



Report to Planning Committee 11 November 2024

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application No.	22/02375/FULM (Major)		
Proposal	Demolition of existing cottage. Residential development of 142 new dwellings and creation of new accesses.		
Location	Land Adjacent Hayside Cottage, Lowfield Lane, Balderton		
Applicant	Arkwood Developments Ltd	Agent	Jackson Design Associates
Web Link	22/02375/FULM Demolition of existing cottage. Residential development of 141 new dwellings and creation of new accesses. Land Adjacent Hayside Cottage Lowfield Lane Balderton (newark-sherwooddc.gov.uk)		
Registered	07.03.23	Target Date	06.06.23 (agreed extension until 29.11.24)
Recommendation	That planning permission is approved subject to the conditions detailed at Section 10.0 of the report and the signing and sealing of an associated legal agreement.		

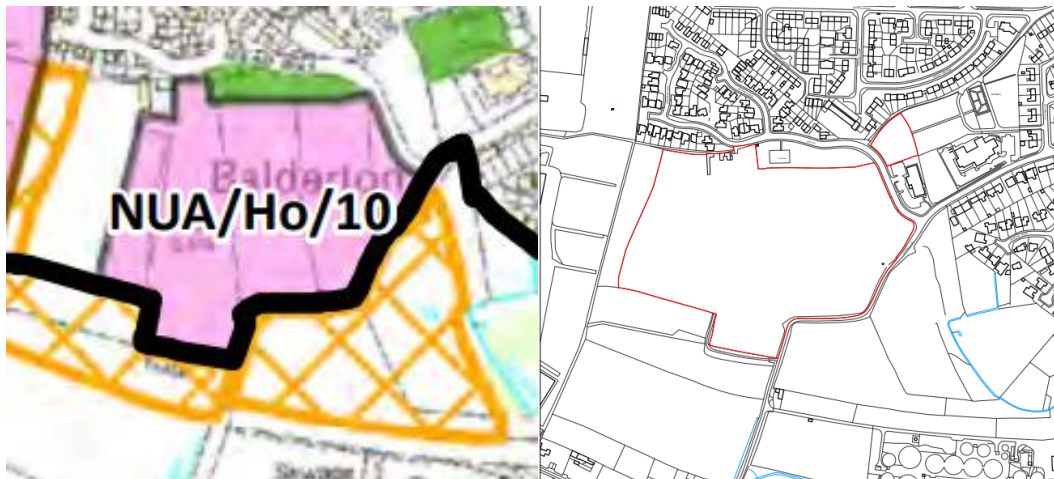
This application is being referred to the Planning Committee for determination because Arkwood Developments Ltd (a development company owned by the Council) are the Applicant.

1.0 The Site

- 1.1 The application relates to c6.8ha area of land located largely on the south side of Mead Way and west of Lowfield Lane in Balderton, albeit a smaller parcel of the site is located on the opposite side of Mead Way to the north east. The land lies within the defined Newark Urban Area.
- 1.2 The majority of the site is greenfield and is used or utilised for grazing and/or equestrian purposes. It is split into 6 main parcels of land. The land includes semi-improved grasslands, swamp, dense and scattered scrub, scattered broadleaved trees, a network of hedgerows, a pond and ruderal vegetation.

- 1.3 The majority of the site is allocated for the residential development of around 120 dwellings in the Allocations and Development Management DPD (July 2013) by Policy NUA/Ho/10.

Policy Map Extract showing extent of allocation (left image); Site Location Plan – site edged in red (right image)



- 1.4 Hayside Cottage is located adjacent to the north edge of the site. To the north of the site (east of Hayside Cottage) is a children’s play area which is allocated Public Open Space in the DPD (shown in green on the extract above). Mead Way runs along the north edge of the play area and wraps around the east side of the site leading to a junction with Lowfield Lane. Lowfield Lane forms the majority of the south boundary of the site. The rear of the residential dwellings located to the south of Mead Way are located immediately north of the west part of the site separated by an existing Public Right of Way. This public right of way continues to the north and also forms the north west boundary of the part of the application site located on the opposite side of Mead Way. A Public Right of Way is also located immediately adjacent to part of the south boundary of the site.
- 1.5 Immediately to the south and west of the site are designated (non statutory) Local Wildlife Sites known as Balderton Works Meadow and Lowfield Lane Grasslands (shown on yellow hatching on the extract above). The site contains a large number of trees/hedgerows particularly along its boundaries.
- 1.6 Flowserve (part of which has recently received outline consent on appeal and reserved matters approval for housing) is located just less than 100 metres to the west of the site. A Salvation Army building and medical centre are located to the east of the site on the opposite side of Mead Way.
- 1.7 The site falls gently from approx. 17m AOD in the north to approx. 12.5m AOD in the south. The site lies almost entirely within Flood Zone 1 with some small portions of the southern boundary lying with Flood Zone 2.
- 2.0 Relevant Planning History**
- 2.1. There is no relevant and recent planning history on the site itself, with the adjacent

land to the north of the application site (now Mead Way/Hayside Avenue Housing) being subject to the following application:

96/50085/FUL Erection of 90 houses and garages – permission 04.06.1999.

3.0 **The Proposal**

3.1 The application as originally submitted sought full planning permission for the demolition of Hayside Cottage and the erection of 151 dwellings. During the course of the application, the applicant amended the scheme and reduced the number of dwellings to 142. It should be noted that plot numbers on the most recent layout plan still range from 1 to 151 inclusive, as plots 32- 40 were removed.

3.2 The development would include the creation of three new access points off Mead Way – one to be located centrally adjacent to the north of the site (east of the current position of Hayside Cottage) and one to the east of the site, close to the junction of Lowfield Lane with the third access off Mead Way serving the parcel of land to the north-east. The layout of the proposed development is presented below.



3.3 The development includes a proposed 'protected green space' (as described by the applicant) to the western portion of the site albeit there is no public access proposed as this is an area where key, sensitive areas of existing hedgerow are proposed for retention. A landscape wetland area is proposed to the southern part of the site,

adjacent to the boundary with the existing designated local wildlife site to the south, which also includes drainage attenuation proposals for the site.

- 3.4 It is proposed that the development would be built out in a phased way (albeit no phasing plan has been provided to date) and includes the following proposed mix of house types on the main allocated element of the site:

6 x 1-bed maisonettes.
 6 x 2 Bed Bungalows.
 22 x 2-bedroom houses
 8 x 2 bed maisonettes.
 61 x 3 bed houses.
 20 x 4 bed houses.
 9 x 5 bed houses.

- 3.5 The land to the north eastern side of Mead Way (the part of the application site that isn't allocated) would comprise of 6 x 2 bed dwellings and 4 flats (ground floor and first floor).

- 3.6 Taking account of a viability appraisal, the proposed development includes for 10% on-site affordable housing provision. This comprises of four First Homes (plots 52-55) and ten dwellings which would be provided as affordable rented properties (plots 142-151). These have been clustered in two groups; one comprising the 10 dwellings on the unallocated section of the site (to be provided by the Council in its capacity as a registered social landlord) and the other home ownership products would be placed centrally within the allocated part of the site to be delivered by the developer.

- 3.7 Houses would front Lowfield Lane and Mead Way (including the play area). Each dwelling would be provided with private amenity space and car parking. Some existing hedgerows and trees particularly around the southern boundary of the site would be retained.

- 3.8 The application submission has been accompanied by and considered based on the application drawings comprising of layout, elevations and house types and visualisations, the Design and Access Statement and various associated standalone technical and assessment reports. A full list of documents is provided below.

Document Description	Reference	Date Deposited
Plans		
Location Plan	21-2337 (02) LP	9.12.22
Site Location and Block Plan (SGA Architects)	DR/A/00001/P4	1.6.23
View along Main Street	(VIS) 001	9.12.22
View North West from Central Space	(VIS) 002	9.12.22

View South from Mead Way Entrance	(VIS) 003	9.12.22
View of the Central Space	(VIS) 004	9.12.22
View East Along Main Steet	(VIS) 005	9.12.22
View of Lane to Southern Edge	(VIS) 006	9.12.22
Type A Flat Elevations	00002 P2	9.12.22
Type D House Elevations	00003 P2	9.12.22
Type A and D Floor Plans	00004 P1	9.12.22
Garage Plans	21-2337 (02) GAR	1.12.24
Visualisation Image	00005 P2	9.12.22
Visualisation Image	00006-P1	31.8.24
Visualisation Image	00007-P1	31.8.24
Visualisation Image	00008-P1	31.8.24
Proposed Site Layout and General Arrangement Plan	21-2337 (02) 1001 Rev G	18.10.24
Type IM01 I B2P Maisonette	21-2337-IM01 (02) 001 Rev A	9.12.22
Type 2103 2B3P Bungalow	21-2337-2103 (02) 001 A	9.12.22
Type 2201 2b4p Terrace (The Winthorpe)	21-2337-2201 (02) 001 A	9.12.22
Type 2M01 2B3P Maisonette (The Kirton)	21-2337-2M01 (02) 001 A	9.12.22
Type 3201 v1 3B5P Semi-Detached (The Edingley)	21-2337-3201-V1 (02) 001 A	9.12.22
Type 3201 V2 3B5P Terrace (The Edingley)	21-2337-3201-V2 (02) 001 A	9.12.22
Type 3204 3B5P Detached (The Maplebeck)	21-2337-3204 (02) 001 A	9.12.22
Type 3205 3B5P Semi-Detached	21-2337-3205 (02) 001 A	9.12.22
Type 3206 V1 3B5P Terrace	21-2337-3206-V1-(02) 001 A	9.12.22
Type 3206 V2 3B5P Semi-Detached	21-2337-3206-V2-(02) 001 A	9.12.22

Type 3207 V1 3B5P Detached & Semi- Detached	21-2337-3207-V1-(02) 001 A	9.12.22
Type 3207 V2 3B5P Semi-Detached	21-2337-3207-V2-(02) 001 A	9.12.22
Type 4201 4B6P Detached	21-2337-4201 (02) 001 A	9.12.22
Type 4202 V 4B6P Detached Corner House	21-2337-4202 V1 (02) 001 A	9.12.22
Type 4202 V2 4B6P Detached Corner House	21-2337-4202 V2 (02) 001 A	9.12.22
Type 4301 3B5P Link (Live Work Unit)	21-2337-4301 V1 (02) 001 A	9.12.22
Type 5201 5B8P Detached House	21-2337-5201 (02) 001 A	9.12.22
Type 5302 5B9P Dormer House	21-2337-5302 (02) 001 A	9.12.22
Sensitive Site Area Key Plans	001 REV A	2.11.23
Swept Path Analysis - Large Car and Van	3943 002 REV D	29.8.24
Visibility Splays 2.4m x 25m	3943 004 REV D	29.8.24
Swept Path Analysis - Refuse Vehicle Inbound	3943 006 REV B	29.8.24
Swept Path Analysis - Refuse Vehicle Outbound	3943 007 REV B	29.8.24
Forward Visibility Splays	3943 008 REV B	29.8.24
Indicative Lowfield Lane Parking Review	3943 009 REV B	29.8.24
Swept Path Analysis - Bus Eastbound	3943 010 REV A	29.8.24
Swept Path Analysis - Bus Westbound	3943 011 REV A	29.8.24
Distance Between Traffic Calming Features	3943 012 REV A	29.8.24
Proposed Site Layout: Adoption Plan	21-2337 02 002	28.6.24
Topographical Survey and Utility Survey	36158 T UG 0	29.8.24

Reports		
Arboricultural Survey Report	Smeeden Foreman	17.5.24
Archaeological Desk-Based Assessment	Allenarchaeology	9.12.22
Design and Access Statement	Jackson Design Associates	9.12.22
Flood Risk Assessment and Drainage Strategy	HWA	17.5.24
Interim Travel Plan	ITP	9.12.22
Framework Travel Plan Addendum	ITP	1.2.24
Transport Assessment	ITP	9.12.22
Transport Assessment Addendum	ITP	01.2.24
Utility Search Report	Greenhatch Group	9.12.22
Ecological Appraisal	Baker Consultants	2.2.23
Ecological Impact Assessment	Weddles	1.2.24
Habitat Creation, Maintenance and Management Costs	Brindle Green	23.10.24
Letter (ecology)	Weddles	29.10.24
Odour Assessment	Noise Assessments Ltd	6.3.23
Noise Impact Assessment	Noise Assessments Ltd	7.3.23
Phase 1 Contaminated Land Assessment	Your Environment	11.4.23
Phase 2 Site Investigation Report	Solmek	17.7.23
Historic Building Survey Report	Allenarchaeology	28.6.23

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 57 properties have been individually notified by letter. Site notices have been posted and an advert has been placed in the local newspaper. A site visit was undertaken on the 1st July 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
Spatial Policy 9 – Selecting Appropriate Sites for Allocation
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
NAP1 - Newark Urban Area

5.2 Allocations & Development Management DPD (2013)

NUA/Ho/10 – Newark Urban Area – Housing Site 10
DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
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 scheduled to be examined in November 2024. 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
Building for a Healthy Life, Homes England
Technical Housing Standards, nationally described space standards, 2015
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
NCC Developer Contributions Strategy (December 2021)
Estate Regeneration National Strategy 2016
Planning and Design for Outdoor Sport and Play by FIT
Newark and Sherwood Playing Pitch Strategy Review 2016/17
Newark and Sherwood Physical Activity and Sport Plan 2018-2021
Guidance for Outdoor Sports and Play, Fields in Trust
NPPF Planning Reforms (Consultation and Draft NPPF) July 2024

6.0 Consultations and Representations

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

Statutory Consultations

6.2. Nottinghamshire County Council (Highways) – No objections subject to obligations and conditions. Some of the main points raised in the latest comments are summarised as follows:

- There still may be some issues in terms of the adoptability of the internal road layout but any changes are unlikely to have a significant material impacts in planning terms;
- The northernmost access traverses unregistered land and to be able to commence the process of adoption will need to be constructed first;
- Conditions are required to avoid planting of the rain gardens that fall within visibility splays;
- It is accepted that car ownership may be less to the north of Main Street but a S106 contribution should be secured so that the County Council can subsequently implement a traffic regulation order to address problematic parking if required.

