

Application No:	17/00357/FULM
Proposal:	Residential development comprising 95 no. dwellings and associated infrastructure, including the removal 26 No. TPO trees.
Location:	Highfields School, London Road, Balderton, Newark On Trent NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division – Mr. Chris Dwan

UPDATE

Background

Members will recall that this application was considered by the Planning Committee on 14 September 2017 when Members resolved to refuse planning permission, contrary to officer recommendation. The reason for refusal was as follows:

“The LPA is aware of the advice contained within the NPPF and NPPG with respect to both viability and sustainable development when all material planning considerations are taken as a whole. In the opinion of the Local Planning Authority, the abnormal costs presented as part of this development are dis-proportionate to the development of 95 dwellings. As a consequence the scheme lacks the ability to generate full and appropriate mitigation for the level of development proposed in terms of children's play space, community facilities, and primary education. The lack of appropriate mitigation, together with clear planning harm as a result of the loss of 26 no. protected trees, and inadequate ecological protection or enhancement creates a compromised development to such a degree that the Council considers that the scheme is contrary to the aims of sustainable development. The development is thereby contrary to Spatial Policy 6 (Infrastructure for Growth), NAP1 (Newark Urban Area), Core Policy 9 (Sustainable Design) and Core Policy 12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy and Policies DM3 (Developer Contributions and Planning Obligations), DM5 (Design), DM7 (Biodiversity and Green Infrastructure) and DM12 (Presumption in Favour of Sustainable Development) of the adopted Allocations and Development Management DPD which together form the relevant policies of the Development Plan and does not constitute sustainable development for which there is a presumption in favour of as set out in paragraph 14 of the NPPF.”

Appended at the end of this short report is a copy of the Planning Committee Report (Appendix B) that came before Members and the recorded minutes (Appendix A) detailing the debate and confirming the resolution of the Planning Committee.

Update for Members

An appeal (reference APP/B3030/W/17/3188871) against the refusal has now been lodged with the Planning Inspectorate (PINS). This appeal has been confirmed as valid (on 6th December 2017) albeit we await a start date from PINS which is expected at any time (I understand there is currently a 10 week wait for a start date due to volume of workloads). The appellant has opted for

the appeal to be heard by the Written Representation procedure. Given that the appeal could be turned valid at any time it has been necessary to target this agenda in order to ensure that Officers are able to include any Committee comments as part of the appeal process.

As part of the appeal, the appellant is preparing a Section 106 Agreement/Unilateral Undertaking that they intend to present to the Planning Inspector as a way of securing the developer contributions that they can afford according to their viability appraisal in the event that the appeal is allowed. This is standard practice in such an appeal situation and does not prejudice the Council's ability to present its case.

However, the appellants (via their agent) have recently written to the Council to advise that they intend to update their developer contribution offer which represents a material change to the scheme which was previously presented to Members. In order that Officers can be clear with the Planning Inspectorate that the Planning Committee, as the LPA decision-makers in this instance, have been aware of ALL material planning considerations in coming to an overall planning balance it is necessary to re-present the scheme in the interests of completeness. It remains for the Committee to weight this new evidence alongside its previous debate and decision and ultimately come to a view as to whether to continue with the appeal on the refusal ground above (that Members consider the change in viability in favor of seeking more contributions still **does not** outweigh harm identified in the refusal in an overall planning balance) or to withdraw from the appeal process (that Members consider the change in viability in favor of seeking more contributions still **does** outweigh harm identified in the refusal in an overall planning balance).

Additional Public Consultation

Given that this application is back before Members to reconsider the scheme, officers have individually notified all neighbours and interested parties that previously commented on the application as well as Balderton Parish Council and Newark Town Council for their views. These are set out below:

Balderton Parish Council – 16.02.2018:

“Thank you for your letter dated February 12th 2018 inviting this Council to submit comments regarding amended offers from the developer towards local infrastructure for the above applications.

Members are somewhat surprised that the developer has made amended CIL and ‘Planning Obligation Payment’ offers relating to planning applications that have both been **refused**. Both applications are scheduled for imminent appeal by H.M. Inspectorate as part of due process, so why does this offer even need to be considered by the Planning Committee? It is difficult to perceive why this is being referred to elected members other than to try and induce the authority to change its mind – ‘to take a view on whether this information...changes their position as resolved’.

We understand that all previously submitted comments need not be repeated but wish to state that this revised offer from the developer has no bearing on the Parish Council's material objections to either of the above planning application.”

Newark Town Council – No response received to date.

Parks & Amenities Manager – ‘...I can confirm that the play equipment at Sherwood Avenue Park is nearing the end of its useful life and that all or some of the funds available from 17/00357/FULM and 16/01134/FUL could appropriately be used to replace the equipment. We have calculated the split of the funds arising from 17/00357/FULM on the basis of the proportion of the SPD contributions for community facilities and children’s playing space that you have quoted. The total SPD contribution is £322,228.60 and the CF contribution equates to 42.25% of this and the CPS contribution is thus 57.75%. The breakdown of the total pot of £249,996.70 is thus £105,623.60 for community facilities and £144,373.10 for children’s playing space. In addition to the replacement of the 8 pieces of existing play equipment (and the play surface under them) there is also a need to refurbish the surface of the Multi-Use Games Area and to replace the riding surface on 1 piece of skate/BMX equipment.

As per Andy’s email if it turns out to be the 89 house scheme that comes forward then we believe it is better not to split the contribution but to decide on which of the 2 schemes has the higher priority.

We note that the Highfields site is in Newark parish and believe that Sherwood Avenue Park is an appropriate location for the use of the funds as it is a significant neighbourhood facility located only c1.3km from the Highfields site.’

Community Arts and Sports Manager – ‘Based on the options I would comment as follows. In respect of 17/00357/FULM I would propose that the community facilities contribution of £105,000 based on a 42% split of the available monies be directed to the Sherwood Avenue facility for the extension and upgrade of the existing pavilion to widen its flexibility as a community facility.

The current pavilion can be extended to incorporate a kitchen facility and additional changing and welfare facilities to enable greater use of the site beyond the current bowls season and some winter tennis activity. The pavilion would then become more a community resource that could be used for a wide range of community engagement activities appealing to a wider audience given its central and accessible location.

In respect of 16/01134/FUL the same principle would apply as above although with significantly reduced monies it would be necessary to prioritise on a scheme to deliver the best community benefit which could be either an extension to the pavilion or investment in the children’s play equipment.’

Neighbours and Interested Parties – Please note that comments received after this agenda has gone to print will be reported to Members as part of the late items schedule. The following comments have been received from 11 local residents/interested parties (3 are from one household, all but one of the comments raise objections) and are summarized below:

- The reasons for refusal haven’t been addressed and previous concerns remain (as previously summarised).
- During the last meeting, it was mentioned that the fishermen are allowed to park on London Road whilst fishing on London Road Pond. During the past 11 years this has never been allowed to happen. Sustrans have parked there a couple of times to carry out maintenance to the cycle track;
- Any drainage from the new builds that drains into the pond will not harm the fish or wildlife. During the past 3 years, surveys have been carried out and they can find no wrong doing as long as the drainage work is carried out correctly;

- I fully support the application for the new builds;
- Continue to object to this extremely high density proposal which sets a dangerous precedent if allowed to proceed, not least because of the increased traffic dangers to very young children, and higher levels of pollution into play areas which are currently protected by the many trees the developers seek to fell;
- Although the Applicant has offered to increase their offer in respect of developer contributions to the local infrastructure, we assume this will be offset by the reduced amount of CIL Charging Levy. This doesn't counteracts the damaging effects of losing the 'green corridor' that separates Newark from New Balderton. It has always been understood locally that this should be retained;
- Objections as previously registered remain - the Applicants offer doesn't alleviates or change the position;
- The overall contribution for each application remains unchanged;
- This does not allow for any improvement on the original applications;
- This does not allow for any of the objections I previously raised to be addressed.
- Loss of green belt and trees is distasteful
- Eastern end shows potential link although details of the connection in unclear
- Traffic is already a nightmare and additional traffic will make matters worse
- Children will be put at risk from Barnby Road Academy
- Urge Members not to be swayed by this offer.
- This scheme encroaches badly on the historic entry into Newark It removes the natural divide between Newark & Balderton.
- The removal of 26 TPO trees is incorrect, having evaluated the project, more than double that will have to be removed and plans to re-plant are completely insufficient to restore the natural beauty of the site.
- The wildlife living on the site will be affected, we have submitted reports on Bats on the site, snakes & rare breeds of toad, which have all been ignored to date.
- The road currently planned turns right and therefore all traffic headlights will shine directly into living and sleeping rooms of No1 The Woodwards. There is an overlooking problem from a plot looking directly into the living room of no 1 The Woodwards, which has not been addressed. There is an overlooking problem from the windows of the same plot into the garden and private patio & hot tub areas of no 1 The Woodwards, which cannot be ignored.
- The development does not reflect or is sympathetic in any way to the houses adjoining it - the critical mass is too high.
- The currently proposal is a strip of land alongside the main road into the estate, along the verge adjoining The Woodwards, this is neither safe for children, nor an acceptable solution.
- If the committee persists in holding this meeting, then all objections raised and submitted by the residents at the previous hearing must be listened to again. This is a right if the committee is prepared to reopen an application which they have already made a decision on.
- Previous comments still apply - development is considered to be contrary to Core Policy 9 "Sustainable Design" and Core Policy 12 "Biodiversity and Green Infrastructure" of the Core Strategy and Policies DM5 "Design" and DM7 "Biodiversity and Green Infrastructure" of the adopted Allocations and Development Management DPD, and Paragraphs 56, 57, 61, 64 and 109 of the NPPF.

District (and Chair of Balderton Parish Council) Cllr L Hurst:

- Applications have been refused unanimously by NSDC, Balderton PC strongly objected to each application, residents have also rejected the proposals;

- There will be no affordable housing and no green play space;
- To even consider these planning applications on the grounds of CIL monies almost speaks of financial inducements to get planning permission;
- How when an application for 89 houses on appeal was refused by the Planning Inspectorate can a proposal for 85 houses be proposed?
- Developer says there will likely be an increase of 5% a.m. and p.m. traffic. There will not be enough car parking as the figures suggested are 288 cars (questions do these figures take account of cars for the school as well as excess on sports day?)
- Traffic assessment was outdated as doesn't take into account added traffic caused by Lidl;
- The land is higher than the Woodwards and plots will look directly into existing homes;
- Development is over intensive and will result in loss of green space between Newark and Balderton;
- Significant loss of school playing field which contravenes Policy SP8 (protection of school playing fields)
- Nursery part of the school is open 51 weeks of the year taking children from 2 years from 07.30 until 18.00.
- School at present has 133 pupils, even with 2 sharing that gives at least 66 cars, plus nursery parents cars and 51 staff cars using one entrance/exit at all times of the day.
- Local schools are already at capacity and not everyone can afford Highfields fees. Question where the children will go to school given schools within walking distance are full.
- There are no buses to Balderton or into Newark after a certain time of night and none at all on a Sunday;
- Traffic assessment does not reflect the actual amount of usage. Lidl is extremely busy along with 350 houses at Middle Beck and a further 1050 dwellings at Fernwood to go with 1133 already existing that is exacerbating the infrastructure system that's without Flowserve when they apply to rebuild.
- Residents are already suffering congested roads almost every day, and if passed we will have cars plus delivery/refuse lorries and vans all wanting to turn either way onto London Road. The school sits on London Road very close to a blind bridge. Fishermen also park on the grass verge of the bridge.
- Sewage will be an added problem; London Road already floods outside the school. A survey from 2005 by NSDC found the sewer was at capacity – we are now at 2018 with no upgrading having been undertaken.
- Urge the Planning Committee to keep to their decision.

CIL Changes and Impact on Viability

As a result of the new Community Infrastructure Levy Charging schedule having been adopted on 1 January 2018, the amount of CIL payable for the scheme has reduced in real terms. This is because whilst the amount of CIL payable per square meter remains the same (£45) the indexation has been rebased from the 1st January 2018 (as opposed to the previous CIL regime which was adopted in December 2011) resulting in a significant reduction of the amount now due.

This has a material impact on the appellant's viability scheme which factored in the CIL amount based on what it would have been before the changes to the charging levy as follows:

- CIL amount within the Viability Report: **£874,128** (based on 12,807m²)

However given the changes to the CIL Charging Levy mean that:

- CIL amount that would be due now is **£576,315** (based on 12,807m²)

This represents **£297,813 less on CIL** than envisaged, **which the appellants intend to offer towards developer contributions.**

The appellants have requested that the Council advise how the additional £297,813 now available should be apportioned within the S106 Agreement/Unilateral Undertaking so that this may be secured in the event that the appeal is allowed.

The table below shows the levels of contributions according to A) Policy, B) the offer upon which the scheme was decided and C) my suggestion to Members now as to how this additional money is distributed;

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
Affordable Housing	30% on-site provision or £896,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution	NO CHANGES PROPOSED
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £186,063.20 (including indexation)	No provision either on-site or by financial contribution	£144,373.10 (THIS WOULD LEAVE A DEFICIT OF £41,690.10)
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	NO PROPOSED CHANGES
Education	£229,100 to provide 20 additional primary places (at £11,455 per place)	£185,800 to provide approx 16 additional primary places (at £11,455 per place)	£229,100 (THE FULL AMOUNT REQUESTED INCLUDING THE DEFICIT OF £43,300)
Community Facilities	£1,433.32 per dwelling = £136,165.40 (including indexation)	No provision either on-site or by financial contribution	£105,623.60 (THIS WOULD LEAVE A DEFICIT OF £30,541.80)
Libraries	£4,516.30 (including indexation)	No financial contribution	£4,516.30
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (November 2016 by Ecus	See first column for requirement	

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
	Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to construction works commencing to allow habitat for any reptiles displaced during the construction works.		
Maintenance of on-site open space and ecology corridors and off-site ecology enhancement areas	<p>Maintenance of on-site open space and ecology corridors, and off-site ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include:</p> <ul style="list-style-type: none"> a) description and evaluation of the features and species to be managed; b) ecological trends and constraints on site that may influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions; f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) personnel responsible for the implementation of the plan; h) monitoring and 	See first column for requirement	

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
	remedial/contingency measures triggered by monitoring.		
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement	
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement	
Community use agreement for school sports facilities	A community use agreement to secure community use (outside of school hours) of the sports facilities of Highfields School.	See first column for requirement	
TOTAL	30% on site affordable housing provision and £570,044.90 developer contributions (plus CIL)	No affordable housing provision and £200,000 developer contributions (plus CIL)	No affordable housing provision and £497,813 developer contributions (plus CIL)

As can be seen from the table above, the change means that the appellants could now **fully fund the primary education and library contributions**. The remaining monies (£249,996.70) can be split between the community facilities and children's play space contributions. Based on the percentage split approach (as suggested by both the Parks & Amenities and the Community Facilities Managers) it is suggested that **42.75%** of this go towards **community facilities** (in this case towards the extension and upgrade of the existing pavilion to widen its flexibility as a community facility) and **57.75%** go towards upgrading and renewing the Sherwood Park **children's play area**. **Both of these are** just outside the ward boundary of Beacon within which the application site is situated but given their position within the Newark Urban Area are considered to be appropriate. It is equally open to Members to request that the monies be spent at Balderton Playing Field (albeit the application site is technically within Newark parish).

Clearly it is open to Members to consider an alternative distribution, subject to ensuring compliance with the tests set out in the Community Infrastructure Regulations.

