



Report to Planning Committee 5 December 2024

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Laura Gardner, Senior Planner x5907

Report Summary			
Application No.	23/01283/OUTM		
Proposal	Outline Planning Permission for up to 12,008sqm employment development (use class B2, B8 and E(g) i, ii and iii) with associated internal access roads, landscaping and drainage (all matters reserved).		
Location	Land At Overfield Park, Winthorpe, Newark On Trent		
Applicant	Lindum Group Ltd	Agent	Mr Andrew Pettifor - Aspbury Planning Ltd
Web Link	<u>23/01283/OUTM Outline Planning Permission for up to 12,008sqm employment development (use class B2, B8 and E(g) i, ii and iii) with associated internal access roads, landscaping and drainage (all matters reserved). Land At Overfield Park Winthorpe Newark On Trent NG24 2UA (newark-sherwooddc.gov.uk)</u>		
Registered	24.07.2023	Target Date / Extension of Time	23.10.2023 / TBC
Recommendation	Approve, subject to the conditions set out in Section 10.0 and the signing and sealing of a Section 106 agreement		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the proposal represents a departure from the Local Plan.

1.0 The Site

- 1.1 The site comprises 3.47 hectares of land between the A17 Sleaford Road (to the south) and Godfrey Drive (to the north) which serves the development on what is known as Overfield Park. The site was historically part of the Winthorpe Aerodrome used during the war.
- 1.2 Land to the east is occupied by Farol Ltd, an agricultural machinery dealership and further to the east is the Wirtgen Group House. To the west is a Starbucks coffee house

and drive thru. To the south (beyond the A17) is Newlink Business Park occupied by the Currys/Knowhow Distribution Centre.

- 1.3 The site itself is relatively flat and largely undeveloped, albeit there are the remnants of the former runway located centrally. The northern boundary with Godfrey Drive is bunded (estimated around 1 to 2m in height) and overgrown. Vegetation also forms the boundary alongside the A17. A metal gate/access point located centrally along the A17 is evident although appears redundant.
- 1.4 The site is within Flood Zone 1 and at very low risk of surface water flooding according to the Environment Agency maps.
- 1.5 The site is within the Newark Showground Policy area to the north of, and outside of, the Newark Urban Area.
- 1.6 The proposal site is partially within the former RAF Winthorpe site, which is identified on the Notts Historic Environment Record as being a heritage asset. Winthorpe Conservation Area is also approximately 335m away to the northwest of the site boundary.
- 1.7 The site has the following constraints:
 - Allocated site – NUA/MU/1 (Newark Urban Area – Mixed Use Site 1).

2.0 Relevant Planning History

- 2.1. The development has been screened against the Environmental Impact Assessment Regulations 2017 and it has been determined that the development does not require the submission of an Environmental Statement. (SCR/23/00005).
- 2.2. No planning history on the application site itself.
- 2.3. *Land to the north*
 - 23/02281/OUTM - Outline Planning Permission (all matters reserved save for means of access) for up to 41,806sqm of Employment land (use class B2, B8 and E(g) (i), (ii) and (iii) with associated internal access roads, landscaping and drainage. *Pending Consideration.*
- 2.4. *Land to east (now occupied by Farol Ltd)*
 - 21/01736/S73M- Request for variation of condition 02 to replace approved landscaping plans and addition of drainage drawings attached to planning permission 20/01219/FULM; Erection of an agricultural machinery dealership comprised of maintenance, sale and repair with associated infrastructure. *Approved 15.10.2021*
 - 20/01219/FULM – Erection of agricultural machinery dealership comprised of maintenance, sale and repair with associated infrastructure. *Approved 12.10.2020.*
- 2.5. *Land to further east (now occupied by Wirtgen)*

- 16/01796/FULM - Erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping. *Approved 27.01.2017*

2.6. *Land to west (now occupied by Starbucks)*

- 20/00217/FUL – coffee shop with drive thru. *Approved 06.04.2020.*

2.7. *Land to south-east*

- 22/02427/RMAM – RMA pursuant to 20/1452/OUTM Erection of one distribution building (Use Class B8) together with ancillary offices, plot access, car parking and landscaping. *Approved 17.03.2023*
- 20/01452/OUTM- Development of site for distribution uses, including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping. *Refused by Members (contrary to Officers) due to impact on open countryside 03.11.2021 but subsequently allowed at appeal by decision dated 29.11.2022.*

2.8. The site is also close to the A46 and the proposed bypass which is currently being considered by the Planning Inspector as a Development Consent Order.

3.0 The Proposal

3.1 The proposal seeks outline permission for up to 12,000m² of employment land (use class B2, B8 and E(g) i, ii and iii)¹ with associated internal access roads, landscaping and drainage.

3.2 All matters are reserved. Nevertheless, an indicative masterplan has been submitted showing the site could be split into three units each served by associated car parking areas and various access points from Godfrey Drive to the north. It is suggested that building heights could be around 16m.

3.3 The application has been assessed based on the following plans and documents:

- Outline Site Plan – 17983 dated March 03 2023;
- Location Plan – 17857-THP-SITE-XX-DR-A-100 Rev. A;
- Existing Site Plan – 17857-THP-SITE-XX-DR-A-101 Rev. A;
- Existing Constraints Plan – 17857-THP-SITE-XX-DR-A-102 Rev. A;
- Masterplan – 17857-THP-SITE-XX-DR-A-110 Rev. B;
- Proposed Site Plan – 17857-THP-SITE-XX-DR-A-111 Rev. C;
- Constraints Overlay Plan – 17857-THP-SITE-XX-DR-A-112 Rev. C;
- Parameters Plan – 17857-THP-SITE-XX-DR-A-113 Rev. A;
- Parameters Overlay Plan – 17857-THP-SITE-XX-DR-A-114 Rev. C;

¹ B2 (General Industrial Use), B8 (Storage and Distribution Use), E(g)(i) (Offices to carry out any operational or administrative functions use), E(g)(ii) (Research and development of products or processes use) and E(g)(iii) (Industrial processes use)