6.3. National Highways – No objections, there will be no adverse impact on the safe operation of the Strategic Road Network.

6.4. Nottinghamshire Lead Local Flood Authority – No objections subject to condition.

6.5. Environment Agency – Commented that they have no fluvial flood risk concerns.

6.6. Natural England – No objection, the proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

6.7. Active Travel England – Standing advice applies, encourage the local authority to consider this as part of the assessment of the application.

Parish Council

6.8. Balderton Parish Council – (Original Comments March 2023) Object:

- There are concerns about the impact on the drainage system;
- The area of the village is low lying land and Manners Road estate regularly experiences problems;
- The adjacent Mount Road Cemetery has experienced a change in water table making double depth burials not possible;
- This is one of the last open green spaces left in the village;
- There are indications of a Medieval field system on the site;
- The developments at Flowserve and this additional development would mean an almost continuous sprawl from Balderton, Middlebeck through to the south

of Newark;

- An in-depth ecological impact survey should be undertaken to fully assess the considerable potential impact of this proposal.

Further comments June 2024:

- The highways report does not consider the impact on Manners Road, Belvoir Place and Belvoir Road;
- The traffic assessment was completed during covid restrictions and do not consider the combined impact of other development such as Flowserve
- The application conflicts with local and national planning policy with insufficient ecological information to fully appreciate the impact of the proposed development;
- Significant flood events were experienced in 23/24 with foul sewer drainage backing up into homes;
- The development will have significant impact on service provision including education; libraries and local transport provision.

Representations/Non-Statutory Consultation

- 6.9. Internal Drainage Board – The Board maintained Lowfield Lane Drain exists to the South of the site. The Boards consent is required to erect any building or structure within 9m of the top edge of the watercourse.
- 6.10. NCC Planning Policy –
- Education – the development would yield an additional 30 primary, 23 secondary and 4 post 16 aged pupils including 1 pupil requiring a specialist place. Request a contribution of £660,240 for primary education (based on 30 pupils x £22,008 per place) and £104,556 for the special educational needs and disabilities place.
 - Transport and Travel – Footpath 11 should be fully lit to make the development acceptable. Planning conditions requested in relation to the provision of bus stops. Contribution of £108,000 requested for bus service support.
 - Libraries – The proposal would add 324 people to the library catchment area. Request £6,289 for stock.
- 6.11. NHS Estates Team – Request contribution of £138,462 towards provision at Balderton Surgery; Fountain Medical Practice and Barnby Gate Surgery.
- 6.12. NSDC Conservation Officer – The cottage to be demolished is not considered to meet the Criteria for ‘Non-designated heritage assets’.
- 6.13. NSDC Archaeological Advisor – The development of the site has the potential to significantly impact upon significant archaeological remains if present and further evaluation is recommended so that an appropriate mitigation strategy can be designed and implemented prior to enabling or construction works beginning.

- 6.14. NSDC Environmental Health (noise and odour) – The odour assessment indicates that odour from nearby sewage treatment works is unlikely to affect the development. In relation to noise, the report indicates that an acceptable acoustic environment can be achieved at the development subject to conditions for the properties facing towards STW.
- 6.15. NSDC Environmental Health (contaminated land) – Recommend the use of the full phased contamination condition.
- 6.16. Nottinghamshire Wildlife Trust – Object and wish to see the application refused:
- Loss and damage to Local Biodiversity Action Plan grassland of county and regional importance;
 - Contrary to both national and local planning policy in terms of protecting wildlife habitat;
 - Details are required on how a net gain in biodiversity will be achieved as per NPPF;
 - Inadequate protection of Local Wildlife Sites;
- 6.17. NSDC Biodiversity and Ecology Lead Officer – Additional surveys undertaken have been comprehensive and have included all relevant species and species groups, and habitats have been surveyed and assessed to the required level of detail. Agree with most of the proposed avoidance and mitigation measures. Areas of concern:
- Clarification is required regarding the habitat classification of the orchard area;
 - Would appear that in addition to Field B meeting the selection criteria for Local Wildlife Sites, Field E also potentially does;
 - Should be a Construction Environmental Management Plan and other plans such as a Landscape and Environmental Management Plan or a Biodiversity Management Plan;
 - The proposal should secure off site compensation through a section 106.
- 6.18. NCC (Rights of Way) – Balderton Footpath No. 14 and Balderton Footpath No. 11 pass within / adjacent to the site. Balderton Footpath No. 28 passes along the western boundary of the smaller site. Footpaths adjacent to rear garden fences is not ideal and goes against safe design policies. Footpaths will need to be 2m wide surfaced paths – difficult to comment in detail as no dimensions are given. More detail is required to comment on the proposed link to Balderton Footpath No. 14.
- 6.19. NSDC Tree Officer – Drawings should show full mature size of both proposed and existing retained trees and hedgerows.
- 6.20. NSDC Strategic Housing – This application requires provision for 45 affordable dwellings.

- 6.21. NSDC Environmental Services – Detailed bin storage and collection points for properties should be shown. Provision should be made for a NEAP and an additional LEAP play area.
- 6.22. A paper petition dated 26th June 2024 was received, however, some of the pages of this document do not reference what the signatures and objections relate to. The pages that do contain reference to the proposed development include reference to an objection, but no further information is given on the nature of the objections. The paper petition was accompanied by an Excel spreadsheet titled ‘record of hard copy petition dated 26.6.24’ suggesting a record of 954 signatures, although this must be considered within the context of the points raised above.
- 6.23. A further single page paper position was received on the 2nd July 2024, which appears to form part of the same paper petition referenced above. This single page does not reference what the petition relates to.
- 6.24. A further electronic petition dated 26th June 2024 was received, which states it has been signed by 1,257 people. The front page of the document sets out the basis for objection, which includes issues as summarised below. There is, however, no means of verifying the authenticity of the petition as whilst the petition includes a number of names and postcodes, there is no signature, electronic or otherwise against any of the names.
- 6.25. Comments have been received from 118 third parties/local residents representing objections for the summarised reasons below.

Impact on Principle

- There has already been far too many houses built around this area, this is one development too far;
- The development is unnecessary;
- The site is not allocated in the Local Plan and nor should it be – there are major flaws with the Integrated Impact Assessment that has been carried out for this site (NUA/Ho/10) due to the biodiversity value being under-estimated;
- The original proposal was for 120 houses but this has increased to maximise profits without regard for the impacts;
- If NSDC wish to build more houses it should be towards Caunton, Ossington, Eakring and Ollerton where there is more space;
- All brownfield sites should be exhausted before concreting over our last fragments of green space;
- Balderton has taken enough new housing in recent years;
- Led to believe that Newark and Sherwood have already reached their quota for housing.

Impact on Wildlife and Biodiversity including Trees

- Lowfield Lane is the last tranquil, naturally diverse lane in Balderton – it is home to a huge amount of Wildlife;
- Wildlife has been pushed onto this site since the Flowserve development;

- Fields and natural spaces would be highly impacted with constant traffic;
- The area has wildlife including deer;
- Many of the trees are protected;
- There may be an impact on the amount of CO2 emissions;
- A Schedule 1 Barn Owl has bred within the last 18 months within 100m of the site – if the application is approved the work will have a major impact on this species;
- The site provides important foraging habitat for this species that hunts mainly over grassland for prey;
- Many trees will be lost;
- The site is next to a local wildlife site including meadows and grasslands – this is identified as officially designated rich grassland;
- The fields are of rich, biological importance and form part of an essential wildlife corridor running to Middlebeck;
- Further surveys were recommended for a number of protected species;
- Nature in Newark and Sherwood is not being considered highly enough – Newark is a concrete jungle;
- The proposal does not comply with the mitigation hierarchy set by the NPPF – it is apparent that no effort has been made to avoid impacts – the site would be almost fully developed with small areas of open space / drainage;
- The proposal fails to comply with Policy DM7;
- 97% of species rich grassland have been lost over the last century;
- We have one of the lowest green space access per head in the country;
- Redactions in the ecological report should be explained;
- An in depth ecological survey should be undertaken to fully assess the considerable potential impact of the proposal;
- A pair of short eared owls that used to hunt in the area have already been lost due to the by-pass road that has been built;
- There is aquatic life in the pond near Hayside Cottage;
- Councils should recognise the connection between towns/cities and their natural surroundings;
- The Council is going against its 'initiatives to create a greener district';
- The proposals do not take account of Biodiversity Net Gain;
- We are in a climate and ecological emergency;
- There is a little buffering or consideration of the impact on the adjoining local wildlife site;
- The Council are well placed as landowners to develop the site as high value biodiversity and green space;
- Newark only provides 19.04sqm of green space per person which is only just above London;
- The site is home to rare fungi;
- The hedgerows and grasslands are a sanctuary to a variety of wildlife;
- Sandwiching a piece of green space amongst the new estate will not attract or support wildlife diversity that the current open and natural fields encourage;
- The tree report suggests no dig methods but how can this be done for a road without damage;
- The indications of the ecological survey is that the site is of county level importance but this is being ignored;

- The report is split into 5 fields therefore reducing the importance of the biodiversity of the whole site – it should be a local wildlife site in its own right;
- The plans have been greenwashed to make it appear that environmental concerns are being addressed.

Impact on Character

- The village is fast losing any charm or personality being continuously covered in identikit new build estates.

Impact on Infrastructure

- NSDC are not fulfilling the green space strategy in Balderton;
- Newark is unable to provide a dental service, there are no NHS places at this moment in time;
- The GP near the proposed development cannot cope with the patients they have now let alone the additional houses proposed;
- Newark hospital cannot cope with the number of patients it is asked to look after;
- Loss of a community by not having the open spaces to meet;
- There are not enough school places in Newark;
- Not enough jobs in the area to support more housing;
- Adding a path to the playground on Mead Way will saturate the facility and ruin it for families already living in the area;
- Little or no green space for children's safe play areas;
- A new police station in Newark is not manned overnight;
- If these are supposed to be affordable homes then they should be closer to public services.

Impact on Residential Amenity

- The area was a vital green space in lockdown and continues to be so today;
- The green spaces around Newark have proven essential for good mental health and wellbeing, they are slowly being swallowed up;
- Background noise levels will increase;
- At night there will be increased light pollution;
- The neighbouring land should have been marked as private as it could be suggesting an attractive amenity that does not exist for the public;
- Noise and disturbance during construction;
- The wildlife and stillness of the area is a rare value for mental health.

Impact on Drainage and Flooding

- In recent floods, Lowfield Lane and the Cottages experienced flooding and sewage overflow;
- With this development and the further housing and Flowserve, Fernwood and Middlebeck the infrastructure won't be able to cope;

- All developments in the area should stop until Severn Trent have upgraded the sewerage plant to cope with the capacity;
- Last year the fields were under water – where will the water go to;
- The land around this area is boggy and water logged;
- The allotments that used to be within the site always flooded;
- The flooding causes very strong sewage smells;
- The developer has ticked all the boxes to say drainage is sustainable and there is no flood risk but the area is notoriously problematic;
- The ditches along Lowfield Lane and Middlebeck reach road level during heavy rain;
- The site being a flood plain protects nearby residential properties - development at Middlebeck is causing flooding in areas not experienced before and there is concern that the development of this site would do the same;
- The maps in the flood risk assessment appear to be flipped so concern that the data is incorrect and based on data from 2022;
- The flood risk assessment has shown that run off water will be nearly doubled to an already saturated area;
- The new plans showing a pumping station is a clear sign that the land is naturally too wet and unsuitable for building.

Impact on Highways including Rights of Way

- There is a bridleway through the property which has not been able to be used – residents have been assured the paths won't be closed but that is not the case;
- There are issues arising with cars going down Lowfield Lane – there is a health and safety issue;
- Patients visiting the health centre regularly park on both sides of the road which causes access difficulties for both patients and residents;
- Traffic would impede the use of the Lane for ramblers and dog walkers;
- The lane is single track and many families and dog walkers use it;
- The top of the lane has a really bad blind bend with cars parked on both sides of the road;
- The traffic would have a major impact on existing estates (Mead Way to Lowfield Lane) especially with having 2 access routes where the traffic will all lead through Lowfield Lane;
- Traffic could conflict with elderly patients who visit the Doctors surgery;
- The clue is in the name – it should remain a lane;
- The ever expanding Fernwood village is bring more and more traffic out of Newark along London Road making joining London Road from Manners Road a lengthy and dangerous task;
- It is already an unsafe area without the extra traffic which would come from this development;
- The Salvation Army hosts large gatherings occasionally having to park on the roadside;
- The access and egress is too close to the car park entrance for the Salvation Army;
- The proposed access which is the existing access to the cottage is taking traffic past a children's play park and crosses the entrance to a well used public footpath;
- Pedestrians and dog walkers will have to cross a potentially busy junction to access the footpath;

- Mead Way can prove to be a bottleneck and an increase in traffic will only make this worse;
- The proposal has the potential to affect access to neighbouring property;
- The estate access will be saturated and overwhelmed by the additional traffic;
- Articulated heavy tankers associated with the Severn Trent treatment works regularly use the road for access;
- Even with current activity, vehicles regularly have to wait and filter through the congestion;
- The plans show single or double parking but most families require a minimum of 2.5 car parking spaces therefore cars will need to be parked on the road / footpath;
- Disabled people or families with prams will have difficulty passing cars;
- It is obvious that the developer is putting profit before safety;
- There does not appear to be many garages so most vehicles will be parked kerbside;
- The design and interim travel plan notes links to another potential residential site but it is not clear where that is;
- Vehicles don't give way at the junction causing near collisions, adding more cars would make this potential worse;
- There would be an increase in the use of Belvoir Road which is already in a bad state;
- The bottom of Mead Way where it meets Lowfield Lane gets very icy in the winter;
- How would fire services and ambulances cope getting to some of the dwellings;
- The increase in vehicles would endanger life and the health of the existing residents;
- The traffic assessment does not seem to have taken into account the impact on the main junctions at London Road (from Belvoir Road and Manners Road);
- Double yellow lines on Lowfield Lane would result in residents having nowhere to park;
- The assessment of parking was not done at weekends when everyone is home and has visitors;
- Surveys were done during the school holidays so the data will give a misleadingly low value of normal traffic.

