



Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner (Development Management)

Report Summary			
Application Number	23/01755/RMAM		
Proposal	Submission of Reserved Matters (layout, scale, appearance, landscaping) for Phase 2 of 19/00854/OUTM for 309 dwellings including details to discharge Conditions 5, 12, 13, 16, 17, 22 and 24.		
Location	Flowserve Pump Division, Hawton Lane, Balderton, Nottinghamshire, NG24 3BU		
Applicant	Lovell Partnerships and CB Collier NK Limited	Applicant	Lovell Partnerships and CB Collier NK Limited
Web Link	<a href="https://newark-sherwooddc.gov.uk/23/01755/RMAM">23/01755/RMAM   Submission of Reserved Matters (layout, scale, appearance, landscaping) for Phase 2 of 19/00854/OUTM for 309 dwellings including details to discharge Conditions 5, 12, 14 (in part), 16, 17 (in part) and 22.   Flowserve Pump Division Hawton Lane Balderton Newark On Trent NG24 3BU (newark-sherwooddc.gov.uk)</a>		
Registered	10.10.2023	Target Date Extension To	09.01.2023 19.07.2024
Recommendation	That Reserved Matters approval is APPROVED subject to the condition(s) detailed at Section 10.0		

**The application is referred to the Planning Committee at the discretion of the Business Manager.**

### **Summary of the Report**

This report evaluates a reserved matters application for the erection of 309 dwellings and associated works on a former industrial site in Balderton. The report considers the detailed aspects of the proposal - layout, scale, appearance and landscaping, and assesses whether they comply with the relevant policies and conditions of the outline permission. The report examines the impacts of the development on matters such as the character and appearance of the area, the amenity of existing and future residents, highway safety and accessibility, ecology and biodiversity, and flood risk and drainage.

It concludes the proposal is in accordance with the outline permission and the relevant local and national policies, and that it would not result in any significant adverse effects on the

environment or the amenity of the surrounding area. It also states that the proposal would deliver a high-quality design that would enhance the character and appearance of the site and the wider area, and that it would provide a range of housing types and tenures to meet the local needs.<sup>1</sup>

## **The Site**

- 1.1 The application site is situated on the southern side of Hawton Lane, within the defined urban boundary of Newark Urban Area (NAP1) and within the built-up area of Balderton. The site lies to the south-east side of Newark and is approximately 2.2 km from the defined town centre. The wider site comprises a large swathe of former industrial land approximately 12.6Ha in size which surrounds the existing Flowserve Pumps Limited commercial premises and the Sports and Social Club (SSC) including its clubhouse and sports pitches (both of which are outside of the site).
- 1.2 The existing access to the site is provided off Hawton Lane where a lengthy access drive (c.400m in length) serves both the Flowserve factory and SSC site. This access runs through landscaped grounds and alongside a watercourse on the eastern side. To the western side of the access is the Local Wildlife Site 'Balderton Scrubby Grassland Local Wildlife Site (LWS 5/332)'. The site has been the subject of significant remediation and flood alleviation works in recent years and has the appearance of a relatively levelled and bare site with an attenuation pond in the south-west corner.
- 1.3 To the north and east of the site is suburban residential development and to the west is Middlebeck which is a strategic site for housing to be constructed in the plan period to 2026 c.3100 dwellings. Elsewhere, the site borders the countryside, except for an isolated pocket of residential development at the south-eastern corner on Lowfield Lane. The Sustrans cycleway, following the line of the former railway, spans the western boundary. Balderton Footpath 11 (FP11) crosses the site in an east-west direction between the SSC and the Flowserve factory site linking Mead Way to the development site, however the formal link to the Sustrans Route from the site has been extinguished as part of the Middlebeck development (an informal, manmade link exists to the Sustrans; however, this does not have any formal public right of way). Balderton Footpath 13 (FP13) links FP11 at its junction with Mead Way to Lowfield Lane to the south and follows the eastern boundary of the site in a north-south direction. The Newark Southern Link Road (NAP 4) abuts the south-west corner of the application site.
- 1.4 As a result of works carried out following a previous consent (18/01235/FULM), including the formation of a drainage pond in the south-west corner, de-culverting and re-formation of the watercourse and raising of the ground levels the Environment Agency have confirmed that the site is within Flood Zone 1.

## **2.0 Relevant Planning History**

- 2.1. **24/01036/NMA** - Application for a non-material amendment to planning permission

---

<sup>1</sup> This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

23/00621/RMA for widening a 2m a footpath on the western side of the spine road in Phase 1 to create a 3m footway/cycle way – Permitted 12.06.2024

- 2.2. **23/00621/RMA** - Submission of reserved matters (layout and appearance) for Phase 1 of 19/00854/OUTM comprising a new spine road and enabling works – Permitted 28.11.2023

- 2.3. **19/00854/OUTM** - Outline application with all matters reserved except access for a proposed 322-unit residential development on land at Flowserve premises, Hawton Lane, Balderton, Newark – Refused 04.08.2020 and allowed on appeal 17.06.2021

This permission was subject to numerous conditions as well as an associated S106 legal agreement (dated 13 April 2021) which secured the following:

- Car Parking Provision for the Sports and Social Club: no less than 86 car parking spaces (no less than 44 spaces to be provided on the Property and no less than 42 spaces to be provided within the immediate and reasonable vicinity of the SSC).
- Provision and future management of not less than 37,794 square metres of publicly accessible on-site open space to include a Local Equipped Area for Play.

Associated discharge of conditions applications: 22/01109/DISCON (Speed Limit Reduction), 22/01090/DISCON (Generator Noise Mitigation), 22/01339/DISCON (Construction Management Statement), 22/01970/DISCON (Contamination).

- 2.4. **18/01235/FULM** - Demolition of existing buildings, remediation of site, formation of drainage pond, de-culverting and formation of new watercourse and raising of ground levels to create a development site – Permitted 05.03.2019

Associated discharge of conditions applications: 19/00836/DISCON, 19/00760/DISCON, 19/00726/DISCON, 19/00652/DISCON and 19/00502/DISCON - conditions discharged and permission implemented.

- 2.5. **19/SCR/00007** - Screening request for residential development – Environmental Impact Assessment not required 14.05.2019

- 2.6. **07/01840/OUTM** – Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Permitted 2009 (not implemented).

- 2.7. **06/01639/OUTM** - Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Refused 2007 for reasons related to lack of amenity open space, childrens play areas and sports facilities, impact on the amenity of future occupiers, highways matters and lack of affordable housing.

### **3.0 The Proposal**

- 3.1 The application seeks reserved matters (scale, appearance, layout and landscape)

approval in respect of Phase 2 which relates to the entire housing development site comprising 309 market dwellings (following Phase 1 which related to the enabling infrastructure phase/spine road only). See pg. 5 for the proposed site layout plan extract.

- 3.2 The outline permission established that the site would be accessed via a singular vehicular point of access off Hawton Lane with emergency access only via Lowfield Lane in the south-east corner of the site. The access has already been approved as part of the outline permission and is not a matter for consideration in this reserved matters submission.
- 3.3 The proposal has been amended during its lifetime as discussed in the relevant sections of the appraisal below. An additional round of consultation has been undertaken on the basis of the revised scheme received April 2024. The proposal, as revised, seeks reserved matters approval for the detailed design of 309 dwellings divided into the following mix:

No. of Bedrooms	No. of Units	% of Total
1	22	7.1%
2	121	39.2%
3	131	42.4%
4	35	11.3%
<b>Total</b>	<b>309</b>	

- 3.4 The scheme would be delivered through 17 different house types that are mainly two storeys (being typically 8m in height) with five bungalows and twenty-nine 2.5 storey units interspersed within the development (up to 9.7m in height).
- 3.5 The proposal includes areas of open space including a Local Equipped Area for Play (LEAP) (located broadly centrally in the bottom section of the site), a footpath adjacent to the attenuation pond and provision for parking for the Sports and Social Club (SSC) (adjacent to the western boundary of the SSC and eastern boundary of the Flowserve factory) as required by the Outline S106 agreement. There is also provision for drainage features including an attenuation pond in the south-east corner of the site (that was approved under 18/01235/FULM and has been implemented).
- 3.6 The dwellings would include detailing such as feature gables, varied ridge lines and covered porches as examples. Materials would be predominately brick (mix of red and buff tones) with some rendered properties and a mix of grey and brown roof tiles. The site has been split into three-character areas as follows:
- Spine Road: this area sits to the inside of the central boundary facing the main spine route through the site and includes the use of some 2.5 storey dwellings. Key features of the house types within this character area include brick headers, stone cills, formal style windows and flat porch canopies with brick being the main facing material with some render features.
  - Rural Edge: this area sits to the inside of the external boundary area facing open

spaces and the edge of the site. Key features of the house types within this character area include brick headers and cills, cottage style windows and doors, gabled canopies, hipped bays, and brick as the main facing material.

- Formal Residential: this area forms the central areas of the site and facing existing development to the northeast. Key features of this character area include brick headers and stone cills, formal style windows, flat and pitched roof canopies, and brick as the main facing material.

3.7 A number of details have also been submitted as part of the reserved matters submission (which would avoid the need to discharge the outline conditions at a later date) and will be covered separately under each relevant section of this report.

*NB: Any measurements above are approximate.*

3.8 The Proposed Site Layout is shown for information below:



*Fig. 1 - Proposed Site Layout Plan*

- 3.9 The application submission has been accompanied by and considered on the basis of the following documents and plans:

Document Description	Reference	Date Deposited
<b>Plans</b>		
Site Location Plan	102-496LIV/(P)011 G	11 Jun 2024
Presentation Layout	102-496LIV/(P)013D	14 Jun 2024
Presentation Layout with Aerial	102-496LIV/(P)014D	14 Jun 2024
Proposed Site Layout	102 496LIV P 001 AF	14 Jun 2024
S106 Parking Strategy	102 496LIV P 015 O	14 Jun 2024

Building Heights Plan	102 496LIV P 016 O	14 Jun 2024
Tree Retention, Removal And Protection Plan 1 of 2	BEA 23 084 010 REV P05	17 Jun 2024
Tree Retention, Removal And Protection Plan 2 of 2	BEA 23 084 011 REV P05	17 Jun 2024
Detailed Tree Plan	BEA 23 084 013 REV P05	17 Jun 2024
Detailed Soft Landscape Proposals, 1 of 7	BEA 23 084 01 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 2 of 7	BEA 23 084 02 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 3 of 7	BEA 23 084 03 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 4 of 7	BEA 23 084 04 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 5 of 7	BEA 23 084 05 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 6 of 7	BEA 23 084 06 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 7 of 7	BEA 23 084 07 REV P07	17 Jun 2024
Horizontal Geometry Assessment Sheet 1	FS LE GEN XX DR CE 001 P05	14 Jun 2024
Horizontal Geometry Assessment Sheet 2	FL LE GEN XX DR CE 002 P05	14 Jun 2024
Horizontal Geometry Assessment Sheet 3	FS LE GEN XX DR CE 003 P05	14 Jun 2024
Swept Path Analysis Sheet 1	FS LE GEN XX DR CE 005 P05	10 Jun 2024
Swept Path Analysis Sheet 2	FS LE GEN XX DR CE 006 P07	14 Jun 2024
Swept Path Analysis Sheet 3	FS LE GEN XX DR CE 007 P06	10 Jun 2024
Swept Path Analysis Sheet 4	FS LE GEN XX DR CE 008 P05	10 Jun 2024
Existing Levels Sheet 1	FS LE GEN XX DR CE 010	12 Feb 2024
Existing Levels Sheet 2	FS LE GEN XX DR CE 011	12 Feb 2024
Existing Levels Sheet 3	FS LE GEN XX DR CE 012	12 Feb 2024
Proposed Levels Sheet 1	FS LE GEN XX DR CE 015 P03	10 Jun 2024
Proposed Levels Sheet 2	FS LE GEN XX DR CE 016 P04	14 Jun 2024
Proposed Levels Sheet 3	FS LE GEN XX DR CE 017 P04	14 Jun 2024
Proposed Drainage Sheet 1	FS LE GEN XX DR CE 020 P03	10 Jun 2024
Proposed Drainage Sheet 2	FS LE GEN XX DR CE 021 P04	14 Jun 2024
Proposed Drainage Sheet 3	FS LE GEN XX DR CE 022 P04	14 Jun 2024

Materials Plan	102 496LIV P 004 O	14 Jun 2024
Boundary Treatment Plan	102 496LIV P 005 P	14 Jun 2024
Parking Strategy Plan	102 496LIV P 006 P	14 Jun 2024
EV Charging Plan	102 496LIV P 007 N	14 Jun 2024
Separation Distances Plan	102 496LIV P 008 O	14 Jun 2024
Open Spaces Plan	102 496LIV P 009 O	14 Jun 2024
Refuse Strategy Plan	102 496LIV P 010 O	14 Jun 2024
Proposed Leap And Central POS	23 084 P 14 REV P03	12 Jun 2024
Tree Survey Plan, 1 of 2 [existing]	BEA 23 084 008 P01	12 Feb 2024
Tree Survey Plan, 2 of 2 [existing]	BEA 23 084 009 P01	12 Feb 2024
Proposed Street Scenes	102-496LIV P 017 F	14 Jun 2024
Informal Parking Assessment	FS LE GEN XX DR CE 004 REV P01	17 Jun 2024
Proposed PRoW Illustrative Sections	FS LE GEN XX DR CE 018 P02	10 Jun 2024
<b>House Type Plans</b>		
RURAL EDGE - STOCKWOOD AS	102 496LIV (HT)1101A	14 Jun 2024
RURAL EDGE - STOCKWOOD OPP	102 496LIV (HT)1102	11 Jun 2024
RURAL EDGE - OMBERSLEY X 2	102 496LIV (HT)1103A	14 Jun 2024
RURAL EDGE - OMBERSLEY X 3	102 496LIV (HT)1104A	14 Jun 2024
RURAL EDGE - KINGFISHER X 2	102 496LIV (HT)1105	11 Jun 2024
RURAL EDGE - KINGFISHER X 3	102 496LIV (HT)1106	11 Jun 2024
RURAL EDGE - ELESHAM OPP	102 496LIV (HT)1107	11 Jun 2024
RURAL EDGE - HENBURY X 2	102 496LIV (HT)1109A	14 Jun 2024
RURAL EDGE - HENBURY X 3	102 496LIV (HT)1110A	14 Jun 2024
RURAL EDGE - PRESTBURY OPP	102 496LIV (HT)1111	11 Jun 2024
RURAL EDGE - PRESTBURY AS	102 496LIV (HT)1112	11 Jun 2024
RURAL EDGE - MILFORD AS	102 496LIV (HT)1113	11 Jun 2024
RURAL EDGE - MILFORD OPP	102 496LIV (HT)1114 A	11 Jun 2024
RURAL EDGE - LEASIDE OPP	102 496LIV (HT)1115	11 Jun 2024
RURAL EDGE - RICHMOND+	102 496LIV (HT)1117	11 Jun 2024
RURAL EDGE - LAMBOURNE X 2	102 496LIV (HT)1118	11 Jun 2024
RURAL EDGE - M4(3) BUNGALOW	102 496LIV (HT)1119	11 Jun 2024
RURAL EDGE - M4(3) BUNGALOW X 2	102 496LIV (HT)1120	11 Jun 2024
RURAL EDGE - RAMSEY+ OPP	102 496LIV (HT)1121 A	11 Jun 2024
RURAL EDGE - NEWBURY - LANSDOWNE+	102 496LIV (HT)1122 A	11 Jun 2024
RURAL EDGE - LANSDOWNE+OPP	102 496LIV (HT)1123	11 Jun 2024
RURAL EDGE - NEWBURY OPP	102 496LIV (HT)1124A	14 Jun 2024
RURAL EDGE - NEWBURY AS	102 496LIV (HT)1125	11 Jun 2024
RURAL EDGE - NEWBURY W V1	102 496LIV (HT)1126	11 Jun 2024
RURAL EDGE - NEWBURY W V2	102 496LIV (HT)1127	11 Jun 2024
RURAL EDGE - HENBURY-HENBURY- NEWBURY	102 496LIV (HT)1128	11 Jun 2024
RURAL EDGE – NEWBURY LANSDOWNE+V2	102 496LIV (HT)1129	11 Jun 2024