- Units 3-4 Finished Level Scheme – Y21177 D101 Rev. 3;
- Units 4-5 Finished Level Scheme – Y21177 D102 Rev. 3;
- Units 2 & 3 Drainage Layout – Y21177 D201 Rev. 4;
- Units 1 & 2 Drainage Layout – Y21177 D202 Rev. 4;
- Indicative Site Usage Plan – L5 / 586 – 90 Rev. E;
- Arboricultural Report – AWA5154 dated April 2023;
- Archaeological Evaluation Report – 2597 dated June 2022;
- Design and Access Statement – 17857 – DA01;
- Ecological Impact Assessment – 18-0902.03/87023.543988 dated April 2023;
- Flood Risk Assessment & Drainage Strategy – AMF/FRADS/Y21177v3 dated March 2023;
- Ground Conditions & Contamination (unreferenced received 21st July 2023);
- Spatial Planning Statement – AJP/LINDU/23/1869 dated May 2023;
- Transport Assessment dated September 2023;
- Letter from Newark & Nottinghamshire Agricultural Society dated 3rd October 2023;
- Technical Note – Additional Information 2201-012/TN/02
- Geo-Environmental Assessment – Phase 1 – 96385.587715 dated February 2024;
- Heritage Statement received 11th June 2024;
- Project Overfield Indicative Elevational Treatment received 11th June 2024;
- Detailed UXO Risk Assessment dated 17th March 2020;
- Email dated 13th November 2024 in relation to highways matters including the following documents and indicative plans:
 - Proposed Roundabout Improvements – 2201-012.SK02(B);
 - Alternative Roundabout Improvements & Tracking – 2201-012.SK03;
 - Tracking HGV – 2201-012.SP01(B);
 - Tracking HGV – 2201-012.SP02(A);
 - Proposed CW Widening & Ped-Cycle Infrastructure – 2201-12.SK01(B);
 - Junction 10 Arcady Roundabout Module dated 11/11/2024.

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 18th September 2023.

5.0 Planning Policy Framework

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change

- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment

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

- Policy NUA/SPA/1 – Newark Urban Area – Newark Showground Policy Area
- Policy NUA/MU/1 – Newark Urban Area – Mixed Use Site 1
- DM2 – Development on Allocated Sites
- DM3 - Developer Contributions and Planning Obligations
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and has just completed its Examination In Public during November 2024. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies (apart from DM12) emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore currently limited. As such, the application has been assessed in-line with all policies from the adopted Development Plan, other than DM12.

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework (NPPF) 2023
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Developer Contributions and Planning Obligations SPD 2013
- Landscape Character Assessment SPD 2013

5.5. Proposed reforms to the National Planning Policy Framework and other changes to the planning system, 30 July 2024 & National Planning Policy Framework: draft text for consultation, July 2024. The planning reforms are not yet policy but indicate a direction of travel for policy and the planning system. There are capable of being a material consideration.

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. **National Highways** – No objections subject to conditions.

- 6.3. **NCC Highways** – No objections subject to conditions and obligations.
- 6.4. **Active Travel** – No objections subject to condition.
- 6.5. **Environment Agency** – No objections subject to conditions.
- 6.6. **NCC Flood** – No objections subject to condition.

Town/Parish Councils

- 6.7. **Winthorpe Parish Council (host Parish)** – No comments received.
- 6.8. **Coddington Parish Council (neighbouring Parish)** – Coddington Parish Council objects to this application on the grounds that it is inconsistent with the Adopted Allocations Development Plan Document in several respects. The proposed development falls in Policy Area NUA/MU/1 Newark Urban Area – Mixed Use Site 1 which is part of Policy Area NUA/SPA/1 Newark Urban Area – Newark Showground Policy Area.

Policy NUA/SPA/1 states that new development which supports and complements Newark & Nottinghamshire Agricultural Society Showground and other leisure uses on site will be supported provided it meets wider strategy and policy requirements. Development proposals must address factors including:

- The need to address access constraints relating to the A1/A46/A17 junctions
- The need to adequately screen new development

Policy NUA/MU/1 states that development on this site will be subject to:

- The requirements of the Newark Showground Policy Area
 - o Screening of the existing developments in this Policy Area is completely inadequate. The boundary hedging is regularly cut down to around one metre high along both the A17 and A46, and illuminated signs on existing developments in this Policy Area are kept lit 365/24/7. Both of these are in conflict with the report of the Planning Inspector for the appeal on the Wirtgen site which commented on the good screening in place and the need to limit illumination of signs to periods when the facilities are in use. There is no confidence that adequate screening will be restored nor maintained for this proposed development.
- The preparation of a site specific Master Plan for the allocation setting out the location of various land uses and a phasing policy for new development
 - o Where is the site specific Master Plan for this allocation in the application documents for this proposed development, which simply refers to a separate application with limited details provided?
- Until appropriate improvements have been made to the A1/A46/A17 junctions, employment development will not be considered appropriate. Any proposed development will need to demonstrate that it will not generate significant a.m. and p.m. peak traffic as part of any planning application
 - o This proposal is for employment development without any improvements in place to the A1/A46/A17 junctions so should be rejected. There are already significant

queues occurring on the A17 leading to additional traffic volumes through Coddington village and past the school crossing.

This proposal should be rejected due to the significant conflicts with several Policies in the Adopted Allocations Development Plan Document

- 6.9. **Newark Town Council (neighbouring Town Council)** –Newark Town Council has no objection to the principal of the development but does comment as follows:

-Existing hedgerows on site must be retained.

-That by way of S106 contributions or planning conditions, the Developer is required to provide new, improved and enhanced pedestrian and cycle access to the site for the benefit of employees living in Newark who may work at the site and also residents of Newark wishing to walk or cycle to the Showground.

Representations/Non-Statutory Consultation

- 6.10. **NCC Planning Policy – Transport and Travel Services** – Request submission of a Public Transport Delivery Strategy and bus stop details.

- 6.11. **NSDC Environmental Health (contaminated land)** – Intrusive sampling and ground water and ground gas monitoring and have been completed. There were no exceedances of soil sample screening criteria for the proposed use. Whilst elevated methane was identified during one monitoring event, this has been further evaluated during the risk assessment and has been revised down to CS1. This assessment however is based on only five ground gas monitoring events when ordinarily we would expect six to be the minimum. I remain to be convinced that the ground gas regime has been adequately characterised. Recommend the use of the full contamination condition.