Impact on Heritage

- The report refers to a medieval field system which provides amazing history- this should not disappear under concrete;
- Hayside cottage is of historical value and should be treated as such and retained – further research is recommended to establish the level of heritage;
- Newark South has identified nationally significant remains – every chance this extends onto this site;
- The neighbouring field is medieval with its distinct ridge and furrow.

Other Matters

- Adjacent landowners have not been consulted by the developers;
- The District Council must be made accountable – it cannot be allowed to buy up land and give itself permission to do as it pleases with taxpayers money;

- Instead of a housing development there is an opportunity in supporting a community engagement project;
- Concerned about impacts on house prices;
- The land is owned by Newark and Sherwood so all of us at Newark and Sherwood should have a say to what happens;
- Issues with portal allowing comments;
- Duplicate documents make it confusing to go through;
- Existing problems with antisocial behaviour down Lowfield Lane;
- The revised layout plan does not have full data inserted to the legend so it is not clear how many dwellings are being proposed;
- Data washing appears in most of the consultancy reports;
- There should be a full council debate on the application.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are considered to be:

- The Principle of development
- Housing Density, Needs, Mix & Type
- Design, Character and Appearance (including Parking)
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Ecology
- Impact on Trees, Landscape and Public Open Space
- Flood risk and Drainage
- Impact on Heritage & Archaeology
- Development Viability and Planning Obligations
- Planning Balance and Conclusion

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

Preliminary Matters

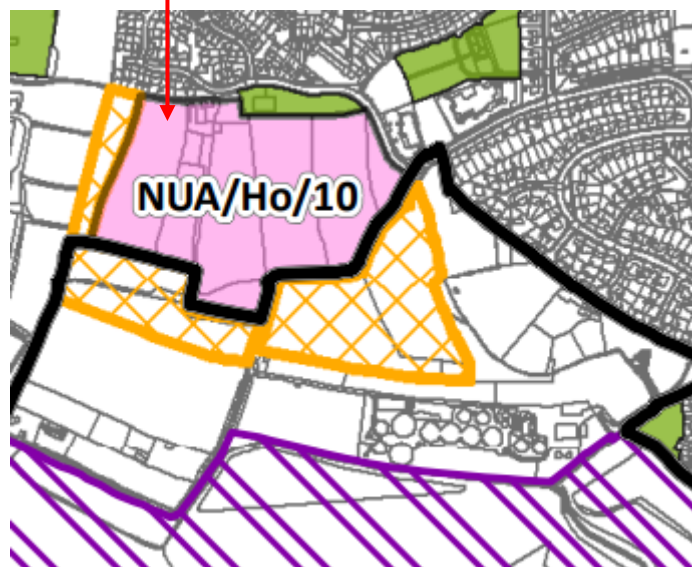
7.3 The description of development was amended from 151 dwellings to 141 during the course of the application to reflect a reduction in the number of units. In fact, the scheme seeks permission for 142 new dwellings (albeit it is noted that the impacts relate to a net 141 additional dwellings as an existing cottage is to be demolished) and as such with the applicant's agreement, this description has been amended to accurately reflect the amended plans upon which full public consultation has been

undertaken. Officers are satisfied that the amended description of development accurately reflects the plans which have been consulted on, ensuring nobody has been prejudiced by this change in the description of development.

Principle of Development

- 7.4 The Allocations & Development Management DPD (ADMDPD) was adopted in July 2013 and, together with the Amended Core Strategy DPD, now forms part of the Development Plan for Newark & Sherwood. The proposal site is located in Balderton, part of the 'Newark Urban Area' (NUA), a Sub Regional Centre. The majority of the site is allocated for housing development within the ADMDPD under the terms of policy NUA/Ho/10 for the provision of around 120 dwellings. Members may note that the Publication Amended Allocation and Development Management DPD proposes to formally enlarge the area included in NUA/Ho/10 with additional land to the west, which would take the allocation up to the existing Site of Interest in Nature Conservation, SINC (see image below). This is why the overall numbers are greater than the current 2013 allocation but below the proposed allocation of around 170 dwellings. In any event the entirety of the application site is within the Newark Urban Area boundary.

Extended proposed allocation to include field next to the SINC.



- 7.5 The current allocation policy notes the need to consider transport including potential highway improvements (noting the reference in policy requiring a 'sport assessment' was a typo that should have said transport), an appropriate landscaping scheme and pre-determination of archaeological potential, matters which will be discussed later in the report.
- 7.6 As Members will be aware the allocation for 120 dwellings is approximated and does not set an upper or lower limit for the number of units. Notwithstanding density, which will be considered in the next section, it is clear that the policy NUA/Ho/10 sets and establishes the principle of development for the significant majority of the application site.

- 7.7 Some of the land to the west and northeast (forming part of the overall application site boundary) does not lie within the boundaries of the extant allocation. This element could be regarded as a windfall site that is also within the NUA and within a sustainable location such that it would be appropriate for residential development as a matter of principle, subject to site specific impacts being considered acceptable.

Housing Density, Need, Mix and Type

- 7.8 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

- 7.9 The part of the site to the south of Mead Way achieves a density of around 19.8 dwellings per hectare (dph). This is lower than the usual 30dph minimum set out in Core Policy 3. However, it is necessary to provide for a lower density development to protect the key existing natural features within the site and deliver a more sensitive development that respects the character and appearance of the surrounding area.

Mix, Need and Type

- 7.10 Policy CP3 sets out that the district council will seek to secure new housing development which adequately addresses the housing needs of the district namely, family housing or 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the elderly or disabled population.
- 7.11 The proposal offers a range of house types of varying sizes (from 1 to 5 bedrooms) ranging from single storey bungalows, ground and first floor flats, two and two-and-a-half storey dwellings with a mix of terrace dwellings (34) semi-detached (36) and detached (54) units amongst these.
- 7.12 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 shows the proposed development and mix when measured against the HNS (2020) data:

Overall Housing Mix – Proposal versus HNS Data.		
Dwelling Type	Proposed Number and %	HNS 2020 (%)
1 bed house	6 (4%)	19.5%
2 bed house	36 (26 %)	
3 bed house	61 (43 %)	30.7%
4 or more bed house	29 (20%)	25.5%
1 bed flat	4 (3%) -	4%
2 or more bed flat	-	4.9%
1 bed bungalow	-	-
2 bed bungalow	6 (4%)	7.4%
3 or more bed bungalow	-	6.7%
Other	-	1.3%
Totals	142	

7.13 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. It is also noted that the scheme provides a positive response to the provision of bungalows. Whilst the provision is not precisely aligned to the HNS, the figures are for the overall Newark Sub-Area, not just Balderton. When considered against the locality as a whole and also taking account of development viability as is documented further below, it is considered that the development would provide an appropriate mix for the area which would comply with the aims and objectives of CP3.

Affordable Housing

7.14 Although the provision of 30% affordable housing is the preferred approach and starting point, Core Policy 1 acknowledges that the impact upon viability should be taken into account. Paragraph 66 of the NPPF sets out that developments should expect at least 10% of the total number of homes to be available for affordable housing. In this case, as the section later in the report sets out, viability issues mean that the full 30% affordable housing cannot be met. The offer is for 10% on site provision to comprise 4 'First Homes' (the governments preferred intermediate affordable housing product) and 10 affordable rent properties to be delivered by the Council as part of its commitment to building new affordable homes for rent. I note that the 10% affordable minimum is proposed to be deleted in the Governments

recent consultation on proposed changes to the NPPF. A response to this consultation is yet to be published so I afford this little weight in this recommendation.

- 7.15 In respect of Core Policy 1, this typically seeks a tenure split of 60% social rented and 40% home ownership, noting that consideration should also be given to local housing need and viability. The proposal in this case is for 30% home ownership and 70% rented properties and whilst there is some variance in favour of rented properties, this is directly linked into the applicant's viability case as presented for consideration, which impacts both the overall provision of affordable housing and results in a moderate variation on tenure split.
- 7.16 The affordable housing need, as set out in the HNS for the Newark Sub Area has the following need per annum:

Type of Dwellings	Affordable rent	Intermediate
1-2 bedroom house	18	12
1 bedroom flat	11	7
1 bedroom bungalow	32	21
2 bedroom bungalow	42	28
3 bedroom house	23	15
4 or more bedroom	30	20
Total	156	103

- 7.17 The offer presented directly responds to some of the most needed types of affordable housing in this area. Whilst the dwellings are clustered together into two groups rather than pepper potted through the site, this is due to delivery requirements and given they are tenure blind should not be a reason for refusal. Core Policy 1 does account for viability and therefore this proposal is considered to be acceptable, based on the overall acceptance of development viability.

Design, Character and Appearance

- 7.18 Core Policy 9 (Sustainable Design) seeks a high standard of sustainable design and layout that, amongst other things is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and well as provide for development that proves to be resilient in the long-term. Policy DM5 requires all new development to ensure that the rich local distinctiveness of the District's landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.19 The NPPF sets out that decisions should aim to achieve healthy, inclusive and safe places with an emphasis on beautiful buildings and homes, well designed, high quality and beautiful places. Good design is said to be a key aspect of sustainable development that creates better places in which to live and work and helps make development acceptable to communities. It goes on to say state the importance of trees to the character and quality of urban environments and sets out that decisions should ensure that new streets are tree-lined, that opportunities are taken to

incorporate trees elsewhere in developments and that appropriate measures are in place to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

- 7.20 It 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. The assessment relates to Integrated Neighbourhoods; Distinctive Places and Streets for all each with separate sub-categories.

Integrated Neighbourhoods

- 7.21 This development is positioned immediately to the south of an existing housing estate at Lowfield in Balderton and south of an existing play park. New vehicular access points would be formed from Mead Way which would offer a tree lined street which loops through back onto Mead Way. The site is rightly somewhat constrained by the retention of existing hedgerows but the layout offers connectivity with footpaths leading to the play area and existing cycleways offering a good level of permeability through the site.

Distinctive Places

- 7.22 Given the greenfield nature of the site, there are many existing natural features that have influenced the design and layout of the development. Impacts on these will be discussed in a later section of the appraisal.
- 7.23 The design proposals for the site include for a mix of dwelling types, ranging from 1-bedroom maisonettes, all the way up to 5-bedroom dwellings. The higher density units are generally contained within the central portions of the site, assisting in the transition with some of the existing dwellings around Mead Way, but with lower density development also being present to the south and west, where the application site borders more open areas. The design principles for the site are based around a sense of enclosure around external spaces, with a number of houses performing roles dependent on their position within the site. For example, dwellings adjacent to the play area front onto this, providing natural surveillance.
- 7.24 The house types proposed adopt a modern design. Materials aren't specified but visualisations depict mainly red and buff brick and plain tiles with limited render.



Visualisation of plots 142- 151



Visualisation of Main Street around Plot 97 and 100

- 7.25 A full schedule of materials would be secured by condition, however officers are satisfied that the proposals are reflective of local vernacular as required by Policy DM5. Details of the boundary treatments would also need to be controlled by condition to ensure that these are appropriate for the context and avoiding the use of stark fences in prominent positions.
- 7.26 Most corner plots have dual frontages with windows serving principal rooms on the side elevations which create active frontages. Movement through the site would be softened by retained hedgerows, rain gardens (parts of the sustainable urban drainage scheme) and street trees providing focal points, adding interest to the development.
- 7.27 The proposed site layout efficiently integrates the buildings in order to provide definition and enclosure for the streets and spaces. In overall terms, the proposed development is considered to respect the distinctiveness of local character and the

scale, form and mass of the proposed development, and detailing is considered to be acceptable in accordance with policy DM5 of the ADMDPD, positively integrating into the character and appearance of the surrounding area.

Streets for all (including Parking)

- 7.28 BHL acknowledges that well designed development will make it more attractive for people to choose to walk or cycle for short trips. Parking should also be sufficient and well integrated. In regards to the latter, the Council has adopted a supplementary planning document (SPD) for cycle and car parking standards which sets a number of expectations on design and quantum for residential developments.
- 7.29 The Councils SPD reflects local parking demand with dwellings in this area requiring 1 parking space for 1 bedroom dwellings, 2 spaces for 2 and 3 bedroom dwellings and 3 spaces for 4 or more bedroomed properties, based on suitable evidence. If this isn't achieved, visitor parking is then expected.
- 7.30 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). Internally 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.
- 7.31 All garages proposed meet the required size dimensions of the SPD and can therefore be counted as a genuine parking space.
- 7.32 The parking strategy includes a mix of frontage and side parking. Triple tandem parking has been largely avoided, insofar as garages that are provided with tandem parking in front are not relied upon for parking.
- 7.33 A total of 14 dwellings (c9.85%) do not have sufficient parking to meet the guidelines of the SPD. These are all 2 bedroom dwellings requiring 2 spaces whereas they are only allocated 1 space. However as can be seen from the extracts below, all are located close to visitor parking. Plots 89-96 (8 dwellings) have access to 8 parking spaces opposite and to the north whilst Plots 113-118 (6 units) have 5 spaces directly opposite. Furthermore, these are the smaller 2 bed units that Arkwood offer, which have at their other site on Bowbridge Road attracted first time buyers more likely to have only one car. I therefore do not consider that this slight deficiency would be cause for concern.



