being reduced from 94.

Full planning permission is now sought for 87 dwellings that each have between 2 and 5 bedrooms. There are 15 different house types proposed which are predominantly two storey, albeit there are some two-and-a-half storey dwellings and 6 bungalows included. 26 of the units (30%) are being offered as on-site affordable housing.

Vehicular access would be taken from London Road via the existing access (which would be widened) serving the school which would then branch off to the east and cut through the playing pitch to the front of the school. To facilitate the development a number of trees would also need to be removed, some of which are protected by Preservation Order.

The scheme includes public open space within the development site comprising a green crescent centrally located where the road forks east and west as well as a larger area of open space to the west which includes an area for children's play. Amendments have been made to exclude structural landscaping from front gardens with this now proposed to be maintained by a management company.

Given that part of an existing playing field would be lost to form the access road, the application 'is advancing a number of mitigations/improvements within the adjacent school site including the provision of a 'Kwik' cricket square to the western playing field and an extended floodlit MUGA which is to be made available outside of school hours for the wider community.

Details of the house types proposed are set out in the table below. It should be noted that the minimum national standard size for a single bedroom is 7.5sq m. Some first floor rooms are below standard for a bedroom and officers have taken this into account in assessing the scheme by adjusting the mix accordingly. It should be noted that the Council does not have any adopted standards in relation to room sizes.

House Type	No. of Bedrooms	House Type	Floor Space m ²	No. of Plots
Appleton	5 beds	2 storey detached	173	10 Plots
Baildon	3 beds plus second floor storage room of 6.2m ²	2 ½ storey (roof lights) Semi/terrace – Affordable and market	95	20 Plots
Cadeby	3 beds	2 storey detached	87	4 plots
Coverham	5 bed, 2 en-suite	2 storey detached double integral garage (4.2m wide x 4.6m, door widths 2.1m)	207	6 plots
Darley	4 beds + upstairs study of 5.4m ² (applicant refers to this as 5 bed)	2 storey detached Integral single garage/store (2.7m x 5m) door 2.1m wide	159	1 Plot
Eastburn	2 bed + first floor office of 6.6m ²	2 ½ storey Semi/terrace Affordable	73	8 Plots
Levisham	2 bed	Single storey detached Affordable	60	4 Plots
Leyburn	3 bed	2 storey detached	86	5 Plots
Oakwood	3 bed	2 storey semi-detached Integral garage/store (2.4m x 4.6m, door width 2.1m)	95	5 Plots
Ripon	2 bed + study of 4.2m ²	2 storey Semi-detached	74	4 Plots

Thornton	4 bed + study of 5m ²	2 storey detached	133	1 Plot:
Wentbridge	4 bed	2 storey detached (single integral garage 4.52m deep x 2.6m wide, door 2.2m wide)	118	4 plots
Cookridge	4 bed with upstairs study of 5.2m ²	Two storey, Single integral garage/store (5mx2.57m, door 2.1m wide)	131	10 Plots
Bilborough	5 bed	Two storey, single integral garage/store (4.8m x 2.6 x 2.1m door)	150	3 Plots
3B5P VMD	3 bed	Single storey	86	2 Plots

Garage Type & Plan Ref	Internal Measurements
Double Detached Garage	6m deep x 6.07m wide. Door width of 4.2m (Floor area 36.9sq m)
Garage Single End, SITE/SG/006 Rev A	6.1m deep x 3.11m wide. Door width of 2.3m (Floor space 19.6 sqm)
Single Detached Garage, 500/005 Rev A	6m deep x 3.3m wide, door width 2.4m wide
Garage Twin Gable Side, 504/006 Rev A	6.1m deep x 3m wide, door width 2.28m

The Submission

Details of the plans and supporting documents that have been assessed as part of this application are listed in informative no. 1 at the end of this report.

5.0 Departure/Public Advertisement Procedure

Occupiers of 170 properties have been individually notified by letter. Site Notices have been displayed near to the site and adverts has been placed in the local press, the latest one expired on 13th May 2023.

Site visit undertaken on 13 October 2022 and July 2023.

6.0 Planning Policy Framework

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 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
NAP1 - Newark Urban Area

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (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
- Newark and Sherwood Housing Needs Survey, December 2020 by Arc4
- NSDC Playing Pitch Strategy 2016/17 (September 2017)
- Newark and Sherwood Local Football and Facility Plan (May 219)
- Newark and Sherwood District Council Open Space Assessment and Strategy, adopted January 2022
- Building for Healthy Life 2022

7.0 Consultations

Comments have been summarised below but are available to view in full on the Council website. There have been several rounds of public consultation on this application and the latest comments are summarised unless otherwise stated.

(a) Statutory Consultations

NCC Highways Authority – Objections have been made on 11.05.2023 and 05.10.2023 on the grounds that the application had failed to demonstrate a suitable scheme to meet highway

safety needs and that capacity on the highway network hadn't been demonstrated as adequate. The latest comments (of objection) dated 28.06.2023 is set out as in full as follows:

'The applicant has submitted further information.

Travel Plan

The TP has been reviewed previously and although previous iterations have larger dwelling numbers, the trip generation table hasn't been updated in the latest version which needs to be corrected. A list of comment history is appended to these observations with key outstanding items highlighted.

Layout

The bends have now been demonstrated to be widened appropriately with suitable forward visibility splays available. A condition will be requested that the splays are kept clear of obstruction.

In order to overcome the issues in terms of access to and from the northbound bus stop, a footway has been extended through the grounds in the land, to remain private but linking to London Road at an appropriate point. This footway must be lit to be acceptable, but it is understood that high level lighting would conflict with other planning matters here and therefore low level suitable lighting from bollards would be acceptable, with a condition for this requested. This lighting should also be included in any management/maintenance plan. Of the detailed matters previously highlighted, only the driveway serving Plots 73/74 has not been addressed. This one residual matter is not considered to constitute an unacceptable highway safety issue in this particular location.

Access

In terms of wider access matters, the applicant has been in discussion with the applicant over the last few weeks and has prepared an amended junction assessment at Bowbridge Road/Sherwood Avenue which has been shared with the Highway Authority and addresses the issues raised in our previous observations. The resulting impact in the morning is considered to be severe, to the extent that the Highway Authority may be minded to object as there are no measures available to improve these signals which are proportionate to the development.

In order to try to mitigate the above by further encouraging travel by means other than car (over and above the standard measures in the Travel Plan) and with the aim of reducing the severe impact at the above traffic signal junction, the applicant has submitted a drawing titled 'Draft Barnby Road Cycle scheme'. Unfortunately, for a number of reasons this is not acceptable - removal of the centreline on this bridge is unsafe and the provision cannot offset morning peak traffic generation to the school as a primary school aged child would not be expected to cycle in the road.

(Notwithstanding the above, the now proposed shared link created from the development to Barnby Road meets the core principles of sustainable transport, with cyclists from the development having access along a quiet road (Barnby Road) to the National Cycle Route to the west and is therefore viewed as a necessary positive.)

However, after ongoing discussions with the Highway Authority, the applicant is now considering submission of improvements to footways along Barnby Road, linking the development to the primary school. This would allow safer access on foot to the school, encouraging families to walk rather than drive, with the aim of lowering any traffic generated by this development in the morning peak (which is the main concern), and therefore, subject to a satisfactory proposal for this being submitted, (alongside a condition for provision of a CCTV camera at Mount Street as previously highlighted), the Highway Authority would be minded to accept these measures as suitable offsite mitigation.

However, until such a time that suitable measures are submitted, the Highway Authority maintain an OBJECTION to the application due to the development having a severe impact on the adjacent highway network.'

NCC Lead Local Flood Authority – (29.06.2023) have now lifted their objection (related to insufficient information) and have no objection subject to the use of a condition the requires a detailed surface water scheme based on the principles already set out to be submitted to and agreed and then implemented on site prior to the development being occupied.

Sports England – (07.07.2023) In response to additional information (including the draft Community Use Agreement (CUA) and MUGA Lighting technical note) –maintain their objection with the following summarised comments:

They confirm that they are not satisfied that the CUA meets the requirements to secure use of the playing fields for the community. They point out that it should follow Sport England's template to ensure all information is included so that the legal agreement will provide sufficient benefit to sport as to outweigh the loss of playing field space from the development. Specifically they advise that:

- It is not clear the specific playing fields that will be available for use by community members.
- The CUA should include details of access to toilets and changing facilities.
- It is not clear the hours of use for community members. This should be made explicit and should include school holidays or any other days which might be available for community use.
- Booking arrangements – how will community members and clubs book the space.
- Pricing – it states that a reasonable rental will be charges, however this price should be stipulated in the agreement.
- Which party will be management the community use bookings and maintenance The document needs to be signed by all parties involved including the school and the council.

MUGA Lighting – To ensure sufficient hours of use for community members, the MUGA should be available in the evening. The hours of use of the MUGA with floodlights for community use has not been made clear. Without specific hours of use, the benefit of the MUGA for community members would not be sufficient.

Previous comments (14.04.2023) summarised:

Object on the basis that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined

in secondary legislation. The concerns specifically are that the proposed access road affects the playing field area used for football and results in a loss of part of that playing field area and whilst the Newark and Sherwood DC Playing Pitch Strategy 2017 is no longer considered up to date, the demand for playing field for in particular football has not reduced. The proposal also involves the temporary loss of a playing field area for around 6 months, for the construction of the surface water drainage system and the underground storage facility as well as the temporary loss of all of the frontage playing field area for 6 to 9 months. Sport England acknowledge a package of mitigation has been submitted but until they have seen details and it is secured, the objection is to remain.

(b) Parish/Town Councils

Balderton Parish Council (host) – (19.04.2023) Object, still over-intensive and out of keeping with the style of properties which surround the school grounds. The additional traffic that this development will create is a concern along with entrance/exit being so close to the bridge. It would have an adverse impact on neighbouring properties causing lack of privacy. There will be a loss of green space and mature trees some of which are subject to preservation orders.

Newark Town Council (adjacent parish) – (29.06.2023) Object.

1. The access road will cause damage to an historic wall and hedgerow that cannot be justified by the proposed application.
2. The development will cause significant adverse damage to the wildlife and ecology that exists both on the land itself and the nearby pond and allotments.
3. The loss of the trees protected by TPOs is not justified for this application.
4. The development will remove an important open break in the street scene.
5. The comments of Balderton Parish Council in respect of concerns over standing water are supported.
6. The cumulative impact of this development and other developments in the area will cause an unacceptable impact on the provision of infrastructure for the highway, primary healthcare and school places.

Objected previously on 12.04.2023 and 03.11.2022.

(c) Representations

Environment Agency – (05.06.2023) do not wish to make comments; the site lies in flood zone 1 and there are no fluvial flood risk concerns with the scheme and no other environmental constraints within their remit.

NCC Policy/Developer Contributions – (June 2023) Summary, development to secure:

- Primary education contribution of £111,929;
- Bus stop infrastructure contribution of £24,200 to go towards improvements to two local bus stops (NS0779 The Woodwards Bus Stop and the NS0416 The Woodwards Bus Stop) to pay for the installation of real time bus stop poles & displays including associated electrical connections and raised boarding kerbs;
- Condition to secure introductory free bus passes;
- Library stock contribution of library stock of £3,064 for Balderton library;

- They also refer to the Nottinghamshire Spatial Planning and Health Framework, referencing Active Design principles.

Historic England – (05.06.2023) No requirement to be notified and they have no comments.

Archaeology/Historic Environment Officer – Recommends archaeological excavation in mitigation of two areas following the results of earlier evaluation. The applicant has provided a Written Scheme of Investigation (WSI) for Strip Map and Record excavation of the central area (in two parts). The excavation methodology presented is sound, however the WSI does not cover the full extent of the areas recommended in my earlier advice and currently cannot be recommended as an appropriate mitigation strategy. The scope of excavation would need to encompass two areas, the first covering trenches 2 to 6 and including the area to the south of trenches 2 and 5 which were not trenched; and the second covering an area around trenches 8 and 9. If permission is granted, I recommend there be an archaeological condition for a robust mitigation strategy to effectively deal with this important site. This would include, but may not be limited to, archaeological excavation of the areas identified in the geophysics and trenching as mentioned above. This should be secured by appropriate conditions to enable any remaining archaeology which currently survives on this site to be recorded prior to its destruction.

Trent Valley Internal Drainage Board – Make general comments

Cadent Gas – No objection but informative note required to be attached to any planning consent.

Network Rail – (30.09.2022) - No objection in principle. However, they ask for the distribution of welcome packs/leaflets regarding railway safety and also flag that adequate sound proofing for each dwelling will be required to mitigate noise from trains.

NHS Nottingham/Nottinghamshire Clinical Commissioning Group – (07.06.2023) Confirm that local health practices are working at capacity and this scheme would lead to pressure upon services. A financial contribution of £982 per dwelling is sought towards improvements to health infrastructure to be spent at any one of the three closest GP practices.

Natural England – No comments made.

Nottinghamshire Wildlife Trust – (18.10.2022) No objection. Their comments are summarised below:

They have reviewed the Reptile and Amphibian Mitigation Strategy (BWB Environmental Planning, August 2022), Biodiversity Enhancement and Management Plan (BWB Environmental Planning, August 2022) in conjunction with revised Ecological Impact Assessment (BWB Environmental Planning, August 2022).

NWT previously objected to development on this site due to concerns that there would be a significant negative impact to local amphibians and reptiles.

They point out the need to consider the effects of the installation of outfall pipe on the LWS. Temporary/short term impact from installation and long-term impact from the outfall need

to be considered. They consider the Construction Environmental Management Plan could deal with short term effects during construction but long-term impacts associated with the outfall going into the LWS need to be addressed. Sustainable Urban Drainage System is required to be incorporated to filter runoff before it gets to the LWS.

They support the design of the proposed wildlife corridor that encompasses the perimeter of the development that would support habitats for amphibians, recommending as much vegetation is retained as possible and that the hedgerow planted is a double row. They would like to see the wildlife corridor wider than 4-5m and recommend creating a management plan. They advise that if widening the corridor isn't possible the following conditions must be met to maximise the chance of continual use by amphibians and snakes:

- The wildlife corridor will have restricted access, with no access permitted to residents.
- Residential gardens are to be separated from the wildlife corridor by fence to restrict access of residents and cutting of wildlife corridor hedgerows.
- Residential fences should be fitted with amphibian and/or hedgehog tunnels to allow movement of these target animals.
- Management company should be appointed to maintain the wildlife corridor with only them having access only twice a year in late autumn and early spring to avoid disturbance of active amphibian active period and bird nesting season. They should check the wildlife corridor for fly-tipping twice a year, in specified seasons above and remove any found and carry out maintenance of hedgerows and other vegetation to avoid development of scrub in the wildlife corridor. The vegetation will be cut once in two years, in late autumn or early spring.

Subject to these conditions being met they remove their objection.

Nottinghamshire Police – (12.06.2023) Make general comments and general recommendations regarding designing out crime and disorder in the context of Section 17 of the Crime and Disorder Act 1998. Request an informative be placed on the decision notice relating to Secure by Design generic advice.