- 6.12. **NSDC Archaeological Officer** - The site is located in an area of high archaeological potential associated with late Iron Age and Roman settlement activity. Ongoing excavation work to the south-east on the other side of the A17 has identified extensive Roman settlement remains. Recent non-intrusive evaluation work to the north, adjacent to the A46, has identified similar activity as has work to the south of the A1.

The applicant has already undertaken a trenched evaluation of the site and the report accompanies this application. It has identified one area of archaeological sensitivity around trench 17 which will be impacted by the development. These features are likely associated with the extensive late Iron Age and Roman settlement currently being excavated to the south-east, although it is evident from the trenching that there has been some truncation from the construction of the WW2 airfield.

Given the above, further mitigation work in the form of a small open area excavation around Trench 17 is recommended. This work can be secured by a condition of consent.

- 6.13. **NSDC Tree Officer** - It is suggested that without significantly reducing the level of development:

1. The density of the development will not allow for reasonable mitigation (landscaping).
 2. The development is not in keeping with the character of the local area.
 3. The proposal will have a strong negative impact on the character of the local area.
 4. The proposal will have strong negative impact on biodiversity, and climate change.
- 6.14. **NSDC Ecology Officer** - considered that the proposal aligns with the requirements of NSDC Amended Core Strategy (Adopted March 2019) Core Policy 12 – Biodiversity and Green Infrastructure, but I would advise that if outline approval is granted, at Reserved Matters stage the soft landscaping scheme should maximise its value for biodiversity through its design, and demonstrate how this has been done.
- 6.15. **Newark Business Club** – Support the proposal which would add to the commercial and employment opportunities in the Newark locality.
- 6.16. **NSDC Conservation** – The proposal would result in less than substantial harm to the setting of Winthorpe Conservation Area and some of the Listed Buildings on the eastern edge of the settlement, albeit the lower end of the scale of harm. It is acknowledged that some of the harm could be minimised by landscaping and palette of materials, which could be agreed at a reserved matters stage. It would be for the decision maker to weigh up any public benefits from the proposal against the heritage harm identified.
- 6.17. **Arqiva** – No adverse effect on operations.
- 6.18. **One letter of representation has been received:**
- Great idea for the future success of the Newark town centre and its surrounding villages;
 - The planning decision must have the flexibility to save as many of the existing trees as possible and the size of units must be of a smaller/medium size for small and medium sized enterprises.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issues are:
1. Principle of Development
 2. Impact on Visual Amenity
 3. Impact on Highway Safety
 4. Impact on Trees and Ecology
 5. Impact upon Residential Amenity
 6. Flood Risk and Drainage
 7. Land Contamination
 8. Impact on Archaeology
 9. Developer Contributions
- 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

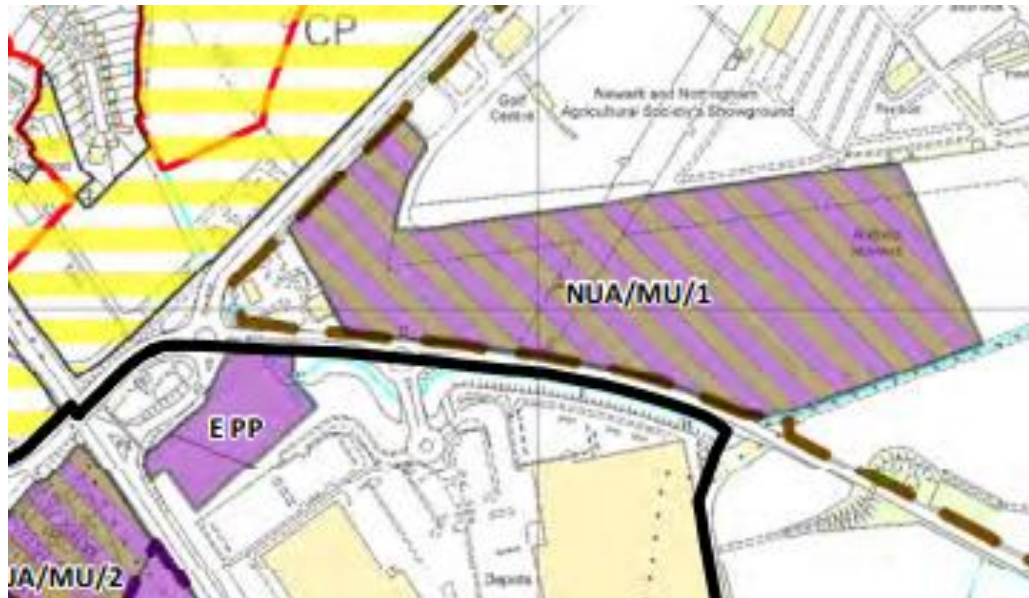
development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden 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.