- 7.34 In their latest comments, NCC as Highways Authority have raised concerns noting ‘significant issues with the provision north of Main Street’ and go on to say ‘*However, given the tenure of the dwellings here, car ownership may be less than that elsewhere in this vicinity and an issue may not arise. However, in order to protect against the potential risks to the highway of obstructive and unsafe parking, we would request that a s.106 contribution is secured so that the County Council can subsequently implement a traffic regulation order to address problematic parking, should it arise.*’ For the reasons set out above, parking is most likely to be sufficient but in any event the applicant has agreed to the obligation regarding the TRO to afford this additional comfort.
- 7.35 The dwellings in the area shown on the extract below comprise part of the affordable offer; 4 x one-bed flats (each requiring 1 space) and 6 x two bedroom terraces (requiring 2 spaces each) making a total parking requirement of 16 spaces. As can be seen from the plan, parking is not shown as allocated but there is provision of 17 spaces, so 1 more than is required. A condition is suggested relating to agreeing a parking strategy (most likely to be how the spaces are allocated) to avoid that the matter from becoming a source of conflict between residents and in the interests of highway safety generally. This is considered reasonable and necessary.



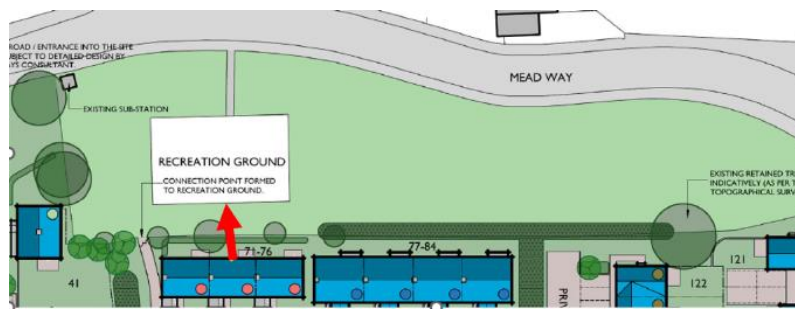
- 7.36 All other plots (90.15%) have either sufficient, or in excess of policy expectations for parking. However, some plots will need to rely on their garages for parking. It is therefore proposed to safeguard this by imposing by condition that affected garages are kept available for parking for the lifetime of the development, in order to prevent future issues of insufficient parking on the estate.
- 7.37 In terms of the parking design strategy, it is noted that the applicant has provided no more than 4 parking spaces side by side before there is a break for tree planting which helps break up expanses of hard landscaping and accords with the expectations of the SPD.
- 7.38 No specific mention has been made to cycle storage in the application albeit the house types with integral garages and garages would have secure storage built within. For all other plots this can be provided which could be secured by condition.
- 7.39 Overall, the street-scene is considered to now be an attractive environment that has struck the balance between an appropriate parking strategy, achieving genuinely tree lined streets and ensuring that they are a place where pedestrians and cyclists can move freely and safely across and through the site. This accords with design guidance as well as policies SP9, CP9, DM5 and the SPD on residential parking as well as other design tools noted.

Impact upon Residential Amenity

- 7.40 Safeguarding the residential amenity for both existing and any new dwellings will be paramount in order to comply with policies CP9 and DM5 of the Development Plan.
- 7.41 The nearest residential properties to the application site, which will interface with the proposed development, lie to the north west of the site along Mead Way and the north east with properties served off Bakewell Close.
- 7.42 In the case of Mead Way, Plot 1 is the closest proposed property, but this comprises a side-to-side relationship with the nearest dwelling on Mead Way, being parallel to the front garden of this existing neighbouring property and with the intervening public

footpath in-between. The rear facing plots in this portion of the site comprise semi-detached bungalows and therefore there are no windows above ground floor level. As such, with separation distances also taken into account (over 16m from rear elevation to side elevation), it is considered that no adverse or unacceptable amenity impacts would occur as a result of the proposed development.

- 7.43 In respect of Bakewell Close, the nearest plots in this location are plots 142-143 and plot 144. Plot 144 (adjacent to the boundary) is located 'side on' with no direct views afforded over the existing dwellings on Bakewell Close. Again, distances would be sufficient to safeguard neighbouring amenity (around 24m). Plots 142 and 143 would again have a side on relationship but would be set further south westwards in terms of building line than the nearest neighbour (23 Bakewell Close). The alignment of the properties and the distance of around 16m from the rear elevation of no. 23 Bakewell close to the side gable of the proposed plots would be an acceptable amenity relationship.
- 7.44 The remaining parts of the site are not bordered by existing residential development and therefore, there are no concerns in respect of amenity impacts to the east south and west of the site.
- 7.45 In regard to the interrelationship amongst the proposed dwellings within the site, dwellings have been orientated so as to protect residential amenity and facing distances where they occur are typically 21m or more, so to also ensure a satisfactory level of amenity can be maintained for future occupiers of the dwellings. Some dwellings have first floor balconies but would not cause any unacceptable loss of privacy to either existing or proposed dwellings owing to their locations and distances between dwellings. Gardens sizes are considered commensurate with the sizes of the dwellings and the units meet the nationally described space standards internally such that the dwellings are considered to provide for adequate living environment for future occupiers.
- 7.46 The proposed dwellings to the northern edge of the site would be located adjacent to the existing play area. It is recommended by the Fields in Trust Guidelines that activity zones for locally equipped play areas are located around 20m distance from the facades of dwellings to safeguard against nuisance from noise and general disturbance. For units 71 to 84, this distance could be slightly compromised, depending on the layout of any upgrades to the park, noting that the distance from the frontages to the edge to the existing recreational ground would be c10m. However, a more linear layout in equipment to reflect the shape of the site would be capable of achieving close to the required distance and therefore this is not a matter that need be fatal to the scheme, particularly when occupiers would be well aware of the proximity to the play space before first occupation.



7.47 Overall, with regard to the living conditions of both existing and proposed neighbours the proposals are judged to be acceptable in compliance with policies CP9 and DM5.

Impact upon Highway Safety

7.48 Policy NUA/Ho/10 requires the preparation of an appropriate transport assessment and makes specific reference to improvements to Manners Road/London Road junction forming part of any planning application. In addition to the site specific policy, Spatial Policy 7 is of relevance in seeking to encourage an improved and integrated transport network with emphasis on non-car modes as a means of access to services and facilities.

7.49 The development is proposed to be served by three vehicular access points. One would be from Mead Way along the northern boundary of the development which would subsequently loop round to another access on the eastern boundary (also from Mead Way). The third access would serve the separate cluster of dwellings to the north east of Mead Way (north of the Salvation Army building).

7.50 As requested by the site allocation, the application has been supported by a Transport Assessment which has been updated on numerous occasions throughout the application to address concerns raised by consultees, namely NCC as the Highways Authority.

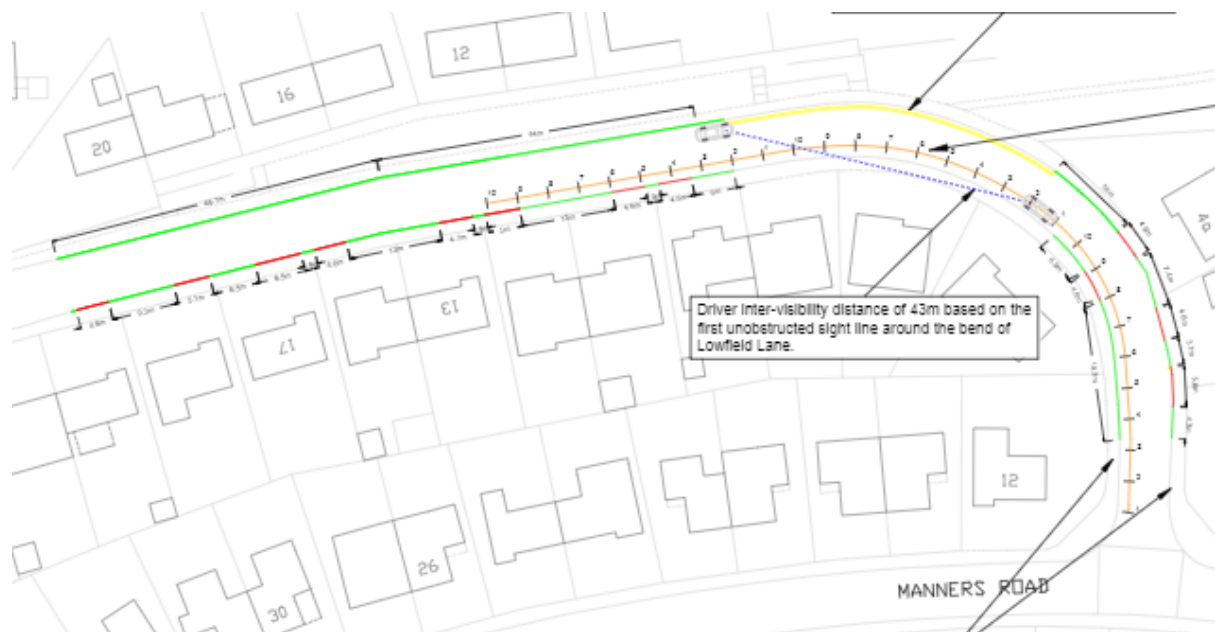
7.51 The original comments from NCC Highways (dated April 2023) raised a number of fundamental issues including some which correspond to the neighbouring comments received during the consultation process, for example that traffic counts were done during a time of covid restrictions and therefore would not form an accurate representation.

7.52 Specifically in relation to the Manners Road/London Road junction (referenced in the site allocation policy), concern was raised that the assessments were not based on the development in its own right but rather the Newark Transport Model which relates partly to infrastructure which has not yet been built. Ultimately the comments raised an objection on the grounds of highways safety and insufficient information to enable proper consideration of the impact on highway capacity.

7.53 It is these issues that the application has sought to overcome through the application process. The latest Transport Addendum was submitted in October 2024. It is noted that it still refers to the development being for 151 dwellings despite the number of dwellings being reduced to 142 during the application. It is assumed that has arisen from the numbering of the plots (which still goes up to 151). For the avoidance of doubt, the assessment relates to the latest plan (revision G) so Officers are satisfied

that the assessment relates to the latest plans which are being assessed for determination which has a lesser impact than the assumed quantum of development in any event.

- 7.54 The highways assessment requires consideration of numerous elements including the accesses into the site; the impact of the development on the wider highways network; the internal road network; the impact on existing public rights of way; opportunities for sustainable travel including bus provision and overall parking and cycle provision.
- 7.55 The northernmost access traverses unregistered land. It is noted that a neighbouring party has raised concerns that this access would conflict with the access to their property but there is no unacceptable conflict from the submitted plans. Because the access crosses unregistered land, it would need to be constructed first so that the development can commence the process of adoption under Section 228 of the Highways Act. The intention is for this access to accommodate a bus route which the Highways Authority have agreed negates the need to provide lighting on the public right of way to facilitate a route to alternative bus stops.
- 7.56 Throughout the consultation process, several interested parties have raised concerns about the impacts of the development on highway safety. Part of these concerns relates to the narrowness of Lowfield Lane and the bends in the road which are perceived as causing a danger to highway users (particularly given the level of on-road parking experienced in the area). This part of the Lane would be used to connect to Manners Road and subsequently London Road. In the most recent highways comments, NCC acknowledge the presence of the blind bend and that an increase in traffic of this level would increase the risk of conflict.
- 7.57 NCC in their original comments confirmed that the dimensions of Lowfield Lane and Manners Road accord with that required for a large development when considering current standards. However, the level of on street parking could cause an obstruction to the free flow of the additional traffic generated. In order to mitigate this risk of conflict, the applicant has proposed double yellow lines. The length of the proposed double yellow lines is based on the first point of visibility around the bend whilst still retaining residual on-street car parking capacity to cater for the existing demand. The potential area for the traffic regulation order is shown indicatively below but the exact detail would be subject to agreement through a separate process to NCC.



- 7.58 In addition to this part of Lowfield Lane, junction protection markings (i.e. double yellow lines) would be required at the junction of Belvoir Road and London Road. Both of these areas of mitigation would need to be secured by condition.
- 7.59 Other off site mitigation required includes the installation of CCTV at the junction of London Road and Mount Road. The CCTV at traffic signals would monitor the junction for issues and congestion in real time and allow intervention of manual control of the traffic lights to clear traffic when required. Again, this would need to be secured. No specific measures are proposed to the Manners Road / London Road junction as originally envisaged by the site specific policy. However, the impact on the wider highways network has been thoroughly considered justifying the areas of potential improvements required. The agreed areas of mitigation are considered proportionate and necessary to facilitate the development.
- 7.60 The internal layout has been subject to numerous amendments with the aim of ensuring it will meet adoptable standards and demonstrates appropriate visibilities. This comes down to the level of detail such as surfacing to make sure that the development can sustain delivering a bus route. Even the latest comments of NCC acknowledge that some further changes may be required to meet highways technical approval but that these are unlikely to have significant material impacts in planning terms. NCC have requested conditions for the finer details of the new roads (such as cross-sectional gradients; street lighting etc.) but based on the latest plan revision, the scheme satisfies the highway authority that impacts are acceptable.
- 7.61 The Rights of Way Team at NCC have also commented on the proposals noting the close proximity of existing rights of way and their connections to the wider Sustrans network. This includes public footpath 11 which is to the northern boundary of the site (to the north of proposed plots 1-9); footpath 14 to the south of the site and also public footpath 28 to the west of the site. The footpath most likely affected by the development is right of way 11 given that the access to the development would require users to cross the access to use the path.