SPINE ROAD - NEWBURY W	102 496LIV (HT)2101	11 Jun 2024
SPINE ROAD NEWBURY AS	102 496LIV (HT)2102C	14 Jun 2024
SPINE ROAD - NEWBURY OPP	102 496LIV (HT)2103B	14 Jun 2024
SPINE ROAD - ELESHAM AS	102 496LIV (HT)2104A	14 Jun 2024
SPINE ROAD - MOTTRAM X 4	102 496LIV (HT)2105B	14 Jun 2024
SPINE ROAD - MOTTRAM X 3	102 496LIV (HT)2106	11 Jun 2024
SPINE ROAD - MILFORD AS	102 496LIV (HT)2107	11 Jun 2024
SPINE ROAD - MILFORD OPP	102 496LIV (HT)2108	11 Jun 2024
SPINE ROAD - RICHMOND+	102 496LIV (HT)2109	11 Jun 2024
SPINE ROAD - HENBURY X 2	102 496LIV (HT)2110	11 Jun 2024
SPINE ROAD - STOCKWOOD AS	102 496LIV (HT)2111	11 Jun 2024
SPINE ROAD - STOCKWOOD OPP	102 496LIV (HT)2112	11 Jun 2024
SPINE ROAD - MAYLAND-LEASIDE	102 496LIV (HT)2113	11 Jun 2024
SPINE ROAD - ELESHAM-MARYLAND	102 496LIV (HT)2114A	11 Jun 2024
SPINE ROAD - RAMSEY+ OPP	102 496LIV (HT)2115	11 Jun 2024
SPINE ROAD - KINGFISHER X 4	102 496LIV (HT)2116A	14 Jun 2024
SPINE ROAD - KINGFISHER X 3	102 496LIV (HT)2117	11 Jun 2024
SPINE ROAD - KINGFISHER X 2	102 496LIV (HT)2118	11 Jun 2024
SPINE ROAD - LANSDOWNE+ AS	102 496LIV (HT)2119A	11 Jun 2024
SPINE ROAD - LANSDOWNE+ OPP	102 496LIV (HT)2120A	11 Jun 2024
SPINE ROAD - LANSDOWNE+ X2	102 496LIV (HT)2121A	11 Jun 2024
SPINE ROAD - PRESTBURY OPP	102 496LIV (HT)2122	11 Jun 2024
SPINE ROAD - LEASIDE OPP	102 496LIV (HT)2123A	11 Jun 2024
SPINE ROAD - LAMBERHURST X 2	102 496LIV (HT)2124	11 Jun 2024
SPINE ROAD - OMBERLSEY X 2	102 496LIV (HT)2125	11 Jun 2024
SPINE ROAD - NEWBURY W V2	102 496LIV (HT)2126	11 Jun 2024
SPINE ROAD – NEWBURY-HENBURY-HENBURY	102 496LIV (HT)2127	11 Jun 2024
SPINE ROAD - NEWBURY W V3	102 496LIV (HT)2128	14 Jun 2024
SPINE ROAD – ELESHAM OPP	102 496LIV (HT)2129	14 Jun 2024
FORMAL RESIDENTIAL - ELESHAM AS	102 496LIV (HT)3101A	14 Jun 2024
FORMAL RESIDENTIAL - ELESHAM OPP	102 496LIV (HT)3102A	14 Jun 2024
FORMAL RESIDENTIAL - HENBURY X 2	102 496LIV (HT)3103	11 Jun 2024
FORMAL RESIDENTIAL - KINGFISHER X 2	102 496LIV (HT)3104A	14 Jun 2024
FORMAL RESIDENTIAL - KINGFISHER X 3	102 496LIV (HT)3105	11 Jun 2024
FORMAL RESIDENTIAL - LAMBERHURST X 2	102 496LIV (HT)3106	11 Jun 2024
FORMAL RESIDENTIAL - LAMBOURNE X 2	102 496LIV (HT)3107	11 Jun 2024
FORMAL RESIDENTIAL - LAMBOURNE X 3	102 496LIV (HT)3108A	11 Jun 2024
FORMAL RESIDENTIAL - LANSDOWNE+-NEWBURY	102 496LIV (HT)3109	11 Jun 2024
FORMAL RESIDENTIAL - LANSDOWNE+-X2	102 496LIV (HT)3110A	11 Jun 2024
FORMAL RESIDENTIAL - LANSDOWNE+ AS	102 496LIV (HT)3111	11 Jun 2024

FORMAL RESIDENTIAL - M4(3) BUNGALOW OPP	102 496LIV (HT)3112A	11 Jun 2024
FORMAL RESIDENTIAL - MILFORD AS	102 496LIV (HT)3113	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY- LANSDOWNE	102 496LIV (HT)3114	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY W	102 496LIV (HT)3115	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY AS	102 496LIV (HT)3116	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY OPP	102 496LIV (HT)3117	11 Jun 2024
FORMAL RESIDENTIAL - PRESTBURY OPP	102 496LIV (HT)3118	11 Jun 2024
FORMAL RESIDENTIAL - RAMSEY+ AS	102 496LIV (HT)3119	11 Jun 2024
FORMAL RESIDENTIAL - RAMSEY+ OPP	102 496LIV (HT)3120	11 Jun 2024
FORMAL RESIDENTIAL - RICHMOND+ AS	102 496LIV (HT)3121	11 Jun 2024
FORMAL RESIDENTIAL - STOCKWOOD AS	102 496LIV (HT)3122	11 Jun 2024
FORMAL RESIDENTIAL – LANSDOWNE+X2 V2	102 496LIV (HT)3123	11 Jun 2024
PROPOSED GARAGES	102 496LIV (HT)4001 B	11 Jun 2024
<b>Reports</b>		
Covering Letter From Agent 10 <sup>th</sup> Oct 2023		10 Oct 2023
Covering Letter From Agent 9 <sup>th</sup> Feb 2024		12 Feb 2024
Design and Access Statement	Rev. A	04 Oct 2023
Drainage Technical Note	LP405 FS LE GEN XX TN CE TN01 P03, by Link Engineering, 7 <sup>th</sup> June 2024	14 Jun 2024
Arboricultural Method Statement	BEA-23084-DP-AMS002 (P01), 19 <sup>th</sup> Sept 2023	12 Jun 2024
Tree Survey Report	BEA-23084-DP-TR001 (P01), 19 <sup>th</sup> Sept 2023	12 Jun 2024
Tree Survey Report	BEA-23084-DP-TR001 (P02), 19 <sup>th</sup> Sept 2023	12 Jun 2024
5+ Year Landscape Management Plan	BEA-23-084-TGW- LMP001 (P02), Sept 2023	12 Jun 2024
Confidential Site Walkover Letter Statement	By E3P, 7 <sup>th</sup> Feb 2024	12 Feb 2024
Ecology Site Walkover Letter	7 <sup>th</sup> Feb 2024	31 May 2024
Site Walkover Letter Statement	80-754-L1-3, By E3P, 11 <sup>th</sup> June 2024	2 Jun 2024
Ecology Ground Level Tree Assessment		22 Apr 2024
Ecological Mitigation, Management and Enhancement Scheme	80-754-R5-5 By E3P, 17/06/2024	17 Jun 2024
Construction Management Statement CMS Appendix A – Build Sequence CMS Appendix B – Paves Plan CMS Appendix C – HGV Routing Plan	Rev. B, 22 <sup>nd</sup> May 2023 BS100 Rev. B PP100 Rev. A Rev. A	22 May 2024

Reserved Matters Noise Mitigation Scheme	P23-331-R01 V4, by Hepworth Acoustics, June 2024	11 Jun 2024
Technical Note Response to NCC LHA Comments (Highways)	LP405 FS LE GEN XX TN CE TN04	10 Jun 2024

#### **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of 123 properties have been individually notified by letter. A site notice has also been displayed near to the site and adverts have been placed in the local press.

4.2 Most recent site visit undertaken on: 25.04.2024

#### **5.0 Planning Policy Framework**

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 - Sustainable Transport  
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities  
Core Policy 1 – Affordable Housing Provision  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Area Policy NAP 1 – Newark Urban Area  
Area Policy NAP 2 – Land South of Newark

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

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM3: Developer Contributions  
Policy DM4: Renewable and low Carbon Energy Generation  
Policy DM5: Design  
Policy DM7: Biodiversity and Green Infrastructure  
Policy DM10: Pollution and Hazardous Materials  
Policy DM12: Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As

such, the application has been assessed in-line with policies from the adopted Development Plan.

#### 5.4. **Other Material Planning Considerations**

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places (September 2019)

Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (June 2021)

NSDC Plan Review Publication Amended Allocations & Development Management DPD (November 2022)

Building for a Healthy Life (2020)

Technical housing standards – nationally described space standard (2015)

- 5.5. A number of the policies referenced above have been included for completeness as they were considered as part of the Outline proposal. Those relevant to this application are detailed and discussed within the report at section 7.0.

#### 6.0 **Consultations and Representations**

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

##### **Statutory Consultations**

- 6.1. NCC Highways – No objection subject to conditions and informative notes.
- 6.2. Sport England – No objection.
- 6.3. The Environment Agency – No objection.

##### **Town/Parish Council**

- 6.4. Balderton Parish Council – Object, concerns raised:
- Access arrangements into the site, concerns relating to highway safety during construction, the Hawton Lane junction and lack of public transport to reduce private car traffic.
  - Loss of footpath 11 and loss of connectivity to the Sustrans Route.
  - Concern in relation to loss of trees and landscaping.
  - Concern over lack of detail for the play area and concern that disabled children will not be considered.
  - Concern that the layout is not fit for use by refuse vehicles.
  - Concern that the redevelopment of this site has increased run-off to surrounding land and that the site attenuation pond is not operating properly.

#### 6.5. **Representations/Non-Statutory Consultation**

- 6.6. NSDC Tree Officer – No objection.
- 6.7. NSDC Ecology Officer – No objection.
- 6.8. NSDC Environmental Health – No objection.
- 6.9. NSDC Contaminated Land Officer – No objection, subject to conditions.
- 6.10. NSDC Parks and Amenities – No comments received.
- 6.11. NCC Planning Policy - No comments received.
- 6.12. NCC Rights of Way – No objection, subject to landscape management being secured.
- 6.13. NCC Flood Risk (LLFA) – No objection.
- 6.14. Nottinghamshire Wildlife Trust – No comments received.
- 6.15. Severn Trent Water – No comments received.
- 6.16. Trent Valley Internal Drainage Board - No comments received.
- 6.17. Ramblers - No comments received.
- 6.18. Nottinghamshire Police – reference to the Secured by Design accreditation.
- 6.19. Nottinghamshire Fire & Rescue Service – (A consultation was undertaken with this body in relation to the housing layout adjacent to the emergency services access onto Lowfield Lane) No comments to make as the fire authority are only consulted as part of the Building Regulations process, however, defer to Approved Document B (Volume 1) of the Building regulations (2010) for appropriate access design.
- 6.20. Newark Town Council – Object, concerns raised:
- Support original concerns raised by consultees due to parking for the sports club, S106 conditions not being met, concerns of the tree officer, public rights of way officer, highways, and sport England.
  - No amended comments have been received from the Town Council following re-consultation on the amended plans.
- 6.21. Comments have been received from **TWO** third parties/local residents that can be summarised as follows:
- Concerns in relation to the removal of the trees in the south-east corner of the site adjacent to Lowfield Cottages as they are a roost for Tawny Owls and bats which has not been considered in the application.
  - Request for the drainage scheme to resolve existing surface water run off issues from the eastern boundary.
  - Concerns that the new houses would receive noise attenuation to protect them from the Southern Link Road but existing houses on Lowfield Lane were not

required to be improved as part of the Southern Link Road permission which is double standards.

- Concerns about a ransom strip of land adjacent to the eastern boundary between Mead Way and the development site which could have been incorporated into the development if requested.

## **7.0 Comments of the Business Manager – Planning Development**

7.1. The key issues are:

- Background Information
- Phasing of the Development
- Housing Mix, Type and Density
- Design, Character, and Appearance
- Landscaping and Ecology Matters
- Impact on Amenity
- Highway Matters (including Rights of Way)
- Flood Risk and Drainage
- Impact on Ecology
- Land Contamination
- Impact on Surrounding Land Uses
- Developer Contributions
- Other Matters

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF (2023) refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management DPD (2013).

### **Background Information**

7.3. Outline permission for a residential development of up to 322 units was allowed at appeal in June 2021 with all matters reserved except access. The principle of the residential use of the site and general parameters have been established and need not be considered further in any detail. Access was also established in the outline consent as being taken off Hawton Lane via the existing access drive at the northern boundary with emergency access only via Lowfield Lane in the south-east corner of the site. The route of access into the site has been approved and is therefore not a matter than can be revisited as part of this assessment.

7.4. Members may recall that the crux of the Outline appeal was that the scheme did not propose any developer contributions (in respect of affordable housing, healthcare, education, transport, community facilities etc.) because of development viability from

significant contamination and remediation costs. The Inspector resolved to allow the appeal in the absence of any developer contributions with only on-site open space (to include a Local Equipped Area for Play/LEAP) and car parking provision for the Sports and Social Club (SSC) being secured by a S106 agreement. As the outline permission was granted on this basis it is not possible to revisit this matter. The viability of the scheme remains an important consideration when assessing this reserved matters in relation to the overall quantum of development which was fixed at a maximum of 322 units.

- 7.5. Reserved matters approved for Phase 1 of this development was subsequently granted in November 2023 which related to an enabling infrastructure phase. This included provision of a new spine road and enabling works which would extend from Hawton Lane to the south through the top portion of the site connecting the existing SSC, Flowserve Factory and part of the residential development. Alongside this, the Phase 1 application also dealt with some of the requirements of the conditions attached to the Outline consent for this initial phase.
- 7.6. Following negotiations and discussions that have taken place as part of the assessment of this application a non-material amendment application was also submitted and approved in respect of Phase 1 to increase the footway along the spine road from 2m wide to 3m to accommodate a cycle route from the factory entrance (junction with Balderton FP11) and Hawton Lane.
- 7.7. This current proposal relates to Phase 2 which is for the entire housing development of 309 market dwellings to be delivered by Lovell Homes. The quantum sought is below the maximum quantum of 322 units set by the outline permission, however the proposed site layout shows all available land (that does not form part of any public open secured by the S106 agreement) occupied for housing, such that a future reserved matters for 13 dwellings would not be forthcoming. The initial 322 quantum was based on the potential inclusion of apartments as part of the outline proposal, however as the housing mix was not a matter for consideration and due to negotiations that have taken place to secure an acceptable housing layout the quantum has been reduced to 309 units.
- 7.8. As part of this assessment, only the reserved matters including appearance, landscaping, layout and scale of the development proposed are open for consideration as well as the internal highway layout (other than the extent of the road infrastructure approved under Phase 1). The access and principle of the development have been accepted.