NSDC (Environmental Health) – (11.04.2023 and updated 07.06.2023)

Construction Noise and Dust

The construction management plan provided does not adequately address key aspects relating to minimising noise and dust during the construction phase. The document will therefore need upgrading in order to protect sensitive properties in the area.

Artificial Lighting

Street lighting should be provided in line with the recommendation in report BWB lighting impact assessment which also recommends lighting to MUGA should be submitted and approved in line with obtrusive lighting limitations The information submitted refers to the extension of the MUGA and floodlighting it. Given the MUGA is close to the boundary of proposed housing there is a risk of lighting related issues associated with the use of the MUGA affecting future occupiers of the dwellings. The impacts should be considered to identify mitigation measures as necessary to address impacts.

Noise Impact Assessment

Final details for acoustic fencing, glazing and ventilation will be required and should be agreed in writing.

Air Quality

Local authorities have a statutory duty to periodically assess and review air quality in their district against objectives set by Government. This is known as local air quality management. Where objectives are not being achieved in a local authority area, the local authority must carry out an assessment and develop an action plan to improve air quality. There will be some increases in local traffic levels as a result of the proposed development. However, I do not consider this to be significant in context of the Council's existing obligations under local air quality management, and air quality impact assessment is not therefore considered necessary.

Land Contamination

(16.09.2022) The new geo-environmental report has been noted which describes the additional sampling carried out. However, no sample location plan so not able to fully consider impacts. The borehole and trial pit logs appear in the appendix but are blank of strata information, including depths but not describing what was identified in each. This information should be submitted. Despite not knowing the location of TP17 as there was no plan, it did show elevated levels of lead concentration which will need remediating. Standard condition using parts B, C and D recommended.

NSDC (Conservation) – (June 2023) Summarised comments:

Highfields House and Lodge (the school buildings) are considered to be non-designated heritage assets (NDHA). Views of the Grade 1 St Mary's Church can be achieved from the school playing field. The main issues are the impact on the NDHA and on the significance of the church through its setting. The proposal wouldn't have an impact on the setting of the Newark Conservation Area.

The siting of the housing will cause minor heritage harm from the presumed loss of the remnant of the walled garden wall and partial loss to the historic parish boundary hedgerow. Tree loss needs careful analysis from our Tree Officer and may well denude the grounds of significant historic specimen trees and planting schemes that play an important part in the setting of these NDHAs. The proposed new access drive will be unwanted infrastructure within the primary aspect of the House causing harm to its setting and thereby significance. The potential enclosure of the football pitch by the Lodge has the potential to be additional potential harm to the setting, and thereby significance, of the House and Lodge. Boundaries generally need careful consideration.

NSDC (Tree Officer) – (June 2023) In summary concerns have been raised in relation to the impact of the development upon existing trees. This is due to the feasibility of the drainage scheme and soakaways requiring excavation and their potential to cause damage to trees and their hydrology and the fundamental changes to the environment and risk regime, not allowing sufficient room above or below ground for trees to reach a reasonable level of maturity all of which are not compatible with paragraph 131 of the NPPF.

Various concerns and comments made (April 2023 and previously) summarised below and remain valid:

- Speculative statements with no detail on drainage are not acceptable and not acceptable to place drain on or near retained significant trees as changes in hydrology are likely to lead to trees design in short to medium term. Future growth has not been considered clearly prejudicing their future retention;
- Tree species are not considered appropriate or in scale with the landscape noting it is open parkland with large mature trees (some have poor structural form and the Amelanchier is a large shrub)
- Protected species are expected to be replaced in the same approximate location with sufficient room to reach full maturity, placing a house instead of a tree is inappropriate;
- Retained trees have not the room to reach full maturity;
- Species selection in open areas should be large trees not large shrubs with short life expectancy.

NSDC (Strategic Housing) – (06.04.2023)

Provide comments on affordable housing, indicating that 26 dwellings from this scheme would need to be affordable as follows:

Type of dwelling/ Recommend space standard	Affordable Rent (60%)	First Homes (25%)	Shared Ownership (15%)	Total
2 bed bungalow 61m ²	4	0	0	4
2 bed house 70m ²	3	3	2	8
3 bed house 86m ²	9	3	2	14
Totals	16	6	4	26

Representations have been received from 57 local residents/interested parties, many of whom have submitted multiple letters in response to amendments. Their comments are summarised as follows:

1 support

- Comment that this scheme would deliver much needed affordable homes and enable people to get on the housing ladder.

56 objections

Principle

- No need for this development;

- There are better sites for development;
- We have a planned growth point to accommodate such development
- Concern that the green border between Newark and Balderton will be lost and Newark and Balderton will merge.

Visual/Character/Mix

- Over-development of the site;
- Does not respond to local distinctiveness and is high density which is at odds with the immediate surroundings;
- Development too tightly spaced and in no way reflects the adjoining layout;
- Poor layout and out of character;
- Mix of housing doesn't align with the housing needs of the district.

Traffic

- Position of access at bottom of old railway bridge would be a dangerous junction;
- Traffic at peak and off peak times will cause congestion and risk of accidents and to pedestrians and cyclists;
- Number of homes will cause traffic problems and danger entering and exiting onto London Road;
- Already difficult trying to enter London Road;
- The scheme is an accident waiting to happen;
- Applicants relying on old data for traffic impacts and thus traffic will be worse;
- Having a single entry to housing estate and school is madness;
- Travel plan is tongue-in-cheek. Accept that car sharing can be way forward but we live in the real world where the vast majority of people rely on their own transport;
- Consider there would be more than 60 vehicles using the existing entrance;
- Insufficient parking;
- Long access road will promote instances of on-street parking at peak times and is not 'safe and inclusive';
- Already high accident risk in this area;
- Concern regarding safety of school children from 4 schools in the area; Highfields, Newark Academy, The Orchard School and John Hunt.

Environment

- Pollution concerns – trees protect against exhaust fumes;
- Loss of mature trees cannot be replaced - it would take many decades to achieve same benefits;
- Adverse effect on landscape from loss of trees;
- Retained trees would be subject to pressure post approval where they overhang gardens and overshadow gardens;
- Discrepancies between replacement trees and drainage plans which raises concerns that they won't be planted;
- Trees and green space are vital to our wellbeing;
- Loss of open space will negatively affect quality of life for locals;
- Concern at loss of habitat for wildlife including but not limited to bats, hedgehogs, foxes, deer, owls etc.
- Concern for amphibians who migrate through the site;

- Hedgehog gaps are better to be square than round (13cm x 13cm is advised by Hedgehog Preservation Society)
- Any mitigation measures agreed need to be checked on the ground to ensure they are actually installed.

Infrastructure

- Lack of supporting infrastructure to support new homes, such as doctors and dentists that are already stretched and there is no A&E department at the hospital;
- Concern at loss of playing field that will be lost and not replaced;
- On various occasions children can be heard in Quibells field enjoying the space which is maintained by the school and used for their sporting activities. Its reduced usage is because of its poor state of upkeep by Nottinghamshire County Council which has contributed to its loss of status.
- Development encroaches onto school and may well prevent further modernisation and expansion;
- Concern at further erosion of sporting offer for the school.

Living Conditions

- This is un-neighbourly development;
- Would result in privacy loss, overlooking and light pollution for neighbours and increase risk of crime;
- Proposed garages would cause issue and no noise assessment has been carried out;
- Levels will need to be raised and there is concern regarding drainage risks;
- Patio under oak tree will be overlooked at 33 Glebe Close
- Plots adjacent to 27 London Road would be in shadow most of the day due to the height of the boundary wall
- Adverse impact on air quality and disagree that AQ Assessment isn't required;
- Inadequate details of lighting and noise (from pumping station etc);
- Query re ownership of land adjacent to 33 Glebe Park;
- Dust, noise and disruption from construction activities would have adverse impact on residents;
- 7 new homes at Barnby Lane back onto the site.

General

- Comments that the developers should take the hint that 'no means no';
- Previous comments still stand and haven't been addressed;
- Developers appear to be counting on objection exhaustion;
- Concerned about drainage and where surface water would go;
- Archaeology needs to be fully explored;
- Nature should be put first and profit second;
- Active Travel England are now a statutory consultee. Where are their comments?

8.0 Comments of the Business Manager – Planning Development

The key issues that will be discussed in turn as are follows:

- The Principle of Development

- Loss of Playing field
- Impact on Trees
- Housing Mix, Type and Density
- Impact on Heritage
- Design & Character
- Highway Safety and Parking
- Residential Amenity
- Ecology
- Flooding and Drainage
- Infrastructure and Developer Contributions

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The Council currently has a healthy 7.2 year supply of housing land (against the required 5 year supply) and the development plan is considered to be up to date for decision making.

The site lies within the defined Newark Urban Area (NUA) which is identified in Spatial Policy 1 (Settlement Hierarchy) as a Sub-Regional Centre whose function is to be the focus for housing and employment growth in the district. Spatial Policy 2 sets out that the NUA, which comprises Newark, Balderton and Fernwood, is expected to accommodate 60% of overall growth over the plan period. The Development Plan identifies a number of strategic urban extensions and site allocations to help meet this need. Spatial Policy 5 sets out that more than sufficient sites have been allocated to meet the housing needs of the District over the plan period.

Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) states that proposals for housing (amongst other things) will be supported within the urban boundaries of the Sub-Regional Centre that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

This site is not allocated for housing and is a greenfield windfall site. Nevertheless, given its location within a defined sustainable settlement, the principle of residential development is acceptable subject to an assessment of site-specific impacts which follow below.

Loss of Playing Field and Sport Pitches

Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) of the Amended Core Strategy states that the loss of existing community and leisure facilities through new development requiring planning permission will not be permitted, particularly where it would reduce the community's ability to meet its day-to-day needs, unless it can be clearly demonstrated that the continued use is no longer feasible; sufficient alternative provision has been made and there is sufficient provision of such facilities in the area.

Land between the school and London Road is used as a playing field by the school. As this proposal affects the playing field, Sport England are a statutory consultee. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its playing fields policy applies. This is consistent with the protection set out in the NPPF at paragraph 99. In brief the five exceptions are summarised as:

- E1) Demonstration that there is an excess of playing field provision in the area which would remain if the development was permitted and the site holds no special significance of sport;
- E2) The development is for ancillary facilities to support the principal use of the site as a playing field and doesn't affect the quantity or quality of the pitches;
- E3) Development affects only land incapable of forming a pitch (as well as meeting other criteria);
- E4) Lost pitch would be replaced by a new playing field of equal or better quality in suitable location prior to commencement of development;
- E5) Proposal is for indoor or outdoor facility for sport, the provision of which would be sufficient to benefit to the development of sport as to outweigh the detriment caused by the loss or prejudice to the use of the area of the playing field.

It should be noted that in relation to land known as Baileys Field, Sport England have confirmed their agreement that this is no longer considered to be a playing field given that it has not been used as such for an extensive period of time and raise no objection in relation to the development of this land. This is consistent with the previous appeal decision.

Before considering the impacts of the proposal it is useful to understand the existing sports provision at this site. North of the school car park are two pitches (mainly used for rugby and hockey) with an allotment beyond. The former tennis court area (north of the school building) has been resurfaced and replaced with a multi use games area (MUGA) surface. South of the school building the current sports provision comprises multi purpose playing fields including a cricket and football pitch.

The proposed new access road affects the playing field area south of the school building and results in a permanent loss of part of that playing field area and in addition would lead to a temporary loss of all of the frontage playing field during construction works for an estimated period of 6 to 9 months. The pitch would have to be reduced in size with the touchline brought in by 10m albeit the applicants indicate there is space beneath the tree canopies to the north to compensate so loss would be limited.

In assessing the scheme against exception E1, The Newark and Sherwood DC Playing Pitch Strategy review took place in 2017 and given the passage of time since it cannot be regarded as up to date and robust. Whilst a review is underway on behalf of the Council, it is understood that the demand for playing field for football, in particular, has not reduced.

The applicant has set out a mitigation package which is outlined in their 'Sports Pitch Provision Statement' SPPS (August 2022) which attempts to advise how the proposals might meet the Sport England exception policies.

The proposal seeks to facilitate a number of improvement works to existing sports facilities at the school, which include the potential for increased and formalised community access (out of school hours) which Sport England consider *could* address some shortfalls in provision.

The applicants advise the existing grass pitches will not be improved, given the overall quality of the existing surface. Sport England have commented that it is not clear how the quality has been assessed and what the impact on that quality would be given the additional use by the community. This hasn't been addressed by the applicant.

The SPPS confirms that both the sports hall and toilet facilities will be made available for community use and that improvement works are proposed to the existing MUGA (extending it by 5m) so it would provide a 40m x 31m playing pitch plus the addition of flood lighting to allow for a more extended use. At the time of writing, no details of flood light locations have been received nor have the proposed hours that the extended MUGA would be available for community use been advanced, so it is difficult to take a view of the effectiveness of the offer.

In addition, the Kwik cricket facility would be a non turf wicket made available to the community. The England and Wales Cricket Board (ECB) has advised that a Sports Hall and a 'Kwik' cricket space is useful for a community use particularly if secured under an agreement, but the field is too small for senior cricket and wouldn't help with senior game shortfalls identified in the strategy.

The applicant's SPPS confirms in paragraph 7.9 that the 'improvement works' will be undertaken towards the later stages of the construction process, with community access being available upon completion of these works. Sport England's position is that given the temporary loss of the frontage playing field (for 6/9months) and permanent loss of the playing field area, it is imperative from a school perspective that the improvement works, in particularly the court improvements should take place as part of any initial works as the construction period could take a number of years. The applicant has indicated verbally that this could form part of the offer and I am satisfied that this could form part of a condition if minded to approve.

Sport England have been clear that the proposed mitigation doesn't meet any of the five exceptions in their playing field policy nor Paragraph 99 of NPPF. They have however indicated that the mitigation package outlined has the *potential* to deliver school and additionally community benefits to the development of sport, as listed in the Sports Pitch Provision Statement which could, when delivered, outweigh the loss of part of the frontage playing field area. This however is only subject to these benefits being brought forward in a timely fashion and not delayed until the development is complete. However, the proposed Community Use

Agreement (CUA) lacks the detail to fully understand whether the scheme would offer genuine benefits. For example, as currently drafted, the community use would be permitted outside of 0730-1800 weekdays (but the school can elect to use the facilities outside of these hours) bringing into question what hours it would be available to the community. In any event, due to the location of the MUGA adjacent to new dwellings and the flood lighting required along with the noise it would generate (see Residential Amenity Section) there is concern that allowing this to be used in the evenings and at weekends could be harmful to living conditions so that extending its use would be problematic. This disconnect is of concern because it is not clear that the proposal could mitigate for the harm as it purports to do.