Consideration for Members

- 1) Does the increase in developer contributions, which would allow full mitigation of impacts from the development for primary education and library contributions and increases contributions elsewhere change Members view in an overall planning balance when considered against the planning harm associated with the overall sustainability and thus acceptability of developing this site, as identified in resolved reason for refusal 1 from 1 September 2017 Planning Committee.

If this does overcome concerns to such a degree that approval would be supported Members are asked to consider withdrawing from the appeal at the earliest opportunity to avoid any application for costs associated with the appeal.

If this does not overcome concerns Members are asked, without prejudice to the Council's case, to approve a split of monies across contribution types such that an S106 Planning Obligation can be concluded in the event that the appeal is allowed.

EXTRACT FROM MINUTES RELATING TO FROM 14/09/2017 PLANNING COMMITTEE

89. HIGHFIELDS SCHOOL, LONDON ROAD, BALDERTON (17/00357/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees. The proposed 95 dwellings would all be two-storey and would deliver a range of 2, 3, 4 and 5 bedroom accommodation as detailed within the report.

Councillor Mrs L Hurst, representing Balderton Parish Council spoke against the application in accordance with the views of Balderton Parish Council as contained within the report.

Councillor D.J Lloyd, Local Ward Member Newark (Beacon Ward) and also representing Newark Town Council spoke against the application on the grounds as contained within the report.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Balderton Parish Council and Local Residents.

Members considered the application and raised the following concerns:

The impact on the existing housing on Barnby Road and the removal of trees. The reduced payment of Section 106 monies and no contribution to affordable houses as it was not viable. It was also commented that the Authority had a five year land supply and had allocated sites within the district, this site was not needed. It was felt that there was a shortfall of the Authority's core policies from this scheme and therefore was not policy compliant.

A Member raised concerns regarding the level of abnormal costs for the 95 dwellings which was significantly higher than the dwellings on the Fernwood application. The scheme offered no children's play facilities and was purely housing. The amenity land was on Barnby Road, some 300 metres away from the development. It was questioned whether this site was the right type of development for this site at the right time. Questions were also raised regarding the developers costs in terms of the archaeological investigations which had increased from that of the 2015 scheme.

A Member asked whether there was ability to clawback and recycle costs into affordable housing if the applicant were to deliver the scheme with less abnormal costs than assumed.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the following grounds:

The levels of abnormal costs were disproportionate to the level of houses, which consequently meant that full and needed developer contributions could not be viably provided. The lack of appropriate infrastructure mitigation, together with clear harm by the removal of 26 trees covered by tree preservation orders (TPO's) and lack of appropriate ecological

enhancement would result in a scheme which is compromised and could not reasonably be considered as sustainable in overall terms. There were no other material planning grounds that would outweigh this harm.

Application No:	17/00357/FULM
Proposal:	Residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees
Location:	Highfields School, London Road, Balderton, Newark On Trent, NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division - Mr Chris Dwan
Registered:	27 February 2017 Target Date: 25 May 2017
	An extension of time has been agreed to 8 September 2017

The Site

The site comprises approximately 5.44 hectares of land at Highfields School which is located on the north side of London Road. The site is within the Newark Urban Area. The site is relatively flat and comprises three interlinked parcels of land which wrap around the north and east side of the main school building. The first parcel of land lies to the south and east of the school buildings and forms part of the school's grounds, and includes an open grassed area used as a playing field that lies between the main school building and London Road. The second parcel of land lies to the north of the school buildings and is known as Baileys Field. This land was formerly used as a sports field but has not been utilised for this purpose for a long period of time (in excess of ten years). A small portion of this parcel of land is private amenity space belonging to a single dwelling located off Barnby Road which also forms part of the application site. The third parcel of land lies to the east of Baileys Field and is an area of open land known as Quibell Field. In addition, included within the application red line boundary is a small area of land which forms part of the school's existing playing fields, and lies adjacent to a Local Wildlife Site.

To the west of the first parcel of land lies the car parking area serving the school together with the school playing fields. Beyond this to the west lies Ballast Pit Local Wildlife Site (LWS) containing a long-disused ballast pit containing open water surrounded by woodland. The second parcel of land known as Baileys Field is bounded to the west by the school playing fields and allotments, and by the school buildings to the south. The rear of dwellings located along Barnby Road bound the northern edge of Baileys Field and Quibell Field with the East Coast Mainline located beyond Barnby Road itself. Immediately to the south of Quibell Field are residential dwellings predominantly located off The Woodwards and Glebe Park. Further allotments are located to the east of Quibell Field.

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

Highfields School has a current staff of 51 persons and circa 130 pupils.

Relevant Planning History

17/SCR/00002 – a Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 95 dwellings and associated infrastructure, including the removal of 24 TPO trees (17/00357/FULM). It was concluded that an EIA was not required.

16/01134/FULM – Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (Resubmission of 14/01964/FULM). Pending consideration.

14/01964/FULM - Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Members considered this application at the Planning Committee in July 2015 and resolved to refuse planning permission (contrary to a finely balanced recommendation of approval by Officers) for the following reason;

“By reason of the layout, density, juxtaposition and type of uses proposed including re-provision of school car parking, sports field, MUGA and access, this application presents a series of compromises which accumulatively lead to an unacceptable and unsustainable development. This is with respect to noise for future residents, residential privacy, a failure to maximise community use and lack of appropriate infrastructure and affordable housing. All these matters taken as a whole make the development unsustainable. There are no other material planning considerations that would outweigh the harm of granting approval. The proposed development is therefore contrary to the aims of the National Planning Policy Framework 2012, National Planning Practice Guidance, Spatial Policy 8 'Protecting and Promoting Leisure and Community Facilities', Core Policy 1 'Affordable Housing Provision', Core Policy 3 'Housing Mix, Type and Density', Core Policy 9 'Sustainable Design' of the Core Strategy (adopted March 2011) and Policies DM3 'Developer Contributions and Planning Obligations', DM5 'Design' and DM12 'Sustainable Development' of the Allocations and Development Management Development Plan Document (Adopted July 2013).”

APP/B3030/W/15/3133508 - This decision (above) was issued on 14th July 2015 and was subject to an appeal which was subsequently dismissed by an Inspector on 3rd March 2016. The Inspector found the main issues related to the following (with her conclusions on each issue summarised in italics):

- a) **whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to noise;** *the Inspector concluded the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to internal noise levels.*
- b) **the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to privacy;** *the Inspector concluded the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy.*

- c) **whether or not the proposed development would maximise community use of the proposed MUGA, having regard to local and national policy;** *although the Inspector agreed with the Council and Sport England that the use of the proposed MUGA would not be maximised, given the lack of floodlighting and the need to balance its use with any impacts on future and existing neighbouring occupiers, she was satisfied that the proposed sports pitches and MUGA would not result in the loss of a community facility, as sufficient alternative provision has been made within the proposed development which is equally accessible and of better quality than the facility being lost and it would accord with CP8 and the NPPF.*
- d) **whether or not the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme;** *the Inspector concluded that based on the unilateral undertaking that offered £235, 219 in developer contributions and a CIL receipt of £669,326 the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme.*
- e) **whether or not the proposal would represent sustainable development;** *the Inspector considered all the other matters raised by the appellants and concluded that the adverse impacts of the scheme, which would not provide satisfactory living conditions for future occupiers of some of the proposed dwellings, with regards to internal noise levels, and would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy, contrary to Policy DM5 of the Allocations and Development Management DPD, would significantly and demonstrably outweigh the benefits of the scheme and render the scheme unsustainable.*

14/SCR/00073 – A Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 83 units (the same proposal as originally submitted) and associated infrastructure, including the relocation of the existing school car park and sports pitches and the removal of 8 TPO trees (14/01964/FULM). It was concluded that an EIA was not required.

12/00817/FULM – Renewal of extant permission 08/02234/FULM for the demolition of existing nursery and sports hall, erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 13.09.2012. The 3 year time limit for implementing this application expired on 13.09.2015.

08/02234/FULM – Demolition of existing nursery and sports hall. Erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 02.09.2009.

The Proposal

Full planning permission is sought for residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees.

The proposed 95 dwellings would all be two-storey and would deliver a range of 2, 3, 4, and 5 bedroom accommodation as detailed below:

Type	No. of Beds	No. of Plots
Semi-detached	2	12
Semi-detached	3	8
Detached	3	8
Detached	4	39
Detached	5	28
Total		95

Access to the proposed dwellings would be achieved via the reconfiguration of the existing school access off London Road. The site access road would then loop around the south and east of the main school buildings and provide access to the western and eastern spurs of the development which would occupy Baileys Field and Quibell Field respectively.

An area of amenity space serving the development would be provided alongside the site access road to the east of the school buildings.

A total of 280 residential car parking spaces are proposed (of which 90 are within garages).

The application proposes the reinstatement of a disused footpath link connecting the site to Barnby Road to the north.

A previous planning application for the land at Highfields School (albeit for a scheme with a different red-line boundary and site layout) was refused by the Council in July 2015 (14/01964/FULM) and subsequently dismissed on appeal in March 2016 (Appeal Reference No: APP/B3030/W/15/3133508). The main issues considered in the appeal and the Inspector's findings in relation to each issue are summarised above under 'Relevant Planning History'.

In August 2016, the applicant submitted a resubmission application in order to address the specific grounds on which the Inspector dismissed the appeal. The resubmission application 16/01134/FULM is presented to Planning Committee on the same agenda as this application. The applicant has however confirmed that the revised scheme which forms the basis of this application 17/00357/FULM represents the applicant's preferred scheme, with the resubmission application 16/01134/FULM representing what they consider to be a policy compliant backup option. As such, the applicant intends that the resubmission application 16/01134/FULM would be withdrawn from the agenda, should planning consent be granted for the revised scheme which forms the basis of this application 17/00357/FULM.

The following documents have been submitted with the application:

- Archaeological Evaluation Report, and Archaeological Mitigation Strategy
- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment and Drainage Strategy
- Planning Statement
- Proposed Foul Pumping Station Noise Mitigation Statement
- Transport Assessment Addendum and Travel Plan
- Tree Survey
- Viability Report

The following additional documents have been submitted during the course of the application's consideration:

- Sports Pitch Provision Statement (28 April 2017) – provided to address Sport England’s initial holding objection.
- Updated Ecology Surveys (May 2017) – provided to address comments by Nottinghamshire County Council Ecology and Notts Wildlife Trust
- Updated Tree Survey (June 2017) – provided to correct a number of inaccuracies in the submitted tree report
- Updated Ecology Surveys (July 2017) – update of May 2017 surveys, to reflect results of additional bat survey undertaken on 26 June 2017

Revised plans have been received subsequently:

- Planning Layout (HIGH-PL-002 Rev A) – minor revision to layout plan to includes demarcation of the 0.6m margin adjacent to the kerb for maintenance purposes through the grass verge area adjacent to the main site entrance, to address Highways comments

Departure/Public Advertisement Procedure

Occupiers of 99 neighbouring properties have been individually notified by letter. A site notice has been displayed on 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 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy

Policy DM3 - Developer Contributions

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM10 - Pollution and Hazardous Materials

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance (PPG) March 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
Nottingham Core HMA and Nottingham Outer HMA Position Statement – Farnsfield Appeal Decision (3006252) and the economic forecasts set out in the Employment Land Forecasting Study (July 2016)

Consultations

CLlr David Lloyd has called the application to Planning Committee for the following reasons:

- Traffic impact - Would question that feasibility of this volume of traffic joining/exiting London Road at peak time - residents of both The Woodwards and The Glebe confirm that there are already difficulties. Furthermore, there would be a risk of traffic backing up onto the Principal Carriageway in addition to the increased risk of traffic on-site around the School. If, as the applicant suggests in order to mitigate the loss of sports provision, facilities on the site are to be used by 'outside groups', then this traffic issues are compounded. The parking provision on the site does not seem commensurate to properties of the size proposed.
- Sport and leisure provision - There is an evident loss of provision and the additional comments (since the original application) do not provide absolute assurance that community use can/will take place on the re-provision. The application infers that there is no requirement for commuted sums for/provision of open space enhancements. There is some suggestion that the new Barnby Road play area mitigates this with other suggested uses of existing provision so far from the site that it is incredible.
- Housing mix, type and density - The site would eliminate an apparent open break between Newark and Balderton which some feel is importance in retaining the character and open views which distinguish these settlements. The application is over-intensive and provides for little 'mix' in property type and ownership. Thereafter, the provision for affordable housing is insufficient whether onsite or by commuted sum. The sheer scale, size and proximity of the overall development have a negative impact on residents of Glebe Park and The Woodwards.
- Biodiversity and landscape - There is some indication that SUDS will not work effectively on the soil type and that groundwater water dispersal impact is assessed as "moderate to significant". There are high value trees on the site, some included with the TPO, many of which are mature and include oaks and yews. Some of these risk damage and felling. It is unacceptable to remove so many mature native species and to recommend that they are replaced with native species that may grow more quickly, but are not of equivalent value. The site comprises a vital area for foraging and breeding of grass snakes and toads. It is not felt that sufficient remediation is proposed with regard to migration patterns in particular. Hedgerow corridors are welcome but wildlife are not renowned for interpreting road signs. It is not apparent from the application how archaeological finds would be protected and whether there is a need to undertake appropriate excavation.

Balderton Parish Council –

Comments received 15 March 2017:

The Parish Council's opposition to the development of the Highfields School site has been well documented but is again highlighted below (in italics) for the Planning Committee's attention.

However, in addition to the previous comments which are still considered very relevant, members would like to add the following comments regarding this latest application; these are all material planning considerations:

1. Physical Infrastructure – the impact upon ‘Fletchers’ pond which is to take the surface water from the development. Concerns are expressed about the capacity of this natural pond to take the surface water for such an extensive amount properties, and who will be responsible for maintaining the pumping system in the future?
2. Nature Conservation – the loss of an attractive open area that has so many mature trees that are subject to Preservation Orders (TPO’s). What is the point of having such TPO’s if they can be removed en masse for residential development?
3. Highways Issues – once again the new Transport Plan (which is full of detail errors, and therefore difficult to accept for accuracy) makes no mention of either the planned extensive residential growth of the Newark Urban Area or the new Lidl supermarket which is located only a short distance away along London Road.

Previously submitted comments:

Planning Policies

Members consider that it contravenes Planning Policy SP8 (Protection of school playing fields). The area was also designated as an ‘unsuitable site’ in the Allocations and Development Management Options Report in October 2011.

Emerging Plans

The proposed route by Network Rail through part of the site which was included in the planned closure of level crossings may have been shelved, but only until 2019. If this site is developed the option of building an alternative route for traffic via a new bridge from Barnby Road will not be possible, further adding to the acknowledged traffic problems in the Newark and Balderton area. A road through from the site to Barnby Road would ease some of the traffic congestion.

Highways Issues

Traffic generated from the site is a concern, along with the vehicular access which is so close to the bridge. The model used for assessing traffic along London Road was not a true reflection; a real survey taken on a Friday afternoon or a weekday peak-time morning would be more representative of the real situation. This would still not take into account the traffic generated from the thousands of properties being built south of this site in Fernwood and Balderton.

Capacity of Physical Infrastructure

This would have yet more impact on the surface water drainage system. Balderton’s sewage works require substantial upgrading (as highlighted in a report commissioned by N&SDC in 2009); these have not yet been undertaken.

Deficiencies in Social Facilities

The existing village schools are already at capacity.