- 7.62 It is this path (11) that links the site to the Sustrans NCN64 cycle route. As a minimum, public footpaths adjacent to substantial developments should have a 2m wide surfaced path with a minimum of 1m grass verge either side. The applicant is proposing to cut back / replant the hedge which currently obstructs path 11 and to set back the fence lines of the closest plots to allow for maintenance of the right of way (the latest plan revisions shows ample set back). NCC Rights of Way team in their original comments referred to matters of safety and design but did not fundamentally raise an objection to the proposal. Through a condition securing boundary details, there would be an opportunity to control the specific design of the boundaries of the properties which adjoin the right of way (for example with additional softer landscaping). NCC Highways in their latest comments have suggested a condition requiring precise details of the footpath improvements prior to 50 dwellings becoming occupied.
- 7.63 The Transport and Travel Services team at NCC have commented on the proposals. Their view originally was that the distance to the nearest bus stop would mean that the footpath 11 referred to above would need to be fully lit. However, the scheme has since been revised to provide a bus route (and associated stops) within the site so that this mitigation is no longer necessary (as confirmed by NCC Highways).
- 7.64 A request has been made for a contribution to bus services support at £108,000. This contribution would fund a demand responsive transport (DRT) service to serve the development and encourage an increase in means of sustainable travel. Sustainable travel would also be facilitated by a Travel Plan and its associated monitoring. These are considered proportionate and reasonable to the development and would be included in the accompanying Section 106 agreement.
- 7.65 It is understood that the impacts of the development on the highways network are a significant concern locally. However, as set out above, subject to conditions and legal provisions, the development as amended is now considered to satisfy the relevant elements of Policy NUA/HO/10 as well as Spatial Policy 7. In the absence of an objection from the Highways Authority, there are no grounds to justify a refusal based on highways safety impacts.

Impact upon Ecology

- 7.66 This application was lodged prior to mandatory Biodiversity Net Gain coming into effect and therefore does not need to advance a 10% net gain. Nevertheless, the starting point for development is that trees and natural features such as hedgerows should be retained where possible as set out in CP12 and DM5.
- 7.67 Policy DM5 of the Allocations & Development Management DPD states in relation to ecology that: *'Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.'*

- 7.68 The NPPF sets out expectations (at para. 180) of (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan and (d)) of minimising impacts on and providing net gains for biodiversity by establishing coherent ecological networks that are more resilient to current and future pressures. At para.186 it sets out the principle that, if significant harm cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused, in line with Policy DM5.
- 7.69 The site comprises 6 fields including semi-improved grasslands, swamp, dense and scattered scrub, scattered broadleaved trees, a network of hedgerows, a pond and ruderal vegetation.
- 7.70 In respect of biodiversity value and the impacts of the proposed development, it is noted that there are a number of concerns on this matter (amongst other issues) from the local community in addition to Nottinghamshire Wildlife Trust. When the application was first submitted, it did not contain the complete survey assessment on different species to enable an informed conclusion of the impact of the proposed development. This work was subsequently undertaken and submitted in support of the application and the complete suite of appraisals and assessment work has been subject to review by the Council's Biodiversity and Ecology Lead Officer.

Extract from ecology appraisal showing field numbers referred to for context



- 7.71 The loss of existing biodiversity value and the planned approach to compensate for this are discussed below, but in order to provide an overview and context, in the absence of compensatory measures the proposed development would result in the following residual loss of habitat as follows:
- 3.8ha of g3c (other neutral grassland)
 - 1.5ha of h3h (mixed scrub)
 - 0.2ha of w1g (woodland)
- 7.72 The Council's Biodiversity Lead Officer has advised that the additional surveys undertaken have been comprehensive and have included all relevant species, species groups and that habitats have been surveyed and assessed to the required level and detail. The assessment is comprehensive and the methodology sound. As such a robust assessment of biodiversity value has been undertaken. They have offered

impartial advice (rather than either supporting or objecting) to enable officers to form a view, to be weighed in the balance.

7.73 Site specific surveys have considered the impacts upon bats, breeding birds, great crested newts, badgers, invertebrates, reptiles and European Hedgehogs. Following the application of mitigation, aside from invertebrates (which is discussed in more detail below) these impacts are judged by the applicant to be either 'Neutral' or 'Positive' (not significant) and our Ecologist agrees that this judgement is fair. In order to secure this mitigated impact, planning conditions are proposed. These include securing reasonable avoidance measures through a Construction Environmental Management Plan (CEMP) and a Biodiversity Management Plan (similar to a Landscape Environmental Management Plan).

7.74 More detail and discussion on impacts and means of mitigation follows:

Amphibians and Great Crested Newts

7.75 The sites habitat may be suitable for common amphibians and Great Crested Newts (GCN). A single common toad was recorded during the survey. The site is known to support a small population of toads so a suitable mitigation strategy will be required (which would need to be embedded with a Biodiversity Management Plan (BMP) condition as well as Reasonable Avoidance Measures (RAMs)) that would need to be embedded within the CEMP condition. Potential breeding habitat for GCN was provided by 3 ponds within the application area and within 500m of the site such that the water bodies were subjected to eDNA sampling which returned negative results meaning they are likely absent.

Badgers

7.76 The scheme has been assessed for badgers and is not addressed within this report due to poaching sensitivities. Should any mitigation or avoidance measures be required they would be covered by the CEMP and BMP conditions.

Bats

7.77 Various different bat species are known to be in the area and the site contains habitat suitable for foraging and commuting bats. The cottage and stable to be demolished has been subject to preliminary assessments and further surveys undertaken finding no evidence of roosts. The trees on site which would be removed have also been subject to surveys.

7.78 Loss of roost potential from the buildings is proposed to be mitigated by the provision of artificial roost boxes to 10% of the dwellings, indicatively shown on a drawing within the ecology appraisals but to be secured as part of the BMP.

7.79 Three trees (T42, T47 & T60) were identified as having 'high' and 'moderate' potential to support roosting bats. T60 has to be removed to facilitate development of the spine road and therefore would need to be soft felled (to be secured through the CEMP). Design interventions have taken place in respect of the other two trees allowing them to remain and 15m protection buffers used during construction, again to be secured

by the CEMP.

- 7.80 Mitigation for commuting bats includes hedgerow retention and protection, provision of additional species rich hedgerow planting to result in an overall increased length. New tree planting and hedgerow enhancement will aim to create a new corridor for bats. A detailed lighting scheme and contour mapping will need to be secured for both construction and operational phases.

Breeding Birds

- 7.81 Hedgerows within the site offer suitable nesting opportunities. No ground nesting birds were recorded during surveys though a total of 22 species were recorded within the site. A known barn owl pair are present in the area and observed foraging within Fields A & B.
- 7.82 Mitigation and avoidance measures would be secured via the CEMP but include vegetation clearance during bird breeding season unless an ecologist is present and the provision of 20 bird nesting boxes on houses to be secured by the BMP.
- 7.83 Loss of grassland could affect bird species reliant on small mammals for prey and therefore open spaces to the south and in Field B will be designed for supporting wildlife that would be subject to a landscape management and monitoring regime.

Reptiles

- 7.84 Records show reptiles have been noted within a 2km radius of the site although not for the site itself. The site has suitable habitat that could support such species. Surveys identified a single common lizard, north of Field A. RAMs contained in the CEMP would avoid impacts on construction stage and provision of suitable hibernacula would provide longer term mitigation and can be secured via the BMP.

Hedgehogs

- 7.85 Hedgehogs were found in 4 of the 6 fields to the north and central areas. Hedgerows within the site are considered a Habitat of Principal Importance and therefore their retention of as many as possible and retaining the plot shape has been part of the design approach. Retained hedgerow would have a 5m buffer on either side during construction and would be enhanced through favourable management and additional planting/gapping up.
- 7.86 Hedgerow removal is as follows:
- H7 – 20m to allow access drive to northern extent
 - H9 – 25m to allow access drive to south and within centre to allow development of central space
 - H11 – 75m of hedgerow removal to allow for access and built form
 - H13 – 20m of hedgerow to allow for access drives
- 7.87 A total of 140m of hedgerow is to be lost. To compensate, a new species rich hedgerow with trees of at least 10 native species 300m in length would be planted along the

south of the site.

- 7.88 It is also considered that in considering boundary treatments to new dwellings, holes should be left to allow hedgehogs to pass through the site which would need to be secured by condition.

Invertebrates

- 7.89 Concerns have been expressed by our Ecologist regarding the assessment for impacts on recorded invertebrate assemblage. This concluded that the recorded assemblage is of county importance and the likely significance in the absence of mitigation would be 'negative (significant)' but with mitigation would be 'neutral'. Mitigation relies heavily on management of the retained grassland and the habitats to be created to the south of the site. These areas would be subject to management unlike the current situation and there would be a direct loss of some areas of supporting habitat reducing the chances of colonisation and there would be a difference in the structural nature of the new habitat. Our ecologist advises that in their view the impact even with mitigation is likely to be 'negative (not significant)' rather than neutral.

Habitats

- 7.90 Clarification was sought regarding the intensive orchard habitat and whether it qualified as a 'traditional orchard or principal importance' as listed in S41 of the Natural Environment & Rural Communities (NERC) Act 2006. This has been provided and our Ecologist is now satisfied that it does not qualify.
- 7.91 Our Ecologist indicates that important habitats where avoidance measures should be a priority are the grassland habitat within Field B and the hedgerow network that divides the site into its component field compartments.
- 7.92 The initial work prepared by the applicant has looked at the possibility of providing for compensatory habitat, for mixed scrub, woodland, and other neutral grassland, to the level where a potential net gain would be secured, but as a minimum the intention would be to replace the habitats lost, so as to ensure no net loss. These proposals have had a cost assigned to them (as referred to above under planning obligations) which forms part of the overall financial planning obligations that the applicant has committed to. As such, the compensatory habitat would be provided for, off-site, in an agreed location and maintained over a 30-year period. This is in addition to the retained Priority Grassland Habitat (referred to as Field B in the Ecological Impact Assessment) which is shown as the 'protected green space' in the layout drawing (Ref: 21-2337 (02) 1001 Rev G) which is highlighted in yellow on the image below.

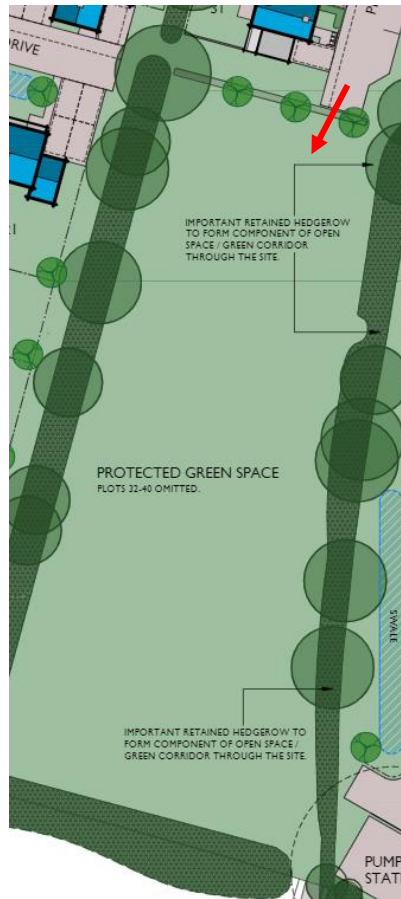
Field B (Protected Green Space) retained



Habitat Baseline Plan



- 7.93 Most of the grassland within Field B is representative of Lowland Meadows Habitat of Principal Importance (HPI) and forms part of the selection criteria for Nottinghamshire Wildlife Sites. In order to avoid a significant negative impact, the majority of this field is now shown as being retained as protected green space where there it is proposed that there be no public access permitted and placing it into long term favourable management. A similar approach is proposed for other areas of species-rich grassland to be created within the development's green infrastructure. The principle of this approach is considered acceptable by the Council's Ecologist.
- 7.94 Access to this retained green space has been raised as a concern given none is shown on the plans. This would be required from time to time for maintenance machinery. Management could be resolved by condition given this would likely be off a private drive (in the location of the red arrow).



- 7.95 Concern is expressed that keeping this free from public access could be difficult to police and that it might be better to allow public access and then manage this via suitable interpretation, providing regularly mown paths around or across the field and suitable dog waste bins. Potential negative effects would be trampling and nutrient enrichment from dog waste. A more formal recreational strategy involving features such as designated dog walking route through the development would be another potential mitigation measure. The precise details of public access (or otherwise) would be agreed via the conditioned Biodiversity Management Plan.
- 7.96 Field E (to be built on) only just falls short of having sufficient indicators to qualify as a HPI and the Appendix actually shows the necessary 12 indicators to meet the selection criteria. However, the ecology officer notes that 10 of the indicators only occurred rarely within the field so is less clear cut. This field could therefore potentially be the type of existing grassland habitat that the Habitat Action Plan would target for restoration. This field would be lost to development, and so would the opportunity for restoration which needs to be taken into account. However the only way this opportunity could be achieved is through the retention of a further area of land proposed for development, which would fail to ensure the meaningful delivery of a holistic and viable housing development on the site. Given the overall compensatory proposals for habitat, which seek as a minimum no net loss, when taken in the planning balance, this is judged to be acceptable.
- 7.97 The on-site compensation strategy involves the creation of some areas along the southern edge of the site and for this to involve translocation of turves. Field E should therefore be considered as a donor but impacts are unlikely to be adequately

addressed on site.

- 7.98 The development design has been shaped by the intention to retain as much priority hedgerow habitat as possible, an approach which is welcomed. However, some loss is still necessary to facilitate access into each component field, a matter that would have been known at allocation stage.
- 7.99 Some lengths of hedgerow form the boundaries of new gardens. In mitigation for the problems this could cause is a proposal to separate them from gardens by a 2m high wooded fence. Issues around maintenance where these hedgerows lies adjacent to swales and fencing could be problematic and the measures are judged to have a neutral impact rather than the applicants claim as 'positive (not significant)'.



- 7.100 In line with the NPPF and local policy, not all impacts concerned with habitat can be avoided (especially given the sites allocation) and therefore compensation is required. Whilst some of this can be achieved on site not all can and there is a need for off-site compensation. Three habitat types which require 4.5ha of land on a like for like basis (so not net gain) but would bring about no net loss which is the minimum required by the NPPF.