Principle of Development

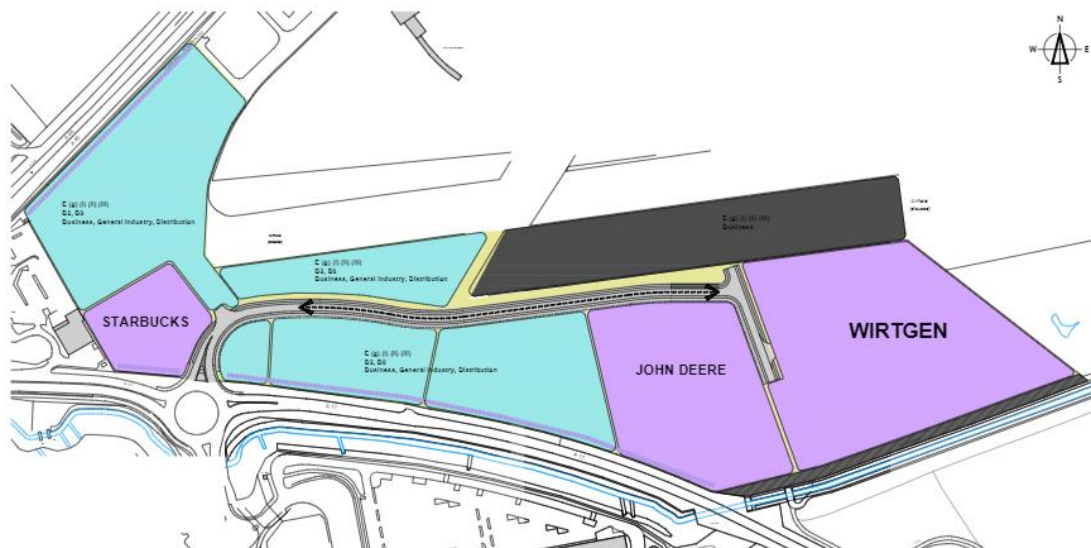
- 7.3. Spatial Policy 1 sets out the Settlement Hierarchy for the District, identifying the Sub Regional Centre as the Newark Urban Area and setting out that the function of it is to be the main focus of housing and employment growth in the District over the Development Plan period. Core Policy 6 provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, providing most growth at the Sub Regional Centre of Newark. The NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.4. Whilst the site is located outside of the defined Newark Urban Area, the site is within policy NUA/MU/1 – Newark Urban Area – Mixed Use Site 1 within the adopted Allocations and Development Management DPD. Policy DM2 states that within sites allocated by the DPD, proposals will be supported for the intended use where they comply with the remainder of the Development Plan and the site-specific issues set out within the allocation.
- 7.5. The premise of this policy area is to accommodate a hotel/conference facility, restaurant facilities to support the wider showground uses and employment uses. The application site also sits within the Newark Showground Policy Area (NUA/SPA/1), which seeks to facilitate new development which will support and complement the East Midlands Events Centre (Newark & Nottinghamshire Agricultural Society Showground) and other leisure uses on the site.
- 7.6. In addition to general policy requirements development on the site shall be subject to the requirements of the Newark Showground policy area (NUA/SPA/1) notably;
- Addressing access constraints relating to the A1/A46/A17 junctions;
 - Need to adequately screen new development;
 - Investigation of potential archaeology on site;
 - Address any issues regarding potential impact on neighbouring amenity.
- 7.7. Policy NUA/MU/1 further states that development on site will be subject to the following:
- The preparation of a site-specific master plan for the allocation setting out the location of various land uses and a phasing policy for new development;
 - Until appropriate improvements have been made to the A1/A46/A17 junction employment development will not be considered appropriate. Any proposed

development will need to demonstrate that it will not generate significant am and pm peak traffic as part of any planning application.

- 7.8. As set out in the planning history section above, this application is not the first to come forwards within the mixed-use site allocation which covers a substantial area:



- 7.9. As per the policy requirements, applications within the allocation are required to prepare a site-specific Masterplan for the allocation setting out the location of various land uses and a phasing policy for new development. The application has submitted an indicative usage plan showing the parts of the site which are already in use in purple:



- 7.10. Both the application site and all remaining land within the allocation are annotated as being for Class E (G) (i) (ii) (iii); B2, B8 Business, General Industry, Distribution. Crucially this would leave no available land with the policy area of NUA/MU/1 for the delivery of a hotel/conference facility or restaurant facilities as envisaged by the policy allocation.

- 7.11. This was raised with the agent during the application and in response a supporting letter has been provided by Newark & Nottinghamshire Agricultural Society (the charity that operates the activities from Newark Showground). The full detail of the letter is available to view on the planning file but essentially it seeks to comment on the provision of hotel facilities on or adjacent to the Showground.
- 7.12. It is stated that discussions regarding the requirement for a hotel close to the Showground have been ongoing for many years but that one of the biggest drawbacks is that the Showground is so well located geographically that many users typically make the journey in a day without staying overnight. Moreover, the nature of the events at the Showground has not historically been seen to support a consistent demand for hotel accommodation with demand typically being sporadic. The Showground has limited facilities in the immediate vicinity (albeit it is appreciated that these have in part come forwards through the site allocation, for example the now operational Starbucks). This means that users of the hotel would potentially need to travel further afield in order to access shops, restaurants and entertainment. These are all deemed as negative factors in considering a prime location for a hotel.
- 7.13. The supporting letter presents a persuasive argument in that it is in part based on previous studies for potential demand and viability of a hotel which have to date concluded that there is unlikely to be sufficient demand to attract a hotel developer / operator to consider the location. Clearly, this runs contrary to the aspirations of policy NUA/MU/1 and the application is considered to represent a departure to the Local Plan on that basis.
- 7.14. Officers have carefully considered whether or not a lack of a hotel proposal should be fatal to the application which seeks only to provide employment uses. In reaching a judgement, it must also be considered that there are potential alternative locations for a hotel in the area which could be acceptable in planning terms should a future demand arise. The supporting letter from the Newark & Nottinghamshire Agricultural Society considers that it would be more appropriate for a hotel to be located with direct access onto the A46 (which would also promote associated visibility). It is explicitly stated that the Society would be receptive to proposals for an accommodation only hotel facility and would be supportive of its location along land, peripheral to the Showgrounds main activities. Whilst this is not a short-term prospect it does offer some comfort that the policy aspirations of NUA/MU/1 could be realised nearby if a demand presents itself in the future. In the absence of the Council having robust evidence to demonstrate that a hotel would be viable within the policy zone, it is not considered appropriate to resist the current application purely on the basis that it does not include a hotel.
- 7.15. It is stated within the Planning Statement that the scheme can anticipate providing at least 120 warehouse operative jobs as well as employment in other supporting roles (albeit the exact levels of proposed employment are unknown noting the outline nature of the proposals). This must weigh positively in the overall balance of the scheme in the context of Core Policy 6 (Shaping our Employment Profile).

- 7.16. Despite finding that the proposal would be contrary to policy NUA/MU/1 in part, the application must be assessed against all material planning considerations in order for an appropriate balancing exercise to be taken.