Loss of Privacy

Several existing properties will suffer from a lack of privacy and will, in turn be able to look directly into some of the dwellings.

Newark Town Council

Comments received 3 March 2017:

With regard to the 3rd application (17/00357/FULM) it was unanimously decided to OBJECT to this application on the following grounds:

- (i) It will result in the loss of green/open space between Newark and Balderton and a total loss of 24 high value trees within the TPO for the site, with lesser native replacements in gardens which offer no permanence of planting. This also increases the loss of privacy to existing residents.
- (ii) The biodiversity statement is now outdated and needs revisiting and the ecological barriers within the site (width, height and location) are insufficient for ecology and inappropriate for privacy screening.
- (iii) The Traffic Impact Assessment has not been updated or reviewed to take into account the increase in units and revised entry road, nor for the southern urban extension (including Fernwood) and predictable traffic volume increases on London Road. The proposed Travel Plans and 5% traffic reduction target are not thought to be a meaningful or realistic means of addressing concerns. It is iterated that the original TIA was not thought appropriate for assessing impacts at peak time.
- (iv) Reassurance is sought that there will be a planning condition requiring a full archaeological management plan which, in turn, is endorsed by Nottinghamshire County Council.
- (v) The development remains over-intensive with inappropriate boundary treatments to mitigate noise and the loss of privacy (both to existing premises and 'new' neighbours), especially for 27 London Road, Nos 31 & 33 Glebe Park and 11a The Woodwards, whereupon rear parking (contested by NCC Highways) will increase noise levels adjacent to existing premises. As such, it is contested that the application mitigates the specific comments made by the Inspector in the Appeal Hearing with regard to noise and privacy/overlooking to existing *and* new residents. Furthermore, with the increase in units and revised entry road proposal, the impact will be experienced by more residences within The Woodwards and by 29 London Road.
- (vi) There is no provision for any recreational or community facilities, e.g. children's play area, which for a housing development of this size is considered to be essential. Neither is there any reprovision for the open space that would be lost as a result of this development. To cite that the footpath to Barnby Road (ownership not clarified) gives access to play facilities adjacent to Barnby Academy via a road with poor pedestrian facilities, is not considered a meaningful response.
- (vii) There is concern that there is a lack of Primary school capacity to accommodate additional pupils arising from the development. There is also no provision for any Section 106 funding to mitigate the impact on local schools.
- (viii) There is no revised viability assessment available with the application. However, it is contested that the increased units and reduction in facilities (MUGA) require that any assessment is reviewed with specific regard to S106 for community/play facilities, public transport and school provision. Any viability assessment will reflect the costs of intensive drainage treatments, however, these are such due to the intensive development proposals and reduction in permeable open space and are, as such, not considered to be a justiciable cost assessment.

In addition under both applications, assurances are sought for planning conditions and clarity of ownership, to maintain access for existing residents to boundary treatments and for traffic routing during construction.

Environment Agency

Comments received 28 February 2017:

We have reviewed the application which falls into Flood Zone 1 and is considered a Low Risk site. For surface water management see paragraph below.

Please note that as of April 2015, the responsibility for surface water management on developments of this scale passed to Nottinghamshire County Council as Lead Local Flood Authority and we recommend that they be consulted prior to determination of this application.

Severn Trent Water

Comments received 17 March 2017:

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Natural England – No comments received to date.

Historic England

Comments received 28 February 2017:

On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

Sport England

Further comments received 4 May 2017:

The submitted Sports Pitch Provision Statement covers all of the issues which were discussed at the meeting, particularly the benefits to sport which accrue from the development compared to the loss of a small part of the school playing field. Importantly the report deals with the point that the school's ability to deliver sport is not compromised and that there are additional improvements which are delivered by the development both for the school and the community.

In view of the playing field and sports facility mitigation measures that have been proposed, I am satisfied that the potential sports development benefits of the proposals would outweigh the detriment caused by the impact on the playing field. Sport England does not wish to raise an objection to this application therefore as it is considered to broadly meet exception E5 of the above policy.

Comments received 13 March 2017:

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal involves a revision to a previous scheme which was refused and the appeal subsequently supported that decision. The refusal was based on a number of points but our main area of concern was the impact of residential amenity as a result of the relocation of playing fields and the creation of a sand dressed Artificial Gras Pitch/MUGA. The revised proposal does not require the replacement of pitches located to the west of the school. The proposal does however involve the loss of Baileys Field, Sport England has already accepted that Baileys field is no longer considered to be a playing field. The loss of Baileys field is not an issue for Sport England.

The proposal does however have an impact on playing field area:

1. The Land on the frontage of the school constitutes a playing field as defined (see below) the plan suggests the apparent retention of the pitch on the frontage it is our role to protect the whole of an area which contains a pitch not just the area currently marked out. In addition this area has also been used for cricket which indicates a use of the whole area.

2. The proposal would involve the provision of a drainage solution which cross the existing/retained playing field sport England would need to understand how this part of the proposal impacts on the playing field and what mitigation would be required to ensure the works do not make the playing field unusable.

The submission does not provide any information which acknowledges the loss of part of this area and how this impacts on school sports delivery, there is no apparent reference to the Newark and Sherwood Playing Pitch Strategy nor is there any reference to paragraph 74 of NPPF

Sport England will reconsider its position if the following issues are addressed:

- How will the loss of playing field area be mitigated (cricket and Football) with regard to Sport England policy para 74.
- Information as to how the loss impacts upon the Newark and Sherwood PPS.
- Further details of the proposed retention of a pitch, to the frontage of the site.
- Further details of the impact of the drainage route on the existing (retained) grass pitches) including timeframe and remediation proposals.
- As a final point the original plans indicated an increase in parking provision for the school there does not appear as yet to be proposed.

Conclusion

Sport England therefore submits a holding objection until such time as the abovementioned information is submitted to confirm that the proposal meets the requirements of our policy and NPPF and it is then agreed by Sport England as meeting one of our exceptions and NPPF.

The application should not be determined until Sport England is given the opportunity to consider the additional information requested or raise a formal statutory objection to the proposal if the information requested is not able to be provided or it is considered that one of the exceptions is not able to be met.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Police Architectural Liaison Officer

Comments received 10 April 2017:

There are a number of issues I wish to address in relation to the design of the proposed development which could increase crime and disorder if the design was to remain as it currently is proposed.

To ensure all new developments are as sustainable from a crime and disorder viewpoint it is necessary that all steps are taken to remove opportunities for crime & disorder. The NPPF states in paragraph 58: "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

There are several statements within the Design & Access Statement for this proposal, that in my opinion have not been appropriately considered to reduce the opportunities for crime and disorder, these are:-

- Crime and Disorder - the potential for the creation of crime and disorder should be considered and designed out as appropriate;
- Security and natural surveillance - creating places which are properly overlooked making for effective passive and active security.

There are a number of issues, relating to vehicle parking where the two statements above have not been considered. There are a number of Plots where vehicle parking is proposed to the rear of the home, in areas in which the vehicle cannot be seen by the respective vehicle owner, including plots 7, 61-62 & 68. In addition Plots 9-19 have their vehicles parked in areas directly behind the homes via gated driveways, again in areas which cannot be seen by the respective owners, due to privacy fencing between the parking areas and the homes. In relation to the Plots 9-19, there appears to be a route directly adjacent to the neighbouring fencing that would allow persons to have access to all these parking areas without being seen by the householders, this is not acceptable for the sustainability of crime & disorder. I note the rear parking areas have a proposed gate, but unless the gate is automatic and has electronic access control and a minimum height of 2.4m then the gate would not provide any security to these parking areas.

To quote from 'By Design Better places to live': "Servicing dwellings from within the block (such as Jesmond, Poundbury and Thorny Lane) can improve the appearance of the streetscape in terms of car parking and refuse collection and enable residents to have access to the rear of gardens. However, these advantages need to be carefully balanced against other concerns. In particular: (1) rear servicing can undermine the security of dwellings by allowing strangers access to the rear of the dwellings; (2) without very careful attention to detailed design, rear parking areas and alleyways can become hostile places; (3) rear parking areas can reduce the area available for back gardens and the coming and going of cars can detract from the tranquillity of garden areas.

In addition to the concerns over the proposed parking, the D&A Statement makes reference to creating a new pedestrian link, ie to "Create a new pedestrian link through the site, from the main access point to the north west corner, to allow pedestrians to access the development and improve connectivity;"

I would question the need for such a footpath link as the footpath access onto Barnby Road, does not give residents access to local services, shops or public transport, and I would be concerned regarding a footpath that is only overlooked at the area of the new homes, would become a haven for crime and anti-social behaviour. I understand there is a local primary school nearby that could be accessed by this proposed footpath, however there is a well-used footpath/cycle path in use a few meters from the site on London Road, in my opinion a link from the proposed new residential site to this existing footpath would be a better more open and surveyed option than the link proposed.

If the residential proposal does receive planning approval in the future, then the following would be relevant:-

- From 1 October 2016 all new homes will be required to meet the new building regulation Part Q, or Approved Document Q, and fit enhanced security doors and windows to all new homes

- Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.
- Secured by Design can assist with the requirements of ADQ and help the developer meet the requirements of the new building regulation.
- For many years Secured by Design has required that doors and windows are not only tested by the product manufacturer, but that independent third-party certification from a UKAS accredited independent third-party certification authority is in place. This requirement exceeds the requirements of Approved Document Q.
- The Secured by Design Award has now been expanded to include Gold, Silver and Bronze levels. In order to achieve the Gold Award, the property has to achieve the requirements of Approved Document Q and also show that the development layout and some ancillary security requirements, such as lighting and cycle storage, have been met. The Silver Award fully discharges the requirements of Approved Document Q and, in addition, requires certification from independent third-party certification bodies. Secured by Design Bronze is primarily for the refurbishment market but, where issued in respect of a new home with 'bespoke' products, it can also satisfy the requirements of Approved Document Q.

Nottinghamshire County Council (Highways Authority)

Additional Comments Received 15 August 2017:

We have been in correspondence with Severn Trent Water in relation to surface water drainage from this development. Severn Trent Water are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer we are satisfied that the highway drainage issues are able to be resolved.

Additional Comments Received 29 June 2017:

Further to Point 2 within the comments received on 17 March 2017, the County Council's Highways Officer confirmed that a private management/maintenance arrangement regarding highway water drainage would not be acceptable to the Highway Authority, and that the developer should seek ways to discharge directly into a Severn Trent system.

Additional comments received 11 May 2017:

The County Council's Highways team have identified that a travel plan monitoring fee would be required, associated with future monitoring of the travel plan. They identify that the travel plan should also require the developer to carry out traffic counts in order to determine whether or not it is meeting its overall trip reduction targets.

Comments received 17 March 2017:

I refer to drawings HIGH-PL-002 and Transport Assessment Addendum (Feb.2017).

1. Confirmation is required that the footpath link to Barnby Road will remain privately owned/maintained.

2. An agreed strategy to deal with highway drainage is awaited, but will require resolution prior to any formal highway adoption agreement with the Highway Authority. I understand that if this strategy cannot be agreed the ground conditions are such that alternative drainage arrangements may require ground levels to be elevated.
3. Along the initial length of access road off London Road, the footway deviates away from the carriageway. It is uncertain how it is intended for highway adoption to take place in this area e.g. will the grass and tree be expected to become part of the public highway? Clarification is sought.
4. Details of the forward visibility splay around the bend outside plot 6 should be sought to ensure a safe distance is provided.
5. In line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £14,200 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - a. Provide real time display and bus stop clearway at bus stop NS0446 The Woodwards (London Road). Approx. cost £7,100
 - b. Provide a real time display and bus stop clearway at bus stop NS0779 The Woodwards (London Road). Approx. cost £7,100.
6. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement will be required to ensure that extraneous traffic is kept out of Newark town centre.
7. It is recognised that no part of the development shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with drawing no. 13-202-TR-001A (or similar as agreed with the Highway Authority).
8. I believe comments on the Travel Plan are outstanding and I will chase this up with colleagues.

I believe the above points should be addressed prior to the Authority raising no objections to the proposal and suggesting suitable planning conditions to protect highway interests.

Nottinghamshire County Council (Planning Policy) –

Further comments received 7 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The response from ECUS (27 April 2017) seeks to address a number of issues. The following points are highlighted:

- Further details are provided of several trees in relation to their potential to support roosting bats, and mitigation proposed.
- It remains the case that the scheme will result in the net loss of approximately 2.25ha of neutral grassland (albeit not species-rich), used by reptile and amphibian species.
- It is stated that '*the ecology corridors are anticipated to provide movement corridors along the site boundaries for reptiles and amphibians*'. These 'corridors' are just 2 metres wide, and are basically a hedgerow sandwiched between the back garden fences of the new properties and existing adjacent properties. Whether they will retain ecological connectivity and allow the movement reptiles between the Ballast Pit LWS and allotments to the west, and retained grassland and allotments to the west is, to my mind, highly questionable, and I do not consider that they provide substantial or sufficient mitigation for the impacts of the development. The Hedgeline publication "*How to Manage your Hedges for Grass Snakes* (available at: http://hedgeline.org.uk/cms/cms_content/files/36_grass_snakes_%26_hedges_leaflet.pdf)

states that *'A good hedge for grass snakes is one that is south-facing and includes four key hedge components. The hedge should have a varied vegetation structure and height with wet and dry habitats (for them to warm up and cool down), brambly/thorny areas (offering shelter), a field margin with a wet ditch (for hunting), an unshaded, sunny, field margin (for basking), preferably with small banks, hummocks, hollows (for more protection and easier hunting)'*. It is clear that this cannot be achieved in a 2m corridor, and as per my March 2017 comments, I remain of the view that a reasonable solution would be to rationalise the corridors such that there is a single 10-15m wide corridor along the northern boundary to the east and along the southern boundary to the west, linked along the retained internal hedgerow (see below).

- It is stated that *'retention of the central hedgerow cannot be accommodated within the current scheme'*. Clearly, the central hedgerow could be readily accommodated by redesigning the scheme layout, to retain an established green corridor across the site of benefit to both wildlife and new residents. That the applicant has made no efforts to do this is very disappointing, as I can see no reason why it could not be achieved.

Further ecological survey work has been completed or is underway, as previously requested:

- The continued presence of Grass Snakes at the site is confirmed, with 6 individuals recorded during surveys in May including juveniles, indicating this species is breeding on or near the application site. Grass Snakes (and Common Toads) are a 'Species of Principle Importance for Conservation of Biodiversity in England' by virtue of Section 41 of the Natural Environment and Rural Communities Act 2006. It should be noted that Policy DM7 of the Newark & Sherwood Allocations & Development Management DPD states that *'On sites... supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site'* and that *'significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation... provided...'*.
- A single bat activity survey (plus static monitoring) has been completed during May, with a low level of bat activity recorded. It is noted that two further surveys are planned, in the summer and late summer/autumn, the results of which are not yet available. It is asserted that the internal hedgerow (to be removed to accommodate the development) is not of great importance for foraging and commuting bats. However, without the result of the two further surveys, it is not possible to confirm this (noting that bat activity surveys have been requested since November 2014).
- A single Common Toad was recorded during the reptile survey. Whilst this suggests that the rough grassland on the site does not support a large population of this species, it remains unknown what level of importance the site has for migrating toads, known to use the LWS pond site to the west (and for which there is a toad crossing on Barnby Road).