It is acknowledged that 'community access' to sports facilities at the site was considered as part of a previous appeal at this site. The Inspector found that whilst the lack of provision of floodlights at the facility would limit its wider community use during winter months (outside of weekends), the proposal would still make appropriate alternative provision which would be equally accessible and of better quality than the facilities that would be lost. They also concluded that whilst floodlighting would have increased the value of the facility for use by both the school and the wider community, it was recognised that this needed to be balanced against the impact of floodlighting on the amenity for occupiers of dwellings that would lie in close proximity to the facility. In that context, floodlighting of the pitches was not considered to be appropriate and the facilities would necessarily be limited to daylight hours.

However, the facilities to be lost on the previous appeal were not the same facilities (noting that the football pitch to the south of the school was to remain intact as part of the 2014 appeal) and therefore the schemes are not directly comparable and should be assessed afresh.

The applicants advance floodlighting (albeit without specific times of its operation) and Sport England require more information in order to gain comfort that the scheme will mitigate the harm. This is also my view. It remains that the scheme as presented doesn't demonstrate that the harm arising from the permanent loss and temporary loss of pitches would be properly compensated/mitigated as the scheme lacks clarity and there is no clear mechanism in place to do so.

Impact on Trees

Core Policy 12 (Biodiversity and Green Infrastructure) of the Amended Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations and Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The 2021 NPPF places an increased emphasis on the importance of trees and states at paragraph 131 that:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate

measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

This application takes its vehicular access off London Road with a new access road to serve the residential development that would extend off the existing access running parallel with London Road then sweeping north along the eastern edge of the school site. This new road would require the loss of existing mature trees, some of which enjoy protection by Preservation Orders.

The applicant has advised they are unable to realign the road due to (a worse) impact on trees and due to the safety of school children. It should be noted that the access road on the three previous refused schemes have each taken a different route into the site as is broadly shown on the layout plans within the site history section, so this element needs to be assessed afresh.

Trees to the south (between the school and London Road) form a parkland setting for the school (a former manor house) including specimen trees along with linear tree groups most of which are category A and B trees which are high graded trees contributing significantly to the amenity of the area. Trees within the northern fields are more typical of an arable landscape comprising boundary hedgerows which contain some mature trees.

An (amended) Arboricultural Survey and Impact Assessment accompanies the application. This surveys 132 individual trees, 19 groups of trees and 3 hedgerows across the application site, the wider Highfields school grounds and across some third-party land adjacent to the site. Eighty-three trees (T1-T83) and eight tree groups (G1-G8) are within the school site or adjacent to the development site boundary. Very many of the trees on the site enjoy protection by A Tree Preservation Order (TPO) and some that aren't currently protected are still regarded as high-grade specimen trees.

Tree Loss and Compensation

According to the applicant's Arboricultural Impact Assessment (AIA), the proposal requires the following tree loss (**bolded to represent those currently protected by a Tree Preservation Order**):

Tree Loss

Tree no.	Species	Height	Age Class	Category
<i>To facilitate the new access road the following trees would be lost:</i>				
T1	Sycamore	14	Early Mature (EM)	B (i)
T2	Yew	10	Mature (M)	B (i)
T8	Common Lime	14	Mature	B (i)
T10	Sycamore	24	Mature	A (i)
T11	Hornbeam	16	Mature	A (i)
T12	Yew	6	Early Mature	B (i)
T15	Sweet Chestnut	7	Semi Mature (SM)	B (I)

T64	Common Larch	7	Semi Mature	C (i)
T72	English Oak	8	Semi Mature	C (I)
G5 (all)	Common Lime, Hawthorn, Poplar	15	Semi Mature/Early Mature	C (II)
G6 (7 trees from group)	Sycamore, Yew	13	Early Mature	B (i)
<i>Tree cover to be removed from playing field due to incursions into the RPA</i>				
T63	Hybrid Black Poplar	20	M	B(i)
T64	Common Larch	7	SM	C(i)
T68	Yew	7	EM	B (i)
T72	English Oak	8	SM	C (i)
T78	Damson	5	M	U
G5	Common Lime, Hawthorn, Hybrid Black Poplar	15	SM/EM	C (ii)
G6	Sycamore	13	EM	B(ii)
<i>To facilitate the footpath the following trees would need to be removed</i>				
T24	Wild Cherry	7	M	U
T27	Crab Apple	4	EM	U
T40	Horse Chestnut	14	M	U
<i>To provide access between school site and fields</i>				
G7	Yew	11	EM	B(i)
<i>To building the housing</i>				
T80	Ash	13	EM	C(i)
T82	Sycamore	13	EM	C(i)
T94	Sycamore	8	SM	C(i)
G8	Blackthorn, Elder, Damson	5	EM	C(ii)
G9	Blackthorn, Hawthorn, English Elm	5	EM	C(ii)
G10	Ash leaf Spirea	4	EM	C(ii)
G13	Hawthorn	3.5	EM	C(ii)
<i>For the extended MUGA</i>				
T83	Sycamore	13	EM	B (i)
G18	Elder	7	SM	C (ii)
H3 (10m)	Blackthorn	1	Y	C (i)
<i>Drainage connection to the west</i>				
T125	Wych Elm	13	EM	B (ii)
T126	Wych Elm	9	EM	U
T127	Wych Elm	11	EM	C (i)
G19	Crack Willow, Hawthorn,	13	EM	C (ii)

	Sycamore, Wych Elm, Holly			
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In summary 24 individual trees, 11 groups (part and whole) plus 10m of hedge would be lost. Clearly the loss of any trees is disappointing particularly in a climate emergency as declared by this Council. Indeed, the starting point in our Development Plan is that trees and features such as hedgerows should be retained where possible as set out in Core Policy 12 and Policy DM5. For trees that are protected, the level of justification for loss should be much greater given they have been specifically identified as being specimens that positively and significantly contribute to the character and appearance of the area.

The Council’s Tree Officer has commented that protected trees removed are expected to be compensated for in the same approximate location with sufficient room to reach full maturity. Clearly given the reasons for the tree loss, it would be impossible for trees to be planted in the same positions and therefore it is more reasonable to consider whether the proposed tree compensation is appropriate and whether it would sufficiently mitigate against any harm caused. Whilst the applicant has sought to address this issue by providing a scheme of replacement trees within the public areas of the site (in addition to new trees which would be expected within a development regardless of tree loss) they haven’t shown a comparable canopy coverage to take into account the size, age and maturity of trees. Officers are concerned this compensation scheme would not provide for adequate compensation. The reasons for this are further explored below.

Many of the trees to be removed are to the south of the site, visible in the public realm from London Road and are specimen trees conducive to the parkland setting that the school has enjoyed. There are no new trees proposed within this area to compensate for the loss of the trees which is shown by the red shaded outlines on the plan below.



Only three new trees (shown by small dark green circles) alongside the access road would be planted to this part of the site. These trees have been depicted to show maximum canopy

spread after 25 years which nowhere near compensates for the loss of canopy spread in this area. The proposed species (Acre campestre 'street-wise') is a form of Field Maple bred for urban areas with a narrow canopy which doesn't complement the parkland setting nor are these trees of a species to achieve the stature of trees to be lost. Neither would these trees assist with succession planting.

More broadly, the planting schedule submitted shows structural planting of 89 trees. Responding to criticism, the applicant has now amended their plans to show that trees previously within the front gardens of plots to the west, are now within the area to be managed as public open space. These trees are now intended to be maintained by a management company which are set up by developers to look after all public open space elements for the lifetime of the development – usually for an annual fee (service charge) paid for by the occupiers. Whilst the trees to be planted are 'heavy standard' (between 3.5-4m tall) the species proposed are not bred to achieve high status trees and the applicant is seeking to use root barriers to limit growth in any case further compounding the position.

Many of the other 89 trees are considered to be inappropriate for their setting, being trees that are not suitable for high traffic areas. For example, trees used to break up the frontage parking to the western part of the site are Rowan or Cherry trees which are known to give birds diarrhoea. By placing the trees within the control of the management company, the concern that occupiers would be able to remove the trees is abated somewhat, albeit the trees could still be removed with the consent of the management company.

Limited details of the species of trees proposed to be planted to the eastern part of the site have been provided as plans haven't been properly annotated. However, with maintenance strips of between 1.5m and 2m wide (within the management company) and in some places being very close to the houses, it is considered unrealistic to expect trees to establish and thrive given the lack of space for growth and the species suggested.

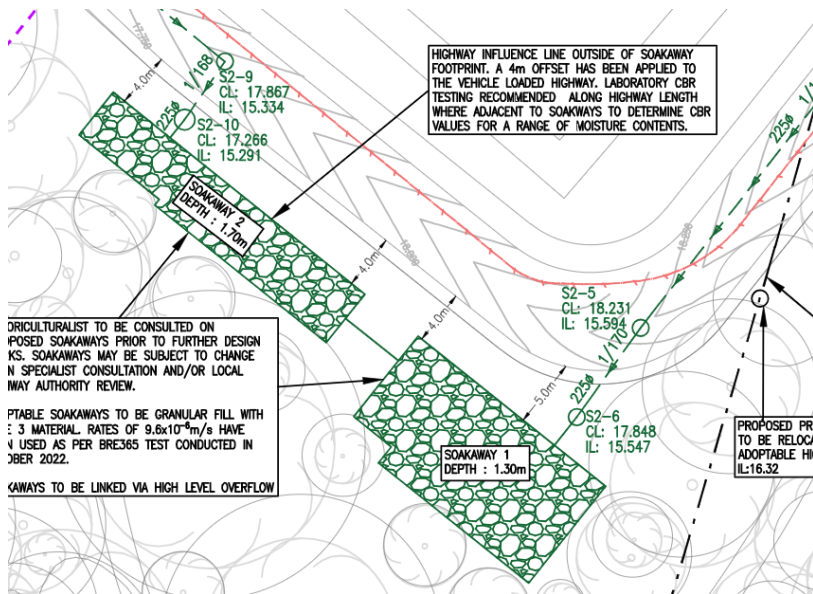
Having considered tree loss and the proposed compensation, I turn now to the impacts of other tree works. Tree works are also proposed within the root protection area (RPA's) of a number of trees. The applicants state in their submission that these trees could be retained subject to a suitable working methodology.

Tree Works within the RPA's: (bolded text indicates TPO status)

Tree no.	Species	Height	Age Class	Category
<i>Widening the Access</i>				
T7	Common Lime	20m	Mature	A(I)
T9	Sycamore	22	Mature	A(I)
T16	Horse Chestnut	14	Early Mature	B(I)
T17	Beech	19	Mature	A(I)
T18	Common Lime	20	Mature	A (I)
<i>Construction of the access road</i>				
Tree no.	Species	Height	Age Class	Category
T61	Turkey Oak	15	EM	B(i)
T62	Swedish	10	M	B(i)

	Whitebeam			
T66	Common Lime	17	M	A(i)
T73	Common Lime	14	EM	B(i)
T74	Common Lime	14	EM	B (i)
T76	Common Lime	14	EM	B (i)
T77	Common Lime	14	EM	B (i)

Whilst it is stated that these trees could be retained, it hasn't been properly demonstrated that this work can be undertaken without harm. In addition to the works outlined above, the Council's Tree Officer has raised concerns with the feasibility drainage works indicated on the plans. These are yet to be finalised, but show drainage attenuation in close proximity to retained and protected trees which could harm the trees by changing their growing environment (such as an increase in water saturation that could negatively impact on soil root health creating anaerobic conditions and causing long term tree loss) and through encroachment into their RPA's. The applicant advises that a suitable methodology could be agreed by condition and that the intention is for the drainage attenuation feature to be designed around existing trees and their RPA's requiring no further tree removal. Their feasibility drawings however appear to show excavations within the root protection areas of the retained trees adjacent to London Road which casts doubt on the ability to undertake such works without harm to trees (see image below). The proposed foul drain also appears to disregard the presence of existing and newly planted trees (compensation for previous TPO removals).



The applicant has issued a rebuttal (from their arboricultural advisor) to our position and it is clear there is some professional disagreement between parties. The rebuttal does not alter officer's position.

Retained Tree Impacts

The majority of retained trees are to the south of the site near to the London Road frontage. However, there are also established trees close to the proposed dwellings where their relationship to the development puts their retention at risk.

For example, Tree T81 (an early mature Sycamore, 12m tall and B1 graded) is expected to grow to around 22m in diameter to a height of around 22m. When this and the adjacent trees along the southern boundary are plotted at full maturity against the layout (see blue line on left hand side image below for approximate depiction of full growth) there is in clear conflict with the canopy spread taking up the vast majority of the gardens of plots 12 to 17. This would be highly likely to lead to requests for severe pruning or removal in the longer term. Furthermore, the trees as existing would already cast shadow on gardens for much of the day as demonstrated by the applicants AIA. The right-hand side image shows an example of this which has been highlighted in yellow for clarity. Whilst the applicants claim that longer gardens have been provided to deal with this, that pruning is normal and the trees would be managed, I have come to the view that the scheme hasn't been designed to adequately reflect and respect existing features of importance and builds in avoidable issues in the first place.



Another example would be with tree T93 located in a prominent position within an area of public open space close to where the road forks east and west. This is also an early mature Sycamore which is expected to grow to a similar size as the example above. When plotted to full maturity against the layout, this tree (and others adjacent) conflict with the adjacent garages and houses (as shown broadly by the blue circles in the image below) which again will place pressure on the retained trees from occupiers who may see these as a threat to their safety and amenity.



Housing Mix, Density and Type

Core Policy 3 (Housing Mix, Type and Density) sets out the expectation that densities should not normally be lower than 30 dwellings per hectare with the Newark Urban Area (within which this site lies) achieving average densities of 30-50 dwellings per hectare. It also requires that housing should address the local housing needs which would be dependent on the local circumstances of the site, the viability of the development and any localized housing need information.

The density of the development is in excess of 40 dwellings per hectare (discounting the undeveloped parts of the site) and is broadly compliant with the policy. Different densities can be achieved however depending on what land is taken into account so caution is urged in respect of this. The applicant, for example, has calculated a density of 23.3 dwellings per hectare (access link to the north-west, drainage link to the west, and access road pass the school is NOT included in this calculation). Regardless of the calculation, I have no concerns regarding the density as I consider it more important to achieve an appropriate character given the context, which if this site were to be developed successfully would, I believe, require a density lower than the policy requirement.

The following tables show how the overall housing mix compares with the housing needs as established for the Newark Sub Area in 2020 (the council commissioned district wide housing needs [HNS] survey by arc4) which represents the most up to date housing needs evidence available.

Overall Housing Mix

House Type Needed in Newark Sub Area	No. of Units	%	HNS 2020 Required Mix
1 bed flat	0	0	4%
1 bed house	0	0	19.5%* (1 and 2 beds)
2 bed flat	0	0	4.9%
2 bed house	12*	13.79%	19.5%** (1 and 2 beds)
2 bed bungalow	4	4.59%	7.4%

3 bed	34	39%	30.7%
3 bungalow	2	2.29%	6.7%
4 + bed	35	40.22%	25.5% (4+ beds)
Other types	0	0	1.3%
Total No.	88		100%

*1 and 2 bedroom dwellings and 4 or more bedrooms are not differentiated in the HNS – they are considered together

** 3rd bedroom of Ripon house type insufficient dimensions to be classed as bedroom so I am counting this as a 2 bedroom unit

Achieving an appropriate mix has been an issue raised with the applicant from the outset of this latest application and has been subject to various amendments in an attempt to strike the right balance. Given the constraints of the site I would accept that it may not be appropriate to provide flats/apartments noting that this requirement can be absorbed in the town centre and through conversion schemes. The table above therefore shows these types of accommodation greyed out.