#### Phasing of the Development

- 7.9. Condition 04 of the Outline consent required submission of a Phasing Plan with the first reserved matters application detailing how the development was proposed to come forward in each phase of the development. The phasing plan submitted under 23/00621/RMA (the Phase 1 enabling application) detailed the intention for the development to be split into two phases:

- Phase 1: providing the enabling infrastructure including the provision of a new spine road and enabling works which would extend from Hawton Lane to the south through the top portion of the site connecting the existing SSC, Flowserve Factory and part of the residential development.
- Phase 2: the entire remainder of the residential development and areas of public open space and parking.

7.10. Given the phasing details detailed above have previously been agreed there is no need to discharge Condition 4 attached to the Outline consent.

#### Housing Mix, Type and Density

7.11. Paragraph 60 of the NPPF states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Policy 3 (Housing Mix, Type and Density) indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need, namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the disabled and elderly population, but to reflect local need. It also states that housing mix, type and density will also be dependent on the local circumstances of the site, any localised housing needs information and the housing market at the time of delivery.

#### *Density*

7.12. The maximum quantum of overall housing was set at Outline stage and to a degree the density was also indicated. It is noted that this proposal would provide 309 units which is 13 units less than the maximum quantum set by the outline. Based on a developable area of 8.7 hectares (i.e., excluding open space and land reserved for the attenuation pond) this quantum would give a development density of around 35.5 dwellings per hectare which would comply with the requirements of CP3.

#### *Mix and Type*

7.13. The Council's District Wide Housing Needs Assessment (2020) forms the most up to date survey data (HNS) for the District. The site falls within the Newark Sub Area of this assessment which sets out the overall housing mix required for the sub-area. The following table is an assessment of the 309 units and mix proposed against the HNS (2020) data:

Housing Mix		
Dwelling Type	Proposed Number and %	HNS 2020 (%)
1 bed house	22 (7.1%)	19.5%
2 bed house	116 (37.5%)	
3 bed house	131 (42.4%)	30.7%
4 or more bed house	35 (11.3%)	25.5%
1 bed flat	-	4%
2 or more bed flat	-	4.9%



1 bed bungalow	-	-
2 bed bungalow	5 (1.6%)	7.4%
3 or more bed bungalow	-	6.7%
Other	-	1.3%

- 7.14. The proposed mix of the percentages would generally align with that shown in the recent housing needs evidence (i.e., the greatest delivery would be three bed houses) and provide family housing in addition to smaller housing of 2 bedrooms or less in accordance with the objectives of CP3.
- 7.15. The scheme also includes five bungalows which have been added following negotiations which have taken place during the life of the application. Officers sought the inclusion of bungalows in the overall mix given this accounts for c.14% of the overall housing need for this sub-area (and a consequential reduction in number of 2-bed units) to better align with the HNS (2020) data and make some (albeit small) contribution towards providing housing for the disabled and elderly population in accordance with CP3. Whilst it would better align with the housing need for a greater proportion of bungalows, Officers are mindful that the proposed quantum of 309 units is already below the maximum quantum of 322 units as set by the outline and that further reduction in number or amendment to the housing mix could compromise the overall development viability.
- 7.16. Furthermore, Officers consider it would be unreasonable to expect an exact match between the percentages cited in the HNS (2020) and the proposed housing mix, especially since the survey results cover the entire Newark sub-area rather than being specific to Balderton. Nevertheless, whilst there would be an over provision of 1-3 bed units and subsequent under provision of 4 bed units and bungalows, this would be marginal in comparison to the wider needs of this sub-area. When considered against the locality as a whole it is considered that the development would provide an appropriate mix for the area which would comply with the aims and objectives of CP3.

#### Design, Character, and Appearance

- 7.17. The site represents previously developed land once occupied by factory buildings associated with the Flowserve factory operations. Whilst the built form associated with this use has now been demolished, it is clear from aerial imagery that the site previously displayed very different visual characteristics. What is also clear is that works underway implementing the 2018 remediation consent, and the development of Land South of Newark/Middlebeck to the west has resulted in a difference in the character of the site and surroundings.



*Fig. 2 (L) Aerial Image of the Site and Surroundings from 2009 (Insight Mapping)*

*Fig. 3 (R) Present day (D&A Statement)*

- 7.18. The extant Outline approval accepted the principle of the residential development of the site which will clearly have fundamentally different landscape and visual characteristics to both the previous land use of the site, but more importantly, the site as existing which has been cleared and remediated to a development plateau.
- 7.19. To the north and partially to the east of the site is existing residential development off Hawton Lane and to the west is land which forms part of the Land South of Newark strategic housing site. At present the land to the north, north-east and west of the site is predominately residential in nature, this will only increase further with the forthcoming development of the residential allocation at Land South of Newark. Towards the southern half of the eastern boundary the site is bound by open fields and a public footpath spans the length of this boundary. It is also noted that outline planning permission for 151 dwellings is pending consideration on land to the east of the site ref. 22/02375/FULM, which if approved, would add to the residential character of the area.
- 7.20. Core Policy 9 (Sustainable Design) requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 (Design) requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Good design is one of the core principles of the NPPF, which para 131 stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 7.21. The NPPF also sets an expectation for local planning authorities to make appropriate use of tools and processes for assessing and improving the design of development including specific reference to frameworks such as Building for a Healthy Life (BHL). The original 12-point structure and underlying principles within Building for Life 12 are at the heart of BHL. Assessment relates to Integrated Neighbourhoods; Distinctive

Places and Streets for All which will be considered below.

- 7.22. Neither local nor national policies are intended to be prescriptive in respect to matters of design. It is fully appreciated (and indeed expected) that the design of the proposed dwellings is based on an established product and indeed are similar to others delivered elsewhere in the Town. The development would deliver a number of different house types which would add visual interest to the scheme as evidenced by the submitted street scene plans and the site has been divided into three sub-areas to reflect the different character areas of the site and surroundings (as explained in the description of the proposal).
- 7.23. The applicant (Lovell Homes) is a major national housebuilder with a number of varying house types as demonstrated by the current submission which would employ the use of 17 house types across the 309 units.
- 7.24. The proposed layout relies on a central spine road from the access off Hawton Lane with associated cul-de-sac arrangements. There are also instances of a number of private drives serving plots directly from the spine road (for example Plots 295-307). At the entrance to the site, there are two plots which would address Hawton Lane (albeit set back behind the retained trees along the highway boundary and an area of landscaping) with a dual aspect dwelling also fronting the spine road which will create a welcoming gateway to the development and a green and verdant appearance to the site entrance – noting also that existing trees on the eastern side of the spine road would be retained in addition to the Local Wildlife Site (LWS) which lies to the north-west/adjacent to Hawton Lane). The spine road would feature a number of trees along its length and around the areas of public open space and attenuation pond to the west/south-west (as can be seen on the detailed landscaping plans).

#### *Integrated Neighbourhoods*

- 7.25. By virtue of having a singular vehicular access point into the site the development is inherently disconnected from existing residential properties that lie to the north-west side of the site. However, whilst the Applicant has explored potential connections into Hayside Avenue, Anderson Close and Mead Way to the east, these have not been successful due to third party land ownership (including a ransom strip which is owned by a third party, as referenced in one of the local resident comments received). Nevertheless, the outline planning consent was approved on the basis of the singular vehicular access into the site (with emergency access via Lowfield Lane) and therefore, whilst additional vehicular connectivity would be preferable, it is not considered to be fatal to the development given the principles accepted by the outline permission.
- 7.26. Nevertheless, the road hierarchy of the development has been designed to allow for a main spine road, leading to secondary cul-de-sac roads and tertiary private drives at the edges of the development. An emergency access route is provided to the south of the site onto Lowfield Lane (as secured by the outline consent) and would have bollards preventing general access. The spine road would serve the development site as well as preserving access to the Flowserve factory and the SSC and has been designed to accommodate factory traffic along the initial section leading to the factory.

- 7.27. The road network serving the development would loop around the majority of the site boundary (when shared drives are included) which does allow for positive elements of connectivity (in particular for pedestrians). Following negotiations, the revised plans also show additional pedestrian linkages onto the Balderton Footpath 13 which spans the majority of the eastern boundary and would be improved as part of this application. In this regard, Officers note comments received from the Parish Council which raise concerns about the closure of existing rights of way which, for the avoidance of doubt, is incorrect. The development seeks to materially enhance existing public rights of way across the site and encourage pedestrian and cycling connectivity.
- 7.28. Officers have also negotiated the creation of a footpath route north to south around the attenuation pond to create an attractive pedestrian route through the development and the incorporation of footpaths along existing pedestrian desire lines that can be seen in the north-west corner of the site to improve connectivity to the Sustrans network. The Applicant has also taken on board feedback about the improvement of pedestrian connectivity throughout the site and proposes to improve existing public rights of way to accommodate cyclists. Plots have been orientated to ensure passive surveillance for new and existing footpaths/PRoW which is welcomed and overall, there are minimal 'dead ends' (for pedestrians) within the layout such that the site would allow for easy navigation. Notably, Active Travel and Nottinghamshire County Council Public Rights of Way have both commented in support of the revised plans which have overcome their previous concerns in relation to connectivity and navigation.

#### *Distinctive Places*

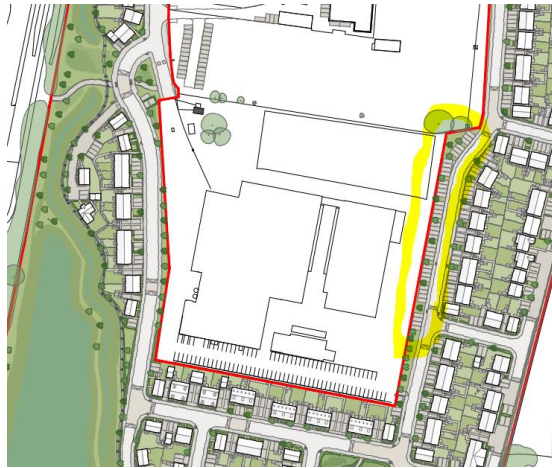
- 7.29. Given the brownfield nature of the site, there are limited features to consider in the design of the scheme within the site itself. However, the site wraps around the retained Flowserve factory building (which is typical in appearance for a commercial building) and the SSC which lies to the north of the factory. The SSC is enclosed by mesh fencing and is set at a higher ground level than the application site. To the western boundary (outside of the application site/within the SSC fence line) is a row of trees that buffers the SSC from the site, and other areas of trees/landscaping exist to the north adjacent to Hawton Lane. To the west of the site access is an existing Local Wildlife Site (LWS), along with a tree protected by TPO and to the east is an area of landscaping and trees – all of which are proposed to be retained as part of the development. In the south-west corner of the site is the attenuation pond, which is a prominent feature within the site, beyond which is the Sustrans national cycle route which spans the western boundary (north-south).
- 7.30. The proposed layout plans have been designed to respond to the abovementioned features with plots at the site entrance both addressing Hawton Lane, facing westwards towards the LWS area, and addressing the spine road facing east to create an attractive entrance to the site. Properties along the spine road address the street scene and 2.5 storey units have been positioned adjacent to the factory building where massing of built form already increases – this represents an appropriate transition to the larger scale of the factory building.



*Fig. 4 Street Scene Extract of Plots 219-236 which run adjacent to the Flowserve Factory Boundary*

- 7.31. Properties on the western side of the 'Formal Residential' character area (i.e., the southern section of the site) have been designed to respond to the attenuation pond to the west with some properties fronting the pond for an attractive outlook. Properties at the southern boundary are orientated to front Lowfield Lane where some 2.5 storey buildings have been incorporated – whilst generally speaking the heights of development would typically reduce at the boundaries with the countryside, in this location it is noted that to the south of Lowfield Lane is an area of tree planting that provides separation from adjacent road infrastructure, such that this increase in height of development at the boundary is not considered to be harmful in this location. Properties on the eastern side of the site are also proposed to be orientated east to look out onto the adjacent countryside (past the PRow that spans the eastern boundary).
- 7.32. The house types proposed for this development are a mixture of standard Lovell products which are found on many other development sites but also a number of variations of standard house types to respond to site-specific plots. As set out above, the development is outward facing insofar as principal elevations are orientated towards the boundaries in a number of development blocks. Corner plots have dual frontages with windows serving principal rooms on the side elevations for added active surveillance.
- 7.33. The original plans showed some internal vistas which would terminate with a row of car parking spaces which has been largely resolved through the final revised submission. There are still a number of internal vistas which terminate with parking turning heads (for private drives) but given that the views beyond these would be towards the countryside edges, this is not considered fatal in design terms.
- 7.34. One of the biggest concerns in the design of the original scheme was in relation to connectivity through the development and the proposed parking provision (discussed further in terms of number of spaces in a subsequent section of this report). However, improvements have been made throughout the application such that the scheme now mostly complies with the Council's Supplementary Planning Document (SPD) on parking space design which specifically advises that every four spaces should be broken up by an area of landscaping the same size as a parking space. There are still some areas of non-compliance, for example for plots 260-264 which is at the end of a private drive, however, on a scheme of this size it is considered that the parking design is appropriate as a compromise to provide a better relationship of the spaces to the dwellings which they serve.
- 7.35. A large expanse of parking is proposed on the western side of the site, adjacent to the

eastern boundary of the SSC (i.e., opposite plots 59-73, see Fig. 5 below). Following negotiations, this has been broken up into blocks of 4 spaces with intervening landscaping but nevertheless results in parking spaces opposite each other in the street scene which is generally discouraged in the Council's Parking SPD. However, this area of parking would serve the SSC site and was specifically secured by the S106 agreement (which was based on an indicative plan showing parking in this location). The parking would serve a necessary purpose for the SSC and has been designed to incorporate landscaping to mitigate the expanse of hard surfacing which is acceptable in this case in light of the S106 requirement.



*Fig. 5 Proposed Site Layout Plan extract showing part of the S106 Parking Area (adjacent to the eastern factory boundary)*

- 7.36. The material palette proposed reflects the built form of Balderton and Newark (including the houses being developed as part of the adjacent strategic urban extension), being predominantly red brick, with some interspersed buff brick and rendered units. This use of materials will help to create a sense of place and add interest to the street scene and has been designed based on the three-character areas described in the proposal section to create visual interest and assist wayfinding. Details of the boundary treatments have also been provided which include the use of screen walls to the gardens of prominently located plots (rather than fencing) as well as boundary hedges/landscaping on prominent corner plots and acoustic fencing as required by the results of the acoustic assessment secured as part of the outline permission. In light of comments from the Highway Authority in relation to fencing surrounding the private drives and parking spaces the submitted boundary plan is being updated to align with the conditions recommended by the Highway Authority. For completeness, in the absence of this plan, a condition could be used to require the updated boundary plan to be submitted to and approved in writing by the LPA prior to occupation (and thereafter implemented prior to occupation), however should this be received prior to determination this will be reported as a late item to planning committee.
- 7.37. The drainage plan shows the proposed finished floor levels for the dwellings set against external levels. This demonstrates that the dwellings would also appropriately respond to the topographical changes across the site.

