

Application No:	17/01910/OUTM (MAJOR)	
Proposal:	Variation of condition 14 attached to planning permission 16/01618/OUTM to allow an increase of the number of dwellings being accessed off each access (from 10 to 12 in each case)	
Location:	Land At Oldbridge Way, Bilsthorpe, Nottinghamshire, NG22 8TF	
Applicant:	Coultas Farming Ltd - Miss Pam Dutton	
Registered:	20.10.2017	Target Date: 19.01.2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Bilsthorpe Parish Council has objected to the application which differs to the officer recommendation.

The Site

The application site is a large, broadly linear plot approximately 8.25 hectares in extent abutting the southern edge of the village envelope towards the west of the village. Owing to the positioning of the site adjacent to the village envelope, three of the four boundaries are shared with residential curtilages of existing properties. Land to the south is open countryside. The red line site location plan wraps around the edge of the village envelope with the exception of the exclusion of an existing playing field to the north east corner of the site. The site slopes gradually from north to south with an existing agricultural land use.

The site is within Flood Zone 1 according to the Environment Agency maps although land outside the site, to the southern boundary, falls within Flood Zone 3. There are no designated heritage assets within the site. There are no formal rights of way within the site itself albeit it is understood from anecdotal evidence that the site is used informally by the public for dog walking etc.

Relevant Planning History

The application has been submitted as a Section 73 variation of condition application in relation to the following application which was approved subject to conditions and an associated Section 106 agreement in April 2017 (presented to Members in January 2017):

16/01618/OUTM - Residential development of up to 113 dwellings with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. All matters reserved except for access. Approved 28 April 2017.

The Proposal

The current application has been submitted as a Section 73 application to vary condition 14 of the above extant permission. For the avoidance of doubt condition 14 stated the following:

Any access taken from Allandale and/or The Crescent shall serve no more than 10 dwellings in each case, unless otherwise agreed in writing with the LPA.

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

The application has been accompanied by a covering letter which confirms that, prior to the submission of the current application; discussion has been undertaken with the highways authority on the potential acceptability of amending the condition to allow for no more than 12 dwellings in each case (an increase in 2 from each access).

Departure/Public Advertisement Procedure

Occupiers of 105 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 - Rural Areas
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 - Affordable Housing Provision
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 12 - Biodiversity and Green Infrastructure
Core Policy 13 - Landscape Character
ShAP1 - Sherwood Area and Sherwood Forest Regional Park

Allocations & Development Management DPD

Policy DM3 - Developer Contributions and Planning Obligations
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM8 - Development in the Open Countryside
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Bilsthorpe Parish Council – The Parish Council voted on the above 17/01910/OUTM on Monday 13th November and decided to object to the above proposal. They would like you to take into consideration the previous comments as below when objections were given to the original application 16/01618/OUTM and also the attached concerns regarding the traffic within and around Bilsthorpe that was sent into NSDC in April 2017.

Comments were also made in relation to signage and have asked for improvements to be made especially around the one way system, this needs to be clearer that it is a one way system and also to stop vehicles reversing the wrong way.

Original comments received in relation to 16/01618/OUTM as requested for inclusion:

The Parish Council discussed the above and would like the following comments to be forwarded for consideration.

Improvements are required on the local roads first and suggestions are:

- Increased activity at junctions to A614 and A617 therefore increasing the already high risks to users of these junctions. Can traffic lights and /or a roundabout be installed on the A614 and A617. Visibility needs to be improved
- Increased population in Bilsthorpe will put a strain on the GP services provided from the local surgery. Currently residents feel they have to wait too long for a routine appointment.
- Younger village residents feel that they have don't have any priority from NSDC when wanting or needing to get their own property either from renting or buying. They would like to see the affordable housing on the proposed development prioritised for people living in Bilsthorpe.
- Will the parking be taken into consideration especially in proportion to the size of the houses and not to be parking bays in carparks but in front of the properties?
- Is there any land put to one side for allotments?