Three bed bungalows have now been introduced into the scheme (earlier versions had none) but the scheme has consistently offered a lower number of two bedroom units than the identified need and more 3 and 4+ bedroom houses albeit most are within a 10% tolerance. The scheme therefore still has a dominance of larger units compared to the need.

Open Market Mix

The table below shows the open market mix in more detail. The applicant's mix has been adjusted because whilst the applicant calls the 'Ripon' house type a 3 bedroom dwelling, the third bedroom (at c4.2m²) is below the nationally described minimum standard for a single bedroom which must be at least 7.5m² and at least 2.15m wide. This is also the case for the 'Darley' house type which has a bedroom size of 5.4m² which Avant have called a 5 bed dwelling which is more akin to a 4 bedroom house with an upstairs study.

House Type	Applicants Mix (No. of Units)	Adjusted Mix (No. of Units)	Floorspace	National described space standards (best practice)
2 beds	0	4	74m ²	70m ² (3 person) or 79m ² (4 person)
3 bed bungalow	2	2	86m ²	74m ² (1 storey 4 person) 86m ² (1 storey 5 person) or 95m ² (1 storey 6 person)
3 beds	24	20	86m ² , 87m ² , *95m ²	84m (2 storey 4 person), 93m ² (2 storey 5 person), 102m ² (2 storey 6 person), *95m ² (3 storey, 4 person)
4 beds	15	16	118m ² , 131m ² , 133m ² and 159m ²	97m (5 person), 106 (6 person) 115 (7 person) 124 (8 person)
5 beds	20	19	150m ² , 173m ² , 207m ²	110 (6 person) 119 (7 person) 128 (8 person)

Total no.	61	61		
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As can be noted from the fourth and fifth columns above, all of the house types meet the national 'Technical housing standards – nationally described space standards' (2015) which doesn't form part of our policy making but is guidance and a helpful tool in decision making.

Affordable Housing Mix

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met, which in this case in 11 dwellings or more.

Based on the application proposal of 87 dwellings, this would amount to a requirement for 26 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing. However, a new product 'First Homes' (which is a discounted market sale dwelling) now meets the definition of 'affordable housing' and government guidance is that it needs to account for at least 25% of all affordable housing units delivered.

The table below shows the type and tenure split of the affordable products.

House Type Needed in Newark Sub Area	No. of units	HNS 2020 Required Mix for Affordable Rent	HNS 2020 Required Mix for Intermediate	HNS 2020 Overall Affordable Housing Need	Suggested affordable rent mix	Suggested shared ownership mix	First Homes
1 bed flat		11	7	18			
1 bed house		18	12	30			
2 bed flat							
2 bed house	8	18	12	30	3	2	3
2 bed bungalow	4	42	28	70	4	0	0
3 bed	14	23	15	38	9	2	3
3 bungalow		-	-	-	-	-	-
4 bed		30	20	50			
Total No.	26				16	4	6

The applicant advances a scheme that offers 2 and 3 bedroom units including 4 x 2 bedroom bungalows. The 'Levisham' 2 bedroom bungalow has 60m² of floor space. It should be noted that the national described minimum standard for single storey dwellings is 61m². The 'Eastburn' 2.5 storey house comprises 73m². There is no national standard for a 2.5/3 storey house albeit a 2 storey, 3 person house should have a minimum of 70m². Finally, the 3 bedroom 86m² 'Baldon' house type meets the minimum standard for a 4 person, 3 storey house type. Strategic Housing colleagues have indicated that these house types are likely to be acceptable and attractive for registered providers to take on despite their modest size.

The affordable mix aligns with the mix suggested by colleagues working in Strategic Housing who have also considered the information on the Council's Housing Register which shows

demand for 4/5 bed units is far less (49) compared with the current need for 2 beds (597) and 3 beds (246) units. Based on all these factors I consider that the affordable element represents a fair affordable housing mix that would assist in meeting the District wide housing needs.

Heritage Impacts

Core Policy 14 and Policy DM9 require the continued conservation and enhancement of the character, appearance and the setting of the district's heritage assets and historic environment in line with their identified significance.

The NPPF sets out the approach to heritage assets. Paragraph 204 states that 'effect of an application on the significance of a heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect the non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Highfields School is within what was historically known as Highfield House, a large Victorian villa, set within landscaped (parkland) grounds. The building was of such a status that it was laid out with a separate lodge structure at the entrance off London Road, leading to a tree lined drive and turning area in front of the house. The grounds were laid out with a wooded area to the west, orchard and glass houses to the rear (north) and specimen trees in more open land to the front of the house (south). A further tree lined track can be seen to the east of the house, perhaps being a service drive to the productive gardens at the rear.

Also of significance on historic maps is the line of the parish boundary separating Newark and Balderton. It is not known when the parish boundary was set, but this could be a potentially ancient boundary line and today on site the boundary is partly marked by a hedgerow along the field boundary.

The building is built of Flemish bond brickwork with brick plinth, stone bands and with render panels and canted bay. It has a central projecting gable with brick pilasters and stone corbels supporting an overhanging gable. In this central section is a Gothic arched doorway with transome window above. This leads into an attractive tiled entrance way with polished columns. Decorative cornices also survive internally. The roof is slate with bands of fish scale detailing and there is a large, toothed, brick eaves detail. The windows are plain sashes. The detailing of the Victorian phase of the building survives well. The building has been extensively extended and added for its C20 school use, although these additions have been to the rear - allowing the villa to be clearly legible and well-appreciated despite these later additions.

The Lodge is a small gatehouse structure, being one and a half stories high, with central stone chimney stack. The building is built of local blue lias stone, with Mansfield stone dressings, and has a plain tile roof with decorative ridge tiles. The roof is finished with raised and coped gables with stone corbel detail. The building is built in a mock Tudor style with Tudor arch lancet windows gathered in pairs at first floor and in canted bays at the ground floor. A heraldic style shield sits in the gable of the porch, which also houses a timber door with decorative strap hinges set within a Gothic arched stone doorcase. The Lodge sits within a small walled enclosure topped with railings, at the entrance to the site - as marked by pedimented stone pillars.

Despite the school uses in the grounds the House and Lodge are clearly set within historic and well landscaped grounds which contribute to the setting of these buildings, providing a sense of grandeur, sylvan charm and a landscape of specimen trees reflecting the Victorian interests at the time. The driveway entrance is well-defined by the gate piers and railings, and of course by the Lodge itself, and then gives way to a tree-lined avenue leading to the house. The House has clear views out to an open grassed area with trees shielding the road from view. Mature trees created a semi-wooded area to the west, while yew trees have been laid out in a bank to the north of the House, although these seem to be somewhat degraded in places by the imposition of modern school buildings. To the rear of the house remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen in the above historic map. This wall is now very degraded and only survives in very partial chunks.

The House, Lodge and the grounds here are considered to be a Non-Designated Heritage Asset (NDHA). Arguably the individual buildings could be NDHAs in their own right, but as a grouping there is additional significance. The architectural interest of both House and Lodge are clearly demonstrated by a deliberate and decorative design style, different in each case, but united by the Victorian love of pseudo-Tudor and Gothic features. There is historic interest through age alone but the use of the House as a high-status residence for Newark's wealthy, plus its use in the War and then as a local school give additional layers of historic interest. Both buildings are undeniably attractive structures, having aesthetic significance, especially so within this designed landscape. Their grouping together as a villa site with country house pretensions makes a nice association and is representative of Victorian aspirations around status, fashion and wealth. Despite additions to the school building the site overall remains very legible and the historic architectural features are well preserved.

Turning then to the heritage impacts of the scheme, these are considered in turn below.

Historic Wall

The limited impacts to consider from the housing alone include what is presumed to be the removal of the remaining section of wall that once formed part of the glass houses and walled garden area. However, this is only a small section of what once survived, is hard to relate to any structure other than through historic maps and is not well preserved at present, as such the impact is limited.

Parish Hedgerow

Additionally, the hedge forming part of the parish boundary is being partially removed within the housing area to create an access into the development. It is acknowledged that the removal has been minimised as far as practical for the layout advanced. However regardless of this and of the maturity of the hedgerow itself, the line of it *is* significant so its partial loss to create an access into the field would still have an adverse impact upon the historic boundary.

St Mary's Church Newark

While the proposed houses will inevitably impact upon the incidental view of St Mary from the field to the north of the school, it is not a view currently enjoyed from the public realm or which specifically contributes in any significant way to the setting of the Grade I listed church. A church spire of this height will inevitably have many incidental views across potentially miles of land, and while these can be a positive element in the understanding of significance, there is nothing specific about this composition which would mark this as an important view. Arguably the incidental view may well survive in this new housing between buildings anyway. As such there will no impact to the significance of St Mary's Church, Newark.

Trees (In heritage context)

The proposals require the removal of healthy and historic specimen trees, those which form part of a historic avenue and deliberate historic clusters of trees such that it will degrade the quality of the setting and thereby significance of the House and Lodge. Replacement planting will only be able to compensate in some limited way, depending on maturity, location and species of the replacement planting which has been discussed and has already been found inadequate.

Alterations to the Access

It is proposed that the part of the curved frontage wall and railings, stone pier and railings with London Road would be partially removed and would be re-sited as part of the access works. There is a degree of harm in altering what may be the original formation of the driveway, however if the details were well replicated this proposal could potentially be mitigated with the use of conditions to control appropriate details.

New Driveway

One key area of concern is the impact of the new driveway to the proposed housing, not just if it requires removal of key trees but by the impact of this hardstanding and traffic movement within the open green setting of the House. The principal façade of the House was very deliberately given a naturalistic and carefully designed setting and even the principal driveway avoided cutting across the main aspect of the House. As such, this new driveway will be a rather incongruous element within the setting of the House. This impact could be minimised with a single lane access, with no formal kerb, no road markings, no lighting, no enclosure and a suitable surface but that is not what is proposed here, nor would it be acceptable. The applicant advises that this wasn't considered an issue on previous refusals however the access previously did not take this route to the housing site so isn't comparable.

Enclosure to Football Pitch

In order to pass the new driveway safely by the retained football pitch the playing pitch would need to be fully enclosed to prevent balls escaping onto the driveway for highway safety reasons. The applicant advises that if required, a new green mesh fence would be erected. However, whilst this would likely be the best option available to mitigate the harm it would still be an imposing and unattractive feature required in the principal aspect of the House, and in views of the Lodge from the House, which will detract from the setting of both these

buildings. This is not shown on the plans and its provision would need to be conditioned in the event of an approval but in doing so, would bring about some harm to the NDHA.

Archaeology

A Geophysical Survey was undertaken in 2014 to determine the potential for archaeological remains which found a series of linear anomalies which inferred the presence of an enclosure and associated features. Evaluation took place by trial trenching which suggested evidence of Iron Age, Roman occupation and medieval agricultural practices. There was also a possibility that some features found relate to the civil war.

The applicant has provided a Written Scheme of Investigation (WSI) for Strip Map and Record excavation of the central area (in two parts). Our archaeological advisor has advised that the excavation methodology presented is sound but that it doesn't cover the full extent of the areas recommended. However, the matter could be dealt with by condition in the event of an approval to enable any remaining archaeology which currently survives on this site to be recorded prior to its destruction.

Design and Character

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 and 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.

The NPPF seeks to achieve well designed places and at para. 126 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....'*

Tree lined trees is advocated by the NPPF at para.131 as has been set out in the tree section of this report.

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.

During the course of the application, various amendments have been made to improve the overall design and layout and the scheme is now much improved over what was initially submitted.

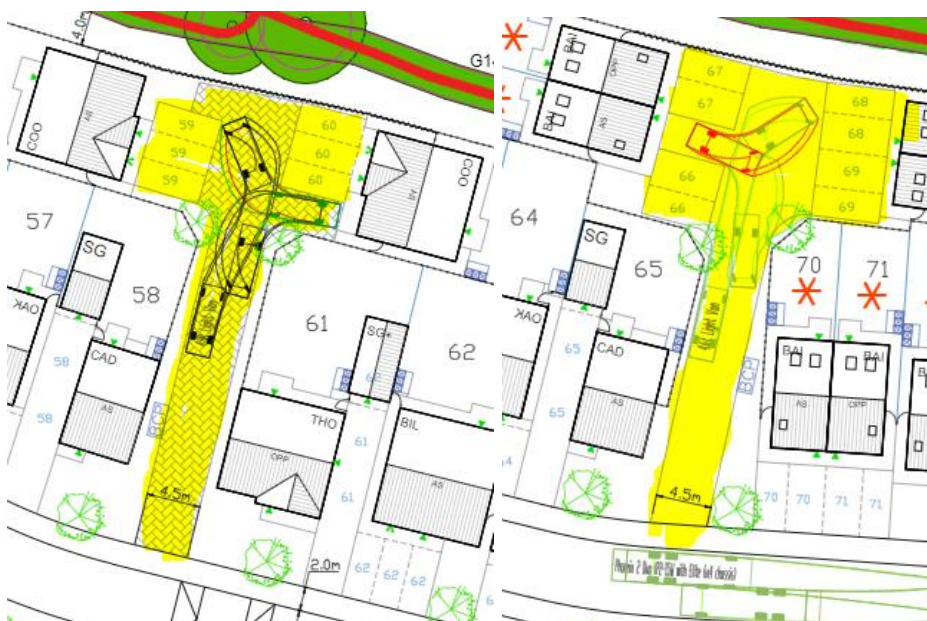
The dwellings are positioned amongst proposed 'structural landscaping' in an attempt to define and enhance streets. However as has been set out within the 'Impact on Tree' section of this report, given the lack of space provided and given the species proposed, the structural

landscaping would be unlikely to be viable in the medium to longer term and thus fails to create the tree lined streets that the NPPF envisions.

Dwellings haven't explicitly been designed to turn corners on this site as suggested by the Building for a Healthy Life guidance. On approach to the housing element of the site, receptors would first notice the foul pumping station and the sides of detached dwellings (Plot 1 and 87) which is less than ideal albeit the green space forward of Plot 52 does at least provide for a more attractive visual focus point upon entering the development. The public open space to the west of the scheme has the potential be an attractive place for residents to enjoy with houses fronting this and is a positive element of the scheme. There are however areas that are less than ideal and are missed opportunities in place making, such as the lack of an attractive visual end stop at the termination of the road/turning area between plots 22 and 27 to the west and between plots 73 and 76 to the east, which make the scheme somewhat highway led and dominated. The blue arrows on the plans below attempt to show the view that those travelling into the scheme would be faced with.



Other compromises are the car dominated areas in the rear courtyard areas, examples of which are included below. These spaces are at least out of public vantage points but still represent a harsh and heavily engineered setting for the adjacent houses.