Off-site Compensation

- 7.101 Two options have been explored that are available for implementation and delivery of the compensatory habitat off-site.
- 7.102 The first is the applicant directly delivers it with an appropriate local partner and is directly responsible for its delivery and maintenance over a 30-year period. At this stage the applicant has had initial communications with potential partners, but the location of where the compensatory habitat would be located has not yet been determined. Initially a 20-year maintenance period was planned for, however, the Council's Biodiversity Officer has been clear that a longer 30-year period should be sought which is best practice. This has added an additional cost of £47,500 to the initial obligation but is considered necessary in order to ensure ecological impacts are compensated for in the longer term.

- 7.103 The second option is for the financial sum to be provided to the Council and secured via a S106 Agreement. In this scenario, the applicant would be requested to contribute the financial sum as part of the overall financial planning obligations package, with the monies to be spent on the re-provision of the compensatory habitat, within an agreed time period and with a preference for the habitat to be created within the Newark Urban Area. With this option the location and delivery of the habitat would be managed by the Council.
- 7.104 The second option is the one that is being pursued. The Council's Ecologist has advised that ideally the details of the site should be known before permission is granted to ensure compliance with the NPPF. The Council has dealt with situations like this on previous occasions (notably in the case of Suitable Alternative Green Space (SANGs)) where compensation is required beyond what a site can address. In such cases the Council has collected a contribution (as it would for other s106 commuted payments) and directed that provision to sites identified in the wider area. At this time, the market for such sites is limited with the BNG market being at its infancy. However, the Council as LPA is aware of a number of third party sites which may emerge as candidates for ecological enhancement which could be the recipient for this funding. Indeed, the Council itself is also exploring ecological enhancement or BNH credit land within its own and other public sector land holdings. On this basis it is recommended that the commuted payment is secured, indexed linked to invest in ecological enhancement in the NUA within a defined time period.

Ecology Conclusions

- 7.105 The starting point for the consideration of biodiversity impacts must be reflected within the context of the sites status as an allocated housing site. The 'in principle' consideration of the loss of a greenfield site has been considered as part of the previous local plan process, including the examination of the plan, subject to statutory consultation and the testing of evidence. In order to deliver against this committed housing site, there is an inevitable loss of greenfield land and existing biodiversity value.
- 7.106 In the context of introducing significant new built development as part of the implementation of the housing allocation, a reasoned conclusion must be reached on the delivery of an appropriate programme of mitigation, without placing unreasonable burdens on the proposed development and maintaining the viability of the proposed development, as has been referred to earlier in this report.
- 7.107 A number of mitigation, avoidance and compensation measures are proposed both on and off site to ensure that the development brings about a no net loss which is compliant with the NPPF. These measures, when considered holistically are considered appropriate.

Impact on Trees, Landscaping and Public Open Space

- 7.108 The allocation policy NUA/Ho10 seeks an appropriate landscaping scheme to the south and west and hedgerow retention wherever possible. The starting position in

terms of Core Policy 12 and DM5 seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

7.109 No detailed landscaping scheme has been provided with this application, as one would expect given the need for a planning condition in this regard. However, a masterplan embedded within the Arboricultural Impact Assessment sets out some broad parameters for new landscaping alongside tree impacts. The extract below shows tree loss, retained trees, retained hedgerows and proposed broad areas for tree planting.



7.110 At the scale of the extract, it is difficult to see tree retention (the hedgerow retention is more obvious in bright green). Tree removal that is required to facilitate the development amounts to 15 individual trees and 16 groups of trees (all category C2 trees, judged as being of low quality). A further 16 trees would need to be removed due to their poor quality, being graded U in the survey. Tree pruning is required to two trees to facilitate development. Some works would also be necessary to protect trees from works within or close to their root area (depicted by yellow on the plan above) but a method statement to control these works would adequately protect the trees from long term damage.

7.111 The extent of pruning and removing of hedgerows is set out in the impact assessment as well, with wholesale removal required only in respect of a privet hedge and removal of sections of others to gain access. Officers are satisfied that the tree loss has been minimised as far as practicable and that subject to conditions to protect trees during the construction process that the impact on tree would be acceptable.

7.112 Proposed landscaping in terms of compensation for lost trees and new trees (that would be expected anyway such as tree lined streets) would need to be controlled by condition. The plan above indicates 75 new trees.

- 7.113 In respect of the southern boundary of the site, a number of existing trees are proposed for retention, alongside proposals for blue and green infrastructure, comprising of landscaped wetland areas and drainage features that support the site, alongside additional tree/hedgerow planting. The treatment of the exterior part of this site, will create a soft and attractive edge to the development and support the transition into the Local Wildlife Site (LWS) to the south, through creating green and blue infrastructure links. Similar dense planting will be secured to the western side of the site, through the retention of existing trees and hedgerows, supported by additional complimentary tree planting. The final version of the proposals also includes for the retention and protection of an informal amenity greenspace area (the retained grassland habitat as referred to above) to the south western portion of the site.
- 7.114 The requirement for onsite amenity space is set out as an area-based approach as per the Developer Contributions SPD is calculated on the basis of 14.4m² per dwelling, which based on the number of units proposed, would amount to 2,030m². The onsite provision is far in excess of that figure. Turning to the provision of Children's play space, this is not provided for 'onsite' but as per the SPD, through discussions and negotiations with the applicant, it has been agreed that the immediately adjacent existing play space to the northern boundary of the application site should be improved. A sum of money has been agreed with the applicant as set out in the planning obligations table, later in this report.
- 7.115 Further to this, the scheme also provides for the retention and protection of a number of linear hedgerows that run from north to south across the site, assisting in the retention of existing natural features, that form an attractive component of the character of the site, that will be integrated into the development and will assist in breaking up the different sections of built development across the site. Some hedgerows will be subject to further works and/or sections removed, in order to facilitate the proposed development, but the majority of the higher value hedgerows will be incorporated into the proposed development.

Flood Risk and Drainage

- 7.116 The vast majority of the site lies within flood zone 1 (low risk) according to the Environment Agency maps, with a small amount of land along the southern boundary falling into zone 2, at medium risk from fluvial flood risk. The site lies within an area defined as being a low risk from surface water and is not within a designated critical drainage area.
- 7.117 Core Policy 10 'Climate Change' of the Amended Core Strategy DPD requires mitigation of climate change impacts through ensuring new development proposals minimise their potential adverse environmental impacts during construction and operational phases. It also aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and

it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk flood zones.

- 7.118 Paragraph 172 of the NPPF makes clear that sites allocated through the development plan need not go through the sequential test again, although the exception test may need to be applied where relevant.
- 7.119 As most the site is allocated for housing, the sequential test would not need to be applied to that part. However, even taking the wider enlarged site that includes the land to the north-east, the sequential test would be passed given all built development would be located in zone 1.
- 7.200 In flood vulnerability terms the development is classes as 'More vulnerable'. Table 2 of the 'Flood Risk and Coastal Change' Planning Practice Guidance confirms the flood risk Exception Test does not apply to this category within flood zone 1 (which is where all build development would be located). However as a site that is over 1ha in area, a site specific flood risk assessment (FRA) is required to consider drainage, which has been undertaken and submitted as part of this application.
- 7.201 The revised FRA considers a range of flood risks associated with the site's development. Surface water flood risk is low which means that each year the chance of flooding is between 0.1% and 1%, although is difficult to predict as rainfall location and volume are difficult to forecast. Middle Beck runs along the southern boundary of the site. The source of the overland flow appears to be generated from Mead Way to the NE corner of the site routing through and ponding in the site, a matter noted by local residents in their representations.
- 7.202 Infiltration testing has shown soakaways would not be viable for this site to dispose of surface water. As such the next best option (according to the drainage hierarchy) is discharge to a watercourse.
- 7.203 Any impact from fluvial flooding is likely to be at the southern boundary, away from the habitable areas. This is lowest lying area of land and is where a number of attenuation swales would be located to hold the water so that run off from the site is restricted to green field rates. The FRA suggests that the proposed SUDs system would reduce offsite flows for the more significant events causing current flooding, suggesting a betterment over existing; though this has not been verified by the Lead Local Flood Authority. The SUDs scheme would comprise filter drains, swales, bioretention systems, permeable paving, rain gardens in verges, detention basins, ponds and wetlands, as depicted in the drainage plan extract below:



- 7.204 All finished floor levels of dwellings are proposed to be set no lower than 300mm above the 1 in 1000 year flood level at 13.580m AOD as a means of avoiding impacts from flooding.
- 7.205 The Lead Local Flood Authority (LLFA) have reviewed the proposals, and they are satisfied that the Flood Risk Assessment adequately accounts for flood risks associated with the proposed development and have no objection to the proposed development, subject to a condition to secure the submission and approval of a detailed surface water drainage strategy. The detailed strategy will seek the prioritisation of SUDS, limit discharge rates and require the approval of detailed design, calculations and the proposals for attenuation, including how surface water drainage systems will be maintained over the long term. This is all designed to manage impacts on the development and not make them worse elsewhere. The EA have also raised no objections.
- 7.206 Foul drainage would connect to a public sewer located in Mead Way which is in accordance with the national drainage hierarchy. 17 dwellings could discharge by gravity with the remainder requiring a pumping station, the location of which is shown on the layout drawing. It is noted that representations have raised concern about foul sewage capacity being an issue. This would be a matter for Severn Trent as local water authority to deal with in the event that permission was granted. Developers have the right to connect to public sewers (see caselaw *Barratt Homes Ltd v Welsh Water* [2009] UKSC13) and that the local water authority would have an obligation to increase capacity in the event of an approval.

- 7.207 Whilst noting the local concerns over flood risk, the site does not lie within a high risk area and suitable mitigation is proposed by way of the planning condition recommended by the LLFA to also ensure that close consideration is given to the detailed proposals for site drainage.

Impact on Heritage & Archaeology

- 7.208 The site allocation policy NUA/Ho/10 requires a pre-determination archaeological evaluation to be submitted as part of an application and post-determination measures to be secured by condition. It goes on to say that new development should respect the plots shape of the medieval field system. Policy DM9 of the ADMDPD also requires that development proposals should take account of likely impacts on areas of potential impact and the associated need for mitigation.
- 7.209 It is considered that the measures set out within policy have been satisfied in that as summarised below initial investigations have been conducted and an approach to mitigation identified.
- 7.210 The County Archaeologist has provided advice on the scheme proposals, from the pre-application stages, and in the post submission stages. The layout of the proposed development has been informed by a Heritage Desk Based Assessment (DBA) and the layout has incorporated, as far as possible medieval and post medieval plot boundaries, seeking to respect the historical boundaries of the site. In order to account for the potential archaeological remains, a condition is recommended by the County Archaeologist to secure a mitigation strategy to effectively deal with the site, through a phased programme of investigation, followed by mitigation. This condition is incorporated into the recommendation.
- 7.211 The proposal involves the demolition of an existing dwelling known as Hayside Cottage. Concern has been raised locally that the historic value of this cottage has not been appropriately assessed. The applicant has subsequently undertaken an assessment (Allen Archaeology Ltd, 2023) which has been shared with the Nottinghamshire Historic Environment Record (HER) in accordance with paragraph 211 of the NPPF. The report summarises the external interest thus: "The two-storey structure is built in red brick, currently covered in render with a concrete pantile roof and kneelers and with modern fenestration throughout. The two former cottages have been merged, however, a partially blocked back-to-back fireplace still denotes the earlier division between the two properties." The Council's Conservation Officer is of the view that there is little external historic fabric of the cottage surviving. Given the relatively modest 19th-century domestic form of the building and significant loss of original features, the building would not meet the Council's adopted criteria to be considered as a non-designated heritage asset.

Development Viability and Planning Obligations

- 7.212 Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance

from the District Council. It is noted that there are concerns locally that the infrastructure in the area cannot cope with the additional development. It is therefore critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this.

- 7.213 The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure. The relevant contributions to this development are discussed shortly, but first a discussion on viability is necessary.
- 7.214 The applicant has set out concerns around development viability, with particular regard to the delivery of affordable housing. Following the normal process, the applicant has prepared a viability submission, setting out the basis for their position. This submission has been subject to independent review and advice to the Council from a specialist consultant. The independent advice received by officers has confirmed that should the development be asked to deliver affordable housing at the rate of 30% provision in accordance with Core Policy 1 (in addition to the other planning obligations sought) the development would be in a financial deficit and therefore would be unviable. The independent advice confirms that with the reduction of affordable housing to a 10% contribution, the development would be able to sustain that provision, alongside a total financial provision of £901,000 towards other planning obligations, so as to mitigate the impacts of the proposed development.
- 7.215 Details of the affordable housing offer are set out in the relevant section of this report but comprises 10% on site provision. Furthermore, when taking into account Policy DM3 of the ADMDPD, the proposals include for infrastructure provision, as part of a combination of financial planning obligations, which have been agreed with the applicant. When weighed against the desire to deliver against the requirements of an allocated housing site, the provision of 10% affordable housing is considered to be acceptable, particularly given that it will take the form of 'onsite' provision.
- 7.216 It should be noted that whilst the scheme is for 142 new dwellings, given an existing dwelling would be demolished, the mitigation impacts would only be required for 141 dwellings and this is what has been assessed below. The policy requirements for the development are set out and discussed below:

Primary Education

- 7.217 The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required. Based on this site in combination with others recently having received approved (such as Flowserve) the Local Education Authority have requested a contribution for 30 places (rounded up for 141 dwellings) and 1 special education needs place, which the applicants have agreed to fund. Secondary school places are currently funded by CIL.

Health

7.218 The Council's SPD sets out that the type and size of developments which may trigger a health a contribution. These are Residential developments of 65 units are more and/or Development which places extra demand on the local health care provision through its operation.

7.219 The application in question relates to 141 dwellings and the health care trust confirm that existing practices are already operating at capacity, with development placing additional demand on health care. I therefore consider the request is justified and the developer has agreed fund a contribution to health care infrastructure. The contribution (indexed at 2016 so would require an uplift) is £982 per dwelling equating to £138,462 which would be secured by the s106 agreement and be spent on facilities in the area.