Due to Bilsthorpe, not being included as one of the areas for CIL investment some assistance from the developer to help with the upgrading of local amenities would be beneficial to all. Areas that are greatly in need are:

- Development of the small children's play area on Crompton Park.
- Provide suitable and sufficient fencing that would surround the whole perimeter of the play area and field at Crompton Road Park.
- Contribute to the CCTV provision on the play area.
- Cultivate the area of land on the play area that is currently uneven and long uncared for grass
- The village hall is not being used to its potential as it is in desperate need of decorating

There is a concern over the land being used for access on Chewton Close/The Crescent, this is now being maintained by the Parish Council and therefore there is concern over ownership, do the Developers own this land?

If the above is considered and actioned, then in principal at the moment there are no objections from the Parish Council.

Following receipt of the comments of NCC Highways and the officer's resultant likely approach to highways contributions, officers contacted the Parish Council to confirm their position in the instance where no highways improvements would be sought through the development:

"The parish council discussed and thanked you for sending over the highways report. It was decided and for the reasons already given over the concerns in relation to how the roads are at the moment within and around Bilsthorpe and with no upgrading or alterations planned, the council feel that to add more houses will only make the situation worse so they voted unanimously to object to the application."

Letter sent to NSDC in April 2017 as requested for inclusion:

Bilsthorpe Parish Council would like to raise the following concerns to Newark and Sherwood District Council, Planning Department and Committee also Nottinghamshire County Council Highways Department.

Background

In January 2017 a development of 113 dwellings on Oldbridge Way, Bilsthorpe was approved by NSDC Planning. This would potentially increase traffic within the village with approximately 226 vehicles. The Parish Council raised concerns both in writing and verbally to the planning committee meeting regarding the impact the increased traffic would have on the roads within the village, particularly the one way system on the Crescent that accesses the development and the access road junctions into and out of the village where Mickledale Lane joins the A614 and Farnsfield Road joins the A617. These concerns were not acknowledged and outline planning was approved.

Current Situation

An outline planning application has been raised for up to 93 dwellings on land off Maid Marian Ave, Bilsthorpe and a further 85 dwellings and retail development is planned for land off Eaking Road, Bilsthorpe potentially bringing an increase of 356 vehicles and associated delivery and business traffic.

Points to be raised

- Maid Marian Ave and Highfields Drive have cars parked on the road outside properties that impedes vision and the flow of traffic.
- The junction of Maid Marian Ave and Kirklington Road is situated by 4 busy shops, one being open from early morning until late evening, thus bringing an increase in traffic parking and movement around the junction. Cars are parked on the pavements in front of the shops, in the layby immediately in front of the shops and over the road from the junction on Kirklington Road preventing a safe view for pedestrians and manoeuvring traffic. A bus stop is situated within 15 metres to the left of the junction on Kirklington Road. At peak times this area is chaotic and feels unsafe without the additional traffic the development would bring.

- Eakring Road, Bilsthorpe is a well-used road with commercial and heavy goods vehicles in addition to cars. The speed of traffic is a concern on this road and several accidents have occurred involving speed. The village Youth Club is situated on this road. With a new development of housing and a proposed retail unit this will increase the risks on this road. Developers have indicated that if a retail unit is built a roundabout at the junction of Mickledale Lane and Eakring road would be considered. The Parish Council would like to request a roundabout is built for the housing development as this would assist in slowing traffic as it enters the village.
- For many years residents of Bilsthorpe have raised concerns with the risks involving the junctions that take traffic out of the village onto major trunk roads.
- The Mickledale Lane junction with the A614 has recently had “improvements” in the form of pedestrian islands, which in fact reduce visibility for road users, reduced speed limit to 50 mph and better lighting. Traffic from Mickledale Lane can go left, straight over or right with right turn lanes directly on the junction for traffic turning into Inkersall Lane/Limes Café or Bilsthorpe. At peak times queues form due to the volume of traffic, it being a direct route from the A1 to Nottingham, and the inadequacy of the junction.
- The Farnsfield Road junction with the A617 is a busy road that links the A1 with the M1 and is a major route for traffic from the A1 to Mansfield. It has poor visibility due to bends both left and right of the junction. Recently the speed limit has been reduced to 50mp which has helped however vehicles due tend to speed on that road.
- Residents say they feel land locked at peak times, feel extremely stressed when using these junctions and talk of experiencing and witnessing near misses on a regular basis.
- Bilsthorpe Parish Council , while in principle welcomes development of the village, has major concerns regarding all the points raised in this document and ask that this is considered in any current or future planning applications and that these issues can be addressed as soon as possible.