In the event that planning permission is granted, conditions will be required to cover the following:

- Implementation of the Reptile and Amphibian Mitigation Strategy; if 17/00357/FULM is approved, a revised Reptile and Amphibian Mitigation Strategy will be required, due to the different scheme layout.
- A separate condition requiring that the Reptile Method Statement that forms Appendix 1 of the Reptile and Amphibian Mitigation Strategy is implemented prior to the commencement of any ground clearance works at the site

- The production of detailed road designs to incorporate underpasses and drop kerbs as per the Reptile and Amphibian Mitigation Strategy
- Production of a Biodiversity Management Plan, to guide ongoing management of retained and created habitats within the development site
- The submission of a detailed Landscaping Scheme, to make use of native species of tree and shrub along site boundaries and within areas of public open space, selected with reference to the relevant Landscape Character Assessment species list available at: <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>
- Details of measure to protect retained vegetation (including hedgerows and trees) during construction, including through the use of temporary protective fencing
- Adherence to sensitive working practices in relation to the felling of trees with low potential to support roosting bats, as set out in paragraph 4.4.8 of the Ecological Appraisal dated November 2016
- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- The application of best practice working methods in relation to mammals as set out in paragraph 4.4.5 of the Ecological Appraisal dated November 2016
- The submission of a bat-sensitive lighting scheme, developed with reference to the Bat Conservation Trust (2014) publication '*Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting*'
- The installation of integrated bird and bat boxes, incorporated into the fabric 20% of the proposed dwellings/their garages

In addition, a S106 agreement will presumably also be required to deliver the initial and ongoing offsite habitat works referred to in the Reptile and Amphibian Mitigation Strategy.

In summary, I am unable to support this application, but in the event that planning permission is granted, it must be controlled through conditions, as requested.

Comments received 14 March 2017:

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

County Planning Matters

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site lies within a Mineral Safeguarding and Consultation Areas for sand and gravel and gypsum. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Submission Draft (2016) sets out a policy (DM13) concerning these areas. However, as the site lies within the Main Urban Area of Newark

(as defined by the Newark and Sherwood Core Strategy DPD) and is surrounded by existing development, the proposal can be considered as infill development. Infill development is excluded from the provisions of policy DM13. Thus, the County Council would raise no mineral policy objection to the proposal.

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding our existing waste management facilities (as per Policy WCS10). The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for any subsequent planning application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Strategic Highway

NCC can advise that we do not have any strategic transport planning observations to make since NSDC operates a CIL policy and monies will be taken from the applicant towards strategic highway infrastructure improvements planned in Newark town centre.

Ecology

Surveys carried out in support of a previous application covering part of the application site. Of particular note was the confirmed presence of grass snakes (a protected species) on the site. It should be noted that the redline boundary for this application includes areas which were not previously subject to survey.

In any event, the previous surveys are now out of date; the original field survey was undertaken in June 2013, whilst the reptile survey was carried out in September 2013. It should be noted that British Standard 42020:2013 (Biodiversity – Code of practice for planning and development) states that ecological investigation and study should be sufficient in terms of being "sufficiently up to date, e.g. not normally more than two/three years old". In this case the survey work for reptiles is now in excess of three and a half years old, and therefore out of date.

In addition, it should be noted that the NPPF, in paragraph 165, states that "*Planning... decisions should be based on up-to-date information about the natural environment...*", and Government Circular 01/2005 states, in paragraph 99, that: "*it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...*".

It should also be noted that no/insufficient bat surveys were carried out in support of the previous application (relating to the potential for roosting bats and bat activity across the site, noting the proposed loss of trees and hedgerows), and the importance of the site for common toads (a Species of Principal Importance) was never properly established.

Therefore it is **essential** that updated ecological surveys, comprising and Extended Phase 1 Habitat Survey and surveys for reptiles, amphibians and bats (roosting and activity) are carried out and submitted, prior to the determination of this application.

Site Layout and Mitigation

In relation to the previous application, I had a number of concerns about the layout of the application site. One of these related to the proposed 'ecological corridors' (which continue to be shown on the site masterplan), which had the aim of mitigating against fragmentation effects on grass snakes. NCC was (and remain) concerned that these were very narrow, at just 2m wide. This new application provides an opportunity to revisit these, and significantly enlarge them; NCC would suggest that as a minimum, these corridors should be no less than 10-15m wide, to ensure they function.

They could perhaps be rationalised to a single corridor along the northern boundary of the site, or along the northern boundary to the east and along the southern boundary to the west, linked along the internal hedgerow (see below).

In addition, the site layout should be amended to retain the existing internal hedgerow; this would help retain some north-south ecological connectivity across the site.

The Reptile and Amphibian Mitigation Strategy, submitted with the previous application, will need up-dating (in light of updated surveys and different application boundaries) and resubmitting with this application.

No substantive mitigation is provided for the loss of 2.25ha of neutral grassland, which provides habitat for grass snakes and amphibians.

Therefore, NCC cannot support this application, or indeed provide any further comments until the ecological survey work requested above has been supplied.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottscc.gov.uk or 01159 939 309) with any queries regarding developer contributions. Andrew will contact you directly in due course regarding developer contributions for the proposed development.

Conclusion

The County Council raises no strategic planning objection to the proposal. It is suggested that the District Council may wish to require a bat scoping survey of the building, to ensure that potential impacts on European Protected species are fully taken into account. Details of requested contributions to bus stop infrastructure improvements have been provided.

Nottinghamshire County Council (Developer Contributions) –

Comments received 13 March 2017:

In respect of education; on 18th August 2016 the County Council submitted a full response to the previous application: 16/01134/FULM which was for 89 dwellings. I can confirm that our primary education requirements will now increase to £229,100 (20 x £11,455) which is based on the increase in proposed dwellings from 89 to 95. Any secondary contributions would be covered by CIL.

In respect of libraries; we would seek a developer contribution for the additional stock that would be required to meet the needs of the 228 population that would be occupying the new dwellings. This is costed at 228 (population) x 1.532 (items) x £12.50 (cost per item) = £4,366.

Nottinghamshire County Council Lead Local Flood Risk Authority (LLFA) –

Comments received 9 March 2017:

No objections in principle subject to the following:

1. A detailed surface water design and management plan is approved by the LPA prior to any construction starting on site.
2. Discharges from the site must be restricted to Qbar.
3. Evidence must be provided to show the proposed ownership and maintenance regime for all SUDs features for the lifetime of the development.

Nottinghamshire Wildlife Trust

Further comments received 9 August 2017 in relation to the additional submitted ecology surveys (August 2017):

We note from the results in the ecology report, Highfields School, Newark-on Trent 2017 Ecology Surveys (ECUS), that only a low level of bat activity was recorded on site during the three transects and associated static monitoring. We are satisfied that hedgerows H1 and H2 are not particularly important to commuting and foraging bats. We therefore have no further objections to the proposals. In addition to concerns raised in our previous correspondence we would like the following to be taken into consideration. We fully support the recommendation by the applicant's ecologist that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. Sensitive areas should be identified by an ecologist and a lighting plan then drafted by the lighting engineers.

Further comments received 3 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The updated survey revealed a peak count of six grass snakes and a single toad record. We are satisfied with the conclusion that there is a low population of grass snake using the site and reptiles are strongly associated with the long grassland and the margins of the site. The impacts of the proposed scheme will result in total loss of tall sward grassland across the site and reduce/sever connectivity between other suitable habitats in the area. The applicant's ecologist states that *'loss of semi improved grassland in the absence of mitigation would further reduce local availability of semi natural habitats and could be considered of up to local importance to grass snake populations'*

To mitigate the above impacts, a Reptile and Amphibian Mitigation Strategy has been developed that includes the creation of two connective corridors, offsite enhancement and the incorporation of amphibian/reptile friendly features within road design. The reptile surveys conducted to date have not, however, enabled an assessment of the value of the site as a migration route for toads due to the time of the year they were conducted. This information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. This aspect of the development still causes us concern. Such an assessment could have revealed, for example, that establishing amphibian corridors around existing ecological features such as the internal hedgerows would be a more appropriate strategy. Common Toad is a species of conservation concern and is listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Bats

We welcome the intention to assess the value of the site for foraging bats through a bat activity transect survey in May 2017 and static monitoring during the period 26 April-1 May at two locations. A low level of bat activity was recorded during the transect survey undertaken on 3rd May 2017 with the majority of recorded activity pertaining to common pipistrelle and soprano pipistrelle, with brown long-eared bats also recorded. At the time of writing information on the other two surveys does not appear to be available. In order to be in a position to comment fully on impacts to foraging bats we will need to see the results of all of the activity surveys.

Until such time that the results of the bat activity surveys are made available we maintain our objection to the proposed development at Highfields School.

Further comments received 5 April 2017:

Subsequent to our letter dated 23 March 2017, the current planning application for Highfields School has been discussed more widely within Nottinghamshire Wildlife Trust (NWT) and we would like to take this opportunity to provide additional comments. Our comments are based on concerns raised in a number of responses to planning applications for the site.

Offsite Enhancement

We note that offsite enhancement is proposed in the Reptile and Amphibian Mitigation Strategy (ECUS 2016). Section 2.1.20 of the mitigation strategy states that “*offsite habitat enhancement works will be undertaken on land around Ballast Pit Local Wildlife Site on behalf of Avant Homes to contribute to offsetting the land take of grass snake habitat that will result from the adjacent development*”. Section 2.1.23 states that the land is currently owned by the charitable organisation Railway Paths Ltd and managed in partnership between Sustrans and the local fishing club and that Avant Homes are entering into a legal agreement with Railway Paths Ltd to purchase the lake and surrounding land. The LWS is not included in the red line boundary and we are therefore concerned that the offsite element of the mitigation strategy will not be able to be secured through the planning system. If this is the case then it seems appropriate to have the legal agreement in place, including funding for on-going management, before the planning application is decided so that the planning authority is able to make a fully informed decision about the mitigation package as a whole. If it is possible to secure the offsite mitigation through a Section 106 agreement then we would expect this to be in place before any development commences.

Reptiles and Amphibians

We have previously stated that an updated reptile survey is required because the Reptile and Amphibian Mitigation Strategy (ECUS November 2016) is based on reptile surveys undertaken in May 2013 and therefore the survey information is outside the standard guidelines. The NPPF states, in paragraph 165, that planning decisions should be based on up to date environmental information. We still believe these surveys are necessary. In addition to the reptiles surveys, we strongly believe that amphibian surveys are also required. In our letter dated 28th November 2014 we highlighted the importance of Barnby Road as an amphibian migratory route (between the level crossing and Barnby Road Academy). The route is included on the Department of Transport (DOT) register of amphibian migratory crossings (Site ID 237). The register is held by Froglife on behalf of DoT. <http://www.froglife.org/what-we-do/toads-on-roads/tormap>

Records indicate that there has been a decrease in the number of toads recorded during the crossing. A net loss of habitat due to housing development in the area may have been a major factor to the decline in amphibian numbers. Toad numbers are in decline in the UK and as a result are a species of conservation concern and are listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. We therefore strongly believe that amphibian surveys are justified to establish the importance of the area for toads, provide more detailed evidence of the potential ecological impacts of the proposed development and ensure that the mitigation strategy is fit for purpose. The need for reptile and amphibian surveys is also supported by Nottinghamshire County Council in their comments dated 14 March 2017.

Until such time the above issues of concern are satisfactorily resolved we find we must **object** to the planning application at Highfields School.

Comments received 23 March 2017:

Surveys

Reptile and Amphibian Mitigation Strategy

We acknowledge the updated Reptile and Amphibian Mitigation Strategy (ECUS November 2016) but this strategy is based on reptile surveys undertaken in May 2013. The ecological survey work undertaken is almost 4 years old. The NPPF states, in paragraph 165, that planning decisions should be based on up to date environmental information. We would expect therefore, **updated reptile and amphibian surveys** to be undertaken in order to ascertain the current status of reptiles and amphibians within the site. This will ensure that the mitigation strategy is fit for purpose.

Paragraph 99 of ODPM Circular 06/2005 states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’

Bat Surveys

The current planning application proposes to remove 24 trees. The tree report, however, suggests that 52 trees and three tree groups within the red-line boundary need to be removed to facilitate the development. In addition to this, the tree report highlights six individual trees and one tree group as 'unsuitable for retention' and recommends removal. Clarity is therefore required on the actual number of trees to be removed. It is clear, however, that the current application does involve a significant increase in the number of trees to be removed in comparison to the 8 in previous applications. The applicant's ecologist states in Section 4.4.11 that 'the habitats on site may provide some limited foraging opportunity for bats'. In the absence of activity surveys, however, the level of importance remains unknown. Given the extent of tree removal we feel that bat activity surveys are now required in order to establish the value of the site for foraging bats. This is in addition to the presence / absence surveys of buildings B1 and B2 that the applicant's ecologist states are required.

Drainage Issues

We note that part of the drainage scheme for the development will involve run-off from roofs and hard standing entering a drainage easement that then feeds into an unnamed watercourse on the western boundary. This watercourse is connected to Ballast Pit Local Wildlife Site and we are therefore, concerned about impacts on water quality within the LWS. We would like to see a monitoring regime established to monitor water quality of the LWS should the development proceed.

NHS England – No comments received.

Network Rail

Comments received 13 March 2017:

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met:

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

I would advise that in particular the drainage should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

NSDC (Parks and Amenities)

Comments received 16 March 2017:

As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of 95 dwellings will need to make provision for public open space in the form of provision for children and young people (18m² per dwelling), amenity green space (14.4m² per dwelling) and natural and semi-natural greenspace.

The landscape masterplan for the development shows an area of amenity space and a 'feature space' which will go some way towards satisfying the provision of amenity green space however I do not believe that their area fully satisfies the requirement and the masterplan key states that the feature space will be 'conveyed to plot' which suggests that it might not be publicly accessible.

There is no provision of children's playing space on the development and the nearest existing play facility is over 300m away and access will partly involve walking alongside a busy road which has no pavement in places.

As pointed out by Sport England the current layout involves the loss of sports pitches, with the sports area to the south-west of the site being reduced in size by the provision of the new access road. No compensatory measures are described for this.

Finally the development will result in the loss of a significant number of high value trees (some of which are the subject of protection orders) and there appear to be limited compensatory measures for this and no obvious provision of natural and semi-natural green space.

NSDC Conservation

Further comments received 5 May 2017:

Additional observations were received from the Conservation Officer confirming that it is acknowledged that the application proposal would involve development within part of the former landscaped grounds and formal gardens of Highfields House, and that there would be some harm to the significance of the heritage asset in this context. They confirm that their comments have not materially altered from their earlier comments in this regard, but identify that it would be helpful to have an archaeological input.

Further comments received 6 April 2017:

Additional observations were received from the Conservation Officer highlighting that the hedgerow which lies within the site and is proposed to be removed, may constitute an 'important' hedgerow in the context of the Hedgerow Regulations 1997 given that it appears to reflect a historic parish boundary. As such they have requested that the potential historical significance of this boundary be factored in to the planning balance.

Comments received 24 March 2017:

Highfields School is within Highfields House, a large Victorian villa, set within landscaped grounds. Highfields House should be regarded as a non-designated heritage asset. The building is not in a Conservation Area.

The historic map from 1884-1885 shows that the obviously landscaped grounds associated with the House were not as large as the current school estate.

Today the House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remain undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen in the above historic map. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias lodge, a nice historic building in its own right and part of the character of this high status site.