Impact on Visual Amenity

- 7.17. Core Policy 9 of the Core Strategy requires a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 echoes this stating that the District's landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy NUA/SPA/1 also refers to screening of any development, which I take to mean securing appropriate siting, landscaping/and or boundary treatment being secured.
- 7.18. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. The site is situated within Landscape Character Zone: ES PZ 4 Winthorpe Village Farmlands. The landscape condition here is defined as moderate and landscape sensitivity is also described as moderate. The policy zone has a landscape action of conserve and create. This includes promoting new hedgerows, enhancing tree cover and landscape planting generally and conserving what remains of whilst and reflecting the local built vernacular.
- 7.19. The site as existing comprises poor semi-improved grassland with tall ruderals, species-poor intact hedgerow and hardstanding. The site previously formed part of RAF Winthorpe airfield and has been 'prepared' for development. The land immediately surrounding the site comprises a variety of uses including large scale industrial buildings.
- 7.20. The proposal is for outline permission and therefore the exact visual impacts of the development cannot be known at this stage. However, the proposal relates to a significant amount of proposed floor space and there is a suggestion that the buildings would have a considerable scale of around 16m. Clearly, a development of this scale would alter the character of the current site from predominantly arable land to an industrial development. The site also occupies a relatively prominent position close to heavily trafficked road networks.
- 7.21. The site is allocated and therefore there is an explicit acknowledgement that the visual characteristics of the site are expected to change. There is nothing to suggest that the level of development proposed could not be accommodated within the site and the visual impacts appropriately mitigated through landscape planting. A suggested landscape buffer along the southern boundary of the site is welcomed, exact details of which would need to be submitted at reserved matters stage if outline consent were to be forthcoming.
- 7.22. I note the concerns of the Council's Tree Officer that the density of the development would not allow for reasonable mitigation but in the absence of detailed plans showing the exact development form proposed, it is my view that it would be premature to reach such a conclusion.

- 7.23. Subject to appropriate landscaping details being submitted to mitigate the exact layout and scale of the development proposed, I do not consider that the proposal would result in any detrimental visual impact in accordance with Policy NUA/MU/1 and Policies CP9 and DM5.

Impact on Highway Safety

- 7.24. Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this. Policy NUA/MU/1 requires development to be acceptable in respect of the A1/A46/A17 junctions.

- 7.25. A Transport Assessment (TA) has been submitted with the application. There was some discrepancy in the original submission as to whether access was a matter sought for consideration or not. The TA refers to access being a reserved matters consideration, but the application form and original description of development referenced seeking approval of access. It has since been clarified that access *is* intended as a reserved matter and the description of development has been updated accordingly.

- 7.26. The original TA used 2019 traffic surveys on the basis that they were undertaken pre-covid when traffic flows were likely to be higher than post covid conditions (due to more flexible working practises). The TA states:

“The results presented in Table 6.2 indicate that during the traditional morning peak hour, the site is forecast to attract 17 two-way vehicle trips, with a total of 8 two-way vehicle trips forecast during the evening peak hour. Whilst the forecast trips may be considered to appear to be low during the traditional morning and evening peak hour periods, this is a reflection of the proposed development likely operation that would schedule journeys to and from the proposed development outside of the traditional peak periods.”

- 7.27. It is further stated that:

“Highway capacity junction analysis has revealed that an imperceivable change will occur on the local highway network as a result of the proposed development therefore indicating that there is no reason for the proposed development to be refused on highways grounds.”

- 7.28. Noting the comments from Newark Town Council (included above), the TA states the following in relation to pedestrian and cycle movements:

“The main pedestrian access to and from the site is via Godfrey Drive which benefits from a shared use footway / cycleway on both side of the road, which are approximately 3m in width. From Godfrey Drive, access towards the centre of Newark is possible firstly by crossing the Godfrey Drive / A17 / Long Hollow Way roundabout on its western arm onto the southern footway of the A17. The crossing at this arm of

the roundabout is characterised by dropped kerbs and tactile paving with a pedestrian island in the centre of the carriageway.

From this point, Newark can be accessed by:

- *Following the A17 footway in a westerly direction towards the Friendly Farmer (A17 / A46) roundabout junction; and/or*
- *Following the Long Hollow Way shared footway/cycleway towards the A46.”*

- 7.29. National Highways have commented on the proposals and raise no fundamental objections albeit do request a condition for a construction management plan in order to access the construction impacts of the proposal given the proximity of the site to the A46 and the A1.
- 7.30. NCC on the other hand did however raise significant issues in their original comments relating to numerous issues including:
- Lack of drawings showing the proposed widening of Godfrey Drive;
 - Lack of drawings showing visibility splays from accesses;
 - Lack of swept path drawings for HGVs;
 - Inappropriate use of distribution trip rates data (given was based generally on large B8 units);
 - Flows from 2019 not including both the John Deere and Starbucks sites which are now operational;
 - Parking ratios inappropriate for use proposed.
- 7.31. The applicant has been working with NCC Highways during the application in an attempt to resolve the issues raised. The latest comments from NCC raise no objections subject to conditions and the need for an associated legal agreement.
- 7.32. Junction assessments have now been carried out using suitable trip rates for both this application and the pending Phase 2 scheme (reference 23/02281/OUTM). Ultimately the assessments show that this application does not have a severe highways impact in its own right but that should this and the Phase 2 development come forwards, then the capacity at the A17 roundabout would be exceeded by some margin (depending on the end users which come forwards in the Phase 2 application). The assessments are based on a specific quantum of office space and therefore it would be necessary to restrict the level of office space to come forwards by condition.
- 7.33. A roundabout scheme which mitigates the impacts when considering both applications has been submitted which includes a return to a 2-lane ahead approach for eastbound vehicles, alongside improvements to the eastbound merge. This would not require land within this development site to be delivered and given the mitigation would not be triggered by this application alone, it is not necessary to further control securing any mitigation through this Phase of the development. Any potential mitigation would fall to the Phase 2 application (if approved and if required based on the detail of the scheme which comes forwards).