Community Facilities

7.220 Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. Off site contributions based on £1181.25 per dwelling are ordinarily sought.

7.221 The proposal itself does not offer any provision for community facilities and therefore occupiers of the scheme could place additional pressure upon existing facilities. However, no specific scheme has been identified for monies that would justify a contribution and in any event viability issues mean that this would not be a priority for spending. As such no community facility contribution is being sought.

Transport Contribution

7.222 Contributions towards bus service provision are requested which are covered in more detail in the Highways section of this report. This have been factored into the viability and would be secured by s106 agreement.

Open Space

7.223 For major developments there is an expectation for on site open space provision, as set out in the Council's Developer Contribution SPD. For this application it includes:

- Amenity green space - is triggered at 30+ dwellings and our SPD indicates provision should be 14.4m² per dwelling. Based on 141 dwellings this would equate to 2030.4m². However the area to the south where the SUDs features would be located equates to over 7000m² not including the protected green space which is over 5,000m² so officers are satisfied this there is ample provision on site.
- Natural and semi-natural green space - Our SPD suggests that 10ha per 1000 population should be provided although recognises that due to difficulties in achieving this a more realistic measure is that residents

should live within 300m of an area of natural and semi-natural green space. In this case as the area, given the areas of open space on site, the scheme would achieve this expectation.

- Outdoor sport facilities - are triggered at 100+ dwellings with 52.8m² expected per dwelling or £718.70 if provided off-site. No on-site provision is being made and no contribution is able to be offered due to viability issues. However, the shortfall in pitch provision in the area is being addressed by Council's Playing Pitch Strategy and the Council's own capital programme for the provision of 5 new 3G pitches across the district 2 of which will be in the NUA. Therefore a contribution towards this is not considered a priority.
- Public open space for children and young people – this is triggered at 10 houses and the usual requirement is for 18m² per dwelling, which would require a space of 2538m². On site provision isn't part of the offer here due to viability reasons. However, there is an adjacent play park serving the existing 90 houses on this estate which is approximately 3958m² in area. In order to mitigate for increased pressure on the existing play park to the north of the site, a financial contribution of £100k is proposed which would be used to upgrade the existing park. A scheme has been costed up and would be progressed should permission be granted. Whilst the play area would be c200m² smaller than what would have been expected for the combined number of units (existing and proposed = 232 dwellings) this is not significantly so, and the contribution of monies to upgrade this space is considered a reasonable compromise, bearing in mind the viability issues, that will benefit existing residents in the longer term.

Libraries

- 7.224 Developments of 10 or more dwellings ordinarily trigger a requirement for library contributions. Justification from NCC has been put forward that requests £6,289 towards library stock for Balderton library. However based on viability issues, this is not considered a priority.

Summary

- 7.225 The table below sets out a summary of the planning obligations that are triggered by the scheme. Those considered a priority by officers have been put to the applicant and the following financial sums agreed. Those with a zero against them are matters which cannot be provided for in this instance, based upon the viability of the proposed development.

Obligation Type	Policy Requirement	Amount to be Secured
Affordable Housing	30% on site affordable housing	10% on site affordable housing
Education (comprising 30 primary school places and 1 SEND place). £22,008 per place x 30 pupils £104,556 per place x 1 pupil	£764,796	£764,796
NHS (investment in existing local GP services). £982 per dwelling x 141	£138,462	£138,462
Offsite Play Area (planned enhancements to existing Mead Way space).	£100,000	£100,000
Transport (bus service provision)	£108,000	£108,000
Offsite Biodiversity Compensation	£383,500	£383,500
Offsite Outdoor Sports Facilities	£101,336	0.00
Libraries	£6289	0.00
Community facilities	£166,556	0.00
Total	£1,768,939	£1,497,758

7.226 The development would generate a requirement for various financial contributions comprising children's open space, outdoor sports facilities, community facilities, libraries, transport, education, and health. In respect of offsite provision for these combined requirements, this would generate a total figure of around £1.77m. This is around £870k in excess of the figure the Council have been advised the scheme can sustain.

- 7.227 This final proposal and offer on behalf of the applicant follows various discussions and negotiations that have taken place over the length of time that the application has been under consideration. Notably, the final figure offered is well in excess of the provision of £901k that formed the output of the independent viability report. As such, the applicant is therefore providing financial contributions of around £596k more than what is typically considered to be a reasonable profit, but unfortunately this cannot sustain all the usual planning obligations, as detailed in the table above. Notwithstanding this, the proposed approach ensures that the obligations that are considered to be more imperative in respect of compensating for the biodiversity loss, infrastructure provision and capacity are provided for namely education, health, and transport, with the addition of a figure towards offsite open space improvements.
- 7.228 Whilst some contributions are not provided for, the issue of viability is a legitimate consideration that must be weighed in the balance. It is also evident that the applicant is providing for in excess of the figure as advised to the Council. This also includes a substantial sum towards offsite biodiversity compensation. The applicant has made an enhanced financial offer, over and above usual reasonable profit margins, to bring the development forward and it is therefore recommended this proposed offer by the applicant is accepted.
- 7.229 CIL - The Council's adopted Community Infrastructure Levy confirms that for residential development in this location is rated zero.
- 7.330 When considering all the elements of the scheme in the round, the key contributions would be secured (by requiring a section 106 to be entered into by all parties with a legal interest in the land by condition – NCC would be the enforcing body noting we could not enforce against ourselves) and officers are satisfied that the scheme is a sustainable development overall. The proposed development is therefore considered to make a suitable overall contribution to infrastructure and is therefore judged to be in accordance with policy DM3 of the ADMDPD.

Other Matters

- 7.331 In addition, impacts in respect of other topic areas such as noise and contaminated land are judged to be acceptable, subject to the imposition of suitable planning conditions, which form part of the recommendation. In respect of noise the Environmental Health Officer notes that the Noise Impact Assessment Report indicates that an acceptable acoustic environment can be achieved at the development, but some of the units would require upgraded glazing and the specific recommendations of the report in this regard are included and carried forward as a planning condition.
- 7.332 Concerns have been raised locally that the construction of the development would increase noise and disturbance for existing residents. Whilst this may be the case, this would be for a finite period of time and in any case, the majority of the dwellings are proposed to be some distance from existing neighbouring properties which would limit the impacts of construction.
- 7.333 Whilst it is noted that there are strong concerns within the local community regarding

the proposed redevelopment of the site, including in the context of health and wellbeing, any current informal use is not safeguarded. As the site remains a planned development site, reflecting its status as an allocated site within the proposed and emerging local plan. The statutory process has previously considered (in the case of the current allocation) the merits of redevelopment of the site, with testing of evidence and the approach has been considered by an Independent Planning Inspector, in the adoption of the ADMDPD.

8.0 Implications

8.1 In writing this report and in putting forward recommendation's 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 Planning Balance and Conclusion

9.1 The proposed development will secure the implementation of an allocated and committed housing site within the current local plan, with the wider land being part of the emerging plan allocation, ensuring the efficient redevelopment of a site, located within a main built-up area, and reflecting the principles of sustainable development. As such, the principle of development is considered to be wholly acceptable.

9.2 The proposed development will deliver an attractive form of development, offering a variety of dwelling types, which will provide for a mixed and sustainable community and will also deliver onsite affordable housing provision, comprising of 'First Homes' and affordable rent properties. It is considered that the proposals will positively integrate into the character and appearance of the surrounding area.

9.3 Whilst it is noted that strong concerns exist around the loss of biodiversity, the loss of some habitat was inevitable for a site that has been allocated for housing development. The applicant has sought to respond to this, through the provision of both onsite and offsite compensatory habitat, the funds for the delivery and maintenance of which would be secured via conditions and the associated S106 Agreement. Officers are satisfied that with mitigation, the proposal would deliver no net less to biodiversity in accordance with local and national policies.

9.4 Whilst it is noted that the site delivers less affordable housing than would normally be sought, independent viability advice received by the Council suggests that the development would be unviable delivering more than the agreed 10%. In contrast, the development also delivers in excess of the sum that the viability advice suggests would be reasonable and the applicant has offered a higher sum, in the interest of bringing the scheme forward. This is considered to be acceptable when taking matters as a whole and to ensure that a viable form of development is delivered on this committed housing site.

9.5 The applicant has sought to resolve concerns from the local highway authority throughout the application with the latest plan being deemed acceptable to NCC subject to conditions and obligations within the legal agreement.

- 9.6 The applicant has prepared a comprehensive drainage strategy to accompany the application which demonstrates appropriate measures to deal with drainage in line with the national hierarchy. This should, in the opinion of the Lead Local Flood Authority, adequately deal with drainage associated with the proposed development.
- 9.7 Despite the level of concern raised locally, in the absence of a highways objection or an objection on drainage from the Lead Local Flood Authority, there are no grounds to refuse the scheme on matters of highways safety or flooding.
- 9.8 The appraisal above considers other material considerations such as residential amenity, finding no fundamental harm. Whilst there are some compromises (for example, the potential proximity of some properties to existing areas of play space), these are not considered fatal to the development.
- 9.9 The proposed reforms to the NPPF seek to deliver 1.5million homes over the next 5 years which will have a significant impact on local housing needs within the Newark and Sherwood (in the context of being able to demonstrate a five year housing land supply). It is therefore paramount that allocated housing sites which comes forward in a sustainable way, as this has been shown to do, are approved without delay. This will assist in avoid pressure on more sensitive sites within the District which are not allocated.
- 9.10 There are no other significant and/or adverse impacts that would result from the proposed development, and it is therefore recommended that planning permission be granted subject to the satisfactory completion of the S106 Agreement and the drafted planning conditions.

10.0 Conditions

- 10.1 It is likely that development would be delivered in at least two phases (noting that the Council would build out part of the affordable housing north of Mead Way) and therefore the conditions have been framed to allow for a phased approach.

1. 01 (Time for Implementation)

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

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

2. 02 (Phasing Plan)

No development shall be commenced until a phasing plan for carrying out the approved works and development has been submitted to and has been approved in writing by the local planning authority. This phasing plan shall show which elements of strategic landscaping and open space shall be provided alongside each residential phase. The approved phasing plan shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority.

Reason: In order to allow for a phased development and ensure that appropriate mitigations are delivered in a timely manner.

3. 03 (Approved Plans)

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

Document Description	Reference	Date Deposited
Plans		
Location Plan	LP	9.12.22
Site Location and Block Plan (SGA Architects)	DR/A/00001/P4	1.6.23
View along Main Street	(VIS) 001	9.12.22
View North West from Central Space	(VIS) 002	9.12.22
View South from Mead Way Entrance	(VIS) 003	9.12.22
View of the Central Space	(VIS) 004	9.12.22
View East Along Main Steet	(VIS) 005	9.12.22
View of Lane to Southern Edge	(VIS) 006	9.12.22
Type A Flat Elevations	00002 P2	9.12.22
Type D House Elevations	00003 P2	9.12.22
Type A and D Floor Plans	00004 P1	9.12.22
Garage Plans	21-2337 (02) GAR	1.11.24
Visualisation Image	00005 P2	9.12.22
Visualisation Image	00006-P1	31.8.24
Visualisation Image	00007-P1	31.8.24

Visualisation Image	00008-P1	31.8.24
Proposed Site Layout and General Arrangement Plan	21-2337 (02) 1001 Rev G	18.10.24
Type IM01 I B2P Maisonette	21-2337-IM01 (02) 001 Rev A	9.12.22
Type 2103 2B3P Bungalow	21-2337-2103 (02) 001 A	9.12.22
Type 2201 2b4p Terrace (The Winthorpe)	21-2337-2201 (02) 001 A	9.12.22
Type 2M01 2B3P Maisonette (The Kirton)	21-2337-2M01 (02) 001 A	9.12.22
Type 3201 v1 3B5P Semi-Detached (The Edingley)	21-2337-3201-V1 (02) 001 A	9.12.22
Type 3201 V2 3B5P Terrace (The Edingley)	21-2337-3201-V2 (02) 001 A	9.12.22
Type 3204 3B5P Detached (The Maplebeck)	21-2337-3204 (02) 001 A	9.12.22
Type 3205 3B5P Semi-Detached	21-2337-3205 (02) 001 A	9.12.22
Type 3206 V1 3B5P Terrace	21-2337-3206-V1-(02) 001 A	9.12.22
Type 3206 V2 3B5P Semi-Detached	21-2337-3206-V2-(02) 001 A	9.12.22
Type 3207 V1 3B5P Detached & Semi-Detached	21-2337-3207-V1-(02) 001 A	9.12.22

Type 3207 V2 3B5P Semi- Detached	21-2337-3207-V2-(02) 001 A	9.12.22
Type 4201 4B6P Detached.	21-2337-4201 (02) 001 A	9.12.22
Type 4202 V 4B6P Detached Corner House	21-2337-4202 V1 (02) 001 A	9.12.22
Type 4202 V2 4B6P Detached Corner House	21-2337-4202 V2 (02) 001 A	9.12.22
Type 4301 3B5P Link (Live Work Unit)	21-2337-4301 V1 (02) 001 A	9.12.22
Type 5201 5B8P Detached House	21-2337-5201 (02) 001 A	9.12.22
Type 5302 5B9P Dormer House	21-2337-5302 (02) 001 A	9.12.22
Type A and d floor plans	636 SGA 226 XX DR A 00004 Rev P1.	9.12.22
Sensitive Site Area Key Plans	001 REV A	2.11.23
Swept Path Analysis - Large Car and Van	3943 002 REV D	29.8.24
Visibility Splays 2.4m x 25m	3943 004 REV D	29.8.24
Swept Path Analysis - Refuse Vehicle Inbound	3943 006 REV B	29.8.24
Swept Path Analysis - Refuse Vehicle Outbound	3943 007 REV B	29.8.24
Forward Visibility Splays	3943 008 REV B	29.8.24
Indicative Lowfield Lane Parking Review	3943 009 REV B	29.8.24

Swept Path Analysis - Bus Eastbound	3943 010 REV A	29.8.24
Swept Path Analysis - Bus Westbound	3943 011 REV A	29.8.24
Distance Between Traffic Calming Features	3943 012 REV A	29.8.24
Proposed Site Layout: Adoption Plan	21-2337 02 002	28.6.24
Topographical Survey and Utility Survey	36158 T UG 0	29.8.24

Reason: So as to define the proposal.