- 7.38. Overall, the revised plans have incorporated recommendations made to improve the character, layout and appearance of the development to result in a development with well-defined streets and spaces that is easy to navigate and responds well to the existing site context.

*Streets for All*

- 7.39. BHL acknowledges that well designed development will make it more attractive for people to choose to walk or cycle for short trips. As already identified, the scheme has been amended to incorporate additional opportunities for pedestrians and cyclists as well as integrating existing and future desire lines. Whilst the development is designed around a central (vehicular) access point and spine road, the road hierarchy and connectivity with existing and proposed footpaths around the site, as well as around areas of public open space, provides areas for people to stop and socialise as advocated as an example of a good scoring scheme against the BHL criteria. The layout also incorporates active frontages and street trees, in addition to distinct areas of public open space to promote *healthy streets*.
- 7.40. Although the BHL document includes specific examples of what should be expected for cycle and parking provision, the Council has adopted a SPD on residential cycle and parking standards and therefore it is considered more relevant to assess the scheme against the provisions of this document. Nevertheless, BHL expects parking to be sufficient and well-integrated. In regard to the latter, the Council's SPD sets a number of expectations on design and quantum for residential developments.
- 7.41. In order to comply with the SPD, 4-bed dwellings should have three parking spaces, 2-3-bed dwellings should have two spaces and 1-bed dwellings should have one space. Single or double width spaces are required to be a minimum of 3m by 5.5m (with an additional 0.3m if they are bounded by a wall or similar obstruction). Internal garages should be at least 3.3m by 6m with a minimum door width of 2.4m for a single garage or 6m by 6m with a door width of 4.2m for a double garage.
- 7.42. The parking provision and design has been subject to lengthy discussions throughout the application noting significant issues with the original proposal including reliance on rear parking courts and triple tandem parking. The latest plans have been accompanied by a parking heat map which assesses the scheme against both NCC guidance and the Council's aforementioned SPD, which is a more accurate reflection of local parking demand.
- 7.43. The revised scheme demonstrates significant improvements from the initial plans in terms of parking provision. Internal garages and parking spaces have been increased in size to adhere to the SPD and parking courts have been removed in favour of on-plot solutions. This has resulted in 14 plots (4.5% of the total scheme) requiring a triple tandem parking arrangement (for example, plots 182-185 (see Fig. 6 below); however, these are predominately located off private drives). The SPD discourages tandem parking in general, however accepts that it can be necessary in some cases, provided it is not the predominate parking solution. In this case 126 plots out of 309 (i.e., 41%) would be served by double tandem parking spaces which, whilst not ideal, is not dissimilar to the approach taken on the Middlebeck development to the west (ref.





Fig. 6 Example of Triple Tandem Parking (Plots 182-185)

- 7.44. The revised scheme has significantly reduced the amount of triple and double tandem parking spaces and any further reduction would compromise the quantum of development that could be achieved on the site. Officers note that the outline consent was accompanied by an indicative site layout which was advanced prior to the Council's adoption of the Parking SPD and relied on double and triple tandem parking relationships. Ultimately it is not considered that the inclusion of tandem parking as proposed in the revised plans would result in significant harm, particularly when compared with the approach taken on neighbouring schemes, and in general the parking layout has been improved to better align with the Council's SPD. Officers are also mindful that the quantum of houses proposed in this reserved matters falls slightly short of the maximum quantum set by the outline consent and any further reduction in housing numbers could compromise the viability of the scheme. It is therefore considered, in this specific case, that the tandem parking arrangement would be acceptable.
- 7.45. There are still a number of plots (dispersed throughout the development) where there would be a short walk from the spaces to the front door (i.e., dissociated parking) but the vast majority of the spaces are well related to the plots which they would serve. Dissociation of parking has also been significantly improved from the original plans submitted.
- 7.46. The parking heat map also identifies areas for visitor parking across the development, amounting to approx. 38 spaces in total (not including the spaces shown for the SSC at required by the S106). The Highway Authority have reviewed this and consider it to be acceptable, noting that in areas where visitor parking would be provided on-street the highway is significantly wider than a standard residential estate road which would mean the footway would not be obstructed by parked cars which is acceptable. Other areas across the development have been considered in terms of the potential impact of on-street parking and highway safety and the Highway Authority have recommended that a condition relating to the provision of double yellow lines in all of the turning heads is attached in order to discourage parking within these areas (which



would obstruct vehicles wishing to turn). Conditions relating to traffic management measures have also been requested to ensure overspill parking does not take place on the spine road/adjacent to the 3m wide shared foot/cycle way which are considered to be reasonable in the interest of highway safety.

- 7.47. In terms of cycle storage, each plot would be provided with a shed for cycle storage in accordance with the requirements set out in the SPD.
- 7.48. Another issue that was raised with the original plans submitted was the lack of street trees. Paragraph 136 of the NPPF sets the expectation that planning decisions should ensure that new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly planted trees. There is an acknowledgement that solutions may need to be sought to ensure that planting is compatible with highways standards.
- 7.49. Following negotiations with the Council's Tree Officer the landscaping plans have been revised to incorporate significant additional planting (in excess of 600 trees across the development), including street trees of acceptable species to enhance the character and appearance of the development. The main spine road would include trees along areas of public open space, surrounding the attenuation pond and trees would also be included along the road network throughout the development (as can be seen on the Presentation Layout Plan and Soft Landscaping Plans).
- 7.50. At request, a plan has been provided showing where these trees would be in private and public ownership (i.e., where they would be within front gardens or within the actual street/public open space) and it is noted that the majority would be in private ownership where they follow the road network of the development which would not amount to delivering true tree lined streets (where the trees are positioned within the highway/footway). The proposed street trees would be within plots and therefore subject to private management by plot owners. The risk of this is that even if the trees are planted as envisaged individual owners may remove these later. However, it is noted that the Tree Strategy plan does show trees in public ownership interspersed around the development and particularly around the public open space to the western side of the development that would be maintained by a management company. In this case, it is noted that there will always be compromises in achieving street trees within the highway network and the latest iteration of plans have been carefully negotiated with the Council's Tree Officer and the Highway Authority to strike a balance of providing some tree-lined streets as well as a suitable and safe parking and highway design.

#### Landscaping and Ecological Matters

- 7.51. In relation to landscaping, the existing site is largely bare ground following the demolition of the former factories and the remediation works that have taken place. However, there are areas of existing landscaping – notably the LWS in the north-west corner of the site and the trees that exist to the eastern side of the access. The boundaries of the site with the Sustrans to the west and the far eastern boundary of

Balderton Footpath 13 are also formed by existing trees and hedgerows that assist with the transition of the site into the open countryside and surrounding land uses. Landscaping around the site access also comprises formal landscaping associated with the factory site.

- 7.52. Considering first the proposed tree removal, as set out above, there are existing areas of dense tree cover predominantly around the boundaries of the site but also along the previous access driveway. The application is accompanied by a Tree Survey which identifies the trees/tree groups on site that have been surveyed, the majority of which were identified as category B. No category A trees are identified; however, it is noted that the Oak tree to the west of the site access is protected by TPO (T78).
- 7.53. The previous Remediation Permission approved the clearance of the majority of vegetation from within the site (excluding the trees along the boundaries and access drive) and re-profiling to form a levelled construction platform. Whilst the site was dominated by bare ground which was becoming increasingly overgrown there were areas on the site which had some immature and semi-mature native trees in addition to some non-native tree planting associated with former landscaping. Most of the boundary trees were proposed to be retained, including those along the access driveway and at the access onto Hawton Lane where there is the TPO designation. The trees that were proposed to be removed were classified as Category B, C and U trees. Whilst regrettable, the trees approved for removal have now been cleared from the site as this was considered necessary, given the previous land use, to assist in the remediation of the land to remove any potential contaminants.
- 7.54. However, as part of the Remediation permission, as re-secured through the Outline consent, the long-term arboricultural plan was to replace and enhance the ecology on site. The Tree Officer reviewed the submitted details at the time and advised that mitigation planting around the proposed pond and any further proposed soft landscaping proposals submitted as part of detailed reserved matters applications should seek to further mitigate and enhance for the loss of habitat and biodiversity that would occur during this phase of demolition/remediation. The Tree Officer requested a number of conditions which were attached to the Remediation permission and subsequently discharged with agreement from Nottinghamshire Wildlife Trust and additional conditions were imposed on the Outline consent to ensure the arboricultural and biodiversity enhancements were carried through to the Reserved matters.
- 7.55. The trees on site have been re-surveyed and the following trees are proposed for removal:

Tree No. & Location	Species	Category	Picture/Location
T72 – located to the east of the site access in the existing landscaped area	Cherry Plum	U (major defects identified)	
T81 – located to the west of the site access	Apple	C (fair condition)	
T10 – located at the eastern side of the PRow that runs between the factory and the SSC	Oak	C (removal recommended to allow T09 (Ash) to flourish)	
G15 – located in the south-east corner of the site to the rear of Lowfield Cottages (partial removal only)	Cypress	C	

7.56. T72, T81 and T10 have been reviewed and are not considered to score sufficient highly to warrant preservation by a TPO. It is noted that the category of these trees are U and C (respectively). The tree survey explains that T72 has major defects and therefore its removal is considered to be acceptable. T10 is noted to be a young Oak tree which is growing into the canopy of T09 and therefore a recommendation is given for its removal to allow T09 to flourish. This is considered to be acceptable in this instance

and would be mitigated by proposed tree planting.

- 7.57. The main change in this reserved matters submission compared to the indicative plans proposed at outline stage is the proposal to remove the tree group G15 which is along the southern boundary of the site with Lowfield Cottages (i.e., the south-east corner of the site). These trees, which are shown in Fig. 7 (below), are proposed to be removed to improve the relationship of Lowfield Cottages with the plots proposed adjacent to this boundary.



Fig. 7 Tree Group G15 proposed for removal

- 7.58. These Cypress trees are categorised as 'C' category with an estimated remaining contribution of 10+ years. The survey noted these to be of fair physiological condition/ However it is noted that these evergreen trees, often planted as hedges to the boundaries of gardens due to their fast growth rate, can have ultimate height of up to 35 metres, require annual maintenance, are high water demanding, can affect building foundations and suppress other trees and vegetation from growing in close proximity.
- 7.59. The potential for the removal of these trees has divided local residents in previous applications with some wishing to see their removal to improve light levels into their properties and reduce maintenance requirements and others wishing for them to be retained for ecological reasons. Ultimately, the Tree Officer has reviewed the submitted details and advised that due to the species of tree they would not support the protection of this tree group by TPO. The trees are not otherwise located within a

conservation area and therefore could be removed without any prior consent of the LPA. Given the Tree Officer would not protect these trees it would not be possible to substantiate a reason for refusal over the proposed loss of these trees alone. Particularly given their loss would be mitigated by landscaping proposed across the development.

- 7.60. The trees have also been surveyed for potential protected species due to concerns raised by local residents and the Council's Ecologist has confirmed that they agree with the findings of the survey for protected species which has not identified any roosts or nests, but does identify one tree with suitable roosting features for bats - it is therefore recommended that this tree be soft felled under the supervision of an ecologist outside of the nesting bird season (or with prior clearance from an ecologist).
- 7.61. Save for those listed above, no other trees **within** the site are proposed for removal. It is noted that outside of the red line of the application, adjacent to the SSC access there is a group of trees (T30-T36, see Fig. 8 below) that is shown as being removed to provide parking spaces for the adjacent SSC. Given these trees are outside of the application site boundary their removal is not for consideration as part of this application, however it is noted that the proposed S106 Parking Plan submitted indicates that this land would be used to provide the parking spaces required for the SSC as part of the S106 agreement attached to the outline consent. These trees are a mixture of category U (3) and C (3) trees with <10-year life spans that would not warrant protection by TPO. Therefore, there would be no objection to their removal.

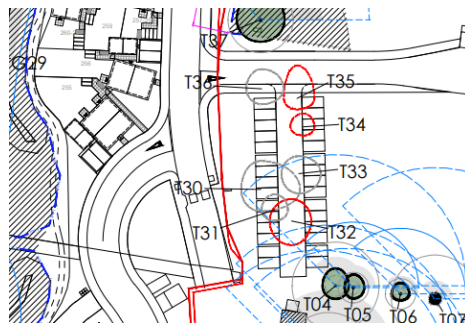


Fig. 8 Trees T30-T36 outside of the Application Site

- 7.62. All other trees within and around the site are shown as being retained. The Proposed Site Layout includes the retention of existing trees along the eastern edge of the site to assist with the countryside transition of the development and to retain the rural backdrop for Balderton Footpath 13. Clearly the buffer would not entirely screen the development noting that the proposed houses would be visible above the landscaping. However, along the eastern boundaries the dwellings are orientated to maximise views of the fields to the east creating a more attractive aspect of the development than the backs of houses and their residential curtilages.
- 7.63. The scheme also includes open space and landscaping starting from the LWS in the north-west corner of the site travelling south along the watercourse leading to the attenuation pond in the south-west corner of the site which is considered beneficial in terms of reinforcing the ecological diversity of the site and enhancing the sites existing natural features.



- 7.64. In addition, the incorporation of a landscaping along the western boundary is considered beneficial in terms of assimilating the built form of the development into the surrounding area and buffering the Sustrans network that runs N-S along the western boundary of the site.
- 7.65. The proposals also include the planting of 689 trees within the application site as set out below which would seek to mitigate for the loss of trees proposed as part of this application and the removal that was approved under the previous remediation consent.

<b>Tree Species [latin name]</b>	<b>Number</b>
Field Maple <i>Acer campestre</i>	91
Black Alder <i>Alnus glutinosa</i>	25
European Hornbeam <i>Carpinus betulus</i>	7
Judas Tree <i>Cercis siliquastrum</i>	10
Cornelian Cherry <i>Cornus mas</i>	18
Turkish Hazel <i>Corylus colurna</i>	12
Common Hawthorn <i>Crataegus monogyna</i>	96
Dove Tree <i>Davidia involucrata</i>	6
Ginkgo <i>Ginkgo biloba</i>	17
Holly <i>Ilex aquifolium</i> 'Nellie Stevens'	10
Golden Rain Tree <i>Koelreuteria paniculata</i>	3
Wax-leaf Privet <i>Ligustrum japonicum</i>	26
Sweetgum <i>Liquidambar styraciflua</i>	16
Tulip Tree <i>Liriodendron tulipifera</i>	16
Magnolia <i>Magnolia kobus</i>	17
European Crab Apple <i>Malus sylvestris</i>	69
White Mulberry <i>Morus alba</i>	4
Antarctic Beech <i>Nothofagus antarctica</i>	8
Persian Ironwood <i>Parrotia persica</i> 'Vanessa'	8
Dawn Redwood <i>Metasequoia glyptostroboides</i>	9
Stone Pine <i>Pinus pinea</i>	13
Scots Pine <i>Pinus sylvestris</i>	3
Bald Cypress <i>Taxodium distichum</i>	26
Common Holly <i>Ilex aquifolium</i>	7
Blackthorn <i>Prunus spinosa</i>	91
Elder <i>Sambucus nigra</i>	81
<b>TOTAL</b>	<b>689</b>

- 7.66. The Ecological Mitigation, Management and Enhancement scheme also details the proposed planting of shrubs and herbaceous planting, native scrub, hedgerow planting (including 6,497 tree species within hedgerows which will not reach full maturity but will be planted within hedgerows), grassland areas and wildflower meadows in addition to wetland areas. Collectively, the landscaping and habitat enhancement proposals would look to significantly enhance the landscaping and biodiversity of the scheme and aide in meeting the objective of reinforcing the ecological diversity of the site as well as the policy objectives of Core Policy 9 which

seeks to achieve sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.