The spacing between the houses is minimal with many of the dwellings (even the larger units) appearing tightly packed in many areas as is demonstrated by the extract of the street-scene provided below. This is in sharp contrast to the existing low density character of the surrounding area. It is accepted that there is a disconnect with both the policy expectations on housing density and character. However, this is an area of green open space which currently informally (given there is no open break policy relating to it) keeps Newark and Balderton distinct and if development is to happen, a lower density is considered to be more appropriate given its context.



Within the London Road area there is wide variety of handsome and traditional period properties including, for example, Victorian and Edwardian terracing and similar period semi-detached houses and villas. The terrace housing tends to be quite simple in vernacular with windows and doors arranged in bays and typically have continuous roof lines. In contrast, the semi's and villas typically have more ornate detailing with interesting brickwork and a vertical emphasis in joinery.

This scheme promotes dwelling designs that are generic and could be found anywhere, rather than specifically drawing upon positive local vernacular to create a sense of place or memorable character. Late amendments have sought to substitute the previously (5 no.) fully rendered dwellings with plots that now feature first floor render (on a total of 14 plots) in an attempt to better respond to local vernacular. However half rendered houses are not typical of the area and this amendment makes the scheme worse in my view. The remainder of the scheme would utilise a pallet of red brick facing materials, grey roof tiles and have traditional pitch roof forms which are considered appropriate for the area. However, the persistent use of integral garages, which whilst assisting with providing suitable storage for occupiers, is not a design feature that is typical for this area. The dwellings generally lack an appreciation of local vernacular design including a lack of local detailing such as chimneys and the arrangement of windows and doors which has a horizontal emphasis.

Overall officers conclude that the scheme falls short of the high design expectations of both national and local policies and would fail to create a sense of place as advocated by good design principles.

Impact upon Highway Safety and Parking

Spatial Policy 7 (Sustainable Transport) sets out that developments should minimise the need for travel, through measures such as travel plans for all development which generate significant amounts of movement. It also requires the provision or enhancement of local services and facilities, the requirement for development to provide for safe, convenient and attractive accesses for all, be appropriate for the highway network in terms of the volume and nature of traffic generated. It also seeks to ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected as well as providing appropriate and effective parking provision. Furthermore, it seeks to ensure that traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 largely reflects this.

NCC as Highways Authority (HA) have objected to the scheme on three occasions so far. The reasons are due to failure to robustly demonstrate the impact on the highway network, issues with the design and layout and requiring further information in order to properly assess the scheme. Amendments have been received but these still do not enable the objection to be lifted.

Capacity of the Highway Network

Highway modelling has been used to show the impact the development could have on the highway network. The HA have been clear that there would be a significant adverse impact on two signalised junctions if the scheme were to go ahead in the absence of mitigation. These junctions are 1) at Bowbridge Road/Sherwood Avenue in Newark and 2) Mount Road/Main Street in Balderton.

The applicant has prepared an amended junction assessment of Bowbridge Road/Sherwood Avenue. The HA advise that the impact in the morning is considered to be severe, to the extent that they may be minded to object as there are no measures available to improve these signals which are proportionate to the development. In order to try to mitigate this impact, the applicants have sought to encourage more sustainable travel to reduce the impact of traffic at the signal junction, with the submission of the 'Draft Barnby Road Cycle scheme'. However, this is not acceptable as the removal of the centreline on the bridge is unsafe and the provision cannot offset morning peak traffic generation to the school as a primary school aged child would not be expected to cycle in the road. The applicant is now seeking to improve footways along Barnby Road, linking the development to the primary school to allow safer access on foot to the school, encouraging families to walk rather than drive, with the aim of lowering any traffic generated by this development in the morning peak, which it is understood to be the main concern.

At the time of writing this report, the Highways Authority have not yet commented on the latest scheme to improve the footway and their comments will be provided as a late representation where appropriate. What is clear however, is that without mitigation, there is harm resulting from queuing traffic as a result of the development at morning peak times. The effectiveness of the proposed mitigation is therefore the key matter for consideration. The provision of a cycle route linking to the (Sustrans) National Cycle Route and better footways along parts of Barnby Road would be welcomed in a general sense because it could encourage walking and more sustainable modes of transport. However, the effectiveness of this actually reducing traffic to London Road is difficult to measure and predict.

Whilst I would be guided by the HA as the experts on this matter, it appears to me that the effectiveness as to whether the proposed mitigation would actually reduce cars in the morning peak is a subjective matter. For example, people who drop their children off to school by car are frequently going on elsewhere to work etc. and there is little to convince them to walk to school, to walk back to then pick up the car to go to work, because it would be unlikely to make sense. Whilst I acknowledge that the proposed cycling and walking scheme would not increase traffic and could only ever reduce it, I am not persuaded that this would fully mitigate the harm identified by the HA.

The other junction in Balderton would also have an unacceptable impact on capacity as a result of the proposal and is already equipped with most available equipment to maximise performance, with the exception of a CCTV camera which would allow for manual intervention at peak times, reducing queues and delay. A CCTV camera would cost in the region of £5k and would negate the need for any further mitigation if it was secured. The developer has agreed in principle to cover the cost of this to be secured by s106 agreement.

Sustainable Modes of Transport

A Travel Plan has been submitted but this hasn't been properly updated since the scheme was amended. It was initially proposed that a footpath link from the north-west corner of the site leading to Barnby Road towards Barnby Road School (and its community park) would be maintained as part of the communal areas of this development managed by a management company rather than as an adopted highway. However, this has now been upgraded as a cycle way (in an attempt to deal with capacity issues on the highway network) which is a positive element of the scheme from a purely sustainability perspective.

In order to overcome the issues in terms of access to and from the northbound bus stop, a footway within the Public Open Space has been extended through the grounds linking to London Road at an appropriate point. The HA have advised this needs to be lit and that given the ecological constraints low level bollards would be required.

Access and Layout

The access itself appears to be acceptable. Many concerns were previously raised by the HA but have now been resolved with the exception of an issue (with kerb upstands) at Plots 73/74 which diminishes safety for pedestrians when vehicles are turning and requires cars to reverse along the footway to access spaces. However, HA have confirmed that this alone is not considered to constitute an unacceptable highway safety issue in this particular location.

Parking

The Council has adopted a SPD on Residential Cycle and Car Parking Standards & Design Guide in 2021 which carries full weight. This sets out expectations for residential parking quantum's, designs and sizes types across the district.

For garages to be counted as genuine parking spaces they need to have clear internal dimensions of 3.3m x 6m with a door at least 2.4m wide for a single or 4.2m for a double

garage. Visitor parking is encouraged where the developer hasn't met the above standards. As the site lies within the Newark Urban Area parking space quantum's are requirements as follows:

- 1 bed dwelling = 1 space
- 2 and 3 bed dwellings = 2 space
- 4 + bed dwellings = 3 spaces

The SPD acknowledges that tandem car parking arrangements can form part of an overall car parking strategy but should not be encouraged to be the only, or predominant design solution.

Firstly, it should be noted that none of the proposed integral garages meet the minimum internal dimensions set out in our SPD and cannot therefore be counted as parking spaces. However, the scheme has been designed with sufficient external parking for the plots in question so that there is no reliance of these integral garages for parking. Instead, these may be counted as cycle parking provision. There is sufficient internal space within the double garages and the single garages. The Twin style garage is marginally below standard (3m wide instead of 3.3m wide and with a door width of 2.28m rather than 2.4m) but these only affect plots 1 and 2 so would not be fatal to the scheme.

Tandem parking is part of the strategy utilised but is used by only 18 plots (20%) so there is no over reliance on it. None of the integral garages (which are below size for a parking space) are relied upon for parking as these plots have sufficient parking within the plot. The scheme as now presented mostly accords with the vehicle parking guidance in terms of quantum of spaces and design. There are some instances of compromise which are set out below.

Plot no. 61 (the 'Thornton' 4 bed house type) doesn't meet the guidance. This is because it relies on triple tandem parking (three in a line behind one another) which are not encouraged at all because of several vehicles having to manoeuvre to let the first vehicle exit. However as this is limited to just one plot in a non-prominent location it is unlikely to cause harm in isolation.

Six plots (27, 28, 29, 33, 72, 76) shown in the images below have illegible parking that is not directly adjacent to their dwellings such that they wouldn't have sight of their own vehicles from their properties. This is not ideal, but most spaces are at least overlooked by other properties.



Frontage parking has been widely used, but in the most part the parking has been designed such that there are no more than four spaces side by side without a space equal to a parking space for soft landscaping to visually break this up as required to accord with the design guidance of the parking SPD. There is one exception as shown below.



Overall, however the parking provision is now acceptable in terms of quantum and design, with this vast majority of parking adhering to the parking and design guidance set out in the SPD.

Cycle Parking

It should be noted that greater emphasis is being placed on walking and cycling in terms of both health and sustainability with developments needing to provide cycle parking as set out in the Council's adopted SPD.

It is therefore recommended that secure and undercover overnight cycle parking is provided for all dwellings of all tenures. The recommended minimum cycle parking standards are detailed as 2 cycle spaces for 2 and 3 bedroom dwellings and 3 for 4 or more bedrooms.

The scheme advanced provides covered cycle storage in the form of garaging (either integral or detached) for the larger units. However, no provision is shown for the 42 units without garages despite a request to deal with this. Notwithstanding this, in the event of an approval I am satisfied that a condition could be imposed to require the applicant to make provision for this, either by providing a small shed or providing an alternative covered bike store within the rear gardens.

Impact upon Residential Amenity

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.

Overlooking, Privacy and Amenity

The application site is bounded by a number of existing residential properties such that the impacts upon these dwellings requires careful consideration.

In relation to the first appeal (14/01964/FULM), the effect of the proposed development on the living conditions of neighbouring residents (with particular regard to privacy) was a key issue considered in detail by the Inspector. It is worth noting that the Inspector concluded that the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy. I have sought to consider the impact on each of the affected properties.

➤ *27 London Road*

The northern elevation of this dwelling forms part of the boundary with the appeal site, with a substantial brick wall forming the remainder of the northern boundary of this property. No. 27 is predominantly 2 storeys in height, with a single storey projection on its eastern elevation, with a conservatory/sun room beyond. The single storey projection includes a window in the northern elevation which opens into a living room. No. 27 contains 2 bedrooms in the attic space of the converted building attached to the western elevation of the main house. The northern roof slope of this part of no. 27 includes rooflights opening into these bedrooms and a bathroom. The eastern elevation of the dwelling includes 2 first floor windows, which each open into a bedroom. Although sited on a large plot, the main area of private amenity space associated with this dwelling is located immediately to the east of the conservatory, to the south of the boundary wall with the application site, which includes a paved patio, grassed area, trees and shrubs.

In relation to the layout of the first dismissed appeal, the Inspector considered that the separation distances of between 12m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with 27 London Road would result in an unacceptable impact in terms of privacy.

Under this application, Plots 84-87 are the dwellings that have the potential to directly affect it. Plot 87 (a single storey dwelling) would be arranged at an oblique angle sited between c8.8m- 16.4m from its northern boundary and a new single garage would intervene the two proposed dwelling and no. 27, beyond the 4.4m wide ecological corridor. Given its single storey nature, I am satisfied that the dwelling would not cause a loss of privacy through overlooking. This is also the case in respect of Plot 86, also a single storey dwelling located further from the existing property.

The rear elevation of Plot 85 is c25.3m from the boundary whilst Plot 84 is c18.8m. Whilst there are no set distances in policy, as a rule of thumb 21-22m (as noted and accepted by the Inspector in the 1st appeal) is usually expected between dwellings to meet the needs of privacy. The distances between Plot 84 to no. 27 falls slightly short of what would ordinarily be requested albeit it should be noted that the new dwelling would be directly north of the eastern end of the garden to no. 27 which doesn't appear to be the most used element of it. This proposed two storey dwelling (with 3 first floor bedroom windows facing south) towards the neighbour's garden is shown as being slightly elevated with finished floor levels raised to 17.85AOD compared to the topographical survey which shows existing land levels to be around 17.41AOD in that area. Nevertheless, the bedrooms from Plot 84 would be able to achieve some views into part of the garden and would give a slight perception of overlooking. The black arrow on the image below attempts to demonstrate the area of garden that plot 84 would overlook. This is not ideal but in my view is just at the fringe of acceptability.



➤ *12 The Woodwards*

Plots 82 and 83 would lie to the north of this dwelling at a distance of 33.9m and 39m away and their garages are proposed to be over 30m away. At these distances and with mature trees intervening the two which help to screen the development, I am satisfied that there would be no adverse impact upon this dwelling by the development.

➤ *11a The Woodwards*

11a The Woodwards features a conservatory which is not shown on the layout plan which lies to the north-east of the dwelling. It has two first floor windows facing the site.

Plots 80 and 81 lie adjacent to (north of) this dwelling. Separation distances between dwellings are 24.4m at the closest point. The proposed adjacent garage is 15.4m from no. 11a. I am satisfied that these distances meet the needs of privacy without direct overlooking.

➤ *31 Glebe Park*

Plots 77 and 78 lie to the north of this dwelling, along with the double garage of Plot 75. Separation distances between dwellings are between 28.3m and 24.4m and the double garage is approximately 9.9m away. I do not consider there would be any adverse impacts through overbearing or loss of amenity upon this dwelling.

➤ *33 Glebe Park*

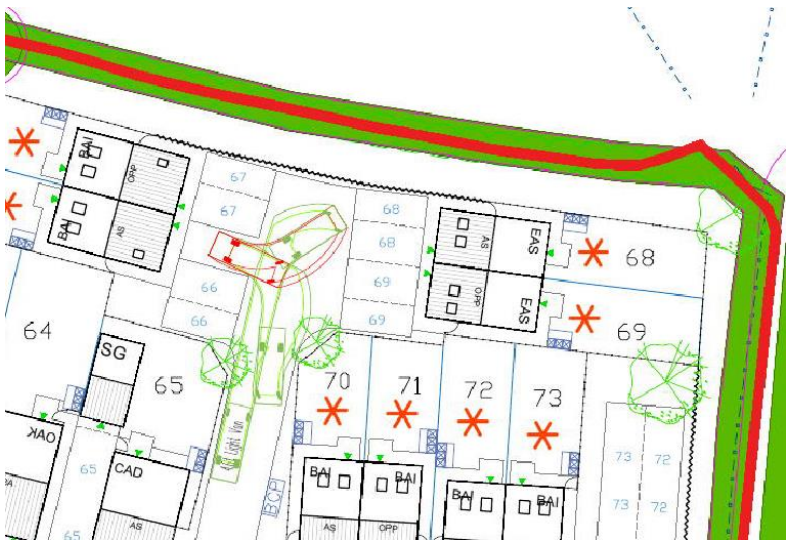
This existing property is located facing west and features a large clear glazed opening at first floor facing the application site serving what appears to be a home office/habitable room. The occupier has made representations that their patio would be overlooked by the new housing.