- 7.34. Despite matters of access being reserved, there are potential impacts of the development which legitimately must be considered at outline stage as set out by NCC Highways in their latest comments:
- 7.35. *Godfrey Drive is constructed as a 6.75m road suitable to serve the light industrial uses at its easternmost end. On the development side of the road there is a 4m verge with 2m of which containing a filter drain. However, this current application includes major industrial use under B8, requiring a 7.3m carriageway width which would encroach into the developable land. It is also required to extend the existing 3m shared route between any reserved matters application site and the A17, to support travel by sustainable means.*
- 7.36. *As it is not known what uses will occupy which area within the development site, it is essential that the land which would be required for any widening for both the carriageway and the extension of the shared route is protected from being developed, to enable suitable widening to be delivered as part of any of the reserved matters applications.*
- 7.37. Based on the above, it would be reasonable and necessary to condition that the land associated with the potential widening required is safeguarded pending the exact nature of the development which comes forward at reserved matters stage. It is noted that NCC comments also requested this to be secured through a legal agreement given the uncertainties as to the final occupiers. However, the permission would go with the land and therefore the condition would be applicable whoever the end user is.
- 7.38. In addition to the above, Active Travel England originally raised concerns in the absence of a formalised Travel Plan and provision for cycle parking (which also links to the concerns raised by the Town Council in relation to the provision for enhanced cycle and pedestrian accesses). It has since been agreed that this could be a matter dealt with by condition (as has been the case for other similarly scaled industrial developments in the District).
- 7.39. Nottinghamshire County Council have made a specific request for a 'Public Transport Delivery Strategy' to be secured by condition with details to include an enhanced bus service to connect the development and travel hubs such as Newark's train stations and the main bus stops within Newark. This is intended to allow the development to align with the Governments 'National Bus Strategy' (2021) which requires Local Transport Authorities to implement ambitious bus priority scheme and Bus Service Improvement Plans (BSIPs).
- 7.40. The agent has responded to this request on behalf of the applicant contending that given the outline nature of the development, it is not possible to determine whether the level of patronage of any bus service would be sufficient to justify and support a viable service diversion. They do not consider that the proposed development is of a scale which would clearly justify bus service provision. They have however stated that the applicant *may* at an appropriate time be prepared to consider making land available for a bus stop at a later date (partially in line with the wider operations at the Showground).

- 7.41. The condition suggested by Active Travel is very similar in wording to that requested by Nottinghamshire County Council and has been included in condition 11 of the recommendation. It is noted that the applicant does not consider this to be a reasonable request, but Officers disagree and do consider it meets the required tests and would be necessary to make the development acceptable in terms of sustainable means of travel. The condition is worded as a 'pre-occupation' condition and therefore does not require the agreement from the applicant in the same way a pre-commencement condition would. The applicant would have the ability to appeal any condition imposed on the decision.
- 7.42. It has been carefully considered whether or not it would be necessary to also have an associated legal agreement to control any potential financial implications of the required bus provision. However, having discussed with legal colleagues, Officers are comfortable that the ability to control the delivery of the service would set within the approval of the implementation of the condition (which would require discharge). It is also notable that a very similarly worded condition was used on the scheme referred to in the planning history (20/01452/OUTM) which was imposed by a Planning Inspector appointed by the Secretary of State.
- 7.43. It is however required that there would be a legal agreement for the monitoring of the Travel Plan (not necessarily related to bus stop delivery). NCC request a financial contribution of £15,000 for the monitoring of the Travel Plan with a further £1,200 per annum for subsequent years beyond year 5 up to and including the year after the end of construction.
- 7.44. In conclusion the proposal, subject to conditions and obligations, is considered to have no adverse impacts in terms of highway safety and would comply with NUA/MU/1, SP7 and DM5.

Impact on Trees and Ecology

- 7.45. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 states that new development, in line with the requirements of Core Policy 12, should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both as part of on site development proposals and through off site provision.
- 7.46. An Ecological Impact Assessment has been submitted with the application. This identifies that the habitats present on site are widespread in both a local and national context. Furthermore, it is stated that whilst there is likely to be a delay in achieving the biodiversity objectives for the site (i.e. whilst new habitats become established, it is anticipated that in the long term there be no significant residual effects on habitats or protected species resulting from the proposed development. For the avoidance of doubt, the application was submitted some time before Biodiversity Net Gain legislation coming into force and therefore there is no statutory requirement for the proposal to deliver a 10% net gain.

- 7.47. With the Appraisal, precautionary measures are suggested which could be secured by condition were permission to be forthcoming. The Council's Biodiversity and Ecology Lead Officer has assessed the submitted details and confirmed that the proposal would align with Core Policy 12. It is suggested that any landscaping presented through a reserved matters application (when the precise detail of where the buildings would be is known) should maximise its value for biodiversity through its design. Similarly, the design of the proposed surface water attenuation ponds provides an opportunity to maximise biodiversity which again could be appropriately demonstrated through a reserved matters submission.
- 7.48. The submitted Tree Survey identifies a dense roadside boundary hedge bordering the sites southern boundary comprising predominantly of Hawthorn and Field Maple with occasional Elder, Blackthorn and Hazel. This hedgerow is of low Arboricultural value but provides established screening between the site and the adjacent road.
- 7.49. There is no suggestion that the existing Category C hedge along the southern boundary would need to be removed to facilitate the development so it is likely that any vegetative removal would be limited to pruning works.
- 7.50. As above, the Councils Tree Officer has raised concerns that the proposed density of the development would not allow for adequate mitigating landscaping, but this would be a matter for consideration at reserved matters stage.
- 7.51. Overall, it is not considered that the proposed development would detrimentally impact upon biodiversity on the site and the proposal would accord with Core Policy 12 and Policy DM7.

Impact upon Residential Amenity

- 7.52. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The Newark Showground policy (NUA/SPA/1) details that developments should address any issues arising from proposals which may adversely affect nearby residents.
- 7.53. There are no residential properties located within close proximity to the site. The closest residential accommodation to the site would be the properties at the southern edge of Winthorpe to the northwest (over 400m away). Given the degree of separation and the intervening road network it is not considered that the proposed development would result in a loss of neighbouring amenity. The proposal is therefore considered to comply with policy DM5 & policy NUA/SPA/1.

Flood Risk and Drainage

- 7.54. Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' Core Policy 10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the

intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

- 7.55. The site lies within Flood Zone 1 which is at lowest risk of fluvial flooding however small parts of the site are subject to low levels of surface water flooding.
- 7.56. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted as well as drainage layouts being referred to on the indicative plans. This confirms that on site surface water attenuation will be required in the form of underground cellular tanks and open basins. Foul drainage is proposed to be discharged to a public foul sewer to the southeast of the site subject to a capacity review by Severn Trent Water. NCC Flood as the Lead Local Flood Authority have reviewed the application and raise no objections subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme which could come forwards through a reserved matters submission once the detailed design of the proposals is known.
- 7.57. Based on the above I do not consider there would be any adverse impacts relating to flooding or surface water run-off and I conclude that the proposal accords with CP10 and the NPPF in flood risk terms.