I am familiar with the site having been involved in the 2014 application 14/01964/FULM. Given that the majority of the proposed new housing for the 2014 and this current application is on land to the north of the House, with no obvious landscape association with the House, I think the site could accommodate new housing in this area without necessarily having an adverse impact upon the setting of Highfields House. The key to this will be landscaping, in particular retaining a good tree belt between the House and the housing to its north. As per my earlier advice, retention of any trees marked as historic specimen trees should be encouraged.

This application differs significantly from the 2014 application by now having housing proposed in front of the house, between London Road and the House. This is on land which historically did, and still does, form part of the grounds of the House. As explained above, this land has remained relatively unaltered and does provide a spacious, green and landscaped setting to this non-designated heritage asset.

In terms of historic plan form and historic significance there is some degree to harm to the setting of the House from the proposed new housing in this area to the front. However, the House is so set back from the road and so surrounded by greenery that it has remarkably little visual impact from London Road, so the main impact will be felt from within the site itself. I am also aware that there will be a good degree of physical separation still between the House and proposed new development to its south, including areas of trees and landscaping. So while it will not enjoy the large grounds it once enjoyed, the encroachment is relatively minor and the harm to setting is small. I also appreciate that the development closest to the Lodge has been set back and I do not feel this small but attractive structure will be crowded or harmed by the proposed new development.

Given that the majority of Highfield House and its Lodge's significance would survive unharmed, and that the impact on setting is partially mitigated by landscaping and distance, the overall harm to significance is limited. The NPPF states at paragraph 135, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly 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.'

I repeat for clarity earlier observations on the setting of St Mary's Church Newark. While the spire of St Mary's is visible from the playing fields to the rear, this is an incidental view and not one designed as part of the grounds of the House. While the proposed houses will inevitably impact upon this view it is not a view currently enjoyed from the public realm or which contributes in any significant way to the setting of the Grade I listed church. I am not therefore concerned about the impact upon the setting of St Mary's Church.

NSDC Environmental Health Officer (Noise)

Comments received 10 March 2017:

Provided the protection offered by the acoustic screen is integral to this development then I have no further comments to make.

NSDC Environmental Health Officer (Contaminated Land)

Comments received 27 February 2017:

I have no comments to make in respect of the above application regarding contaminated land at this site since my recommendation to discharge the contamination planning condition attached to 14/01964/FULM on 06.02.2015.

NSDC Strategic Housing – No comments received to date.

NSDC Access and Equalities Officer

Comments received 27 February 2017:

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable' dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals.

In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Tree Officer

Comments received 21 March 2017:

This revised scheme seems to reflect the on-site discussions and should address the majority of my previous comments. The re-positioning of the road toward the sports field may limit the scope of any replacement planting unless we can negotiate some off site. I would recommend robust conditions are attached to any approval requesting full tree protection measures and proposed soft landscaping.

Trent Valley Internal Drainage Board

Comments received 15 March 2017:

The majority of the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment, except for the most easterly section of the site which is within the Trent Valley Internal Drainage Board's district.

There are no Board maintained watercourses in close proximity to the site.

The applicant states that surface water will be discharged via the sustainable urban drainage systems (SUDS). Prior to planning permission being granted the Board recommends that the use of SUDS is agreed with the Lead Local Flood Authority (LLFA). If the use of SUDS is not agreed the applicant should resubmit amended proposals demonstrating how surface water will be drained.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Board's District:

- Existing catchments and sub-catchments to be maintained
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments
- Surface water run-off limited to the greenfield rate for other gravity systems.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall

include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life of the development must also be considered.

Representations from a total of 43 properties have been received (some of these local properties have submitted numerous letters of representation). In addition a representation has been submitted on behalf of 16 local residents, a representation has been submitted by a Planning Consultant on behalf of 20 local residents, and a representation has been submitted by an Architectural Practice on behalf of a number of local residents. All of the comments are summarised below:

Principle

- There are plenty of alternative brownfield sites within Newark which could accommodate housing development.
- The site is not allocated for development within the development plan.
- There are already enough sites identified to meet Newark and Sherwood’s housing requirement for the next 10 – 15 years and therefore there is no need for this windfall site.
- There are not enough 2 and 3 bedroom houses proposed which is what is really required in Newark. The houses are large 4 and 5 bedroom houses aimed at those affluent enough to send their children to Highfields School.
- Even applying the Objectively Assessed Need housing figure derived from the appeal decision at Land at Southwell Road (Farnsfield), the shortfall against this figure in terms of five year housing land supply is limited. Should paragraph 49 of the NPPF be invoked, it does not make ‘out-of date’ policies for the supply of housing irrelevant in the determination of applications.
- The emerging Local Plan should be given weight in the determination of this application.
- The application is materially different to previous proposals on this site and therefore the applicability of the Statement of Common Ground between the local planning authority and Avant Homes in relation to the earlier appeal is limited.

Highways

- There should be a second vehicular access point to the development.
- The siting of the vehicular access point just below the blind railway bridge on London Road is dangerous.
- The Transport Assessment data is now considerably out of date, and does not take in to account any of the recently completed and other proposed developments such as at Fernwood, at Newark Academy, and the new Lidl store.
- The development will create five left turns between the bridge and The Grove School which raises highway safety issues.
- The Transport Assessment underestimates the number of vehicle movements that would be generated by the proposed development.
- Having a single vehicular access point serving the school and the proposed development would raise highway safety issues.
- The Transport Assessment is based on an assessment of 83 houses, however this application is for 95 dwellings.

- There has been an increase in the number of pupils at the school since the Transport Assessment was undertaken. The assessment should be based on vehicle movements associated with the school's full capacity (including its nursery).
- The Transport Assessment underestimates the existing situation in terms of vehicles queuing on London Road to turn in to Highfield School during peak times. The proposed white lining on London Road would fail to address this in terms of providing a sufficiently long refuge for right turning vehicles.
- The existing school access point to London Road would comprise only two lanes. It currently operates informally with three, with two lanes forming to turn left and right from Highfields School on to London Road. The proposed junction alignment would therefore result in a reduction in the number of lanes and result in longer queues of vehicles exiting the site.
- The Transport Assessment does not assess the impact of additional vehicle movements on the safety of the cycle lane on London Road.
- The swept path analysis and visibility assessment drawing is incorrect and fails to properly reflect refuse and larger vehicle movements in to the site from London Road.
- The Transport Assessment should be extended to assess the impact of the proposed development on the junctions of London Road with Sherwood Avenue (Newark), and Main Street (Balderton).
- The Transport Assessment fails to consider the impact of construction traffic on the London Road junction during the construction phase, and how this can be safely separated out from pupils and the public.
- Whilst the existing car parking provision is generally adequate for normal school activities, there is insufficient car parking for school events such as Sports Day, which results in cars being parked on the grass verge to London Road which impacts on highway safety. The proposed development should be required to install measures to prevent parking on these grass verges and on the spine road serving the development.
- The positioning of the highway footpath which is shown crossing the spine road to serve the school is unsafe.
- The proposed dwellings would be between 600m and 850m walking distance from the nearest bus stop. 400m is considered as the maximum recommended distance.
- The two 'potential links' shown on the layout plan should not be used to provide future access to Barnby Road or Glebe Park.
- The Transport Assessment does not incorporate road accident data and proposes no highway safety improvements.
- Existing traffic flows on London Road make turning right out of existing developments problematic, and this would be exacerbated by the proposed development.
- Traffic diverts via London Road when there has been an accident on the A1.
- Additional traffic generated by the proposal will increase the use of Milner Street and its parallel roads as a rat run to avoid the London Road / Bowbridge Road junction.
- The use of elongated shared driveways serving plots 7 to 21 would encourage residents of these properties to park on the road rather than use their allocated parking spaces. This would cause obstruction to the highway and issues of safety.

Character and Design

- The development is over intensive for this site and is too tightly spaced which is not reflective of adjoining development.
- The development would have dominating effect on the Lodge and Highfield House.
- The backs of garages will back on to London Road, resulting in an eyesore.
- The development will have an adverse effect on the London Road streetscene.

- Plots 1 – 6 will back on to London Road, which is not in keeping with the character of the surrounding area where properties face London Road. Due their siting, scale and massing they will also fail to respect the setting of Highfield House and The Lodge.
- The design of the new dwellings is not in keeping with the character of the surrounding area.

Landscape

- This will result in the loss of the only green space between Newark and Balderton and the loss of a significant number of trees. This will cause permanent and irreversible harm to the landscape character and local distinctiveness of the area. The proposal is contrary to the findings of the Landscape Character Assessment and will cause significant harm to the visual appearance of the area.
- The existing natural land buffer will be replaced with structures and hard surfaces.
- The development would involve the loss of an important hedgerow between Fields 4 and 5, which qualifies as an 'important hedgerow' under the Hedgerow Regulations 1997. The hedgerow has been in existence since at least 1875 and marks the Balderton / Newark parish boundary. There is a presumption in favour of protecting important hedgerows under the Regulations and the Council would be required to provide reasons to justify its removal.
- The application site lies within the East Nottinghamshire Sandlands, Winthorpe Village Farmlands landscape character area, identified in the Newark and Sherwood Landscape Character Assessment. The development would introduce an overtly urban form of development that would be highly incongruous within its landscape setting. As such the development would cause significant harm in landscape character and visual impact terms. There would be significant harm to the visual appearance of the area when viewed from London Road, Glebe Park and Barnby Road, together with the rising land of Beaconhill to the north.

Trees

- This application would result in the loss of even more trees that are subject to a Tree Preservation Order.
- London Road is green and leafy and the proposed development will result in the loss of at least 59 trees which will take away much of its charm.
- Why should the removal of over 60 trees be allowed when householders are prevented from even trimming branches on TPO trees.
- The majority of the tree removal is due to Plots 1 – 6 and 95, and the benefit resulting from these additional plots does not outweigh the impact of the loss of these trees. These plots should be removed.
- The Tree Survey accompanying the application confirms the proposal would involve the substantial removal of trees and does not conclude that this level of loss would be acceptable. The loss includes, as a minimum: 64 trees and tree groups (4 of the tree groups are in part), and 29 of these trees/groups are subject to Tree Preservation Orders.
- The tree loss is likely to be greater than identified given the Tree Survey has failed to assess the impact of the drainage strategy, utility services or site level changes on existing trees.
- Additional Beech trees, some subject to TPOs are at risk of loss due to their proximity to development.
- The description of development is inaccurate and misleading as it refers to the removal of 24 TPO trees, however the Tree Survey confirms 29 trees (and tree groups) subject to TPO are proposed for removal.

Natural Environment

- The proposed drainage works to Ballast Pit (a Site of Interest for Nature Conservation) may impact on its nature conservation value and have a devastating effect on fish.
- The proposal would have an unacceptable adverse impact on bats and toads and potentially other species, and would prevent the movement of wildlife across the site.
- The ecology and wildlife surveys were undertaken outside of the optimal survey period for key species.
- The proposed ecology corridors will become overgrown and unable to be maintained. They may be used for the dumping of waste by some homeowners.
- The ecology corridors are insufficient to mitigate the ecological impact of the proposed development.

Open Space and Sports Pitches

- The proposal will result in the loss of playing fields, and no suitable replacement pitch is proposed. The development encroaches onto the hockey pitch to the front of the school building and its associated 'run-off area' which together form a 'playing pitch' within Sport England's definition. The applicant illustrates a smaller re-orientated playing pitch, but this replacement pitch is only an illustration, falling outside the application site and does not form part of the development proposals. There is therefore no certainty that the pitch will be replaced.
- Sport England have objected to the planning application.
- The infant school playing field will be surrounded by a main road, and will have a 5ft high metal fence around it.
- The proposal makes no provision for amenity space or a children's play area, there is just a verge at the side of the main road. The scheme should make provision for a central area of open space with play equipment.

Amenity

- The development will result in overlooking and a loss of privacy for adjoining dwellings and their gardens at No. 27 London Road, Nos. 1, 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings and their gardens will be overlooked by existing dwellings at No. 27 London Road, Nos. 1, 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park, resulting in a loss of privacy for future occupiers of the proposed new dwellings.
- The proposed siting of the garages to the rear of Plots 7 – 21 will not prevent overlooking of the existing dwellings and their gardens at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The additional traffic would result in unacceptable levels of noise and disturbance for neighbouring residents.
- The proposal fails to protect the amenity and living conditions of neighbouring properties and would be an overbearing form of development which results in privacy loss and overlooking.
- Vehicle headlights and the noise from the access road would impact on the amenity of local residents.
- Vehicle noise and vehicle headlights associated with the garages and parking spaces to the rear of Plots 7 – 21 will impact on the amenity of the adjoining dwellings at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings on Plots 1 – 6 would result in a loss of amenity for properties on the opposite side of London Road.

- The siting of the new access road will undermine the peaceful and quiet nature of this part of the site, and have an unacceptable impact on the amenity of Nos. 27 and 29 London Road, and No. 1 The Woodwards due to noise from vehicles and vehicle headlights.
- There would be a significant adverse impact on the amenity of existing properties during the construction period, which could be up to five years.
- Section 5.12 of the Planning Statement is incorrect as 11A The Woodwards is some 1m higher than the new development therefore the line of sight calculations and assumptions for privacy are flawed.
- The previous site access arrangement under 16/01134/FULM is far more suitable from a residential amenity perspective as it avoids the need to direct a large amount of traffic in close proximity to existing properties.
- Plots 7 and 8 should be combined as a single dwelling to ensure that the residential amenity of No. 27 London Road is protected.
- Screening should be introduced to protect the amenity of the first floor window in the west elevation of No. 27 London Road, in the context of the removal of trees in this location and the siting of the proposed access road.
- The amenity impacts of the proposed pitch on existing and new dwellings will need to be assessed.
- There would be an unacceptable relationship between The Lodge and Plot 1, which would result in an unacceptable impact for both properties in terms of amenity.
- The proposed garages serving Plots 7 to 21 would due to their scale and position close to the application site's southern boundary, have an unacceptable overbearing impact on the amenity of adjoining dwellings No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- A condition should be imposed to prevent loft conversions in Plots 7 – 21 to prevent overlooking and loss of privacy to existing adjoining properties.
- The foul pumping station has the potential to cause noise disturbance to neighbouring residential properties.

Flooding and Drainage

- The lakes are not big enough to accommodate surface water from the development.
- The proposal fails to assess the groundwater flooding impact. The overflow from Balderton Lake could be blocked which would potentially result in flooding.
- The sewage system is already under pressure in this area.
- London Road is subject to frequent flooding and the proposed development will make this worse.
- Reference is made within the Flood Risk Assessment to the southern portion of the site being located within an area with > 75% chance of suffering from groundwater flooding. No site investigation / infiltration testing has been undertaken within the southern part of the site.

Consultation

- There has been a lack of consultation with local residents.

Other

- The development will compromise security for existing properties, and would create increased opportunities for crime. It would open the site up to public access and create new access points. The Highfields School site is relatively well secured at present with the Lodge and entrance gates acting as a security feature.
- The proposal will compromise the ability of the site to meet future education needs.