Plot 75 (Appleton house type) lies to the north of this dwelling also facing west with its rear garden orientated east. It is located at a distance of c10.7m (from the side of no. 33) with its side elevation blank (aside from a small obscure glazed bathroom window) thus avoiding overlooking. Its orientation avoids the loss of amenity which was a concern of the Inspector in the first appeal.

➤ *Barnby Road*

Grove Bungalow is the closest dwelling to the north of the site which has a separation distance in excess of 30m between the rear of this dwelling and the application site. It should be noted that Grove Bungalow has outline consent with all matters reserved for its demolition and the erection of 10 dwellings on the site. I am satisfied however that this scheme would not prejudice the ability for a satisfactory detailed reserved matters scheme to come forward at the northern site.

On land to the north-east of the site, planning permission has been granted for 7 new dwellings. Plot 3 (22/01588/S73 – which has been lawfully commenced and is greyed out on the image below to the west of 5) and 5, 6 and 7 (22/01589/S73 – which remains extant until 24 March 2024) would abut the northern boundary adjacent to proposed dwellings. These are 'committed' dwellings (shown in the image below) and therefore regard needs to be given to the impact of the proposal upon these.



Extract of proposed layout, plots 67 and 68 (two-and-a half-storey dwellings) would be side on with the approved dwellings immediately to the north.

Due to the distance from the nearest adjacent dwelling to extant Plot 3, I do not have concerns regarding privacy.

Oblique views from first and second floor windows would appear to be achievable from Plot 67 (a 'Baldon' 2.5 storey dwelling which is sited side-on c5m from the boundary) into the private garden of Plot 6 (house is 16m away) and likewise from Plot 60 (a 'Cookridge' 2 storey house type) into the rear garden of Plot 5 (house is c17m away). Whilst these houses are unlikely to amount to an oppressive/overbearing impact, due to the distance to the boundary this would in my view lead to a loss of privacy from not having adequate distances between dwellings to meet the needs of privacy, as well as direct overlooking/perception of overlooking particularly into the private rear gardens.

Plot 7 is a two storey dwelling with first floor bedroom windows on either side of the rear projection which would sit approximately 11m and 9.3m to the boundary. Plot 68 (a two-and-a half storey dwelling measuring 9.3m to ridge) of the proposed development would be sited side-on approx. 5.3m to the boundary and due to its positioning (which isn't shown on the proposed plan) would achieve oblique views into the area behind the garage of Plot 7 from its upper floors which consist of two bedrooms and potentially from the attic room which is served by 2 rooflights (potentially insofar as it is not currently clear on the internal floor height of the attic windows). It is acknowledged that there is a large garden for Plot 7 but this is likely to be some of the most used and private part of the garden so does represent a compromise.

➤ *Proposed New Dwellings*

Whether the proposal creates a satisfactory living environment for the proposed new dwellings is material to decision making.

As is set out within tree section of this report, there are concerns that retained trees would cause gardens of some plots to be in shade for most of the day.

The northern elevation of 27 London Road and its garden wall forms a boundary with the development site. Given its height, the southern part of the garden of Plot 87 (and the intervening ecology corridor) would be in shade for large parts of the day. The nearest part of the garden to the property would however be largely unaffected and buyers would be aware of this before occupation. This is therefore not fatal to the scheme.

Noise – Pumping Station

Existing noise sources in the area have been identified as being from the MUGA which houses back onto, the highway and the railway. The foul pumping station is also a potential source of noise.

Like its predecessors before it, this application proposal includes a foul pumping station which is to be located centrally within the site at the north east corner of the school grounds. This pumping station would be located in close proximity to a number of proposed residential properties, including the existing neighbouring property at 27 London Road. The distances between the pumping station and the closest part of 27 London Road is c24m. Distances between it and the nearest proposed dwellings Plots 1, 2 and 87 are 11.5m, 24m and 29m respectively.

Environmental Health Officer (EHO) colleagues advise that pumping stations being located underground rarely cause any adverse impacts in terms of noise. However, in order to ensure no unacceptable noise 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. This would be required prior to first operation of the foul pumping station. Given the enclosed 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.

Noise - MUGA

A number of houses back onto the MUGA, with the wildlife corridor intervening. The distance from the rear of houses to the MUGA perimeter is between 17m (plot 22) and 19.5m (plot 17).

The EHO advises that the noise assessment indicates that internal and external WHO noise guidelines will be achieved with mitigation (acoustic fencing and glazing/ventilation). The commonly used assessment method relating to proposed development (BS4142) is not suitable for recreational noise, and there are no other objective assessment methods that

could be used to assist with noise impact assessment. Subjectively there is a risk of complaints about noise from residents in close proximity to MUGAs i.e. shouting, whistles, and impact noises associated with balls and other objects striking framework and panels etc. It is not clear how likely complaints would be in this case. The risk is increased given the MUGA is particularly close to the proposed residential properties, where the use is extended across a variety of activities, and operating times are likely to be extensive especially as the MUGA is intended for community use with proposed floodlighting.

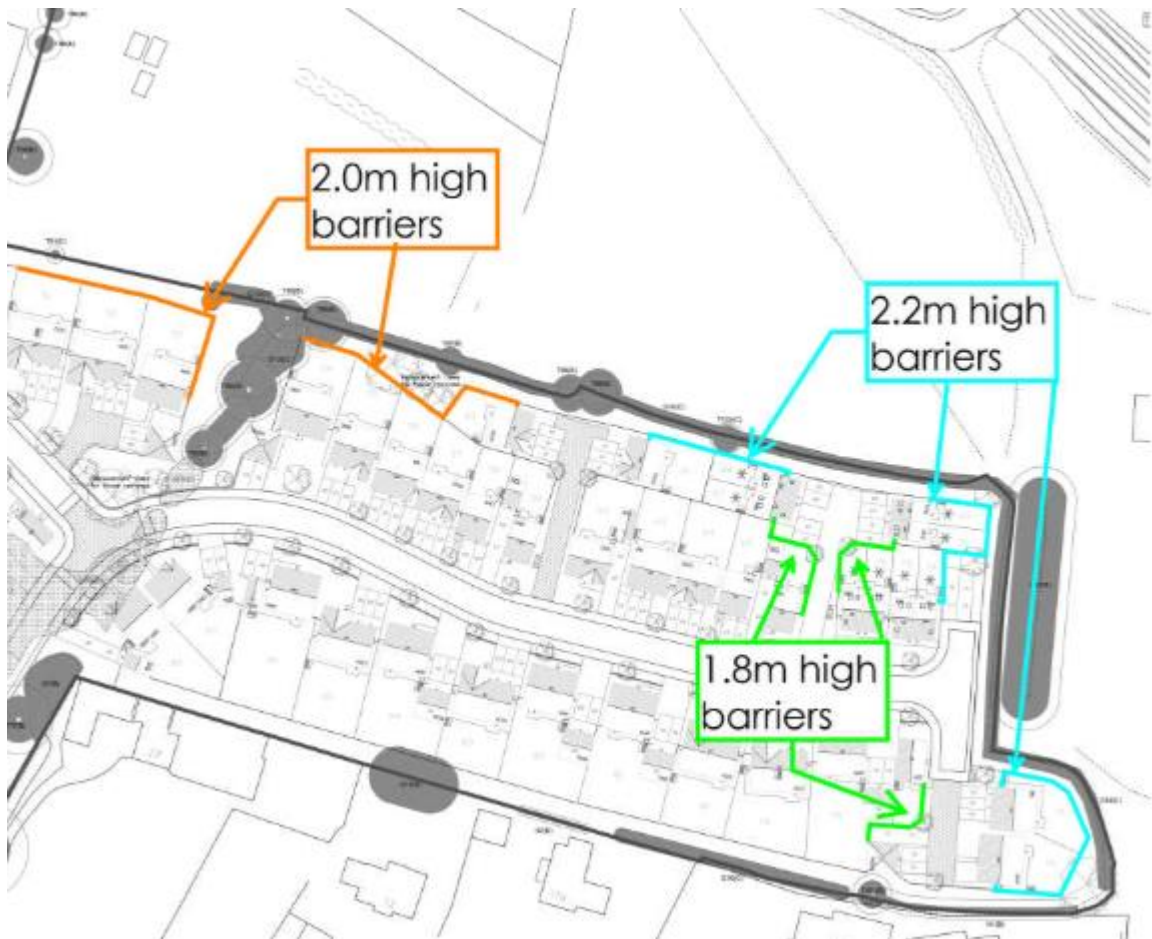
Officers expect noise from the MUGA would be audible at the rear of the proposed dwellings, and the unpredictable nature of the noise is likely to be more annoying than a more predictable level of noise. While those noise levels might not be high enough to cause a significant observed adverse effect, the character of the soundscape could potentially cause small changes in resident behaviour such as closing windows, or not sitting in the garden. Acoustic fencing has been proposed to minimise noise from the MUGA. Additional noise mitigation measures could be considered including the limiting the hours of use, albeit this will affect the community benefit.

Without fully understanding the community use offer (i.e. the hours that it would be available to the community into the evening and at weekends) it is difficult to make a definitive assessment of impacts but it is considered that due to the proximity in relation to proposed dwellings there will be some compromises to the living conditions of residents.

Noise - Railway

The proposed houses to the eastern part of the site would be sited relatively close to the east coast railway line.

The Noise Assessment has shown that noise levels in gardens facing the railway line would be up to 64dB and exceed the recommended upper guideline of 55dB such that noise mitigation fencing would need to be installed to protect the gardens from unacceptable levels of noise. Three plots would exceed the upper guidelines (by between 1 and 3dB depending on which section of the report you read) even with a fence of 2.2m high. The applicant points to BS8233 guidance in this circumstance which states: 'These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibitive.' EHO have commented that an exceedance in the region suggested is not considered significant. On this basis I am satisfied that subject to mitigation (controlled by condition) the impact from railway noise should not be fatal to this scheme.



All properties are to have minimum glazing specifications and ventilation requirements to bring internal noise levels to within accepted guidelines. The report appears to suggest that a mitigation strategy is possible and that a detailed mitigation strategy would need to be prepared building upon those outlined in the report. This could be secured subject to a condition.

General Disturbance/Noise from Road

It is noted that some residents have raised concerns relating to general disturbance that could arise from the extra volume of traffic and from car headlights when they access/exit the site onto London Road. I consider it unlikely that these matters would amount to a substantial harmful impact on amenity sufficient to warrant a reason for refusal and neither the Noise Assessment or Environmental Health Officers raise concerns relating to this.

MUGA Lighting

The proposed scheme notes that floodlighting to the extended MUGA is proposed. While details of the floodlights (12 lights fixed to 6 x 6m columns) have now been forthcoming, no details of the hours that the floodlighting would be in use have been advanced. The information provided refers to mitigation where necessary but hasn't identified what if any is required and where.

Impact upon Ecology

Core Policy 12 of the Amended Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the Allocations and Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF sets out at paragraph 174 that planning decisions should contribute to and enhance the natural environment by (d) minimising impacts on and providing net gains for biodiversity.

To the west of the application site lies 'Ballast Pit' which is an identified Local Wildlife Site (LWS). 'Ballast Pit' comprises a large fishing lake with willow carr (waterlogged woodland). The application site comprises a range of existing habitats within the site including flora, amenity grassland, semi-improved grassland habitat on the land at Baileys Field and Quibell Field, together with hedgerow, broadleaved woodland, tall ruderals and scrub on parts of the site.

It is worth noting that Nottinghamshire Wildlife Trust previously objected to development on this site due to concerns that there would be a significant negative impact to local amphibians and reptiles (albeit they had removed their objections to the scheme by the time the previous scheme was refused). Ecology harm also formed a matter at appeal previously, albeit the Inspector found no harm in respect of this in dismissing the previous appeals. NWT have raised no objection to this latest scheme subject to a number of mitigations being secured.

Notwithstanding all of the site's history, I have assessed this scheme afresh in light of the information submitted as part of this scheme. The applicant has submitted an Ecological Impact Appraisal which includes surveys along with a Reptile and Amphibian Mitigation Strategy and a Biodiversity Enhancement and Management Plan (all dated August 2022). The methodology appears sound and forms a suitable basis for assessment.

In terms of species, the Appraisal identifies that the site is used by a number of protected and priority species. The survey work identifies use of the land by grass snakes and identifies use of the site as a migratory route for the common toad which is a priority species under the Natural Environment and Rural Communities Act 2006.

In summary it is considered that to avoid unacceptable adverse impacts to ecology, a number of mitigation measures would be required. At construction phase, to avoid impacts such as increased noise, dust and ground water run-off pollution to the LWS a Construction Environmental Management Plan (CEMP) would need to be produced and implemented in order to protect the site itself and the adjacent LWS. Precautionary measures (as set out in the applicant's Appraisal) to prevent harm to badgers and other animals at construction phase would also need to be adopted. The impacts are considered in more detail below along with the proposed mitigation measures.

Barnby Road to the north is listed on the Department for Transport register as a toad crossing and a migratory route. The appraisal acknowledges that Baileys field to the north-west offers suitable habitat for the common toad (a priority species) and this appears to be associated with the Ballast Pit (a breeding ground) adjacent. The development has the potential to permanently disrupt an element of an existing toad migratory route, resulting in a loss of

suitable terrestrial habitat for the species and to cause injury or harm to toads during the construction and operational phases of the development. Common amphibians such as smooth newts and common frog (also found on site) may become injured during the construction phase. The development will also result in a loss of suitable terrestrial habitat for these species. In the absence of mitigation, the impacts above would result in a moderate adverse impact at the Local level.

The site is considered to form part of a common toad migration route with the potential to support hibernating toads. A specific Amphibian and Reptiles Mitigation Strategy has been produced for the Site to protect common toads during the construction and operational phases of the development. This shows the inclusion of a 4m wide wildlife corridor along the peripheries (north, east south and west) of the site. This would need to be conditioned so that it is provided early in the development as part of the vegetation clearance works and be protected during construction by signed hedges fencing. This corridor would retain access to the lake from Baileys field for migrating toads, and towards the allotments adjacent to the eastern site boundary. This wildlife corridor would need to retain the areas of existing rough grassland suitable for hibernation, and some sections of short mown grassland. This grassland will be subject to less management to allow the development of tussocky, longer sward in order to mitigate for the loss of grassland in Baileys Field. It would be planted with native, species rich hedgerow along the side of the new development in order to provide screening for wildlife and small holes for toads would be created at the base of the wall along the western boundary of the Highfields School to improve small faunal dispersal from the wildlife corridor towards the Ballast Pit LWS. An underpass below the new access road would need to be big enough for badgers too unless traffic calming measures are introduced to lessen increased badger mortality.

The applicant's ecological submission details that in terms of connectivity, the final scheme has been designed to allow toads (and hedgehogs) to move across the site and that garden fencing (required to prevent interference of the corridor from dogs) would have holes cut into the bases (13cm x 13cm) and where possible the fences would be raised off the ground to allow 10-13mm gaps for toads to migrate. However, this element of mitigation is at odds with Noise Assessment which makes clear at paragraph 5.5 that noise barriers needed to form suitable mitigation for the noise sensitive properties, should be continuous unbroken barriers with no gaps at the bottom. In an attempt to resolve this conflict, the applicant has now suggested that ACO underpass tunnels are proposed at 10m intervals underneath the fencing to still allow for migration which would resolve this issue if properly secured by condition.