Land Contamination

- 7.58. A brief summary document (Delta Simons) describing anticipated ground conditions has been included with the application. This is based on information gathered from other investigations from the wider site. The summary report goes on to recommend that a site-specific risk assessment will be required and considers possible remedial measures.
- 7.59. Colleagues in Environmental Health have reviewed the document and have commented that there is doubt that the ground gas regime has been adequately characterised (being based on five monitoring events when ordinarily six would be the minimum). They have therefore suggested the inclusion of a full phased land contamination condition which has been agreed by the applicant.
- 7.60. The Environment Agency have commented in respect to groundwater and contaminated land acknowledging that previous land uses could lead to potential contamination. Based on the information provided by the applicant, it is agreed that the risk to controlled waters is low. There are no objections to the development subject to conditions which are considered reasonable. The first condition suggested would essentially repeat the wording of the wider contamination condition and so can be incorporated within.

Impact on Heritage and Archaeology

- 7.61. The proposal site is partially within the former RAF Winthorpe site, which is identified on the Notts Historic Environment Record. Winthorpe Conservation Area is also approximately 335m away to the northwest of the site boundary. Core Policy 14 (Historic Environment), along with Policy DM9, require the continued conservation and enhancement of the character, appearance and setting of the District's heritage

assets and historic environment, in line with their identified significance as required in national policy.

- 7.62. Paragraph 209 of the NPPF states that the effect of an application on the significant of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.63. The former airfield has been significantly altered by later 20th Century operations and includes more recently approved development of a similar nature. It is therefore considered that little weight should be afforded to the identification and there is no direct conflict with the relevant non-designated heritage asset policies. The nearest designated assets would be listed buildings within Winthorpe and the Conservation Area.
- 7.64. A Heritage Statement has been submitted during the application which essentially sets out that the visibility of the site from the Conservation Area is severely limited due to the mature tree lines and woodland that characterises the immediate setting and surroundings of the Conservation Area. Reference is also made to the existing industrial 'backdrop' which surrounds the site concluding that the impact on the setting of the Conservation Area would be neutral.
- 7.65. The Heritage Statement has been assessed by colleagues in Conservation. Their view is that the scale and massing of the building(s) would dominate and detract from the character of the buildings in the Conservation Area and the industrial character would detract from the rural and parkland character of the eastern fringe of the Conservation Area boundary. Overall, there is an identification of less than substantial harm 'albeit the lower end of the scale of harm'.
- 7.66. Paragraph 208 of the NPPF is clear that where a proposal will lead to less than substantial harm, this will need to be weighed against the public benefits of the proposal.
- 7.67. In this case the public benefits relate primarily to the significant employment opportunities. Noting that this is an allocated site, and noting the level of harm identified, it is considered that the economic benefits would be enough to outweigh the heritage harm in this instance. There would be opportunity to mitigate further the level of harm at reserved matters stage through appropriate landscaping but also a sensitive external palette of materials.
- 7.68. In accordance with the requirements of the Newark Showground policy (NUA/SPA/1), an Archaeological Evaluation Report has been submitted in support of the application (this includes both the site and the remainder of the allocated site land to the northwest). The evaluation confirms the presence of buried remains across the site. Primarily composing of ditches on varying alignments and scattered pits and postholes, the character of these features is interpreted as generally agricultural with likely multiple phases represented however dating evidence is very limited.

- 7.69. The report has been reviewed by the Councils appointed archaeological Officer. Their comments acknowledge that the site is located in an area of high archaeological potential associated with late Iron Age and Roman settlement activity. Subject to a condition requiring further work in the form of a small open excavation around Trench 17, no objections are raised to the proposals.
- 7.70. As such it is not considered that the proposed development would not adversely impact on archaeological remains in accordance with Policy NUA/SPA/1, Core Policy 14 and DM9.

Developer Contributions

- 7.71. Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that local infrastructure and served that are essential for a development to take place are secured through an associated legal agreement. Policy DM3 (Developer Contributions and Planning Obligations) states that the delivery of planning growth set out in the Core Strategy is dependent upon the availability of infrastructure to support it.
- 7.72. For a development of this nature, there are no 'automatic' contributions triggers which would be hit in terms of the Developer Contributions SPD. As set out in paragraph 7.43, a legal agreement would be required solely for the monitoring of the Travel Plan.

8.0 Implications

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

9.0 Conclusion

- 9.1. The site forms part of a mixed-use site allocation originally envisaged as delivering a variety of commercial uses including hotel and restaurant facilities. As set out above, the lack of delivery of a hotel (and the lack of ability of the remainder of the site allocation to do so) renders the application a departure from the Local Plan.
- 9.2. However, this must be balanced against all other material planning considerations including the significant employment benefits which would be secured by a commercial development of this scale.
- 9.3. The majority of impacts from the development could be appropriately mitigated (for example, the visual impacts by landscaping, the highways impacts by controlling means of access and proportion of end uses). These factors can therefore hold neutral weighting in the planning balance.
- 9.4. It is notable that less than substantial heritage harm has been identified in the context of the setting of the nearby Conservation Area. However, the public benefits

associated with the development would outweigh this harm being at the 'lower end of the [less than substantial] scale of harm.'

- 9.5. No other specific harm has been identified and therefore the delivery of an allocated site and the associated employment and economic benefits hold determinative weight. The development is therefore recommend for approval subject to conditions (and a legal agreement for the monitoring of the Travel Plan).

10.0 Conditions

01

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') for each phase or sub phase of the development (pursuant to condition 03) shall be submitted to and approved in writing by the Local Planning Authority before development in that phase or sub phase begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Each reserved matters application for each phase or sub phase of the development shall be accompanied by an up to date phasing plan and phasing programme. The approved phasing plan shall be adhered to throughout the construction period.

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

04

Prior to the commencement of the development in any relevant phase or sub phase, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority for the A1 and A46 trunk roads.

The Plan should include details on the following:

- a) Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities;
- b) the hours of construction work and deliveries;
- c) Construction phasing
- d) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours)
- e) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- f) mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- g) a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- h) waste management;
- i) protection measures for hedgerows and grasslands.
- j) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details.

Reason: To ensure that the A1 and A46 Trunk Roads continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and in the interests of road safety.