- 7.67. From a landscape perspective, visually, the addition of houses amongst existing trees and vegetation would not be an uncommon expectation in this location where the site is otherwise surrounded by residential or commercial developments. Therefore, subject to existing vegetation (that is proposed to be retained) being protected in accordance with the details submitted and additional landscaping being planted in accordance with the detailed landscaping plans submitted (as described above), the transitional arrangement between countryside and built form is considered to be acceptable. Furthermore, following revisions made throughout the life of this application, the Site Layout shows the development would respect the urban grain of the surrounding area and that the incorporation of areas of landscaping and open space would aid in fragmenting any character impacts of built form from within the site.
- 7.68. In addition, the details submitted with this application address the tree protection, ecological mitigation and management and habitat creation and landscape management conditions attached to the outline consent. These details have been reviewed by the Council's Ecology and Tree Officers following detailed negotiations and they have confirmed they raise no objection to the submitted details which would adequately protect trees to be retained and ensure landscape and biodiversity enhancements to the site and LWS within the site boundary. The submitted scheme aims to secure ecological enhancements across the site which will improve biodiversity from the current site baseline. Conditions attached to the outline permission already require compliance with these submitted documents and strategies to secure these enhancements and therefore further conditions in this respect are not necessary.
- 7.69. Therefore, in light of the above assessment and considering the support from technical consultees, Officers are satisfied that the revised landscaping and habitat creation proposals have made a valid attempt at integrating the existing site green infrastructure and would result in a significant overall biodiversity enhancement, particularly when considering the baseline of the brownfield site to begin with. On this basis there would be no fundamental landscaping impacts on which to resist the proposal.

#### Impact on Amenity

- 7.70. An assessment of amenity impacts relates both to the relationship with existing neighbouring dwellings and land uses as well as the amenity provision for the prospective occupiers. Policy DM5 (Design) states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Policy context in respect of the impact on living conditions is set out in policies DM5 and CP9 (Sustainable Development) of the Development Plan as well as the NPPF.

- 7.71. Considering first the amenity of existing occupiers, the site context has previously been described above - whilst the site is immediately to the east of the development being built out at Land south of Newark, it is intervened by the Sustrans and its dense vegetated boundaries. The development at its maximum height would be approx. 9.7m and therefore will therefore be screened and well separated from the properties under construction to the west to a degree that the proposal would not impose overlooking or overbearing impacts on these future occupiers.
- 7.72. Similarly, to the north of the eastern portion of the development, properties on Richmond Close would be well separated from plots 1-10 which would be true two-storey dwellings (between 20-21m back-to-back and 15.5m back-to-side relationships). To the east, of this parcel of the development properties on Hayside Avenue, Anderson Close and Mead Way would be between 15.5m (where the relationship is front-to-side) and 20-21m (front-to-rear) from the properties that would face the eastern boundary, between which would be additional planting. The proposed relationships between existing and proposed properties is considered to be acceptable in this case and would prevent any overlooking or overbearing impacts on these existing properties. In addition, properties have been arranged to off-set any lines of sight away from private amenity spaces of existing dwellings.
- 7.73. Turning now to the properties on Lowfield Lane in the south-east corner of the site – these properties have their rear gardens facing the development site which is enclosed by a tall row of conifer trees that are proposed to be removed as part of this application. The relationship between plots 129 and 137 would be between 27-29.5m side-to-rear which would result in acceptable separation distances between properties to prevent any overlooking, overshadowing or overbearing impacts. Similarly plot 138 would be well separated from the side elevation of the westernmost property on Lowfield Lane which would be an acceptable relationship.
- 7.74. In addition to considering existing occupiers, consideration must be given to future occupiers of the new dwellings. Initially, Officers raised significant concern in respect to the size of the units proposed, a number of which fell significantly short of the Government's 'Technical housing standards – nationally described space standard' (March 2015) (NDSS) which is a material consideration. Following receipt of amended plans to address this issue 92% of the 309 units would now comply with the NDSS and where there are units that do not comply, the shortfalls are generally marginal which is a significant improvement. The Council has not adopted the NDSS in our Development Plan and therefore we cannot require adherence to these standards, but nevertheless, the improvements made throughout the course of this application are welcomed and Officers are mindful that these house types are a product of a national housebuilder which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more affordable even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales, it is considered it would be very difficult to resist the application solely on this basis. The Applicant would also have a case to make that any proposed occupiers would be aware of the size of the units prior to purchase, and this must be weighed in the overall planning balance.



- 7.75. For a development of this size there will clearly be numerous amenity relationships which require careful assessment. In terms of the relationships between the dwellings, the original plans showed numerous issues in terms of back-to-back and side to back distances which were raised with the Applicant and have largely been addressed through amended plans. On the whole, internal relationships manage to achieve back-to-back distances of 20m minimum and back-to-side, front-to-side, and front-to-front (across a highway) distances of at least 12m. This has been achieved through amendments to the house types on certain plots, careful alignment of plots and amendments to window positioning to ensure (where separation distances are tight) that there would be no unacceptable habitable rooms relationships.
- 7.76. Each plot would be afforded an area of private outdoor amenity space. As to be expected on a scheme of this size, the garden areas vary in size and shapes. Some gardens are significantly more compromised than others, for example Plots 63, 168-169, 194, 262, 271, 299 and 273 which would be constrained due to needing to be served by rear access paths and provision of sheds in rear gardens for secure cycle storage which takes up a significant proportion of the available space. Nevertheless, there would be an element of 'buyers beware' noting that the scheme is entirely for market dwellings. Amendments made throughout the course of the application have sought to improve relationships where possible and overall, it is considered that the revised scheme would secure appropriate amenity provisions for the proposed occupiers. However, acknowledging that for certain plots the garden areas would be substantially smaller than others across the development it is considered reasonable to restrict these Plot's permitted development rights to prevent the erection of any ground floor extension/alteration and the erection of incidental outbuildings to ensure the external amenity space is not further reduced.
- 7.77. The application submission also includes proposed boundary treatments for the site which include timber close boarded fences, brick walling with timber panels and post and rail fencing. Close boarded fences are used within the plots which will ensure the future occupiers have areas of private amenity space. The timber post and rail fencing, and knee rail fencing would be used around areas such as the LEAP, footpaths and attenuation pond and the brick wall/timber panel boundary treatment is proposed on the most prominent boundaries within the development in the public realm. The proposed boundary treatments are considered acceptable, save for the areas enclosing private drives and parking spaces which conflict with a condition recommended by the Highway Authority. As set out previously, a condition can be used to require the updated boundary plan to be submitted to and approved in writing by the LPA prior to occupation (and thereafter implemented prior to occupation) to ensure the boundary treatments are acceptable and are implemented retained as approved.
- 7.78. The application submission includes proposed levels plans which have been assessed and are considered to be acceptable in terms of the relationship between the proposed plots and existing residential properties on adjacent land. However, the Applicant has requested the plans not be included as a condition and instead a condition is attached to require submission of a more detailed levels plan including finished floor levels for properties as the levels may need to be altered once construction and groundworks commence. This is considered to be acceptable.

## Noise

- 7.79. An important consideration for this site is the interrelationship between the retained Flowserve Factory (a commercial premises), the Sports and Social Club (SSC) and the proposed residential units. In the assessment of the Outline application a Noise Survey was submitted which considered the potential impacts of the surrounding land uses on future occupiers. The Council's Environmental Health Officer (EHO) reviewed the submission at the time and agreed with the recommendations made within the report in relation to future proofing residential properties through various noise mitigation measures particularly to the south and west of the retained Flowserve factory, adjacent to the SSC and the northernmost and southernmost parts of the site to mitigate against traffic noise.
- 7.80. Condition 22 attached to the Outline permission required submission of a Noise Mitigation Scheme that incorporated the noise mitigation measures set out in the original Noise Assessments (including the reports on the SSC and Flowserve factory generator) and Condition 23 required submission of a generator noise mitigation scheme to address an adverse noise impact identified within the initial assessments arising from factory workers accessing the generator building within the factory site.
- 7.81. An application to discharge Condition 23 has been approved on the basis of an updated Acoustic Report and Generator Enclosure Plan which will see the installation of an acoustic lobby around the access to the generator building within the factory site to prevent adverse noise effects arising when accessing the building. These details were assessed as acceptable by the Council's EHO and the condition was approved. Due to this work being required outside of the application site boundary (but within the blue line), the requirement is that these works are completed prior to the commencement of development on the application site in order to protect the amenity of future occupiers.
- 7.82. Furthermore, an updated Noise Mitigation Scheme (AMS) has been submitted to accompany this application to address the requirements of condition 22. To address the potential noise impacts of the Flowserve factory, the AMS recommends installation of upgraded double glazing with sound insulation, acoustic passive ventilation and 1.8m high acoustic barrier fencing to plots immediately to the east, south and west of the Factory site. To address potential noise from the SSC the AMS also recommends upgraded double glazing, acoustic passive ventilation and acoustic barrier fencing including 2.5m high barrier fencing for the rear private garden of Plot 10 which is in the northwesternmost corner of the north-eastern parcel of the site. The AMS also makes similar recommendations in relation to road traffic noise from Hawton Lane to the north of the development and the future bypass to the south of the site. For the remainder of the plots across the development the AMS states that standard thermal double glazing and trickle ventilation would be sufficient.
- 7.83. The EHO has confirmed their agreement with the contents of the submitted details and that subject to a condition requiring its implementation in full prior to occupation of the dwellings, they raise no objection to the acoustic mitigation strategy proposed which would ensure that future residents are not exposed to unreasonable noise impacts.

- 7.84. Officers note the comments received from a local resident which raise concerns that some of the new dwellings would receive noise attenuation to protect them from noise from the Southern Link Road, but existing houses on Lowfield Lane were not required to be improved as part of the Southern Link Road permission. Whilst this is noted, it is not for this application to remedy existing issues that are not directly related to the application.

#### *Lighting*

- 7.85. It is noted that permission was granted under 18/00235/FUL for the erection of floodlights around the football pitch which lies to the north-east of the SSC site (adjacent to the eastern part of the application site). The site plans submitted with this 2018 application showed the lights orientated inwards onto the pitch and at the time of determining the application, conditions were imposed in relation to the times in which these lights could be used and how frequently as a result of comments from the EHO. Impacts upon existing properties on Kew Gardens and Richmond Close were considered that lie to the north of the site, and it is noted that the application at hand would not introduce residential properties any closer to the approved floodlighting than appraised during this previous application. The floodlights are restricted to be used only between 14:00 and 18:00 and no more than 12 occasions per year during 18:00 and 22:00 which prevents the floodlights being on unnecessarily when the pitch is not in use and to prevent them being on late into the night. Officers are satisfied that this is acceptable in the context of the application at hand and that occupiers of the residential properties proposed on the Site Layout would not be unduly impacted as a result of the existing floodlighting – future occupiers would also be aware of the interrelationship with the SSC at time of purchase.

#### *Recreational Amenity/Public Open Space*

- 7.86. The timing of delivery and the quantum of public open space (POS) to be provided on site is controlled by the s106 Agreement. At outline stage an indicative proposed site layout was advanced showing how the scheme might look, and the scheme advanced in this submission is generally in accordance with the intended distribution of land uses. The outline submission was also accompanied by an indicative POS plan which indicated the inclusion of a Local Equipped Area for Play (LEAP) and amenity public open space around the site including around the attenuation pond. The S106 agreement secured the provision and future management of not less than 37,794 square metres of publicly accessible on-site open space to include a LEAP.
- 7.87. The submitted POS plan that accompanies this reserved matters submission shows 38,307.5 square metres of open space throughout the site including a 1911.5 square metre LEAP in the centre of the bottom parcel of the site. The S106 agreement requires a Management Plan and Specification for the Amenity Open Space and LEAP to be submitted prior to the commencement of development (which shall include the layout and programme for delivery of each element of POS, specification for planting and maintenance requirements and responsibilities).
- 7.88. This application is accompanied by a LEAP plan which details the play area equipment that is proposed to be installed along with the specification for soft landscaping which

is considered to be acceptable. The POS plan submitted appears, on the face of it, to exceed the S106 square metreage requirements, however this includes some incidental areas of landscaping adjacent to parking spaces and footpaths which would not typically be counted in this POS calculation. Nevertheless, overall, the amount of POS provided would align with the requirements of the S106 agreement and the Applicant would be required to discharge the requirements of the S106 through the submission of a Management Plan and Specification prior to the commencement of development.

- 7.89. Overall, following the negotiations and amendments as detailed above, Officers are satisfied that the scheme would deliver appropriate amenity provision for both proposed occupiers and adjacent existing neighbouring properties. The proposal would therefore comply with the relevant elements of CP9 and DM5 subject to conditions in this regard.

#### Highway Matters (including Rights of Way)

- 7.90. Spatial Policy 7 (Sustainable Transport) sets out that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems. This is reinforced by policy DM5 and supports the aims of the NPPF which addresses the issue of sustainable transport and safe and inclusive access.
- 7.91. The assessment of the Outline application included a detailed account of the impacts of the wider development on the wider highway network. At Outline stage a singular point of vehicular access into the site off Hawton Lane was fixed with emergency access/egress onto Lowfield Lane in the south-east corner of the site. The maximum quantum of development was also established at 322 units.
- 7.92. It is noted that the Parish Council and Local Residents have commented on this application raising concerns with the main and emergency accesses, however as set out above, these have been previously accepted by the Highway Authority and consented under the Outline permission. Following highway modelling, at Outline stage the Highway Authority raised no objection to the principle of the accesses as described which they concluded would be acceptable subject to conditions relating to the visibility splay on Hawton Lane (Condition 8), a speed limit reduction on Hawton Lane (Condition 9), provision of a revised travel plan (Condition 10) and details of the emergency link onto Lowfield Lane (Condition 11). It is noted that Condition 9 has been discharged under 22/01109/DISCON.
- 7.93. Notwithstanding the assessments already made above in respect to parking provision and legibility, it also remains necessary to assess the scheme from a highway's safety perspective, a matter which Nottinghamshire County Council (NCC) have commented on as the Highways Authority.
- 7.94. NCC's initial comments on this Reserved Matters application raised a range of issues

which were passed to the agent during the life of the application for review. Some of the issues related to design factors which have already been identified above (e.g., lack of overall connectivity and inadequate parking provision and parking design) and others related to the detailed highway design including traffic calming measures and visibility splays. Discussions have been undertaken with NCC prior to the formal re-submission of the amended plans in order to address their original concerns and the latest comments confirm that the Highway Authority have no objections subject to the imposition of a suite of conditions.