- There is a lack of supporting infrastructure (e.g. education, health and open space). The development makes no provision for community facilities, such as a youth club or a village hall.
- The development would make no s106 contribution to infrastructure, and provide no affordable housing.
- The development will make Highfields School less attractive to prospective parents, and it is already struggling and down on pupil numbers.
- The additional traffic will result in an increase in air pollution which will affect the health of local residents and pupils at Highfields School.
- Highfields School grounds should be protected as a 'community asset'.
- A property opposite the school gates was refused consent to change to a HMO on the grounds of highway impact, so how can this scheme be acceptable.
- Newark Civic Trust objects to the proposal.
- The land owned by the Oliver Quibell Trust was leased to the school for a period of 40 years for the sole purpose of 'extending the School playing fields'.
- The proposed raising of the land level on the application site would impact on the structural integrity of No. 27 London Road, where the property's northern wall adjoins the site. It would also prevent access to No.27 London Road for future maintenance.
- The accessway to the garage of Plot 7 is ungated, providing an area of concealment immediately adjacent to No. 27 London Road.
- There are inaccuracies within the Design and Access Statement which reference the previous schemes for this site.
- The raising of land levels on the site has the potential to impact on the damp proof course and soakaway of No. 27 London Road.
- Tree planting within the ecology corridor has the potential to cause structural damage to No. 27 London Road.
- The development will contribute to the urban heat island effect by removing tree cover and increasing hard surfaces and built development across the site.
- The grounds together with any artefacts and remnants of the formal gardens of Highfields House are of local significance as they were developed by William Quibell who was a significant figure in the history of Newark.
- The archaeological significance of that part of the site which historically formed part of the grounds of Highfields House has not been assessed to date.

Comments of Business Manager

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the Framework and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The application site is unallocated within the development plan. The application site is located within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided that it is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, *"boost significantly the supply of housing"*. Paragraph 17 states further that the planning system should *"proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area."* The NPPF indicates that this will be achieved first and foremost, by local planning authorities, *"using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period."*

The recently published Housing White Paper also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology.

In order to address its housing requirement, Ashfield, Mansfield and Newark & Sherwood District Councils produced a Strategic Housing Market Assessment (SHMA) for the Nottingham Outer Housing Market Area. The SHMA produced an OAN for NSDC of 454 dwellings per annum, although this figure is yet to be tested through an Examination In Public (EIP).

In January 2016 an Appeal in Farnsfield was dismissed on the basis that the Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 500-550 dwellings per annum. The Council has re-visited the OAN with all of the Nottinghamshire Authorities, including its two constituent Housing Market Area colleagues of Ashfield and Mansfield. This led to the publication of the July 2016 Farnsfield Appeal Statement Position Statement.

Moreover, this Council has now set out its preferred approach for spatial development (July 2016) and has just closed (1st September) on consultation for the Publication Amended Core Strategy. It is proposed that the Council's draft Core Strategy will be submitted to the Planning Inspectorate following ratification by a special Full Council meeting on 26 September 2017.

Whilst it is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan, the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision. The OAN is the only available, up-to-date and robust evidence available to this Authority to determine its housing supply target. The Council's position against this target based using housing completions as of 31st March 2017 was published in July 2017. This confirms that the Council has a 6.2 year supply based on a housing target of 454 dwellings per annum. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has confirmed that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector concluded that any shortfall would most likely be made up by windfall schemes, which this proposal represents. Given this position the Council considers that it does currently have a 5 year housing land supply and as such the policies of the Development Plan are up-to-date for the purpose of decision making.

In relation to the previous appeal on the application site (14/01964/FULM), the principle of development and the overall quantum of development proposed was not disputed by the appeal Inspector or the Council. This was despite the Council at that time equally having a 5 year land supply. Whilst the application site is not an allocated site within the development plan, it is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. The settlement hierarchy defined in Spatial Policy 1 identifies that the Newark Urban Area will be the focus for housing and employment growth, and the main location for investment for new services and facilities within the District. Paragraph 17 of the NPPF encourages the reuse of previously developed land, but this does not imply a sequential approach to the development of sites. As such, it is considered that the principle of housing development on this site is in accordance with the Development Plan and the NPPF.

Loss of Playing Fields

Spatial Policy 8 of the Core Strategy states that the provision of new and enhanced community and leisure facilities will be encouraged. The loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that the continued use is no longer feasible; sufficient alternative provision has been made and there is sufficient provision of such facilities in the area.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy applies.

The proposal would involve the loss of land that has formerly been used for playing fields, in terms of the land known as Baileys Field. It would also involve the loss of part of an area of land which is currently used as playing fields, which lies between the school buildings and London Road. Part of this land would be occupied by the proposed access road. Whilst a playing field would be retained on this land (lying outside of the application red line boundary, but within the school grounds), this would represent a smaller area than is currently available for playing field use.

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

In relation to the land which lies between the school buildings and London Road which is currently used as a playing field, Sport England identified that this would have the potential to prejudice the use, or lead to the loss of use, of land being used as a playing field. As such, in Sport England's initial response to the application they submitted a holding objection on the basis that the proposal would prejudice the use, or lead to the loss of use, of land being used as a playing field.

The applicant met with Sport England to discuss the points raised in their response, and on the basis of this discussion, the applicant submitted a Sports Pitch Provision Statement to clarify the position in this regard. This proposes enhanced provision across the school's wider site. The statement confirms that the area of land to the front of the school has mainly been used in the past for football during the winter months, and for cricket during the summer. The size of the existing pitch area would be reduced in order to facilitate the construction of the site access road, but the remaining grassed area would still be of a sufficient size to accommodate a 5 v 5 football pitch.

The Newark and Sherwood Playing Pitch Strategy (September 2014) references a mini rugby pitch, a cricket pitch and two tennis/netball courts (over marked) at Highfields School, but notes that there is currently no community use of the school's sports facilities.

The Sports Pitch Provision Statement confirms that the delivery of the application proposal will allow the school to undertake a scheme of works that will include the resurfacing of the existing tennis courts to become a new Multi Use Games Area, the provision of a new all-weather Kwik cricket square, and confirms that the school will maintain provision for sport pitches across its playing fields to accommodate a 7 v 7 football pitch, a 7 v 7 hockey pitch, a 5 v 5 football pitch, a U11/U12 Rugby Pitch and a Kwik cricket square. As such the statement confirms that there will be no overall loss of pitch provision, but a notable improvement in terms of the quality of facilities. In addition, the statement contains a letter from Highfields School which confirms their intention to make the school's sports facilities available for wider community use outside of school hours.

Sport England have reviewed the submitted Sports Pitch Provision Statement and have confirmed that they are satisfied that the potential sports development benefits of the proposal would outweigh the detriment caused by the impact in terms of the reduction in the size of the existing playing field which lies to the front of the school buildings. As such, Sport England confirm that no objection is raised and that the application would meet the requirements of Sport England's Policy Exception E5 in this regard in that *"the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields"*.

Given that the school's playing pitches lie outside of the application red line boundary, it is not possible to secure a community use agreement via condition. The school has therefore confirmed its agreement that the future community use of the school's sports facilities would be secured via the legal agreement associated with any grant of consent, to which the school would be bound as a signatory.

On this basis, subject to securing future community use of the school's sports facilities via legal agreement, it is considered that the application proposal would deliver suitable sports provision to outweigh the detriment cause by the loss of playing field land, in accordance with the requirements of Spatial Policy 8 of the Core Strategy, Sport England's exception policy, and the NPPF.

Housing Numbers, Density and Mix

Core Policy 3 of the Core Strategy states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need. The need to achieve a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities is also reflected in the NPPF.

The table below summarises the proposed housing mix:

Type	No. of Plots	% of total dwellings
2-bed semi-detached	12	12.6%
3-bed semi-detached	8	16.8%
3-bed detached	8	
4-bed detached	39	41.1%
5-bed detached	28	29.5%
Total	95	100%

The scheme would provide a broad range of dwelling types and sizes and as such I am satisfied that the scheme offers a balanced housing mix in line with the needs of the area and national and local policy requirements.

The scheme represents a density of approximately 22 dwellings per hectare (when excluding the proposed amenity space from the calculation). Core Policy 3 of the Core Strategy identifies that development densities in housing developments should normally be no lower than an average 30 dwellings per hectare net. Whilst the proposed development would achieve a density below this figure, it is recognised that there are other considerations in relation to this site which necessarily impact on the appropriate average density. These include having regard to the density and character of surrounding housing development, including the developments at The Woodwards and Glebe Park which are of a low density, together with the proposed retention of the majority of mature trees within the site, and the need to have regard to issues of amenity and privacy in relation to adjoining properties which were subject to detailed consideration by the Planning Inspector in relation to the previously refused application. Overall taking these matters into account I consider that the density and mix is now acceptable in line with Core Policy 3 and the NPPF.

Impact on Visual Amenity including the Character of the Area and Trees

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping with the effect of an application on the significance of a non-designated heritage asset taken into account in determining an application. Core Policy 9 of the Core Strategy requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the Allocations and Development Management DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The design approach for each plot is generally consistent with the appeal scheme, a matter the appeal Inspector found acceptable. However, one must still assess the overall design of the layout and its consequential impacts on heritage assets and character.

Heritage

Highfields School occupies Highfields House, which is a large Victorian villa set within landscaped grounds. The landscaped grounds associated with the House were not as large as the current school estate. Today Highfields House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remained undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen on historic maps. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias Lodge which forms part of the character of the site. Highfields House should be regarded as a non-designated heritage asset in this context.

Paragraph 135 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Given that the majority of the proposed new housing is on land to the north known as Baileys Field and Quibell Field which have no obvious landscape association with the House, it is considered that the site could accommodate new housing in these areas without necessarily having an adverse impact upon the setting of Highfields House.

The application proposal would also involve the development of seven dwellings on part of the land which lies between the school buildings and London Road, together with the laying out of the site access road which would run to the south and east of the school buildings, serving the proposed housing development at Baileys and Quibell Fields to the rear. An area of open land would be maintained to the front of Highfields House, to accommodate a playing field serving the school.

The Conservation Officer highlights that this land historically formed part of the grounds of the House and has remained relatively unaltered to date, providing a spacious, green and landscaped setting to the front of Highfields House. In this context, the Conservation Officer considers that the proposed development would result in some degree of harm to the setting of the House, albeit that this would be largely experienced from within the site itself rather than from London Road, given the extent to which the House is set back within its grounds and the significant screening afforded by tree cover along the London Road frontage. Similarly, the Conservation Officer highlights that there would be some limited harm to the significance of Highfields House as a non-designated heritage asset, recognising that the proposal would include some development within the former landscaped grounds and formal gardens of the House. In the context of the substantial area of open land which would be maintained to the front of Highfields House, the Conservation Officer considers that the degree of encroachment would be relatively minor and that the harm to the setting of this non-designated heritage asset would be limited. The Conservation Officer has also confirmed that they note the proposed dwellings on Plots 1 to 6 have been set back in relation to the Lodge and as such they do not consider that the Lodge would be crowded or harmed by the proposed development.

In relation to St Mary's Church, it is not considered that the proposal would result in any impact on the setting of this Grade I listed building, as whilst the spire of the church is visible from Baileys Field this is an incidental view from private land and is not considered to contribute to the setting of the church.

On this basis, the Conservation Officer concludes that the application proposal would result in only limited harm to the setting of Highfields House as a non-designated heritage asset. Given that the proposed site layout has been designed having regard to the setting of Highfields House, and that a substantial area of open land and existing mature tree cover would be maintained to the front of the House, it is considered that the proposed development would result in a very limited degree of harm to the setting of this non-designated heritage asset. Having regard to paragraph 135 of the NPPF in this context, it is considered that this limited degree of harm, when balanced against the significance of Highfields House, will not result in any unacceptable impact in this regard.

Design

The submitted Design and Access Statement identifies that the proposal *"has taken cues from the Victorian and Edwardian styles seen in the vicinity of the site. This has been embellished through the selection of materials, building details and form which include gable detailing with bargeboard overhangs, raked eaves, bay windows, fenestration treatments and styles."*

In terms of the character of the surrounding area, to the south east of the application site, the dwellings at The Woodwards and Glebe Park comprise modern detached properties set within substantial gardens. Dwellings to the south of London Road are predominately large semi-detached dwellings, again with substantial gardens. Dwellings on Barnby Road are more mixed in character and include a bungalow, a row of terraces and detached dwellings.

For the reasons set out above in relation to housing density, it is considered that the proposed development strikes an appropriate balance between the requirements of Core Policy 3 which identifies that new housing development should normally achieve densities of 30 dwellings per hectare or above, and the character of surrounding development which is typically of a lower density reflecting that the much of the surrounding development was built before density standards were introduced.

The layout of dwellings across the site has been designed to positively address street frontage and create varied and interesting streetscenes through the use of a wide range of house types. In terms of the design and detailing of the proposed dwellings, these reflect traditional elements from the established Victorian and Edwardian dwellings to the south of London Road. All of the proposed dwellings would be two storey in scale, reflecting the scale and character of dwellings across the surrounding area.

As set out above, the dwellings on Plots 1 to 6 have been designed to respect the setting of Highfields House. Whilst the dwellings would not front London Road, this is in order that the majority of the mature trees which line the London Road frontage to the site can be retained. In this context it is noted that the existing developments at The Woodwards and Glebe Park which lie to the south east of the application site also do not present frontage to London Road, with c.2m high fencing forming the rear boundaries of these properties to London Road. Given that the dwellings on Plots 1 to 6 have been set back from London Road, and that the majority of the existing mature tree cover would be retained, it is not considered that this would result in any detrimental impact from a design or streetscene perspective when viewed from London Road. The positioning of these dwellings is also considered to respect the setting of the Lodge and would not result in any unacceptable impact in this regard.

Landscape Character

Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

The application site lies within the East Nottinghamshire Sandlands landscape character area as identified within the SPD, and within this it lies within Policy Zone ES PZ 04 Winthorpe Village Farmlands. This reflects a relatively large Policy Zone which covers much of the eastern extent of the District beyond Newark and Balderton, and comprises a flat and gently undulating arable landscape with woodland blocks. The SPD notes that there exist a diverse variety of land uses across this Policy Zone, due to its proximity to Newark and being typical of urban fringe locations. The character assessment identifies the landscape condition of this Policy Zone as moderate, and also identifies its landscape sensitivity as moderate. In terms of the objectives for new development, the assessment identifies that the focus is to conserve what remains of the rural landscape by concentrating new development around existing settlements and to create new development which reflects the built vernacular. In terms of the objectives for landscape features, it identifies that existing field patterns and hedgerows should be conserved where feasible to contain new development with historic boundaries, and that tree cover and landscape planting should be conserved and enhanced.

The application site lies at the edge of the built up area of Newark, and does not have a particularly open aspect within the wider landscape setting. To the south, the site adjoins the built up urban area of Newark, whilst to the north the site is bounded by linear housing development along Barnby Road, beyond which is the East Coast Mainline. As such, the site occupies an urban fringe location, and as identified within the SPD, this is the type of location where new development is to be focused in order to conserve what remains of the rural landscape. The application proposal would largely retain existing field boundaries and the associated hedgerows and trees which line its perimeter. It would involve the removal of one stretch of hedgerow which presently separates Baileys Field and Quibell Field, and this is addressed in further detail below. In this context, it is considered that the application proposal addresses the implications of the Landscape Policy Zone within which it lies, in accordance with the requirements of Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD.

Trees and Hedgerow

Core Policy 12 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

A Tree Survey report has been submitted alongside this planning application. It identifies that a total of 258 individual trees and 26 tree groups were surveyed, including a range of native and ornamental species. The majority of trees surveyed were considered to be of moderate amenity value and were placed within category B (moderate quality and value). A total of 25 trees were considered to be of high value due to their size and situation within the landscape and as such were placed within category A (high quality and value). Nine trees and one tree group were categorized as unsuitable for retention (category U) and the remainder were placed within category C (low quality and value, and trees less than 15cm diameter).