Pre-commencement overarching conditions

4. (Section 106 Obligations)

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

Obligation Type	Contribution to be Secured
Affordable Housing	10% on site affordable housing
Education (30 primary + 1 SEND place)	£764,796
NHS (Investment in existing local GP practice)	£138,462
Off-site Play Area	£100,000
Transport (Bus Service Provision)	£108,000
Off-site Biodiversity Compensation including 30 year maintenance programme	£383,500
Travel Plan Monitoring Fee	£7,500
Safeguarding of land for potential future cycle link	Non-financial provision for safeguarding of land

Contribution to cover CCTV installation of the London Road/Mount Road junction	TBC
A contribution to cover the costs of implementing a traffic regulation order within the site if required	TBC
Programme for the provision of management of onsite 'protected' amenity space	Non-financial for management of land

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

5. (Access to retained Grassland Habitat – Field B)

No development shall be commenced until details of the vehicular access arrangements to support the ongoing maintenance of the retained Priority Grassland Habitat (Field B), have been submitted to and approved in writing with the local planning authority. Once approved, access arrangements shall be provided to an agreed timetable and shall be retained in perpetuity thereafter.

Reason: To ensure that retained habitat is able to be accessed to ensure the conservation and management of an area of biodiversity value.

6. (TRO for preventative parking)

No works or development above foundation level shall take place until applications for traffic management measures to prevent parking on the bend on Lowfield Lane and at the Junction of Belvoir Road/London Road are made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.

Reason: In the interests of highway safety.

Pre-commencement Conditions

7. (Construction Method Statement)

No development shall be commenced, on any phase of the development, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority covering that phase of work/development. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- days and hours of working (excluding Sundays and Bank Holidays)
- the parking of vehicles of site operatives and visitors;

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- measures to minimize the transfer of mud and detritus to the public highway including wheel washing facilities for construction traffic and arrangements for road sweeping.
- a layout of the construction access including a drawing showing visibility splays and method statement for the use of banksmen;
- details regarding parking provision for construction workers and plant on the site.
- the development build route.

Once approved, the Construction Management Plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, sustainability and highway safety.

8. (Construction Environmental Management Plan)

No development shall take place (including demolition, ground works, vegetation clearance) on any phase of the development, until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority covering that phase of work/development. The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of “biodiversity protection zones”.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.

- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting features of biodiversity value during the construction phase. This condition is necessary to capture all mitigation and avoidance measures necessary for safeguarding the environment/biodiversity on site together in one single document and should include annotated plan(s) summarising the key elements, which will then provide a rapid visual assessment of what should be implemented that can be distributed to construction workers on the site. This is likely to be an evolving document as the phases progress across the site. For the avoidance of doubt this condition should amalgamate and elaborate on measures identified within the ecological submissions which accompanied the application.

9. (Biodiversity Management Plan)

Prior to the commencement of the development on any phase of the development, a Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the Local Planning Authority covering that phase of work/development. The content of the BMP shall include the following:

- The location and summary description of the features to be mitigated, maintained and/or enhanced, or created;
- The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- The proposed management prescriptions for those actions;
- An annotated plan providing a summary of the elements covered by items a, b, and c;
- An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years for a period of 30 years);
- Identification of who will be responsible for implementing the BMP; and
- A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District

Council at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

The development shall thereafter be implemented in accordance with the BMP and in accordance with the timetable for works which shall be embedded into the scheme.

Reason: In the interests of protecting and/or enhancing onsite biodiversity features, over the long term. For the avoidance of doubt this BMP should be based upon the ecological submissions forming part of the application and needs to capture all matters of biodiversity that have been identified as requiring to be secured.

10. (Arboricultural Method Statement)

No works or development shall take place on any phase of the development until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows within that phase has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include:

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

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

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

11. (Proposed Finished Levels)

No development shall commence in respect of the proposed dwellings on any phase, until details of proposed site levels and finished floor levels (noting FFLs should be no lower than 13.58m AOD as set out in the Flood Risk Assessment that accompanied the application) have been shown on a composite plan for that phase and 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 interested of residential amenity and flood risk.

12 (Archaeology Part 2)

Part 1

No development or demolition shall take place in any phase until an archaeological Mitigation Strategy for the protection of archaeological remains in that phase is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for trial trench evaluation and provision for further mitigation work, as necessary. These schemes shall include the following: 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements). 2. A methodology and timetable of site investigation and recording 3. Provision for site analysis 4. Provision for publication and dissemination of analysis and records 5. Provision for archive deposition 6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework

(Archaeology Part 2)

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

Archaeology Part 3)

Part 3

A report of the archaeologist's findings for each phase shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

13 (Surface Water Drainage Scheme)

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved HWA Flood Risk Assessment (FRA) and Drainage Strategyv02 ref P22177-HWA-ZZ-XX-RP-C-5000 dated October 2022, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details, including the ability to phase the development where appropriate accounting for housing to the north and south of Mead Way prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements, and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
No surcharge shown in a 1 in 1 year.
No flooding shown in a 1 in 30 year.
For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity, and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

14 (Land Contamination)

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with, including the ability to phase the development where appropriate accounting for housing to the north and south of Mead Way prior to completion of the development. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority for each phase. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme for each phase must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Part D: Reporting of Unexpected Contamination

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

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

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

15 (Road Provision)

No development hereby permitted shall commence on any phase of the development, until details of the new roads within that phase (including any access as may be appropriate) have been submitted to and approved in writing by the Local Planning

Authority. Details shall include longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details for each phase to the satisfaction of the Local Planning Authority.

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

16 (Arrangements for future management of private roads)

No works above foundation level shall take place within each phase until details of the proposed arrangements and plan for future management and maintenance of the proposed streets and private accessways including associated drainage contained within that phase of development have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under section 38 of the Highways Act 1980 at which point those streets covered by the agreement will not be subject to the approved management and maintenance details.

Reason: In the interests of general safety and amenity

17 (Main Access Provision)

Save for any development in relation to Plots 142-151 inclusive, no development shall be commenced until the northernmost access point on Mead Way shall be constructed and made available for use thereafter.

Reason: To ensure the development can be constructed as approved and safeguard the proposed bus route.

18 (External Materials)

Prior to the laying of any facing bricks above damp proof course of any dwelling in any phase, a schedule of external facing materials (including manufacturers name, colour and material) covering that phase, shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: Insufficient details have been provided and the condition is necessary in the interests of visual amenity.

Prior to Occupation Condition

19 (Hard and Soft Landscaping and its Implementation)

Prior to first occupation of any dwelling within each phase, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority, covering that phase. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size, and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- proposed finished ground levels or contours;
- means of enclosure of any open areas of communal space;
- car parking layouts and materials (parking area shall be of no-dig construction type as per email dated 9.6.24);
- hard surfacing materials
- minor artefacts and structures for example, furniture, refuse or other storage units, signs etc.
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

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

The approved hard landscaping shall be completed in accordance with the approved details prior to first occupation of any dwelling or as may be otherwise agreed and shall be retained for the lifetime of the development.

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

20 (Noise Attenuation/Window Glazing)

Prior to first occupation of each phase, a scheme of noise attenuation for that phase shall be submitted to and approved in writing in respect of noise from the nearby Wastewater Water Treatment Works. This scheme of mitigation shall build upon those set out in the Noise Impact Assessment BS 8233:2014, BS4142:2014+A1:2019 Report dated 10/02/23 by Noise Assessments Limited, identifying the precise mitigation measures for each plot. The approved scheme shall be implemented on site prior to first occupation.

Reason: In the interests of protecting residential amenity from unacceptable levels of noise.

21 (Boundary Treatments)

Prior to the first occupation of any plot within each phase, precise details (types, height, design and materials) of all hard boundary treatments for dwellings within that phase 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 prior to first occupation, in accordance with the approved details and thereafter retained for a minimum of five years.

Reason: In the interest of residential and visual amenity and biodiversity. It should be noted that hedgehog holes in boundaries should be considered and included to allow for the passage of them through the site. Careful consideration will also be required in respect of the boundaries fronting on the public right of way no. 11.

22 (Bus Stop and Associated Infrastructure)

Notwithstanding the layout as shown on drawing number 21-2337 (02) 1001 rev G, no part of the development hereby permitted shall be brought into use unless or until plans denoting the locations of new Demand Responsive Transport (DRT) bus stops within the site have been submitted to and approved in writing by the Local planning Authority.

Details shall include: Polycarbonate bus shelter, Solar or electrical lighting for the shelter, Raised boarding kerbs, Lowered access kerbs, Enforceable bus stop clearway, Black top dressing (tarmacadam) on 3.6metre x 7metre hardstand and footways associated with the bus stop, purpose-built terminus with vehicle waiting facilities and a timetable for implementation.

The approved details shall be delivered in accordance with the approved details.

Reason: In the interests of highway safety and making for sustainable transport choices.

23 (Plan for unallocated parking)

Prior to first occupation of any dwelling in any phase, a plan for the management of the unallocated residential parking within that phase, shall be submitted to and approved in writing by the LPA. The management plan shall then be adhered to for the lifetime of the development.

Reason: To ensure that sufficient parking is available for residents, in the general interest of highway safety.

24 (PROW Improvements)

No more than 50 dwellings shall be occupied until improvements are made to the Public Right of Way (Balderton Footpath 11) between Mead Way and the adjacent site to the

west, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: To safely accommodate the increase in use by virtue of the development and to encourage sustainable transport.

25 (Bin Storage Areas)

Prior to first occupation of the dwellings within each phase, details of the refuse storage areas for each of the dwellings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved scheme.

Reason: In the interests of visual amenity.

26 (Covered Cycle Storage Provision)

Prior to first occupation of any dwelling within each phase, for those dwellings without an on-plot garage within that phase, details of secure, covered cycle storage shall be provided to and be approved in writing by the Local Planning Authority. The approved cycle storage shall be provided on site prior to first occupation.

Reason: Insufficient details have been provided with the application and the condition is necessary in order to provide adequate storage for cycles (in the interests of sustainability) in a timely manner and in the interests of amenity.

27 (Roadside verge details)

Notwithstanding the details submitted, prior to first occupation of any dwelling in each phase, details of all planting in road-side verges alongside the approved street lighting and utilities layouts within that phase shall be firstly submitted to and agreed in writing by the LPA. The approved details shall be implemented in accordance with an agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

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

28 (Details of Rain Gardens)

Prior to first occupation of any dwelling in each phase, a detailed landscaping plan of the proposed rain gardens within that phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be provided in accordance with the details approved.

Reason: In the interests of highway safety, to ensure that visibility splays can be maintained where drainage proposals are located in and around the new highway.

Compliance Conditions

29 (Prohibited Activities near Trees)

During the construction period the following activities must not be carried out under any circumstances.

- No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

30 (Tree Retention)

No trees, shrubs or hedges within the site which are shown as being retained on within the Arboricultural Survey Report BS 5837:2012 SF3041 Lowfield Lane, Balderton Revision D - February 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.

31 (Visibility Splays)

The vehicular visibility splays as shown on Drawing Number 3943_004 rev E shall be kept clear of all obstructions over 600mm height above carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

32 (Provision of Parking)

The parking spaces for each dwelling hereby approved shall be provided prior to each occupation in a bound surface, with means to prevent the egress of surface water to the public highway. The parking areas shall thereafter be retained for parking for the lifetime of the development.

Reason: To prevent the transfer of deleterious material and surface water to the public highway, and to retain parking in the general interests of highway safety.

33 (Retention of Garages for Parking)

The garages serving the following plots shall be retained as parking (and shall not be converted to living accommodation) for the lifetime of the development unless a separate planning application has been granted.

Plots 3, 12, 16, 19, 23, 48, 49, 58, 65, 66, 67, 68, 69, 70, 97, 100, 101, 102, 103, 109, 111, 126, 127, 128, 135, 137, 138, 139, 140 and 141.

Reason: The plots listed above rely on the parking provision within the garages to meet the appropriate level of parking commensurate with the size of the house (as set out in the Council's Residential Car Parking Supplementary Planning Document 2021) and this condition is necessary to ensure adequate off-street parking is provided and retained in the interests of amenity, good planning and highway safety.

34 (Travel Plan)

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

Reason: To promote sustainable travel

35 (External lighting)

Prior to first occupation of any phase of this development, details of any external lighting (other than street lights within the highway) shall be submitted to and approved in writing by the local planning authority covering that phase. The details shall include contour mapping, details of the locations, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and adverse impacts on bats. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to safeguard nocturnal wildlife from adverse impacts.

Informatives

01

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

The following Notes to Applicant are provided for and on behalf of NCC as the Highway Authority.

02

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, 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 road works. a) 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 HA 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 HA as early as possible.

b) It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk.

03

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which 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, Page No. 8 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.

04

The applicant should email hdc.north@nottsc.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.

05

The development requires a notice to be served under S228 of the Highway Act and to enable this the works must be first approved and inspected. It is recommended therefore that the technical approval process required for S38 is requested at the earliest opportunity.

06

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact licences@viaem.co.uk.

07

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.

08

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

09

The applicant needs to demonstrate how the public will be kept safe on both adjacent public rights of way (PROW) during construction. A Temporary Traffic Regulation Order (TTRO) to prevent or restrict public access of the PROW may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way

10

The applicant is advised that all planning permissions granted on or after the 1st December

2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

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

11

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

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

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 22/02375/FULM