- 7.95. In order to achieve appropriate visibility along the initial length of the spine road, there would be areas outside a number of plots (e.g., 257, 263, 267, 271, 273, 279, 282, 290 and 308) where landscaping has been sacrificed for hard surfacing to ensure adequate visibility for pedestrians and cyclists along the 3m wide shared foot/cycleway (see plan extract below for an example). Whilst not ideal at the entrance to the development/along the spine road, these areas would be surfaced in block paving and have been kept to the minimum necessary for safety purposes (they are also a requirement to support the provision of the shared cycle/pedestrian route which is considered to be a safety benefit of the scheme). The frontage of the site entrance would otherwise retain a significant amount of landscaping and planting and therefore this is considered to be an acceptable compromise to ensure pedestrian/cyclist safety along the spine road (where there would be traffic associated with the Flowserve factory in addition to residential vehicles). For these specific plots the Highway Authority have also requested that permitted development rights are removed for the erection of fences/boundary treatments forward of the elevations fronting the highway, this is to ensure the splays are maintained free of obstruction and in this exceptional circumstance (noting the benefit of providing the shared cycle/footway) this is considered to be necessary to ensure cyclist/pedestrian/highway safety.



Fig. 9 Proposed Site Plan Extract showing Front Garden Hard Landscaping in Visibility Splays

- 7.96. Highways comments also acknowledge that the new cycleway link proposed to follow the existing desire line from the spine road to Hawton Lane will become part of the adopted highway and the footway section highlighted in blue below (approx. between the W-O) will require widening to 3m and constructed with a no-dig solution given the proximity of the path to highway trees along the northern site boundary. Details of the construction of the path are recommended to be controlled by condition and this

is considered to be reasonable to provide the improved link and to protect the highway trees.



Fig. 10 Proposed Site Plan Extract showing Cycle Link

- 7.97. NCC's final comments acknowledge that the Applicant has resolved original concerns raised during the life of the application and has worked collaboratively to make improvements to the proposed highway and existing PRow (see following section of this report). Their comments cover the negotiations in detail however, ultimately, they raise no objection to the development subject to a number of conditions which are considered to be reasonable and necessary to make this development acceptable in planning terms.

#### *Rights of Way*

- 7.98. In respect of Rights of Way (RoW), Balderton Footpath 13 (FP13) runs along the eastern boundary of the site in a north-south direction connecting to Lowfield Lane to Balderton Footpath 11 (FP11) which bisects the northern part of the development and runs east-west connecting Mead Way to the development site.
- 7.99. The application includes the design and treatment improvement of FP13 - the applicant is proposing a 'tarmac' type surfaced path of 1.5m within the green corridor of the existing path which will result in a surfaced path with a banked grass verge to the west and the existing hedge and verge on its east side. The Rights of Way (RoW) Officer has commented in support of these proposed improvements which they consider will be appropriate given the likely increased level of use this PRow would receive as a result of the development. The improved surfacing would also include drainage which would address concerns raised by local residents relating to the current poor drainage along the PRow. The RoW Officer's comments also explain that provision will need to be made in any future POS maintenance plan for vegetation maintenance along the eastern boundary to prevent future obstruction of the Public Right of Way. These details would be agreed as part of the discharge of the S106 agreement clause.
- 7.100. Turning now to FP11 – the original legal line of the public right of way is shown on the plan extract below in green spanning east-west between the Factory and the SSC site from Mead Way and then down the western boundary and connecting to the Sustrans National Cycle Network no. 64 as circled in black in fig. 11 below. Whilst this is the legal line of the PRow, for many years (since at least 2007, it would appear from reviewing aerial imagery) the public have utilised a more direct route to connect into

the Sustrans as shown by the blue line on the plan below. This informal 'trodden path' includes a makeshift palette bridge across the drainage ditch (which is in a poor state of repair).

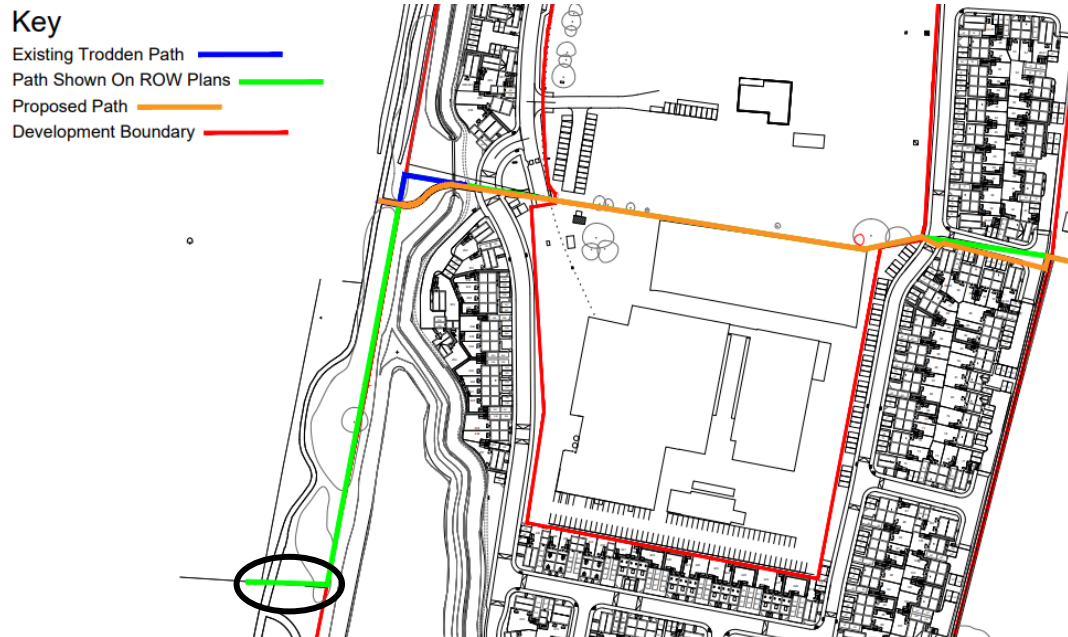


Fig. 11 PRow Plan Extract showing Routes described above

- 7.101. The RoW Officer has confirmed, as set out in the site description section of this report, that the 'legal' link into the Sustrans as shown circled above was extinguished as part of the development of Land South of Newark<sup>2</sup>. There is therefore no existing legal public right to pass from the development site into the Sustrans network.
- 7.102. The Applicant's original intention as part of this application was to improve and formalise this 'trodden path' by creating a formal link to the Sustrans via the orange route shown above. For context, the Sustrans network is not a '*legal public right of way*' but has permissive path rights granted by the landowner which is Railway Paths Limited (and is ran by Sustrans). This means that the public can pass over the land with permissive rights granted by the landowner, but the Sustrans is not a formal public right on the definitive map. Officers have facilitated a number of meetings with the Applicant, RoW Officer and Sustrans to look to formalise the 'trodden path' link which would include third party land, however ultimately, Railway Paths Limited have not been forthcoming with the legalities the Applicant would need to go through to formalise the link and have indicated that, despite Sustrans enthusiasm for a new/improved link from the development site, there could be complications with establishing a legal agreement and a potential ransom figure for the Applicant to pay.
- 7.103. The Applicant has worked with Officers to explore a number of options to provide this new link into the Sustrans and despite the RoW Officer and Sustrans supporting the formalised connection, it is not in the Applicant's gift to be able to deliver this link without support from Railway Paths Limited. It has not been possible for the Applicant to secure an agreement with Railway Paths Limited during the course of this application and whilst Officers have considered the potential imposition of a

<sup>2</sup> Relating to application 15/02093/FUL for the Sustrans overbridge that crosses the Southern Link Road.

Grampian condition to require the connection be delivered as part of the development, in the absence of any certainty that Railway Paths Limited would give the Applicant consent to deliver this link it would not be reasonable to impose a condition requiring the Applicant to provide it. This would mean the condition (or any similar legal agreement) would fail the tests described in the NPPF i.e., it would be unlawful.

- 7.104. Officers note that the inability to secure agreement from Railway Paths Limited as part of the application to formalise this link is of great disappointment to the Applicant. Nevertheless, they intend on pursuing discussions with Railway Paths Limited and Sustrans in an attempt to deliver this link and the proposed site plan therefore includes the path connection up to the site boundary to be able to facilitate this link in the event that agreement is reached. However, for the purposes of the planning application, given there is no legal mechanism to secure this link it cannot be given any weight in the planning balance.
- 7.105. In the absence of the link from the development site to the Sustrans network at this point of the development the Applicant has included an increased width footway (3m) from the point that FP11 exists from between the Factory and the SSC north up the western side of the spine road existing onto Hawton Lane. This would mean that cyclists could exit the development site safely to connect into the Sustrans off the existing connection from Hawton Lane (in the north-west corner of the development site). Whilst not the most direct route of travel onto the Sustrans, this would still provide a safe route for cyclists through the development site and is supported by the RoW Officer and NCC Highways.
- 7.106. The proposals have also been reviewed by Active Travel England (ATE) who initially objected to the proposal due to insufficient connectivity within the development, concerns relating to the PRow surfacing within the site and provision of a Travel Plan. The applicant has addressed these comments with the revised layout which includes provision of additional footways within the site, formalising a trodden path in the north-west corner of the site from the spine road onto Hawton Lane and clarity over cycle parking which would be provided in the rear garden sheds (negating the need for one of the conditions suggested by ATE requiring details of cycle parking). The Applicant has not provided a Travel Plan as part of the application, however condition 10 of the outline permission requires submission of a travel plan prior to the occupation of any unit on site. Given this condition is already imposed on the outline consent, the re-imposition of this condition as recommended by ATE is not necessary.
- 7.107. On the basis of the revised plans submitted during the life of the application and the assessment above, the proposal is considered compliant with policies SP7 and DM5 in this regard.

#### Flood Risk and Drainage

- 7.108. Core Policy 9 of the Core Strategy requires that all new development through its design proactively manages surface water including, where feasible the use of Sustainable Drainage Systems. Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk. These policies



reflect the NPPF on the subject.

- 7.109. The groundworks permission (18/01235/FULM) at the site approved the construction of an attenuation pond in the south-west corner of the site along with the regrading of the land to bring the land out of Flood Zones (FZ) 2 & 3 and into FZ1, effectively altering the EA flood mapping. The works also included the decommissioning of approximately 465m of culvert, up to the access road running along the southern site boundary (Lowfield Lane) and re-alignment of the Middle Beck; and raising of the remaining part of the development site above the 1,000-year flood levels. Given the complexity of these works the Environment Agency (EA) were involved with the Flood Model submitted with the application which simulated how the proposed works would impact the flood risk on site. After extensive discussions and amendments made to the flood simulation model the EA agreed the model was adequate for its purpose and met the required standards, resulting in the site being remediated to FZ1. These works have been implemented and completed and the EA has confirmed that the site is now within FZ1.
- 7.110. At outline stage the indicative drainage details submitted were discussed and it was concluded that subject to appropriate conditions (particularly relating to the completion of the approved flood modelling works under 18/01235/FULM), the proposed development would not result in any unacceptable impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9 as no objections were raised by NCC Flood Risk Team (as the Lead Local Flood Authority/LLFA), the EA or the Trent Valley Internal Drainage Board (TVIDB).
- 7.111. Condition 5 attached to the outline requires submission of drainage plans for the disposal of surface water and foul sewage. The submitted drainage document states that development surface run off is proposed to discharge to the on-site drainage system including the attenuation pond which accommodates the 1 in 100 year plus 40% allowance for climate change (including a further 10% allowance for urban creep) without any flood water leaving the development site boundary or any proposed dwellings flooding. It is proposed to pump the foul water flows from the development to an existing foul sewer which crosses the development site.
- 7.112. The drainage strategy has been reviewed by NCC as the LLFA who have raised no objection to the proposal. Given the support of the LLFA and EA, Officers are satisfied that the drainage strategy deposited with this Reserved Matters application is sufficient in respect of this phase of development such that condition 05 of outline planning permission has been met.
- 7.113. Officers note that concerns have been raised by the parish council and a local residents in relation to surface water flooding experienced along the footpath on the eastern boundary. In this regard it is noted that the District has experienced heavy rainfall and extensive flooding in the earlier part of this year which has no doubt contributed to localised flooding in the area. It is noted that residents have concerns about run-off from the development site, however the drainage strategy is designed to discharge surface water into the on-site drainage infrastructure and the development of the site would inevitably reduce run-off experienced from the currently hard surfaced land which would be landscaped with sustainable drainage installed to manage surface

water.

#### Impact on Ecology

- 7.114. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 supports the requirements of CP12 and states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.
- 7.115. Under the groundworks permission (18/01235/FULM) extensive ecological investigations were carried out on the site in relation to the demolition of the existing buildings and ground clearance and remediation – recommendations and conditions from this consent were carried over into the outline consent which secured an indicative habitat and landscape creation and management plan in agreement with Nottinghamshire Wildlife Trust (NWT) to include the retention of the LWSs, replacement and enhancement of the LWS down the western boundary of the site, creation of an attenuation pond which would also provide an aquatic habitat to maximise the sites ecological value and creation of high quality community, foraging and nesting habitats. Conditions 12 (Updated Ecological Surveys), 13 (Ecological Mitigation, Management and Enhancement Scheme), 14 (LWS Buffer and Protection), 15 (LWS Contamination Management), 16 (Landscaping) and 18 (Tree/Hedgerow Protection Scheme) attached to the outline consent deal with ecology and landscaping.
- 7.116. This Reserved Matters submission has been accompanied by updated Site Walkover Reports, an Ecological Mitigation, Management and Enhancement Scheme (EMMES) and a 5+ Year Landscape Management Plan in addition to a suite of landscaping and tree protection plans.
- 7.117. The Council's Ecology Officer has reviewed these documents and following clarifications and submission of further documents during the lifetime of the application has confirmed that the proposals within the documents should ensure the protection of ecological receptors on site and provide enhancements to biodiversity through appropriate landscaping and habitat creation over the long-term. The Ecology Officer has confirmed that they are satisfied that the proposed enhancements would mitigate the partial loss of Balderton Scrubby Grassland LWS. For clarity, it is proposed to re-grade the boundary of Balderton Scrubby Grassland LWS where it is adjacent to the development and replant with a species mix, all of which, including management prescriptions have been included in the reports. The regrading of the LWS has been previously accepted and approved as part of the initial remediation consent on site and the EMMES and 5+ Year Landscape Management Plan aim to materially enhance the sites ecological value by providing biodiversity enhancements (through additional planting, wildflower meadow and wetland areas, tree planting, provision of bat and bird boxes and habitat creation for various species).
- 7.118. Other matters relating to ecology, general landscaping and trees have been discussed

in the landscaping section of this appraisal, however in summary following support from the Council's Tree and Ecology Officers, the revised landscaping and habitat creation proposals are considered to be acceptable, would result in significant biodiversity enhancements and have made a valid attempt at integrating the existing site green infrastructure. Overall, the proposed landscaping would result in an enhancement, particularly when considering the baseline of the brownfield site to begin with and this weighs positively in favour of the scheme.