The submitted Tree Survey includes an Arboricultural Impact Assessment of the proposed site plan to assess the likely impact of the development on existing trees and tree groups. The report identifies that a total of 67 trees, four tree groups and parts of seven other tree groups will need to be removed. 26 of these trees and three of these tree groups are covered by a group Tree Preservation Order (ref. N215). In addition, the report recommends the removal of two horse chestnut trees within the school grounds which are showing signs of bleeding canker. Whilst these two trees are covered by the group Tree Preservation Order they lie outside the application site boundary. The majority of the protected trees which are proposed for removal lie to the south of the school buildings on the land that lies between Highfields House and London Road. The site layout has been designed such that the line of trees along the site's frontage to London Road would be retained, but that the band of trees which lies to the north of this would be removed to facilitate the construction of Plots 1 to 6. A cluster of protected trees would also be removed to facilitate the new access road serving the development, and trees within a number of protected groups to the east of the school buildings would also be removed to facilitate the access road and the foul pumping station. A number of other trees which are not protected by the group TPO would also be removed, which include a number of trees towards the south eastern corner of the site to facilitate development on Plot 95, a number of trees at the western extent of the site to facilitate the surface water drainage outfall, and a number of further trees which are scattered along the boundaries of Baileys Field and Quibell Field.

The layout of the scheme has been developed through liaison with the Council's Tree Officer. Whilst the application proposal would involve the removal of a considerable number of trees within the site, the layout has been designed in order to ensure that the existing trees which line the site's frontage to London Road would be retained. The trees which are to be removed to facilitate the development of Plots 1 – 6 and Plot 95 lie to the north of the trees to be retained and therefore make a more limited contribution in terms of visual amenity when viewed from public vantage points.

The band of trees to be retained along the site's frontage would wrap around Plots 1 – 6 to the north west, south west and south east, such that the existing trees which characterise the site's frontage to London Road would be retained. These trees would lie outside of the plots of these dwellings, and the ongoing management responsibility of these areas would therefore lie the management company which is to take over responsibility for the amenity space and ecology corridors across the development. Excluding these trees from these dwellings' plots would safeguard their future retention by reducing the potential for unauthorised works or pressure for future pruning of these trees.

In this context the Tree Officer raises no objection subject to conditions being attached to any grant of consent to require tree protection measures and replacement planting via proposed soft landscaping. The loss of a considerable number of trees, including 26 protected trees, is regrettable and will clearly result in a degree of harm. It is however recognised that the scheme layout has been designed in order to retain those trees which make the most significant contribution in terms of visual amenity when viewed from public vantage points. The contribution of those trees which are to be removed is predominantly experienced from within the school site itself, and to a lesser degree from a number of adjoining private residential properties. As such, the trees to be removed make a more limited contribution in terms of visual amenity from public vantage points. It must also be recognised that the site presently accommodates a very significant number of trees, and therefore the number of trees to be removed must be considered in this context. The impact of the proposed loss of trees is assessed at the end of this report as part of the planning balance.

The submission of an Arboricultural Method Statement would be required via condition, which would ensure the protection during the construction phase of the trees and hedgerows which are to be retained. Conditions are also recommended in relation to submission of a landscaping scheme and its subsequent implementation. This would provide for the provision of replacement trees and hedgerow for that which is to be lost.

The application proposal would involve the loss of approximately 95m of existing hedgerow that separates Baileys Field and Quibell Field. The Hedgerow Regulations 1997 define 'important' hedgerow as that which has existed for 30 years or more, and meets at least one of the criteria within Schedule 1 Part II. One of these criteria is that the hedgerow marks a pre-1850 parish or township boundary. The hedgerow marks the parish boundary between Newark and Balderton and on the basis of historic mapping that is available, it is likely that this has marked the parish boundary since prior to 1850. In this context, it would be considered to constitute an 'important' hedgerow in the context of the Hedgerow Regulations, and has historical significance in this context. The Hedgerow Regulations afford protection to hedgerow and require permission for its removal. Where removal of a hedgerow is required to implement a planning permission, then no separate consent for hedgerow removal is required. There is a presumption in favour of protecting 'important' hedgerow under the Regulations. The loss of hedgerow in this context is regrettable and will clearly result in a degree of harm. The impact of this is assessed at the end of this report as part of the planning balance.

Summary

Overall, subject to conditions relating to tree protection, landscaping scheme, materials, and boundary treatments it is considered that the proposed development would not harm the setting of Highfields House or the Lodge and would be in keeping with the character of the area in accordance with the aims of the NPPF, Core Policy 9 and Policy DM5 of the DPD.

Impact on Highway Safety

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the Allocations and Development Management DPD requires the provision of safe access to new development and appropriate parking provision.

A Transport Assessment (TA) and Addendum has been submitted with the application which demonstrates that access to the site is safe and satisfactory. This concludes that the *"the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. It is, therefore, considered that the residual cumulative impact of the proposal will not be severe"*. The Transport Assessment was initially undertaken in October 2014 in support of the previous application for 83 dwellings (14/01964/FULM), and has been updated for this current application via an addendum report to reflect the increase in the number of proposed dwellings to 95, and to reflect updates to policy, conditions on the local highway network, and any changes to sustainable transport infrastructure. I do note that highways was not a reason for dismissal at the previous appeal.

The Transport Assessment identifies that the site occupies a sustainable location approximately 1.7km south east of Newark town centre, and being accessed off London Road which is a major bus corridor and with National Cycle Route 64 running adjacent to the southern boundary of the site and providing a designated off-road cycle route. The Traffic Survey which informed the Transport Assessment was undertaken in February 2014. The Transport Assessment identifies that given there have been no major developments and that local highway conditions have remained unchanged in the vicinity of the site since this time, these surveys from 2014 are considered to demonstrate an appropriate existing situation. The recorded traffic flows have been growthed to a future year of 2021 in order to reflect any phasing of the development. It identifies that the proposed development would generate 60 two-way peak hour vehicle trips during each of the morning and evening peak periods, which equates to approximately 1 additional vehicle movement per minute, which it concludes would be unlikely to be perceivable to road users. As such, the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours.

The site would be served by means of a right turn ghost island priority controlled T-junction with London Road and a condition is recommended in this regard to secure a white lining improvement scheme on London Road to facilitate this.

The County Highways Officer has reviewed the submitted information and raises no objection on highway grounds. In relation to the concerns raised by those objecting to the planning application that the traffic survey data on which the Transport Assessment is based is out of date, the County Highways Officer has confirmed that utilising the February 2014 traffic survey data does not make the assessment out of date, and that given the operational capacity of the highway network at London Road, the proposed development raises no concern in terms of highway capacity even once recent developments are taken into account.

In relation to the detailed points raised within the County Highways Officer's comments (17 March 2017), the applicant has confirmed that the ongoing management and maintenance of the footpath link to Barnby Road will be included as part of the transfer to a management company for the site. This would be secured via legal agreement. The comments regarding turning heads and visibility splays have been accommodated through minor revisions to the site layout plan. In terms of highway drainage, the County Highways Officer has confirmed that following correspondence with Severn Trent Water, Severn Trent have confirmed that they are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer, the County Highways Officer has confirmed that he is satisfied that the highway drainage issues can be resolved. Conditions are recommended in this regard, requiring submission and approval of drainage details and plans for the disposal of surface water and foul sewage, and details of the surface water drainage scheme.

The proposed development would be subject to a legal agreement to include a contribution towards bus stop improvements and a lorry routing plan to ensure that extraneous traffic is kept out of Newark town centre (as included in the Summary of Developer Contributions table below). Planning conditions relating to access construction, visibility splays, set back of garage doors, surfacing, and the white lining scheme are also recommended.

In this context it is considered that the proposed development would be acceptable in highway terms, subject to the relevant conditions, in accordance with the requirements of Spatial Policy 7 of the Core Strategy.

Impact on Flood Risk and Drainage

Policy DM10 of the Allocations and Development Management DPD, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *'necessary mitigation as part of the development or through off site measures where necessary.'* Core Policy 9 of the Core Strategy requires new development proposals to pro-actively manage surface water.

The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The submitted Flood Risk Assessment (FRA) also indicates that the site is at low risk from surface water flooding.

A Drainage Statement has been submitted as part of the application. In terms of foul sewerage generated by the development, this is to be discharged to the public sewer network at a manhole located in London Road close to the site entrance. In terms of surface water drainage, ground investigation and soakaway testing has demonstrated that the prevalent ground conditions are acceptable from an infiltration perspective and therefore the site would be suitable to accommodate a Sustainable Drainage Scheme (SuDS).

As such, it is proposed that the dwellings would drain to shallow soakaways within garden areas to serve individual plots, or to a shared soakaway in a suitable location. These will be designed to a 1 in 100 year storm event (plus allowance for climate change) in order to ensure that extreme conditions can be accommodated and thereby not presenting a flood risk to either the proposed or existing surrounding properties. The applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land from Railway Paths Ltd in order to facilitate this. A piped storage system located within the highways together with a flow control device would limit discharge rate. An assessment of the ecological impact of this proposed approach is addressed below under 'Impact on Ecology'.

In accordance with the recommendations of the Flood Risk Assessment, a condition is recommended which would ensure that internal finished floor levels within the proposed dwellings be set no lower than 150mm than adjacent external ground levels. In addition, a condition is also recommended requiring submission of details of a surface water drainage scheme based on sustainable drainage principles in response to comments received from the Lead Local Flood Authority. Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved.

Subject to appropriate conditions, it is not considered that the proposed development would result in any unacceptable impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9.

Impact on Ecology

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

The applicant submitted an Ecological Appraisal (November 2016) as part of the application submission. This was informed by a detailed habitat survey undertaken in June 2013 (which accompanied the previous application 14/01964/FULM), and this was updated with a further survey in October 2016 to reflect the amended red line boundary as part of the current application which incorporates land between the school buildings and London Road which was not subject to the earlier survey. Approximately 55m to the west of the application site lies Ballast Pit which is an identified Local Wildlife Site (LWS). Ballast Pit comprises a large fishing lake with willow carr (waterlogged woodland).

The Ecological Appraisal identifies a range of existing habitats within the site, with neutral semi-improved grassland habitat on the land at Baileys Field and Quibell Field, together with hedgerow, trees and scrub on parts of the site. In terms of species, the Appraisal identifies that the site is used by a number of protected and priority species. The survey work identifies use of the land at Baileys Field and Quibell Field by grass snake as they move between areas of suitable habitat (such as Ballast Pit LWS, and the allotments which lie to the east and west of the site). Grass snakes are a protected species under the Wildlife and Countryside Act 1981. The survey also identifies use of the site as a migratory route for the common toad which is a priority species under the Natural Environment and Rural Communities Act 2006. In addition, the survey work identifies that foraging badgers may move across the site from time to time (although they are not considered resident within the site), and there is some potential for bats within The Lodge and its outbuilding, and low potential for bats within the trees to be removed.

The Ecological Appraisal sets out a detailed package of mitigation measures in order to mitigate any impact in relation to these habitats and species. The key element of this is the delivery of a Reptile and Amphibian Mitigation Strategy (November 2016), which would comprise the following:

- Creation of two ecology corridors which would run east/west across the site in order to retain connectivity between Ballast Pit LWS and the allotments, and allow for the movement of wildlife. The corridors would lie along the northern and southern boundaries of the land known as Baileys Field and Quibell Field and would each be approximately 2m in width. The northern corridor would comprise new hedgerow planting to complement the existing hedgerow along this boundary, and the southern boundary would comprise a mixture of structure planting along the school boundary and rough grassland along the boundary with properties on The Woodwards / Glebe Park.
- Creation of a wildlife underpass beneath the estate road at the point where it crosses the ecology corridor along the southern boundary, in order to provide safe passage for amphibians and reptiles.
- Retention of all existing sections of hedgerow along the site's northern boundary. Whilst approximately 95m of hedgerow would be lost (the hedgerow that separates Baileys Field from Quibell Field), compensatory planting along the northern boundary will involve planting to establish / consolidate approximately 305m of native hedgerow.

- Off-site habitat enhancement works at Ballast Pit LWS and biodiversity enhancement works within the school's grounds, adjoining the application site. In terms of Ballast Pit LWS, this would involve habitat enhancement works, including hibernacula creation and thinning existing scrub.
- Installation of dropped kerbs and wildlife kerbs across the development to provide a means of escape for any amphibians that may enter the road network.

The future management of the on-site mitigation works (including the ecology corridors), together with the implementation and management of the off-site works, would be undertaken by a management company.

In addition to the Reptile and Amphibian Mitigation Strategy, the Ecological Appraisal contains a series of detailed recommendations in order to mitigate any impact on habitats and species. These include delivery of an ecologically sensitive landscaping scheme with native and wildlife-attracting species, root protection measures for all trees and hedgerows to be retained, additional tree planting with native species, bat sensitive lighting for street lighting across the development, and the use of sensitive working practices in order to protect any species which may be present on the site during the construction phase.

The delivery of the mitigation measures identified within the Ecological Appraisal and the Reptile and Amphibian Mitigation Strategy would be secured via condition, and the delivery and maintenance of the off-site works at Ballast Pit LWS and within the school grounds would be secured via legal agreement.

In relation to the Ecological Appraisal which accompanied the application, objections were raised by both the County Ecologist and Nottinghamshire Wildlife Trust on the basis that the ecological survey work which underpins the appraisal is considered out of date, and that additional surveys are required. In response to these comments, in April 2017 the applicant commissioned an updated reptile survey and bat activity surveys.

The updated reptile survey recorded the presence of a low population of grass snake on the site, together with a single toad. The applicant's consultant ecologist concludes that this corroborates the findings of the 2013 based survey in that whilst the site is considered to be of importance to reptiles at a local level, only low populations have been recorded within the site and as such the site's role in this regard is likely to be as a migratory route between surrounding sites. As such, the applicant's consultant ecologist concludes that the outcome of the updated reptile survey does not indicate that any changes are required to the proposed approach set out within the Reptile and Amphibian Mitigation Strategy.

In relation to the bat activity surveys, three surveys have now been undertaken on the site during the active bat season. All of the surveys recorded a low level of bat activity on site during the three transects and associated static monitoring.

The applicant's consultant ecologist has also assessed the hedgerow which lies between Baileys and Quibell Fields in terms of the Hedgerow Regulations 1997 on the basis of the ecological criteria. They have confirmed that the hedgerows are not classified as important hedgerows in the context of the defined ecological criteria under the Hedgerow Regulations 1997.

In relation to the additional information submitted, the Nottinghamshire Wildlife Trust has confirmed that they are satisfied with the submitted bat surveys and as such withdraw their previous objection to the application. The Wildlife Trust recommend that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. A condition is proposed in this regard. The Wildlife Trust does also highlight some concerns with regard to the reptile surveys conducted to date, which they consider have not enabled a full assessment of the value of the site as a migration route for toads. The Wildlife Trust consider that this information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. In relation to these comments of the Wildlife Trust, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable following detailed discussions in relation to the previous application scheme (14/01964/FULM).

The response of the County Council's Ecology team to the additional information submitted raises concern as to whether the proposed ecology corridors would effectively function as intended to allow ecological connectivity and allow the movement of reptiles. The County Council's Ecology team considers that the 2m width of these corridors may limit their functionality and a better solution would be the provision of a 10-15m wide corridor through the site. As cited above, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable in relation to the previous application scheme. The applicant's ecological consultant has advised that the ecology corridors would be sufficient to provide movement corridors along the site boundaries for reptiles and amphibians. The corridors are designed to be discrete pathways for wildlife, which are inaccessible to the general public, and the Reptile and Amphibian Mitigation Strategy confirms that access will be created between rear gardens and the ecology corridors via small gaps or raised fencing to provide additional habitat for reptiles, amphibians and small mammals.