Eakring Parish Council - Eakring Parish Council thank you for consulting them on this proposal and see no objection to it as it involves no increase in the number of properties proposed.

NSDC Environmental Health (contaminated land) – No observations in relation to contaminated land.

NSDC Environmental Health (noise) – No comments to make.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NCC Highways Authority – The impact of another two homes on each of the accesses is not considered significant enough to recommend refusal. Therefore no objections.

NCC Rights of Way – This application may impact on Bilsthorpe Parish Foot Paths No 1, 16, 17 & 18 aka Stony Field Lane which runs alongside the northern boundary of the site & also cross the access point of Old Bridge Way as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

Ramblers Association - As long as the integrity of Bilsthorpe Footpath 1 (which runs along the northern part of this development) is respected during and after the construction process we have no objection.

Natural England – I can confirm Natural England has assessed planning application 16/01618/OUTM using our Impact Risk Zones. We determined there would be no affects on any statutorily protected sites or landscapes.

NCC Flood – No objections subject to the following:

No construction work shall commence until a detailed surface water drainage design and management proposal is approved by the LPA. This should consider and comply with the following as appropriate

- 1.1 The principles contained within the FRA are acceptable however the applicant must reconsider alternatives for the adoption of any permeable surfaces or SUDS features as Nottinghamshire County Council do not adopt this type of feature, either as LLFA or Highway Authority.
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations top determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.3 The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding. These must be evidenced as part of the detailed design.
- 1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Environment Agency - We did not comment on the outline planning application so therefore have no comments to make on this variation of condition application.

Trent Valley Internal Drainage Board – The site is outside of the Board’s district and in the Board’s catchment.

No comments to make in respect of this application.

A representations has been received from 1 local resident which can be summarised as follows:

- Recent road surfacing has led to road closures which has caused chaos on the route out onto the A614 showing how putting extra strain on the village routes don’t work
- Extra housing in the village will not work due to its small size and can cause serious harm/danger to the village

Comments of the Business Manager

Principle of Development

The application has been submitted as a Section 73 application to vary an existing condition to an already extant planning permission. The principle of development in terms of the erection of up to 113 dwellings has therefore been established. Nevertheless, given the scale of the development proposed (and indeed the continued concerns of both the Parish Council and neighbouring residents) it is considered beneficial to make reference to the material considerations which officers, and subsequently Members, applied to the approval of the extant scheme In January 2017 (decision issued in April to allow completion of the associated legal agreement) which assists with giving context to why development was approved on this site:

‘the Council is aware of the need to assist housing supply on appropriate sites (in terms of impact and securing appropriate infrastructure/mitigation) until such time as a housing requirement figure has been tested and found sound. On this basis the Council will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes (which meet the relevant requirements of the Development Plan in all other respects, and have the capacity (i.e. demonstrable ability to delivery) to positively contribute to boosting the supply of housing within the District in the short term. In this case it is necessary to consider the ability of the site to deliver within a 5 year supply, to assess all other impacts, and in the event that permission should be granted to include shorter timescales for implementation to ensure the contribution towards a 5 year supply is secured.’