- 7.119. For the avoidance of doubt, given this application was submitted in October 2023 Biodiversity Net Gain/BNG is **not** mandatory for this application (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)). The applicant is therefore not required to supply a BNG metric with the application or quantify any proposed net gain on the site. Nevertheless, when considering the existing baseline of the development site it is likely that the scheme would deliver a biodiversity net gain across the development which accords with the intentions of the NPPF and Development Plan (despite there being no legislative requirement for the proposal to do so).
- 7.120. Overall, in light of the additional information that has been supplied as part of this application it is considered that the proposal would comply with CP12, DM7 and DM5 of the Development Plan in this regard.

#### Land Contamination

- 7.121. Paragraph 180f of the NPPF confirms that planning decisions should contribute to and enhance the natural and local environment including in the context of remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 7.122. The groundworks consent (18/01235/FULM) secured full site remediation – this permission has been implemented and the remediation works to take the site to a development plateau have been completed with the contamination condition discharged under 22/01971/DISCON.
- 7.123. The Outline consent was accompanied by a Phase 1 Environmental Risk Assessment which the Council's Contaminated Land Officer reviewed and advised that the previous approval at the site agreed that following completion of the demolition and remediation a clean cap of 300mm was proposed to leave a building platform for the developer. The developer would then be required to complete the remediation by making up this clean cap to 1000mm in gardens including sourcing clean material and validating that it has been carried out to an appropriate depth and standard.
- 7.124. Condition 19 of the Outline Consent requires submission and implementation of a remediation scheme in addition to measures for the reporting of unexpected contamination for each Phase (prior to the commencement of development in that Phase).
- 7.125. The Reserved Matters submission has not been accompanied by any further report in relation to contamination and therefore the Council's Contaminated Land Officer has

advised that parts B (submission of a remediation scheme), C (implementation of the remediations scheme) and D (reporting of unexpected contamination) of the full phased contamination condition would be required – given these are already imposed on the outline consent (condition 19) it is not necessary to re-impose the condition on this reserved matters.

#### Impact on Surrounding Land Uses

- 7.126. The Flowserve factory and the SSC are both served by the existing access into the site of Hawton Lane which form the basis of the Phase 1 enabling works. Whilst neither of these facilities fall within the application site boundary it is important to ensure that they could continue to operate with no unacceptable detrimental impact from development occurring.
- 7.127. As part of the Phase 1 submission the agent confirmed that the construction of Phase 1 would include the construction of an initial haul road with passing points to the west of the existing road to allow for access to be maintained to the Flowserve Factory and the SSC. Upon completion of the roadworks the haul road would be diverted onto the new road ensuring access is maintained for both surrounding land uses throughout the construction period. This was considered to be acceptable and would ensure both the Flowserve Factory and SSC would be able to continue to operate with no unacceptable impact arising as a result of the proposed works within this Phase.
- 7.128. A Construction Management Plan (CMP) has been submitted with the application which covers the requirements of condition 24 (for example, storage of plant and materials, lorry routing, measures to control noise, dust etc., hours of operation etc.). The CMP has been amended throughout the lifetime of the application to include provision for how access would be maintained to the SSC and Factory throughout construction which shows a temporary haul road would provide access to both facilities (as was approved for the CMS for Phase 1). This is considered to be acceptable as this would ensure vehicular and pedestrian access would be maintained for the duration of the build programme.
- 7.129. The application is also accompanied by an indicative S106 Parking Plan which demonstrates that the parking spaces as secured by the S106 agreement (which requires no less than 44 spaces to be provided within the application site and no less than 42 spaces to be provided within the immediate and reasonable vicinity of the SSC) can be accommodated within the site without compromising the proposed site layout. Whilst the formal agreement of this plan would be through the discharge of the S106 agreement the indicative plan demonstrates that 86 car parking spaces can be provided with the housing layout as proposed in accordance with the S106 agreement clause. Spaces would be provided to the east of the Factory (38), to the west of the SSC in parallel parking spaces along the spine road (10) totalling 48 spaces and 38 spaces would be provided within the land owned by the SSC (spaces to be provided to the immediate south of the SSC access and within the SSC itself).
- 7.130. Ultimately the plan submitted is for indicative purposes only so that it can be demonstrated that the quantum of units sought, in the layout shown, can accommodate the requisite number of spaces within the development site and SSC as

per the requirements of the S106. Nevertheless, Sport England have been consulted on this indicative plan and have advised that they raise no objection to the indicative parking plan which demonstrates that spaces could be accommodated within the land owned by the SSC without compromising the usable playing space or areas where ancillary infrastructure was previously located (prior to vandalism damage). Sport England have noted that there are some spaces shown which are very close to the bowls green and could encroach on the fence around it, however this could be addressed when the formal parking plan is agreed as part of the discharge of the S106 agreement clause.

- 7.131. Overall, the development is considered to be acceptable in this respect, and details secured throughout the lifetime of this application (and as will be required as part of the discharge of the S106 agreement) would ensure no unacceptable impact on existing adjacent land uses.

#### Developer Contributions

- 7.132. It is noted that no developer contributions were secured as part of the outline planning permission which was allowed at appeal. This was due to the viability of the development in light of the significant costs relating to the remediation of this brownfield site. As such there are no contributions to consider as part of this reserved matters.
- 7.133. CIL - The Council's adopted Community Infrastructure Levy confirms that for residential development in this location is rated zero.

#### Other Matters

- 7.134. It is necessary to consider the implications of other matters pertaining to the discharge of conditions attached at outline stage and any pre-commencement conditions relevant to this phase:

<b>19/00854/OUTM Conditions</b>	<b>Comments</b>
<b>01</b> Details	The current submission includes details of all reserved matters relevant to the land included within the Phase 2 application.
<b>02</b> Time	The reserved matters application has been received within three years of the outline decision.
<b>03</b> Implementation	In order to comply fully with this condition, development would need to commence within two years from the date of the last reserved matters approval.
<b>04</b> Phasing Plan	Condition 4 of the Outline relates to phasing and requires submission of a Phasing plan detailing how the development is to come forward in each phase of the development. In line with the requirements of this condition a phasing plan (Construction Phase Plan Ref. PHP01 C) was submitted

	and approved under Phase 1 (23/00621/RMA) which showed the enabling spine road as Phase 1 and the residential development across the remainder of the site as Phase 2.
<b>05</b> Drainage Plans	Condition 5 of the Outline relates to the submission of a surface and foul sewerage drainage scheme, this has been covered in a previous section of this report and is acceptable.
<b>06</b> Compliance with the Flood Risk Assessment	The details submitted within this application do not conflict with the requirements of this condition and the completion of the flood alleviation works has been covered in a previous section of this report.
<b>07</b> Approved Access Plan	This condition is for compliance only. The details submitted within this application do not conflict with the requirements of this condition.
<b>08</b> Approved Visibility Splays	This condition is for compliance only. The details submitted within this application do not conflict with the requirements of this condition.
<b>09</b> Speed Limit Reduction on Hawton Lane	The details of the speed limit reduction on Hawton Lane have already been agreed and discharged under 22/01109/DISCON.
<b>10</b> Submission of Travel Plan	This condition requires details to be submitted prior to the first occupation of the development.
<b>11</b> Details of Emergency Link with Lowfield Lane	This condition requires details to be submitted prior to the first occupation of the development.
<b>12</b> Updated Ecological Surveys	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
<b>13</b> Scheme for Ecological Mitigation, Management and Enhancement	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
<b>14</b> Local Wildlife Site Protection	The requirements of this condition have been satisfied for Phase 1; however, no details have been submitted in respect of Phase 2. <b>This condition therefore remains outstanding and will require discharging prior to the commencement of development within a 10m buffer around the Local Wildlife Site to the north-west of the site.</b>

<b>15</b> Local Wildlife Site Contamination	The requirements of this condition have already been agreed and discharged under 23/01231/DISCON.
<b>16</b> Detailed Landscaping Plans (Planting Schedule)	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
<b>17</b> Tree/Hedgerow Protection Scheme	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
<b>18</b> Compliance with the Tree/Hedgerow Protection Scheme & Prohibited Activities	This condition is for compliance only.
<b>19</b> Full Phased Contamination Condition	Part A of this condition has been discharged under 23/01339/DISCON for the entire development site. As part of the Phase 1 application Parts A-C of this condition were discharged in respect this Phase only. As set out in a previous section of this report <b>Parts B-D remain outstanding in respect of Phase 2 and will require discharging prior to the commencement of development in this Phase.</b>
<b>20</b> Contamination Verification Report	This condition is for compliance following completion of the measures outlined in Condition 19.
<b>21</b> Contamination Sampling and Monitoring for Verification	This condition is for compliance following completion of the measures outlined in Condition 19 and prior to first occupation of the development.
<b>22</b> Noise Mitigation Scheme	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
<b>23</b> Flowserve Factory Generator Noise Mitigation Scheme Implementation	Condition 23 of the Outline relates to the submission of a Noise Mitigation scheme for the Flowserve Factory Generator, details of which have already been agreed and discharged under 22/01090/DISCON.
<b>24</b> Construction Method Statement	As part of the Phase 1 application a Construction Method Statement was agreed in respect of that Phase. A Construction Method Statement have also been agreed and discharged under 23/01079/DISCON.

	Phase 2 is accompanied by an updated CMS which has been discussed in a previous section of this report and can be discharged in respect of Phase 2.
--	---

- 7.135. For the avoidance of doubt the conditions attached on the outline application would remain relevant to the delivery of the development and therefore their repetition is not necessary in any reserved matters approval.

## **8.0 Implications**

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

## **9.0 Conclusion**

- 9.1. The site has an extant Outline permission to allow for the residential delivery of the site setting a maximum quantum of 322 dwellings with the means of access off Hawton Lane and emergency access via Lowfield Lane having been approved.
- 9.2. The Outline scheme was subject to a viability case which continues to limit the scope of what can be brought forwards in developing the site (i.e., Officer's suggestion to reduce the quantum of development/increase the number of bungalow units, for example, has been discounted). However, the scheme has been revised during its lifetime to improve the overall housing mix which is welcomed and will better align with the housing need for the area.
- 9.3. There have been numerous revisions to the original plans based on concerns raised by Officers and consultees. As well as the incorporation of bungalows, other improvements include better pedestrian connectivity; improved amenity relationships (with separation distances increased to provide acceptable interrelationships); and an overall improved parking layout (with spaces being better separated by areas of landscaping).
- 9.4. Nevertheless, the appraisal above identifies some compromises in respect of the site layout, private amenity spaces for certain plots and parking design/layout, however, in a scheme of this size there are inevitably compromises to be made and future occupiers would be aware of these circumstances prior to purchase/occupation.
- 9.5. The proposal seeks to enhance existing public rights of way and provide landscape and biodiversity enhancements as part of a habitat creation and management strategy. Whilst agreement from third party landowners to formalise a cycle link into the Sustrans National Cycle Network has not been successful, the development would secure infrastructure to enable this connection to be facilitated in the future and nevertheless would provide a cycle link along the spine road to enable cyclist to safely exist the site onto Hawton Lane where they can join the Sustrans via an existing link.



- 9.6. The Outline permission was allowed at appeal with no provision for affordable housing or development contributions and therefore this is not open for debate. The associated Section 106 did however secure provision of onsite public open space and parking spaces for the adjacent Sports and Social Club which will ensure that future occupiers have attractive open space to enjoy within the site and that the SSC could, if reopened, continue to operate unconstrained by the housing development.
- 9.7. The development will make a meaningful contribution to the housing delivery of the District, and it is noted that there have been no objections from any statutory consultee.
- 9.8. Significant positive weight must be attached to the residential delivery of the site in a sustainable settlement and in the absence of any harm arising from the details submitted to accompany the Reserved Matters submission, the Officer recommendation is one of approval subject to the conditions outlined below.
- 9.9. For the avoidance of doubt, as is already suggested above, the conditions imposed on the outline consent remain to be valid and for compliance as does the signed legal agreement (or indeed any subsequently amended agreement).

## **10.0 Conditions**

*NB – there is no requirement for a time implementation condition as this is imposed on the outline consent.*

### **01**

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

- Site Location Plan Ref. 102-496LIV/(P)011 G, 11 Jun 2024
- Presentation Layout Ref. 102-496LIV/(P)013D, 14 Jun 2024
- Presentation Layout with Aerial Ref. 102-496LIV/(P)014D, 14 Jun 2024
- Proposed Site Layout Ref. 102 496LIV P 001 AF, 14 Jun 2024
- Building Heights Plan Ref. 102 496LIV P 016 O, 14 Jun 2024
- Tree Retention, Removal And Protection Plan 1 of 2 Ref. BEA 23 084 010 REV P05, 17 Jun 2024
- Tree Retention, Removal And Protection Plan 2 of 2 Ref. BEA 23 084 011 REV P05, 17 Jun 2024
- Detailed Tree Plan Ref. BEA 23 084 013 REV P05, 17 Jun 2024
- Detailed Soft Landscape Proposals, 1 of 7 Ref. BEA 23 084 01 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 2 of 7 Ref. BEA 23 084 02 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 3 of 7 Ref. BEA 23 084 03 REV P07, 17 Jun 2024

- Detailed Soft Landscape Proposals, 4 of 7 Ref. BEA 23 084 04 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 5 of 7 Ref. BEA 23 084 05 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 6 of 7 Ref. BEA 23 084 06 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 7 of 7 Ref. BEA 23 084 07 REV P07, 17 Jun 2024
- Horizontal Geometry Assessment Sheet 1 Ref. FS LE GEN XX DR CE 001 P05, 14 Jun 2024
- Horizontal Geometry Assessment Sheet 2 Ref. FL LE GEN XX DR CE 002 P05, 14 Jun 2024
- Horizontal Geometry Assessment Sheet 3 Ref. FS LE GEN XX DR CE 003 P05, 14 Jun 2024
- Swept Path Analysis Sheet 1 Ref. FS LE GEN XX DR CE 005 P05, 10 Jun 2024
- Swept Path Analysis Sheet 2 Ref. FS LE GEN XX DR CE 006 P07, 14 Jun 2024
- Swept Path Analysis Sheet 3 Ref. FS LE GEN XX DR CE 007 P06, 10 Jun 2024
- Swept Path Analysis Sheet 4 Ref. FS LE GEN XX DR CE 008 P05, 10 Jun 2024
- Proposed Drainage Sheet 1 Ref. FS LE GEN XX DR CE 020 P03, 10 Jun 2024
- Proposed Drainage Sheet 2 Ref. FS LE GEN XX DR CE 021 P04, 14 Jun 2024
- Proposed Drainage Sheet 3 Ref. FS LE GEN XX DR CE 022 P04, 14 Jun 2024
- Materials Plan Ref. 102 496LIV P 004 O, 14 Jun 2024
- EV Charging Plan Ref. 102 496LIV P 007 N, 14 Jun 2024
- Separation Distances Plan Ref. 102 496LIV P 008 O, 14 Jun 2024
- Open Spaces Plan Ref. 102 496LIV P 009 O, 14 Jun 2024
- Refuse Strategy Plan Ref. 102 496LIV P 010 O, 14 Jun 2024
- Proposed Leap And Central POS Ref. 23 084 P 14 REV P03, 12 Jun 2024
- Proposed Street Scenes Ref. 102-496LIV P 017F, 14 Jun 2024
- Proposed PRow Illustrative Sections Ref. FS LE GEN XX DR CE 018 P02, 10 Jun 2024