Other measures such as the positioning of dropped kerbs in suitable locations across the development in order to facilitate the movement of toads across the site and prevent toads becoming trapped on roadways would be needed, including gully pots with small animal exclusion devices to prevent toads falling into drainage systems and becoming trapped. Speed bumps and speed restrictions are also recommended by the ecologist, which are not currently shown on the drawings but are usually technical matters that would be designed post consent.

To compensate for the loss of grassland habitat, a permanent compost heap or egg laying piles will be created to provide suitable breeding habitat for grass snakes. Refuge and hibernation habitat that is being lost would be compensated by two large hibernacula for

toads and one large one for reptiles a minimum of 4m long x 2 m wide x 1m deep. The compensation plan (Appendix 1) of the Reptile and Amphibian Mitigation Strategy identifies 3 broad locations, one of which is off site but within land owned by the applicant so this would need to be controlled through the s106. Enhancement measures specifically designed for amphibians and reptiles include 10 permanent brush and log piles created from clearance of suitable vegetation which could be controlled by condition.

A working methodology to protect reptiles and amphibians has been prepared which is broadly acceptable but would need to form part of the CEMP.

It is also recommended that monitoring surveys for common toad should be undertaken during the migratory period for two years post development in order to monitor the presence of toad population at the site and to inform if any additional mitigation measures are required. These visits should also be utilised to assist with migration and any individuals found on roads should be assisted and taken away from risk of injury or killing towards the ballast Pit LWS via the wildlife corridor. This would go beyond the scope of a planning condition and would need to be included within the s.106 agreement.

In respect of Great Crested Newts (GCN), the two lakes within 500m of the site show poor suitability for the species given they are fish stocked and lack suitable egg laying substrate. Overall, the Appraisal found it unlikely that GCN are present in or adjacent to the site. No mitigation is necessary.

Impacts on badgers have also been assessed but due to poaching sensitivities this is not discussed within this report. They could, however, be appropriately mitigated for.

In relation to bats, the site was assessed as being of local importance to common foraging and commuting bats. Of the trees proposed to be felled to make way for the development, one provided moderate suitability for bat roost potential and was subject to further nocturnal surveys where no bats were recorded. The removal of trees and hedgerow, in addition to increased lighting, noise and vibration levels at the Site have the potential to disrupt foraging and commuting routes. In the absence of mitigation, these actions would result in a minor adverse impact at a local level. In order to reduce risks to roosting bats, any tree subject to removal will be inspected by a licensed bat surveyor immediately prior to felling using soft felling techniques. New roosting opportunities for bats will be provided on new buildings and retained trees within the Site. Bat activity at the Site is considered to be low, with the Site considered to be of local importance only. The loss of habitats on-Site is not considered likely to impact local bat populations. Construction work should be avoided at night and any external lighting should be bat sensitive details of which would need to be agreed by condition.

On site habitats are suitable habitat for breeding birds and the development would result in the loss of nesting habitat for common species. Clearance therefore should be undertaken outside of bird breeding season to be controlled by planning condition.

A low population of grass snakes were recorded in Baileys field. Clearance of the vegetation in this area has the potential to cause injury or death to reptiles present and will also result in a loss of suitable foraging and refuge habitats for the species at the Site. Reptiles may

become trapped or injured in open excavations during the construction phase of the development. In the absence of suitable mitigation, the impacts above would constitute a moderate adverse impact at the local level. Mitigation would be by way of method statement for the construction phase and the wildlife corridor to allow for continued movement and habitat.

The development will result in a loss of suitable foraging and hibernation habitat for hedgehogs. To mitigate it is recommended that the removal of habitat is undertaken using hand tools, with the base checked for hedgehogs prior to complete removal and that this is done prior to the main breeding season in line with a suitable method statement.

It is proposed that the LWS would be planted with native scrub and tree species to enhance the woodland area and provide more cover and opportunities for species. This would need to be secured by a s106 agreement. Enhancements relate to planting of native species, provision of artificial roosts and bird boxes on 20% of new buildings.

It is noted that NWT have scrutinized the proposals and raise no objection on that basis that the conditions they have set out are met. They have commented that they would like to see the wildlife corridor wider than that proposed. It should be noted that the ecology report submitted with the previous (withdrawn scheme) by the same ecologist, recommended a corridor of 4-5m wide. However, the corridor proposed is shown on the plans as being only 4m wide; the minimum width recommended by the ecologist.

It is also notable that the County Ecologist in commenting on previous refused schemes was unable to support a scheme where the corridor was less than 10m wide. This differing professional opinion is noted. NWT have stated that if the corridor cannot be widened it is essential that a number of conditions are met to ensure its effectiveness including restricting its access to residents and a number of other matters which can be controlled by condition and s106 agreement.

The ecological information submitted doesn't clearly distinguish between what works are needed for mitigation and compensation and what would represent a genuine enhancement. No baseline matrix has been provided (nor does it currently need to be) to be able to conclude whether the scheme would lead to enhancements or biodiversity net gain. However, given that it has been concluded that the tree compensation would be inadequate, and the risk of tree loss from the proposed works (which the applicant hasn't assessed given their view is that they could be retained) the scheme is considered likely to lead to some associated adverse impact on ecology and biodiversity net loss.

Flooding and Drainage

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this, requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems. Core Policy 10 sets out a commitment to tackling the causes of climate change including ensuring the new development positively manages its surface water run off to ensure there are no unacceptable impacts.

The site lies within Flood Zone 1 (at lowest risk of flooding) according to the EA Flood Maps albeit is in an area identified as being prone to surface water flooding.

Owing to the scale of the development, the application has been accompanied by Flood Risk Assessment (FRA) and Drainage Strategy to show risk of flooding and how both surface water would be managed and foul sewage would be disposed of.

The FRA concludes the flood risk is low from all sources but notes that mitigation measures would be required in the form of reprofiling the site to ensure surface water doesn't pond, that finished floor levels are set a minimum of 0.15m above adjacent ground levels following the reprofiling and the implementation of a surface water drainage scheme.

The drainage strategy proposes a foul pumping station close to existing and proposed dwellings which would pump waste south to a public sewer on London Road. Connecting to a public sewer is the preferred option in the drainage hierarchy and is acceptable in principle.

The surface water drainage strategy comprises a system of surface water sewers (tanks are indicatively shown under the sports pitches to the west of the site adjacent to the ballast pit/lake) discharging to the watercourse to the west and highway soakaways underneath retained and protected trees to the south of the site close to London Road. Soakaways are also proposed amongst the mature trees to increase long term infiltration.

The Environment Agency have made no comment given there is no risk of fluvial flooding. Following the submission of additional information and clarification, the Lead Local Flood Authority have now advised they raise no objection to the scheme. On the basis of the above it is concluded that the scheme would accord with the aforementioned policy requirements in respect of flooding and drainage.

Impacts on Infrastructure/Developer Contributions

Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point in setting out the approach to developer contributions not dealt with by CIL to make a future development proposal acceptable in planning terms.

Members will note that viability was considered as part of the previous appeals and ultimately the Inspector found that the last 2 schemes didn't make adequate provision for affordable housing. This application does not seek to argue that the scheme is unviable such that it cannot afford the full scale of the planning obligation requirement, in addition to the CIL liability.

The policy position in respect of delivering the necessary infrastructure to support the scheme is set out and assessed below.

Community Facilities

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

The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. This contribution is triggered at 10 units or more and therefore a financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling is sought.

The application scheme of 87 dwellings would equate to a community facilities contribution of **£120,414.09** (plus indexation).

Primary Education

The Developer Contributions and Planning Obligations SPD indicates that development of 10 or more dwellings which generate a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required.

Nottinghamshire Country Council as The Education Authority have confirmed that the development would yield an additional 18 primary, 14 secondary and 3 post 16 aged pupils. Based on current data there is a projected surplus of places in the planning area and the impact of the development would not lead to a deficit in provision of primary or secondary school places. However, when considered cumulatively alongside other proposed developments (Land at Flowserve, Hawton Lane and 293 Bowbridge Road, Newark) the 3 schemes would generate an additional 86 primary school pupils which would reduce the surplus from 120 to 34 places. The residual surplus would not be sufficient to accommodate the pupil demand arising from this and the proposed 150 dwellings at Lowfield Lane in Balderton which is pending.

NCC's Developer Contributions Strategy states that where one application does not justify obligations owing to projected spare capacity in the planning area, but a further application would result in capacity being exceeded, obligations will be requested and shared between all eligible applications. The combined shortfall created by these two applications would be 16 places (i.e. 34 places less demand for 18 places generated at London Road and 32 places at Lowfield Lane). It is therefore requested that the cost of the cumulative shortfall (16 x £18,907 = £302,512) is divided proportionally between these two applications, which would equate to **£111,929** (37% of the above).

In terms of secondary education, the development would be covered under CIL regulations.

Integrated Transport

In accordance with the Developer Contributions SPD, to increase and encourage public transport and to mitigate for the impact of the development, the Public Transport and Travel Services arm of NCC has confirmed that they require a financial contribution of £24,200 towards improvements to two local bus stops (NS0779 & NS0416 The Woodward's Bus Stops). This would pay for the installation of real time bus stop poles & displays including associated electrical connections, polycarbonate bus shelters and solar lighting, raised boarding kerbs and lowered access kerbs.

In terms of sustainable travel, the detail around the free introductory bus passes noted in the Travel Plan would also need to be secured through the s.106 agreement.

A contribution towards junction improvements at Mount School/Main Street as noted in the Highway section of this report would also need to be secured in order to make the scheme acceptable.

Health

For developments of 65 dwellings or more that increase pressure on the health service, Policy DM3 and the Developer Contributions SPD allow for contributions to be sought (£982.62 per dwelling, including indexation) where there is an identified need in the locality. The Clinical Commissioning Group on behalf of the NHS have confirmed that local health practices are operating at capacity and this scheme would lead to pressure upon services. A financial contribution of £982.62 per dwelling (£85,487.94) is sought towards improvements to health infrastructure.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. At an average of 2.4 persons per dwelling, the application scheme of 87 dwellings would increase the existing library's catchment area population by 269 persons. The County Council has therefore confirmed that a developer contribution of £3,064 (plus indexation) would be required towards the additional stock that would be required to meet the needs of the increase in population.

Public Open Space

In accordance with the requirements of the Developer Contributions SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. The SPD also requires all residents to live within 300m of an area of between 0.2Ha and 1Ha in size of natural or semi-natural green space.

In line with the SPD, 'Amenity Open Space' at a rate of 14.4m² per dwelling (1252.8m² for this development) is expected on site. The indicative layout would vastly exceed this which,

excluding the wildlife corridor around the site perimeter, amounts to approximately 6897m². All of the dwellings are within 300m of an area exceeding 0.2ha in size.

To meet the needs of the development and its future occupants, provision for Children and Young People should be provided at a rate of 18m² per dwelling, which for a development of this size would equate to 1566m² of space.

Previous applications have relied on making a financial contribution for off-site provision of play space. However, the Council have since published an Open Space Strategy which is now material to decision making. This is a useful starting point in deciding how to approach POS. The strategy makes clear that the nearest existing play area is beyond the accessibility standard of 500m. In addition, the Strategy indicates that it is only green infrastructure (such as making it more resilient to climate change through additional tree planting) that is required to improve the Barnby Road Community Park which we are already seeking contributions towards from another nearby site that is much smaller. On this basis the applicant was requested to provide the POS in the form of both amenity open space and the children's play space on site.

	Provision	Policy Requirement
Amenity Open Space	6897	14.4m ² x 87 = 1252.8
Children's Play Space	1511	18m ² x 87 = 1566
Total	8408m²	2818.8m²

In response the proposal now offers an area for play within the main green area comprising of 1511m² located adjacent within the western part of the development. It includes 2 centrally placed pieces of play equipment; a 'Rockscape Henge' and 3 small rockscapes designed for climbing which have an appropriate buffer distance of around 20m to the nearest dwelling facade. This area for play does fall marginally short (by 55m²) of the policy requirement. However, given that the amenity open space offers a greater quantity of space, I consider that this compensates for this modest shortfall.

Maintenance

The maintenance of all of the public open space including the wildlife corridors would be managed by a management company in perpetuity which could be secured through the s.106 agreement.

Other Matters

This section is intended to deal with material matters raised during the course of the consultation process that haven't already been dealt with elsewhere.

Active Travel England are now a statutory consultee but only for schemes that exceed 150 dwellings, which this isn't. In any event there is no formal requirement to consult them on scheme received before 1st June 2023.

One local resident appears to query land ownership issues. This would be a civil matter. For the purposes of considering this application I am satisfied that the correct ownership certificates have been served and that nobody has been prejudiced.

9.0 Implications

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.

10.0 Planning Balance and Conclusion

The site lies within the defined Newark Urban Area which is part of the Sub Regional Centre where there is expected to be housing growth. Locationally therefore, the principle of housing development could be acceptable subject to consideration of other impacts. As a green field windfall site, this is not a site that has been allocated for housing or upon which we rely to fulfil our housing needs. At present we have a healthy 7.2 year housing supply (against a requirement of 5 years) and therefore the tilted planning balance does not apply here.

This scheme like its predecessors has attracted much local opposition with many residents making multiple representations throughout the re-consultation processes. The amended scheme as now submitted is an improvement on previous iterations. The scheme has some positive elements including the provision of on-site open space for residents which previous versions haven't advanced, albeit this is not a benefit - it would merely serve the occupiers of the dwellings proposed.

The scheme would have benefits including the provision of generally needed housing and whilst the market mix is not fully reflective of local need, the affordable housing element at least would be a policy compliant 30% offer which would help meet the housing needs of the District. It would also provide for construction jobs during the construction phase albeit these are temporary benefits.

However, significant harm has been identified which weighs against the scheme. It has been concluded that the loss of trees (both protected and those that are not) would not be properly compensated by this scheme due to an insufficient quantum of appropriate trees in appropriate places not close to where they would be lost. Furthermore, retained trees would be put at risk from loss due to proposed works adjacent and potentially within the RPAs from drainage works, works to create the new road and widen the access as well as their position so close to new dwellings which doesn't adequately account for future growth of the trees nor for them to reach their full potential. This would likely lead to requests for severe pruning or removal in the longer term due to fears of tree failure/safety and impacts on amenity through seasonal shedding etc. This loss would have an associated inevitable detrimental impact on ecology. The loss of mature trees from the south of the school would also harm the setting of the Non Designated Heritage Asset which enjoys a parkland setting of specimen trees of stature.