Members will be fully aware that this is no longer the housing supply position which is promoted by the LPA as demonstrated through the recent defence at the Public Inquiry for a co-joined housing site in Farnsfield. The Council’s position on new housing delivery was captured in July 2017 when its annual monitoring information was published. This identified that both stalled and new sites were contributing to an increased build-out rate. Indeed, based on housing completions as of 31st March 2017, the authority confirmed that it has a 6.2-year supply based on a housing target of 454 dwellings per annum. It is not considered necessary to rehearse the full position on housing land supply in respect to the current application given that the principle of development has already been accepted (and indeed the housing numbers achieved through the extant permission have been included in the latest assessments in the preparation of housing supply figures).

However it is important to be aware that the permission for housing on this site is already extant and the principle is not currently open for debate. Developers have until 28th October 2018 to submit an application for reserved matters.

The current Section 73 application relates solely to a condition in relation to the number of dwellings from already approved accesses. I therefore consider that the main issues for the current determination are whether the increase from 10 to 12 dwellings from each access would have an adverse impact on either highways safety or neighbouring amenity. The scope of the considerations is therefore narrow and the remainder of this report focuses on what can be considered.

Impact on Highways including Access

Although the application was been submitted in outline form, agreement of the access details was sought in the consideration of the extant permission.

It remains the case that it is proposed that the site will be accessed via three separate points of access. The main vehicular access to the site would be via an extension of Oldbridge Way which will enter the site from the east. Access points are also demonstrated from The Crescent and Allandale. Although the layout submitted was purely indicative, the originally submitted Transport Assessment confirmed an intention for the accesses from The Crescent and Allandale to serve a maximum of 10 dwellings. This was subsequently secured through condition 14 partially on the basis of a request from the Highways Authority. It is noted that the comments of NCC Highways on the original application (16/01618/OUTM) stated the following:

'The indicative site masterplan shows small cul-de-sac extensions of Allandale and The Crescent. The nature of these accesses is such that development from them should be limited to, say, 10 dwellings off each'.

Notwithstanding the above, the comments of NCC Highways on the current Section 73 application clearly hold greater weight in the current determination than the original comments on the extant scheme and Members will note that NCC Highways state for this application that two homes from each access is not considered to have significant impacts on the highways network which would warrant refusal. Officers concede that in the overall context of the surroundings, the use of the two smaller accesses for an additional two properties is unlikely to have a perceivable impact to the highway movements along The Crescent and Allandale.

I note the comments of the Parish Council who maintain an objection to the proposal on the basis of highways impacts notably in relation to the wider experienced issues in the village. Given that the current proposal does not alter the overall quantum of dwellings proposed, I do not consider that it would reasonable to resist the current application on the basis of the Parish Council concerns. I appreciate that there are references to applications which have been submitted since the original approval but this does not alter the fact that the current site has an extant approval. The other applications referenced will be assessed on their own merits.

Taking this into account, and in the absence of an objection from the highways authority, the proposal to vary condition 14 is considered to comply with Spatial Policy 7 and the relevant sustainability principles within the NPPF.

Impact on Residential Amenity

It remains the case that the current application is not required to submit exact details of how the now 12 dwellings from each access would be laid out. It is therefore not possible, nor appropriate, to assess the exact amenity relationships which would arise from the proposed development and the surrounding existing dwellings.

I am conscious that if the current application were to be approved then existing occupiers along Allandale and The Crescent would be potentially subjected to an increased level of vehicular movements to serve the additional two dwellings. Nevertheless, as with the highways implications above, I again consider that this would not be a perceivable change in comparison to the extant permission which allows for 10 dwellings from each access. Arguably any slight increased detrimental impacts to neighbouring amenity of the occupiers along Allandale and The Crescent through disturbance would be counteracted by a very slight benefit to existing residents impacted by the main access from Oldbridge Way (i.e. the overall quantum of development would not increase and thus if there were four additional dwellings using Allandale or The Crescent, there would be four less dwellings using Oldbridge Way). On this basis I have identified no reason for which to resist the current application on the basis of Policy DM5 and its associated amenity requirements.