#### House Type Plans

- RURAL EDGE - STOCKWOOD AS Ref. 102 496LIV (HT)1101A, 14 Jun 2024
- RURAL EDGE - STOCKWOOD OPP Ref. 102 496LIV (HT)1102, 11 Jun 2024
- RURAL EDGE - OMBERSLEY X 2 Ref. 102 496LIV (HT)1103A, 14 Jun 2024
- RURAL EDGE - OMBERSLEY X 3 Ref. 102 496LIV (HT)1104A, 14 Jun 2024
- RURAL EDGE - KINGFISHER X 2 Ref. 102 496LIV (HT)1105, 11 Jun 2024
- RURAL EDGE - KINGFISHER X 3 Ref. 102 496LIV (HT)1106, 11 Jun 2024
- RURAL EDGE - ELESHAM OPP Ref. 102 496LIV (HT)1107, 11 Jun 2024
- RURAL EDGE - HENBURY X 2 Ref. 102 496LIV (HT)1109A, 14 Jun 2024
- RURAL EDGE - HENBURY X 3 Ref. 102 496LIV (HT)1110A, 14 Jun 2024
- RURAL EDGE - PRESTBURY OPP Ref. 102 496LIV (HT)1111, 11 Jun 2024
- RURAL EDGE - PRESTBURY AS Ref. 102 496LIV (HT)1112, 11 Jun 2024

- RURAL EDGE - MILFORD AS Ref. 102 496LIV (HT)1113, 11 Jun 2024
- RURAL EDGE - MILFORD OPP Ref. 102 496LIV (HT)1114 A, 11 Jun 2024
- RURAL EDGE - LEASIDE OPP Ref. 102 496LIV (HT)1115, 11 Jun 2024
- RURAL EDGE - RICHMOND+ Ref. 102 496LIV (HT)1117, 11 Jun 2024
- RURAL EDGE - LAMBOURNE X 2 Ref. 102 496LIV (HT)1118, 11 Jun 2024
- RURAL EDGE - M4(3) BUNGALOW Ref. 102 496LIV (HT)1119, 11 Jun 2024
- RURAL EDGE - M4(3) BUNGALOW X 2 Ref. 102 496LIV (HT)1120, 11 Jun 2024
- RURAL EDGE - RAMSEY+ OPP Ref. 102 496LIV (HT)1121 A, 11 Jun 2024
- RURAL EDGE - NEWBURY -LANSDOWNE+ Ref. 102 496LIV (HT)1122 A, 11 Jun 2024
- RURAL EDGE - LANSDOWNE+OPP Ref. 102 496LIV (HT)1123, 11 Jun 2024
- RURAL EDGE - NEWBURY OPP Ref. 102 496LIV (HT)1124A, 14 Jun 2024
- RURAL EDGE - NEWBURY AS Ref. 102 496LIV (HT)1125, 11 Jun 2024
- RURAL EDGE - NEWBURY W V1 Ref. 102 496LIV (HT)1126, 11 Jun 2024
- RURAL EDGE - NEWBURY W V2 Ref. 102 496LIV (HT)1127, 11 Jun 2024
- RURAL EDGE - HENBURY-HENBURY-NEWBURY Ref. 102 496LIV (HT)1128, 11 Jun 2024
- RURAL EDGE – NEWBURY LANSDOWNE+V2 Ref. 102 496LIV (HT)1129, 11 Jun 2024
- SPINE ROAD - NEWBURY W Ref. 102 496LIV (HT)2101, 11 Jun 2024
- SPINE ROAD NEWBURY AS Ref. 102 496LIV (HT)2102C, 14 Jun 2024
- SPINE ROAD - NEWBURY OPP Ref. 102 496LIV (HT)2103B, 14 Jun 2024
- SPINE ROAD - ELESHAM AS Ref. 102 496LIV (HT)2104A, 14 Jun 2024
- SPINE ROAD - MOTTRAM X 4 Ref. 102 496LIV (HT)2105B, 14 Jun 2024
- SPINE ROAD - MOTTRAM X 3 Ref. 102 496LIV (HT)2106, 11 Jun 2024
- SPINE ROAD - MILFORD AS Ref. 102 496LIV (HT)2107, 11 Jun 2024
- SPINE ROAD - MILFORD OPP Ref. 102 496LIV (HT)2108, 11 Jun 2024
- SPINE ROAD - RICHMOND+ Ref. 102 496LIV (HT)2109, 11 Jun 2024
- SPINE ROAD - HENBURY X 2 Ref. 102 496LIV (HT)2110, 11 Jun 2024
- SPINE ROAD - STOCKWOOD AS Ref. 102 496LIV (HT)2111, 11 Jun 2024
- SPINE ROAD - STOCKWOOD OPP Ref. 102 496LIV (HT)2112, 11 Jun 2024
- SPINE ROAD - MAYLAND-LEASIDE Ref. 102 496LIV (HT)2113, 11 Jun 2024
- SPINE ROAD - ELESHAM-MARYLAND Ref. 102 496LIV (HT)2114A, 11 Jun 2024
- SPINE ROAD - RAMSEY+ OPP Ref. 102 496LIV (HT)2115, 11 Jun 2024
- SPINE ROAD - KINGFISHER X 4 Ref. 102 496LIV (HT)2116A, 14 Jun 2024
- SPINE ROAD - KINGFISHER X 3 Ref. 102 496LIV (HT)2117, 11 Jun 2024
- SPINE ROAD - KINGFISHER X 2 Ref. 102 496LIV (HT)2118, 11 Jun 2024
- SPINE ROAD - LANSDOWNE+ AS Ref. 102 496LIV (HT)2119A, 11 Jun 2024
- SPINE ROAD - LANSDOWNE+ OPP Ref. 102 496LIV (HT)2120A, 11 Jun 2024
- SPINE ROAD - LANSDOWNE+ X2 Ref. 102 496LIV (HT)2121A, 11 Jun 2024
- SPINE ROAD - PRESTBURY OPP Ref. 102 496LIV (HT)2122, 11 Jun 2024
- SPINE ROAD - LEASIDE OPP Ref. 102 496LIV (HT)2123A, 11 Jun 2024
- SPINE ROAD - LAMBERHURST X 2 Ref. 102 496LIV (HT)2124, 11 Jun 2024

- SPINE ROAD - OMBERLSEY X 2 Ref. 102 496LIV (HT)2125, 11 Jun 2024
- SPINE ROAD - NEWBURY W V2 Ref. 102 496LIV (HT)2126, 11 Jun 2024
- SPINE ROAD – NEWBURY-HENBURY-HENBURY Ref. 102 496LIV (HT)2127, 11 Jun 2024
- SPINE ROAD - NEWBURY W V3 Ref. 102 496LIV (HT)2128, 14 Jun 2024
- SPINE ROAD – ELESAM OPP Ref. 102 496LIV (HT)2129, 14 Jun 2024
- FORMAL RESIDENTIAL - ELESAM AS Ref. 102 496LIV (HT)3101A, 14 Jun 2024
- FORMAL RESIDENTIAL - ELESAM OPP Ref. 102 496LIV (HT)3102A, 14 Jun 2024
- FORMAL RESIDENTIAL - HENBURY X 2 Ref. 102 496LIV (HT)3103, 11 Jun 2024
- FORMAL RESIDENTIAL - KINGFISHER X 2 Ref. 102 496LIV (HT)3104A, 14 Jun 2024
- FORMAL RESIDENTIAL - KINGFISHER X 3 Ref. 102 496LIV (HT)3105, 11 Jun 2024
- FORMAL RESIDENTIAL - LAMBERHURST X 2 Ref. 102 496LIV (HT)3106, 11 Jun 2024
- FORMAL RESIDENTIAL - LAMBOURNE X 2 Ref. 102 496LIV (HT)3107, 11 Jun 2024
- FORMAL RESIDENTIAL - LAMBOURNE X 3 Ref. 102 496LIV (HT)3108A, 11 Jun 2024
- FORMAL RESIDENTIAL - LANSLOWNE+-NEWBURY, Ref. 102 496LIV (HT)3109, 11 Jun 2024
- FORMAL RESIDENTIAL - LANSLOWNE+-X2 Ref. 102 496LIV (HT)3110A, 11 Jun 2024
- FORMAL RESIDENTIAL - LANSLOWNE+ AS Ref. 102 496LIV (HT)3111, 11 Jun 2024
- FORMAL RESIDENTIAL - M4(3) BUNGALOW OPP Ref. 102 496LIV (HT)3112A, 11 Jun 2024
- FORMAL RESIDENTIAL - MILFORD AS Ref. 102 496LIV (HT)3113, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY-LANSLOWNE Ref. 102 496LIV (HT)3114, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY W Ref. 102 496LIV (HT)3115, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY AS Ref. 102 496LIV (HT)3116, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY OPP Ref. 102 496LIV (HT)3117, 11 Jun 2024
- FORMAL RESIDENTIAL - PRESTBURY OPP Ref. 102 496LIV (HT)3118, 11 Jun 2024
- FORMAL RESIDENTIAL - RAMSEY+ AS Ref. 102 496LIV (HT)3119, 11 Jun 2024
- FORMAL RESIDENTIAL - RAMSEY+ OPP Ref. 102 496LIV (HT)3120, 11 Jun 2024
- FORMAL RESIDENTIAL - RICHMOND+ AS Ref. 102 496LIV (HT)3121, 11 Jun 2024
- FORMAL RESIDENTIAL - STOCKWOOD AS Ref. 102 496LIV (HT)3122, 11 Jun 2024
- FORMAL RESIDENTIAL – LANSLOWNE+X2 V2 Ref. 102 496LIV (HT)3123, 11 Jun 2024
- PROPOSED GARAGES Ref. 102 496LIV (HT)4001 B, 11 Jun 2024

Reason: So as to define this approval.

## **02**

No development shall commence in respect of the proposed plots until full technical details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority and retained for the lifetime of the development.

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

## **03**

No works above damp-proof course level shall take place until a Highway Management Plan is submitted to and approved in writing by the Local Planning Authority. The Plan shall indicate which of the roads are to be in private ownership and the proposed surfacing and maintenance of them thereafter. The Plan shall also identify maintenance responsibility for the emergency accessway and the means to control access to it. The development shall be carried out in accordance with the approved Plan.

Reason: To ensure that the private drives and emergency access remain to an adequate standard in the interest of highway safety.

## **04**

No dwelling forming part of the development hereby permitted shall be occupied until an application for a Traffic Regulation Order is made to secure the provision of traffic management measures within the site to address indiscriminate parking within the highway to be adopted.

Reason: In the interests of highway safety.

## **05**

The visibility splays as shown on drawing Horizontal Geometry Assessment Sheet 3 Ref. FS LE GEN XX DR CE 003 P05 (deposited 14 June 2024) shall be kept clear of all obstructions 600mm above the carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

## **06**

Notwithstanding the details shown on drawing Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 June 2024) no part of the development shall be occupied until a 3-metre shared route linking the Phase 1 enabling works (spine road) to the Sustrans Route to the

west of the development is provided in accordance with a detailed construction drawing and method statement to be first submitted and approved in writing by the Local Planning Authority. The shared route shall thereafter be retained for the lifetime of the development.

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

## **07**

The development shall not be occupied until means to prevent unauthorised vehicular access to Lowfield Lane have been provided in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The approved access prevention measures shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety.

## **08**

No dwelling shall be occupied until the access roads serving that dwelling are surfaced in a bound material.

Reason: In the interest of highway safety.

## **09**

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

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

## **010**

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

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

## **011**

No dwelling forming part of the development hereby permitted shall be occupied until improvements to the Public Right of Way along the eastern boundary of the site are provided

in accordance with illustrative drawing Proposed PRoW Illustrative Sections Ref. FS LE GEN XX DR CE 018 P02 (deposited 10 Jun 2024).

Reason: In the general interests of pedestrian safety by making adequate provision for the increased pedestrian usage.

## **012**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto the spine road. For avoidance of doubt, this refers to Plots 255 to 258, 262, 267, 271-273, 279-282, 291-296, & 307 as identified on the Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 Jun 2024).

Reason: To ensure that visibility between the shared route and vehicles crossing the shared route is maintained, in the interests of highway safety.

## **013**

No fencing or hard boundary treatments shall be erected within 0.5m of the private drives or parking spaces thereon.

Reason: To maintain an adequate usable width in the general interests of highway safety.

## **014**

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans:

- Tree Retention, Removal And Protection Plan 1 of 2, ref. BEA 23 084 010 REV P05, deposited 17 June 2024
- Tree Retention, Removal And Protection Plan 2 of 2, ref. BEA 23 084 011 REV P05, deposited 17 June 2024

shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

## **015**

Prior to the occupation of any plot, precise details of all boundary treatments shall be submitted to an approved in writing by the Local Planning Authority. The approved boundary

treatments for each plot shall thereafter be implemented in full in accordance with the approved details and thereafter retained for a minimum of five years.

Reason: In the interest of residential and visual amenity.

## **016**

No development shall commence in respect of the proposed plots until details of proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of residential amenity.

## **017**

No dwelling shall be occupied until the bin storage area and cycle storage shed serving that dwelling are provided and made available for use in accordance with the details shown on the Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 Jun 2024).

Reason: In the interest of highway safety.

## **018**

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

- Class A: The enlargement, improvement or other alteration of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- 

For Plots 12, 14, 15, 16, 20, 21, 24, 25, 26, 29, 36, 40, 41, 43, 47, 53, 54, 59, 60, 63, 70, 85, 90, 95, 97, 98, 115, 133, 134, 140, 142, 144, 148, 161, 168, 169, 194, 195, 197, 200, 201, 209, 219, 221, 224, 227, 230, 241, 242, 245, 247, 250, 260, 261, 262, 266, 267, 271, 272, 273, 289, 290, 293, 294, 298 and 299 as identified on the Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 Jun 2024), unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in recognition of the reduced plot sizes and in order to safeguard the amenity of future occupiers.

## **Informatives**

### **01**



In approving this reserved matters application, Conditions 4 (requiring a phasing plan), 5 (Drainage Plans), 12 (Updated Ecological Surveys), 13 (Ecological Mitigation, Management and Enhancement Scheme), 16 (Landscaping), 17 (Tree/Hedgerow Protection Scheme), 22 (Noise Mitigation) and 24 (Construction Method Statement) are discharged, subject to compliance with the submitted details, in respect of Phase 2. The Applicant's attention is drawn to the requirement to comply with the relevant details pertaining to these conditions and other conditions on the decision notice, and those contained on the outline consent, some of which may require discharging before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

## **02**

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

## **03**

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990 which accompanies the outline consent under planning reference 19/00854/OUTM.

## **04**

Notes from Nottinghamshire County Council Highways Department:

1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
2. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
3. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
4. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.
5. In order to carry out the works to the PROW required, the applicant will be undertaking

work in the highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.

6. All correspondence with the Highway Authority should be addressed to [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk)
7. The applicant should email [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) to commence the technical approval process, prior to submitting the related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.
8. Any hedge/tree/shrub line on the boundary of the development land (either proposed or retained) is the responsibility of the owner/occupier (including subsequent owners/occupiers) of the adjoining land, whether or not a fence or other boundary treatment is installed behind it. It is an offence under Section 154 of the Highway Act 1980 to allow vegetation to overhang highway such that it obstructs the function of the highway and therefore owners should make every effort to ensure that the hedge/tree line is maintained appropriately.

#### 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.