I have therefore concluded that the scheme hasn't been designed to adequately reflect and

respect existing features of importance and builds in avoidable issues from the outset. Whilst efforts have been made to create tree lined streets with the provision of maintenance strips alongside the eastern part of the scheme, these are of insufficient size to allow trees to establish and thrive. The majority of trees, especially to the western part of the site would be within the private gardens of occupiers which in the longer term wouldn't enjoy protection and are of a variety that occupiers are unlikely to tolerate in the medium to longer term. As such the scheme would not therefore deliver the tree-lined streets that the NPPF seeks to achieve. Overall, the impact on trees is considered unacceptable and unsustainable contrary to the requirements of Core Policy 12, DM5 and the NPPF.

There are a range of other compromises from this scheme that when taken together would cause demonstrable harm. Heritage harm to the setting of the NDHA would occur from the presumed loss of the remnant walled garden, partial loss of the historic boundary hedgerow, new access drive which would disrupt its setting and the enclosure of the football pitch. These represent low levels of harm but are still harm that need to be weighed in the balance.

Other compromises include the open market housing mix offer which doesn't fully reflect the most up to date housing needs information, the genericness of the house types which fail to reference local vernacular, compromises to the layout in respect of some parking arrangements, the way in which the houses have been packed in with minimal gaps between dwellings giving it a cramped appearance/grain and one that is at odds with the much lower density of the surroundings. There are also conflicts between the amenity/living conditions that would likely arise from the unpredictable noise and disturbance associated with the extended MUGA so close to the rear gardens of the new affordable houses and additionally from the retained trees that would also cast shadow on newly created gardens for much of the day providing a poor standard of amenity and placing increased pressure upon trees. Additionally, the extant dwellings to the north would experience overlooking/perception of overlooking from the scheme due to the inadequate distances between dwellings.

NCC Highways Authority have advised in their technical judgement that the scheme would result in severe adverse impacts at morning peak from junctions in the area that would be over capacity as a result of this development. Whilst a mitigation scheme has been advanced, NCC have yet to make comment on it. However, I am not persuaded that a scheme to encourage walking and cycling to the north would fully mitigate the harm identified to the south at London Road. In any event there is currently no mechanism in place to secure the necessary mitigation for either this or for the upgraded needed for the Mount Road/Main Street junction in Balderton.

The temporary and permanent loss of sporting facilities has received an objection from Sport England who will only lift their objection if a range of mitigation measures are secured. One of these is that the MUGA would be extended. However no specific details of this are included within the application scheme, nor the hours that the floodlighting would be operational. It is unclear whether there would be genuine benefits from the community use agreement as the details are vague. Therefore, I am not persuaded that the scheme would mitigate for the loss. In any event, there is currently no mechanism to secure the mitigation measures.

The scheme would place pressure on existing infrastructure and there is no mechanism to secure the necessary mitigation measures without a unilateral undertaking or planning

obligation (under Section 106) being entered into. Therefore, the scheme fails to provide appropriate mitigation for the impacts of the development such as upon education, health etc. This is not insurmountable as the applicant has shown a willingness, even drafting, an agreement and therefore doesn't form part of the balancing exercise being a neutral factor, that is mitigation required because of the development.

After careful consideration, I have concluded that the proposal would be harmful and does not meet the tests of sustainability and taking all matters into account I find the balance tipped very firmly towards a refusal.

10.0 Reasons for Refusal

01

In the opinion of the Local Planning Authority the proposal which involves the loss of many mature and high quality trees (some of which are protected) causes significant harm to the environment and to the character and appearance of the area. This application fails to properly compensate for this tree loss due to an insufficient quantum of appropriate trees in appropriate places, not close to where they would be felled. Furthermore, retained trees would be placed at unacceptable risk of failure due to proposed associated works adjacent and potentially within their root protection areas, as well as due to the positioning of new houses so close to the trees which doesn't adequately account for future growth of the trees nor for them to reach their full potential. This would be likely to lead to requests for severe pruning or removal in the longer term due to fears of tree failure/safety and impacts on residential amenity through seasonable shedding etc. This loss would have an associated inevitable detrimental impact on ecology and the application fails to demonstrate the scheme would not have a biodiversity net loss. The loss of mature trees from the south of the school site would also harm the setting of the Highfield School building, a Non-Designated Heritage Asset (NDHA) which enjoys a parkland setting of specimen trees of stature. Overall, it is considered that the scheme fails to adequately reflect and respect existing features of importance and builds in avoidable issues from the outset. The impact on trees and the environment is considered unacceptable and unsustainable contrary to the requirements of Core Policy 12 (Biodiversity and Green Infrastructure) of the Newark and Sherwood Amended Core Strategy (ACS) adopted 2019 and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (A&DMPD) adopted 2013 and the National Planning Policy Framework which is a material planning consideration.

02

This application presents a series of compromises which cumulatively lead to an unacceptable and unsustainable development when taken as a whole. In the opinion of the Local Planning Authority the scheme fails to properly integrate street trees into the development in a sustainable way. The generic design of the house types fail to adequately reference local vernacular and there are compromises to the layout in terms of poor design (that does not make for a memorable place), with regards to some parking arrangements, the way in which the houses have been sited with minimal gaps between dwellings giving it a cramped appearance/grain and one that is at odds with the much lower density/character of the surrounding area. There are also conflicts identified between the living conditions of

occupiers of some of the affordable housing and the impacts that would likely arise from unpredictable noise and disturbance due to having the extended multi use games areas (MUGA) so close to their rear gardens. The hours of use of the MUGA have not been specified but given the need to provide for a community benefit to outweigh the loss of the playing field, and that the MUGA would be floodlit there is potential for adverse impacts from unpredictable noise associated with the MUGA use into the evening and at weekends when nearby occupiers might reasonably expect tranquillity. Additionally, there is conflict from the retained trees that would cast shadows on newly created gardens for much of the day providing a poor standard of amenity and placing increased pressure upon the likely future loss of these trees. Furthermore, the extant (and committed) dwellings to the northern boundary of the site would experience overlooking/a perception of overlooking from the proposed scheme due to the relationship between them. Heritage harm to the setting of the NDHA would also occur from the loss of the remnant walled garden, partial loss of the historic boundary hedgerow, new access drive and the enclosure of the football pitch. Finally, the market housing offer doesn't fully reflect the most up to date housing needs information available. All these matters when taken as a whole, make the development unsustainable and contrary to the following policies:

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), NAP1 (Newark Urban Area) from the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) and Policies DM5 (Design) and DM9 – Protecting and Enhancing the Historic Environment from the adopted Allocations & Development Management DPD as well as the National Planning Policy Framework 2021, 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, Newark and Sherwood Housing Needs Survey, December 2020 by Arc4 and Building for Healthy Life 2022 which are material considerations.

03

The proposal has been shown to cause a severe adverse highway impact at morning peak from signalised junctions in the area that would be over capacity as a result of this development. Whilst a mitigation scheme has been advanced which attempts to encourage residents to walk and cycle by exiting the site to the north onto Barnby Lane this, in the opinion of the Local Planning Authority, would not fully mitigate the harm identified to the south at London Road. Furthermore, whilst an acceptable scheme of mitigation to the Mount Road/Main Street junction in Balderton has been identified, this relies on a financial contribution towards upgrades to that junction and there is no mechanism at the time of decision making to secure this. As such the proposal is considered to be harmful to highway safety contrary to Spatial Policy 7 (Sustainable Transport) of the ACS and Policy DM5 of the A&DM(DPD) which together form the relevant parts of the Development Plan.

04

The proposal would involve the temporary and permanent loss of playing fields/sporting facilities at the school site which has attracted an objection from Sport England as statutory consultee. In the opinion of the Local Planning Authority, the mitigation package advanced (which includes a Community Use Agreement) lacks the detail to enable a full and proper

assessment to establish whether the scheme would in fact be of genuine benefit for the wider community that would outweigh the loss of part of the affected playing field. The proposal is therefore contrary to Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) of the Amended Core Strategy as well as Sport England's Playing Fields Policy and paragraph 99 of the National Planning Policy Framework 2021 which are material considerations.

05

The scheme would place pressure on existing infrastructure and there is no mechanism to secure the necessary mitigating measures without a unilateral undertaking or planning obligation (under Section 106) being entered into. Therefore, in the opinion of the Local Planning Authority, the proposal (at the point of determination) fails to provide appropriate mitigation for the impacts of the development upon infrastructure such as primary education, public transport, health, libraries, community facilities as well as the provision of affordable housing and off site ecology mitigation. The proposal is therefore contrary to Spatial Policies 6 (Infrastructure for Growth) and 7 and Core Policies 1 (Affordable Housing) 9 (Sustainable Design) and 12 of the Amended Core Strategy (2019), DM5 and DM7 of the Allocations and Development Management DPD (2013).

Informatives

01

For the avoidance of doubt the application has been determined on the basis of the following plans and supporting information:

AV22/APP/0-001 Rev C Floor Plans
AV22/APP/0-002 Rev C Elevation Plans
APP/0-002 Rev A (Elevations, Appleton Render)
AV22-BAI/0-001 Rev C Floor Plans, (End/Mid)
AV22/BAI/0-002 Rev C (End/Mid Elevations)
AV22/BAI/0-102 Rev A – Elevations (Semi)
AV22/CAD/0-001 Rev B (Floor Plans)
AV22/CAD/0-002 Rev B (Elevations)
AV22/COV/0-001 Rev C (Floor Plans)
AV22/COV/0-002 Rev C (Elevations)
COV/0-002 Rev A (Elevation, Coverham Render)
AV22/DAR/0-001 Rev D (Floor Plans)
AV22/DAR/0-002 Rev C (Elevations)
AV22/EAS/0-001 Rev C (Floor Plans) (End/Mid)
AV22/EAS/0-002 Rev C (Elevations)
AV22/LEV/0-001 Rev B (Floor Plans & Elevations)
AV22/LEY/0-001 Rev B (Floor Plans)
AV22/LEY/0-102 Rev A (Elevations)
AV22/LEY/0-002 Rev B (Elevations)
LEY/DET/0-002 Rev A (Leyburn det render, Elevations)
AV22/OAK/0-001 Rev B (Floor Plans),

AV22/OAK/0-002 Rev B (Elevations)
OAK/0-002 Rev A (Elevations, Oakwood Render)
AV22/RIP/0-001 Rev B (Floor Plans) (End)
AV22/RIP/0-002 Rev B (Elevations)
AV22/THO/0-001 Rev D (Floor Plans)
AV22/THO/0-002 Rev D (Elevations)
AV22/WEN/0-001 Rev C (Floor Plans)
AV22/WEN/0-001 Rev C (Elevations)
COO/DET/0-001 Rev E,
COO/DET/0-002 Rev D
BIL/0-001 Rev E,
BIL/0-002 Rev D
MICK/3BD/001 Rev A
MICK/3BD/002 Rev A
502/006 Rev A (Double Detached Garage)
SITE/SG/006 Rev A (Garage Single End)
500/005 Rev A (Single Detached Garage)
504/006 Rev A (Garage Twin Gable Side)
Biodiversity Enhancement and Management Plan by BWB, August 2022
Ecological Impact Assessment by BWB, March 2023
Supplementary Geoenvironmental Appraisal, by Lithos, June 2021
Transport Assessment, Bryan G Hall Consulting Civil & Transportation Planning Engineers, July 2022
Proposed Planning Layout, drawing no. HSN.PL.02 Rev N
Materials and Enclosures Plan, drawing no. HSN.PL.03 Rev D
Boundary Treatment, drawing no. SD 12-045
Boundary Treatment Plan, drawing no. HSN.PL.04 Rev E
Boundary Treatments (1.8m Acoustic Fence) drawing no. SD 12-041
Boundary Treatments (2.0m Acoustic Fence) drawing no. SD 12-042
Proposed Feasibility Drainage Sheet 1 of 2, drawing no. 100406_01_0500_03.1 P04
Proposed Feasibility Drainage Sheet 2 of 2, drawing no. 100406_01_0500_03.2 P04
Sustainable Drainage Statement, Dice, May 2023, Rev P02
Detailed Landscape Proposals (1 of 3), drawing no. 3792/1 Rev L
Detailed Landscape Proposals (2 of 3), drawing no. 3792/2 Rev L
Detailed Landscape Proposals (3 of 3), drawing no. 3792/3
LEAP, drawing no. 3792/4 Rev B
Detailed off-plot planting plan, 11139-FPCR-XX-XX-DR-L-0001 Rev PO4
Detailed off-plot planting plan, 11139-FPCR-XX-XX-DR-L-0002 Rev PO4
Detailed off-plot planting plan, 11139-FPCR-XX-XX-DR-L-0003 Rev PO4
Parking Distribution and Bin Collection, HSN.PL.10 Rev B
Green Buffer, Bird and Bat Boxes, HSN.PL.11 Rev A
Maintenance Contract Layout, drawing no. HSN.PL.05 Rev E
Street Scenes, HSN.PL.06 Rev B
Sections, HSN.PL.07 Rev B
Tracking Plan, drawing no. HSN.PL.08 Rev 8 Rev D
Materials and Enclosures Plan, drawing no. HSN.PL.03 Rev E
Site Location Plan, HIGH-LP-003
Covering Letter, DLP 01.09.2022

Arboricultural Assessment (amended), fpcr, May 2023
Arboricultural Method Statement (amended), May 2023
Response to Tree and Landscape Officer comments (1.06.2023)
Design and Access Statement, August 2022
Reptile and Amphibian Strategy, BWB, August 2022
Flood Risk Assessment, Weetwood, Final Report v2.1, June 2023
Noise Impact Assessment, BWB, LDP2472, November 2022
Noise Mitigation Plan, HSN.PL09 Rev D
Nottinghamshire Rapid Health Impact Assessment Matrix
Planning Statement, DLP, August 2022
Sports Pitch Provision Statement, DLP, August 2022
Amended Travel Plan (21-108-013.05) Bryan G Hall Consulting Civil and Transportation Engineers, June 2023
Technical Note, Bryan G Hall, amended 29 June 2023
Written Scheme of Investigation for Archaeological Mitigation, BWB, January 2021
Noise Mitigation Plan, HSN.PL09 rev C
GTC-E-SS-0012-R2-1, 1 of 1, Substation General Arrangement
Lighting Impact Assessment, BWB, March 2023
Technical Note MUGA lighting, BWB June 2023
Draft Community Use Agreement, 26.05.2023
Barnby Road Cycle Scheme - 21-108-TR-009 Rev A
Barnby Road Footway Scheme – 21-108-TR-010 Rev A
Electrical Services, Proposed MUGA, External Lighting Layout Proposed Site Plan, NHS-BWB-XX-XX-DR-E-2302 Rev P1,
Electrical Services, Proposed MUGA, External Lux Plot Layout Proposed Site Plan, NHS-BWB-XX-XX-DR-E-2303 Rev P1
Datasheet for Amnis Match floodlights
Proposed Sports Facilities Plans, Sheet 1 (HSN.PL.13 Rev A) Sheet 2 (HSN.PL.14), Sheet 3 (HSN.PL.15) Sheet 4 (HSN.PL.16 Rev A)
Response to Tree and Landscape Officer Comments dated 21.07.2023

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However, the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

03

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

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.