Legal Agreement

The extant permission necessitated the completion of an associated legal agreement to secure contributions to make the development acceptable. For completeness these were in relation to the following matters:

- Affordable Housing
- Library Contribution
- Health Contribution
- Open Space
- Outdoor Sports Facilities Contribution
- Highways Works

The Highways Works relate to the delivery of the access from Oldbridge Way (to ensure it meets adoptable standards) and thus the current application would not necessitate a deed of variation to the agreed S106 which for the avoidance of doubt would still stand.

Conditions

Given that the proposal relates to variation of a condition attached to a previous approval it is necessary to repeat all relevant conditions for clarity. In the instance where conditions have been previously discharged (only in relation to condition 16 in this case), the conditions are re-worded to ensure that development is implemented in accordance with the approved details.

As is referenced above, in the approval of the extant permission significant weight was attached to the authority's position on the ability to demonstrate a 5 year housing land supply at the time of determination. Part of the justification for granting approval was on the basis that the proposal could contribute towards housing land supply in the short term and thus a shorter timescale for implementation was imposed by condition 1. Section 73 of the Act does not allow the time for implementation to be extended and therefore condition 1 would need to be amended setting a specific date. This would still leave 9 months for the applicant to progress a reserved matters application.

For the avoidance of doubt where the wording of the conditions has been altered they are done so through underlined and italicised text.

Overall Conclusions and Planning Balance

The application has been submitted to vary a condition solely related to the maximum number of dwellings permitted from two of the three accesses already agreed through the extant permission. Neither officers, nor the Highways Authority, have identified any additional harm arising from the proposed revised wording of Condition 14 and thus the Section 73 application is recommended for approval.

RECOMMENDATION

Approve, subject to the following conditions:

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than 28 October 2018.

The development hereby permitted shall begin not later than 18 months 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 appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development 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

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

04

The development hereby permitted authorises the erection of no more than 113 dwellings.

Reason: To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 113 dwellings.

05

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

No development shall be commenced until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- The drainage system should include a 2-stage treatment of the rainfall from hardstanding areas in accordance with Ciria C697 to reduce the risk of pollution to the environment.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

07

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

08

Prior to the commencement of development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

09

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

011

Details submitted pursuant to the first application for approval of reserved matters consent shall include a draft information leaflet to be distributed to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority in consultation with the Nottinghamshire Wildlife Trust, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

012

The development shall be carried out in accordance with the Precautionary Method of Works outlined by the document produced by RammSanderson, 11/08/2016), which relates to nesting birds, reptiles and badgers.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

013

Notwithstanding the submitted indicative site masterplan, all site highway layouts should comply with the Highway Authority design guidance current at the time of application for reserved matters unless otherwise agreed by the Highway Authority and shall be submitted to and agreed in writing by the LPA.

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

014

Any access taken from Allandale and/or The Crescent shall serve no more than 12 dwellings in each case, unless otherwise agreed in writing with the LPA.

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

015

No part of the development hereby permitted shall be brought into use unless or until a scheme to upgrade the four bus stops in the vicinity of the site (NS0032, NS0595, NS0596 and NS0599) has been submitted to an approved in writing by the LPA. The approved scheme shall be fully implemented prior to occupation of any dwelling or in accordance with a phasing plan which shall be first agreed in writing by the LPA. For the avoidance of doubt the submitted scheme shall include real time bus stop poles & displays including associated electrical connections, solar lighting, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

016

The development should be carried out in accordance with the methodology of the document 'Specification for an Archaeological Monitoring and Recording' undertaken by PCAS Archaeology and dated October 2017; submitted through the discharge of condition request reference 17/01499/DISCON (and previously agreed by letter dated 10th October 2017).

Reason: In the interests of protecting any potential archaeological value of the site.

Informatives

01

The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

02

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.

03

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

04

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

05

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.

06

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

07

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible (Dave Albans 01158040015).

08

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/01910/OUTM