05

Development other than that required to be carried out as part of an approved scheme of remediation or for the purposes of archaeological or other site investigations linked to this permission must not commence in any phase or sub phase until Parts A to D of this condition have been complied with in relation to that phase or sub phase. 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

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

is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

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. 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 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Part D: Reporting of Unexpected Contamination

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

remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The site is located above a Secondary A Aquifer and the above condition will ensure that the risks to the aquifers and surface water are adequately assessed and mitigated. To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework.

06

No part of the development hereby approved shall commence for any phase or sub phase until a detailed surface water drainage scheme based on the principles set forward by the approved RWO Flood Risk Assessment (FRA) and Drainage Strategy ref AMF/FRADS/Y21177.v3 dated March 2023, has been submitted for that phase or sub phase and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

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

07

Part 1

No development or demolition shall take place in any phase or sub 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

08

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.

09

Part 3

A report of the archaeologist's findings for each phase or sub 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.

10

No works or development within any phase or sub phase, other than site investigations, shall take place until an Arboricultural method statement and scheme for protection of the retained trees/hedgerows for that phase or sub phase has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service/drainage runs/soakaways 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 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 Arboricultural method statement and tree/hedgerow protection scheme.

Reason: To preserve and protect existing trees which have and may have amenity value that contribute to the character and appearance of the area.

11

Each reserved matters application for each phase or sub phase of the development shall be accompanied by a Travel Plan. The Travel Plan shall set out proposals (including targets, a timetable and implementation) 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. For the avoidance of doubt, the Travel Plan shall include the following proposals:

- prior to the occupation of the development, if found to be required through the Travel Plan, details of a daily or more frequent return shuttle bus service to connect the development and travel hubs such as Newark's train stations and the main bus stops within Newark shall be submitted and approved in writing by the Local Planning Authority. This bus service shall be operational upon practical completion of the unit(s) and reviewed after at least three months, six months and after twelve months, and thereafter every twelve months and maintained for a period for a minimum period of 10 years from the commencement of the use unless, either a commercial bus service passing within 400 metres of the site comes into operation, or the bus service is proven to be no longer viable. If a commercial service does come into operation, or the bus service is shown to be no longer viable, then the applicant shall seek the written approval of the Local Planning Authority that the service is no longer required;
- car usage minimisation including the provision of electrical charging points for cars and other vehicles and the use of car sharing.
- details of the ride home facility for members of staff travelling to the site by sustainable modes of transport.

The Travel Plan for each phase or sub phase shall be implemented in accordance with the timetable set out in that plan.

Reason: To promote sustainable travel.

12

Each application for reserved matters for any phase or sub phase shall be accompanied by a Biodiversity/Landscape Environmental Management Plan (LEMP). This shall include:

- a) purpose, aims and objectives of the scheme;
- b) a review of the site's ecological potential and any constraints;
- c) description of target habitats and range of species appropriate for the site;
- d) selection of appropriate strategies for creating/restoring target habitats or introducing target species. This shall include but not be limited to the provision of bat boxes;
- e) selection of specific techniques and practices for establishing vegetation;
- f) sources of habitat materials (e.g. plant stock) or species individuals;
- g) method statement for site preparation and establishment of target features;
- h) extent and location of proposed works;
- i) aftercare and long term management;
- j) the personnel responsible for the work;
- k) timing of the works;
- l) monitoring;

m) disposal of wastes arising from the works.

All habitat creation and/or restoration works shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintaining and enhancing biodiversity.

13

Each application for reserved matters for any phase or sub phase shall be accompanied by the submission of a detailed lighting scheme for that phase or sub phase. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, and structures they illuminate; a horizontal and vertical illuminance plan to include:

- Details of light intrusion, source intensity, and upward light; and
- Details of the lighting fittings including their design, colour, intensity and periods of illumination.

No external lighting works shall be installed within any part of that phase or sub phase other than in accordance with the approved details.

Reason: in the interests of visual amenity and biodiversity.

14

Each application for reserved matters for any phase or sub phase shall be accompanied by details of parking and turning facilities, access widths, visibility splays, gradients, surfacing, structures and drainage. All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved.

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

15

The land required for purposes of highways improvements, as shown on a drawing to be first submitted to and approved in writing by the Local Planning Authority, shall then be safeguarded from development and remain available for highways improvement works for the lifetime of the development. For the avoidance of doubt, the full extents of the land required on Godfrey Drive required are as shown on Drawing Number 2201-012 SK01 rev B.

Reason: To ensure that the development can be delivered with safe and suitable access.

16

An access strategy shall be submitted with each reserved matters application and shall include details of provision of a 3m shared route linking to the A17 and the widening of Godfrey Drive (if required).

Reason: In the interests of highway safety.

17

The overall gross floor area hereby approved shall not exceed more than 30% of use class E(g)i (office).

Reason: To ensure that the capacity and safety of the surrounding highway network is acceptable.

18

No part of the development hereby permitted shall be brought into use in any phase or sub phase until provision has been made within the application site for parking of cycles for that phase or sub phase in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In the interest of promoting sustainable travel.

19

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the NPPF.

20

No site clearance works including shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to September inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

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

21

The development hereby approved shall be carried out in accordance with the 'Avoidance and Mitigation' measures set out in Section 5.0 (Assessment of Effects) of the Ecological Impact Assessment – 18-0902.03/87023.543988 dated April 2023. This includes but is not limited to:

- Protection of existing retained hedgerow;

- Use of bat sensitive lighting to minimise impacts on foraging and community bats;
- Pre-commencement walkover to confirm absence of a badger sett;
- No open pits or trenches to be left uncovered or without a mammal escape ramp overnight.

Reason: In the interests of maintaining and enhancing biodiversity.

22

The development hereby permitted shall be carried out in accordance with the following plan:

- Location Plan – 17857-THP-SITE-XX-DR-A-100 Rev. A;

Reason: To ensure the development comes forwards as envisaged.

Notes to Applicant

01

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

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

02

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

03

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

04

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

In order to carry out the off-site works required you 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 you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control Team (Newark & Sherwood) by phoning Nottinghamshire Customer Services on 0300 500 8080.

Should any subsequent amendment be required to the approved access plans referred to in Conditions 16 and 17, an amendment application under Section 73 or Section 96A of the Town and Country Planning Act 1990 would be required.

05

Biodiversity Net Gain is not applicable to this application because it was made before 12th February 2024.

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 - 23/01283/OUTM