In relation to the comments of both the Nottinghamshire Wildlife Trust and the County Council's Ecology team, it is proposed that the implementation and ongoing maintenance of the off-site works at Ballast Pit LWS would be secured via legal agreement and this would therefore address the cited concerns in this regard.

As set out above under 'Impact on Flood Risk and Drainage' the applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land in order to facilitate this. In relation to concerns cited regarding the ecological impact of this drainage on Ballast Pit LWS, the applicant's drainage consultant has confirmed a hydrodynamic vortex separator may be incorporated downstream of the proposed flow control device to provide treatment of runoff and that permeable paving may also be incorporated across private driveways to provide additional treatment of runoff. As such, the applicant's drainage consultant confirms that the potential impact on water quality of surface water discharged to Ballast Pit is expected to be minimal. A condition is proposed requiring submission of full details of the proposed surface water drainage scheme, and this provides the means to ensure that the sustainable drainage scheme would be acceptable in terms of both its drainage and ecological impact.

In summary, the Nottinghamshire Wildlife Trust have confirmed that they would remove their objection to the proposed development subject to the two further bat surveys confirming low activity levels on the site. The County Council's Ecology team have confirmed that they are unable to support the application, but that in the event planning permission is granted it should be controlled via a detailed series of conditions together with a legal agreement to ensure the delivery and long-term management of the off-site ecological mitigation works. All of these recommendations have been addressed as part of the proposed conditions.

Taking into account all ecology comments from consultees and interested parties and the additional information submitted by the applicant, and subject to securing appropriate mitigation measures via the imposition of conditions and via legal agreement for the implementation and maintenance of those off-site works, it is considered that the proposal accords with the requirements of Core Policy 12, Policy DM5 of the Allocations and Development Management DPD, and the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. There are several strands to amenity which are discussed by topic area below.

Noise

The application proposal includes a foul pumping station to be located centrally within the site at the north east corner of the school grounds. This pumping station would be located in proximity to a number of residential properties, including the existing neighbouring property at No.27 London Road (a distance of approximately 22m would be maintained between the pumping station and the closest part of the dwelling), and the proposed dwellings on Plots 38 and 69 (a distance of approximately 15m and 20m respectively would be maintained between the pumping station and the closest part of the dwellings).

In order to ensure no unacceptable noise impact from the operation of the proposed pumping station on neighbouring properties, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. This would be required prior to first operation of the foul pumping station. Given the enclosed nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development.

The proposed layout would involve the dwellings on Plots 1 – 6 and Plot 95 overlooking a grassed area which would be used as playing fields by the school. Where an acoustic barrier was necessary in relation to the proposed Multi-Use Games Area proposed under application 16/01134/FULM, as a grassed area that would not be subject to floodlighting, it is not considered that an acoustic barrier is necessary in this context to protect the amenity of these neighbouring properties. In addition, the main school playing fields would continue to be on the land to the west of the school buildings, with this grassed area to the south of the school only being suitable to accommodate a 5 v 5 football pitch due to its reduced size.

As such it is not considered that the proposed development would result in any unacceptable noise impact in accordance with Policy DM5 of the Allocations and Development Management DPD and the requirements of the NPPF.

Overlooking, Privacy and Amenity

Policy DM5 of the Allocations and Development Management DPD states that new developments shall be assessed against a number of criteria including that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. There is no prescriptive guidance in terms of appropriate separation distances, and paragraph 7.18 of the reasoned justification to Policy DM5 states that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

The application site is bounded by a number of residential properties. The eastern parcel of land known as Quibell Field is bounded to the south by residential properties at No. 27 London Road, Nos. 11a and 12 The Woodward's, and Nos. 31 and 33 Glebe Park. Part of this southern boundary is formed by a brick wall of approximately 2m in height, with the remainder formed by wood panelled fencing of between approximately 1.8m and 2m in height. In addition, along parts of this boundary there is mature hedging and trees which provide additional screening. Residential properties at No. 29 London Road and No. 1 The Woodward's lie to the south east of the southern parcel of land which lies between London Road and Baileys Field. In addition, the application site is also bounded by residential properties on Barnby Road along much of its northern boundary.

In relation to the appeal against refusal of the previous application (14/01964/FULM), the effect of the proposed development on the living conditions of neighbouring residents with particular regard to privacy was a key issue considered in detail by the Inspector. The Inspector concluded that the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodward's and Nos. 31 and 33 Glebe Park, with particular reference to privacy. In relation to the relationship between the proposed development and No. 12 The Woodward's, the Inspector found that the proposed development would not lead to an unacceptable level of overlooking of, or loss of privacy to, the occupiers of No. 12 in their dwelling or rear garden.

The layout of the eastern parcel of land (Quibell Field) has been designed in order to specifically address the Inspector's findings in this regard. As such, the dwellings which would adjoin these existing properties have been designed and positioned so as to allow for a considerably greater separation distance between the proposed and existing properties. The impact in relation to each of these existing properties is detailed below:

No. 27 London Road – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 12m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 27 London Road would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21m and 24.5m. In addition, by positioning the double garages serving Plots 9 to 11 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 12 The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 13m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 12 The Woodwards, taken together with the fact that No.12 is itself set back from the boundary by around 20m, would mean that no unacceptable level of overlooking or loss of privacy would result. Under this new application, the separation distances between the first floor rear elevation of the proposed dwellings and the boundary with No. 12 The Woodwards have been further increased to between 23.5m and 27m, and the double garages serving Plots 12 and 13 have been positioned to the rear of these plots.

No. 11a The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 11m and 13m between the first floor rear elevations of the proposed dwellings and the boundary with No. 11a The Woodwards would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21.5m and 23m. In addition, by positioning the double garages serving Plots 14 and 15 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 31 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 15m and 16m between the first floor rear elevations of the proposed dwellings and the boundary with No. 31 Glebe Park would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21.5m and 28.5m. In addition, by positioning the double garages serving Plots 16 to 19 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 33 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the given orientation of the proposed dwelling on the plot adjoining the northern boundary of No. 33 Glebe Park, there would be some overlooking and loss of privacy to these neighbouring residents within their rear garden. Under this new application, the dwelling on Plot 21 is a Westbury house type. In common with the previous scheme, at first floor level in the side elevation facing No. 33 Glebe Park the only window within this side elevation would be obscure glazed serving a bathroom. Therefore there would be no potential for overlooking from the side elevation. In response to the Inspector's findings, the dwelling on Plot 21 has been oriented away from No. 33 Glebe Park. In addition, the internal layout of the Westbury house type on Plot 21 means that in its rear elevation there are no windows in that part of the dwelling which lies closest to the common boundary. The nearest window in the Westbury house type at first floor would lie towards the centre of its rear elevation, and taken together with the orientation of the dwelling away from No. 33 Glebe Park it is not considered that there would be any unacceptable level of overlooking or loss of privacy to the occupiers of No. 33 Glebe Park.

In relation to the relationship with the existing dwellings on Barnby Road which lie adjacent to the site's northern boundary, this relationship remains largely unchanged from the previous application which was considered acceptable in this context. Grove Bungalow is the closest dwelling to the north of the site and a separation distance in excess of 20m would be maintained between the rear of this dwelling and the application site.

The new site layout under this application introduces a relationship between the Hartlebury house type proposed on Plot 95 and the rear elevation of No. 1 The Woodwards. Lying between the application site and the rear boundary of No. 1 The Woodwards is the private driveway serving Nos. 27 and 29 London Road. No. 1 The Woodwards has a single storey extension to the rear with extensive glazing in its north western elevation facing towards the application site. The extension projects 4.5m from the main rear elevation of the dwelling. The flat-roofed extension accommodates an extensive outdoor balcony at first floor level.

A separation distance of approximately 22.5m would be maintained between the rear elevation of the Hartlebury dwelling on Plot 95 and the boundary of the rear garden of No. 1 The Woodwards. A separation distance of approximately 36m would be maintained between the facing rear elevations of the properties at first floor level, with this reducing to approximately 31.5m at ground floor due to the single storey rear extension at No. 1 The Woodwards. At ground floor level, the existing boundary treatment to the rear of No. 1 The Woodwards would prevent any direct overlooking between the properties. At first floor level, the Hartlebury dwelling on Plot 95 would feature one habitable room window within its rear elevation, serving a bedroom. There would also be a window serving the stairwell / landing, and an obscure glazed window serving a bathroom. The Hartlebury house type has been oriented such that the bedroom window would be located towards the southern end of the rear elevation where it would be afforded additional screening by the tree canopy within this part of its rear garden. In the context of the separation distances which would be maintained it is not considered that there would result any unacceptable level of overlooking or loss of privacy to the occupiers of No. 1 The Woodwards. Whilst there is some potential for the rear garden area of Plot 95 to have the perception of being overlooked by the first floor balcony of No. 1 The Woodwards, it must be recognised that as an outdoor balcony area the space is subject to seasonal use for specific periods of time. In addition, there would be a separation distance of approximately 20m between the closest point of the balcony and the rear garden of Plot 95 at its closest point. As such, it is not considered that there would be an unacceptable degree of overlooking or loss of privacy for the occupiers of Plot 95. Furthermore, the future purchasers of Plot 95 would be aware in purchasing this property of the potential for some limited degree of overlooking when the balcony is being used.

An objection also has been received in terms of the relationship between the Hartlebury house type proposed on Plot 95 and the rear elevation of No. 2 The Woodwards. In this context, a distance of approximately 36m would be maintained between the first floor habitable room window in the rear elevation of the Hartlebury house type and the nearest part of the rear garden area of No. 2 The Woodwards. Due to the orientation of the dwellings there would be no directly facing habitable room windows, and in any case a distance of approximately 60m would be maintained between the two rear elevations. As such it is not considered that any unacceptable impact in terms of overlooking and privacy would result.

The new site layout under this application also introduces a relationship between the existing Lodge (which is occupied as a residential dwelling) located at the entrance to the site, and the proposed dwelling on Plot 1. Due to the proposed orientation of the dwelling on Plot 1, there would be no directly facing windows between the two properties. At first floor level, the Lodge has a window in its south east facing elevation however this is obscure glazed and as such is not considered to result in any unacceptable impact in terms of overlooking on the rear garden area of Plot 1. The Hartlebury house type on Plot 1 would have habitable room windows at both first and ground floor level in its north west (side) and south west (rear) elevations. The Lodge does not currently enjoy any degree of privacy to the small outdoor amenity space which surrounds it, recognising that the only boundary treatment is a low hedge which partially encloses its amenity space. As such, and in the context of the separation distance between Plot 1 and the Lodge it is not considered that this relationship would result in any unacceptable impact on amenity for either dwelling.

As such it is not considered that the application proposal would result in any unacceptable impact in terms of amenity, overbearing or privacy, in accordance with Policy DM5 of the Allocations and Development Management DPD.

In relation to the siting of the proposed garages serving Plots 7 to 19 close to the common boundary with these existing neighbouring properties, it is not considered that this would result in any unacceptable impact in terms of amenity for existing occupiers. The garages would be sited approximately 3.5m from the boundary with the existing properties, reflecting that one of the proposed ecology corridors would lie between the proposed dwellings and the existing properties. The layout plan indicates that the garages have been designed such that the ridge lines would be positioned such that they run parallel to the common boundary and therefore on those elevations closest to the common boundary the garages would have a height to eaves of approximately 2.5m. As such it is not considered that this would result in any overbearing impact on the garden areas of adjacent properties. Similarly in relation to the impact of vehicle headlights and noise from vehicle movements, it is not considered that the siting of the proposed garages would result in any unacceptable impact on the amenity of neighbouring properties. Noise levels would be no different to those that occur within all other residential developments across the country as and when neighbours use their cars and garages. As such there are no noise standards that are applicable to this type of activity nor are there any noise assessment procedures that would suggest such infrequent noise events would affect the residential amenity of existing residents.

Whilst there would be no unacceptable impact in this regard, the applicant has confirmed that they propose to install soft closing garage doors for these plots and that these driveways would be hard surfaced for their full length, as a courtesy to the expressed concerns of neighbouring occupiers. It is not however appropriate to condition this, as it not considered to meet the tests for planning conditions in terms of being necessary and reasonable.

Security

The Police Architectural Liaison Officer has raised a number of concerns regarding the layout of car parking spaces to the rear of a number of the proposed dwellings. The Architectural Liaison Officer highlights Plots 9 to 19 and Plots 61 and 62 in this context, where the parking areas are located to the rear of the dwellings. Whilst there would be limited visibility of these driveways from the dwellings, the layout plan does however indicate that there would be gates installed at the head of each of these driveways in order to prevent unauthorised access to the parking areas and garages serving these properties. The Architectural Liaison Officer also questions the potential for the rear of these properties (and thereby their parking areas and garages) to be accessed via the ecology corridor which would lie to the rear. For clarity, the ecology corridors are to be gated and there would be no public access via these routes, therefore it is not considered that this presents any issue from a crime and disorder perspective.

In addition, the Architectural Liaison Officer highlights Plots 7 and 68 where the driveways would also lie to the rear of the proposed dwellings. Whilst the layout plan does not identify gates to these parking areas, it is considered that the boundary treatment of these plots could readily be configured such that gates could be installed to secure the driveways.

In this context, a condition is recommended requiring submission of all boundary treatments, and for the avoidance of doubt a specific reference has been incorporated within this condition to make clear that the driveways serving Plots 7, 9 – 21, 61, 62, and 68 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

The Architectural Liaison Officer also highlights concerns regarding the proposed footpath link to Barnby Road. The development layout has been designed to ensure overlooking of this route so far as is practicable within the site itself, where the dwellings on Plots 63 and 64 have been oriented with their front elevations facing west to overlook the access point to the proposed

footpath link. The footpath would be approximately 100m in length, and would be bounded by allotments to the west and by a smallholding / agricultural buildings to the east. In this context, there would be limited overlooking of the footpath other than casual surveillance from the allotments when in use. Whilst there is therefore a potential risk in terms of anti-social behavior on this route, this would be no different than the level of risk for many other footpath connections which have limited levels of direct overlooking. The existing footpath / cycleway that runs between London Road and Barnby Road to which the Architectural Liaison Officer refers in their response has very limited levels of overlooking, being bounded by the rear of dwellings and school playing fields. The proposed footpath link would provide a valuable connection between the development and Barnby Road Primary School and Community Park, as well as improving pedestrian permeability across the wider area. As such it is considered that the benefits of the proposed footpath link outweigh the risk of potential anti-social behavior.

In this context it is considered that the proposed development would be in accordance with the requirements of Core Policy 9 of the Core Strategy in terms of reducing the opportunities for crime and the fear of crime, disorder and anti-social behavior.

Summary

In conclusion it is considered that subject to relevant conditions as recommended, the proposed development would result in no significant detrimental impact on the amenity of future occupiers of the proposed dwellings or dwellings adjacent to the application site in accordance with Policy DM5 of the Allocations and Development Management DPD.

Public Open Space

The application proposal would include an area of amenity space towards the centre of the site and alongside the site access road. This area of amenity space would extend to approximately 1,690m² which exceeds the local standard for amenity green space provision as defined in the Newark and Sherwood Green Spaces Strategy, which for a development of 95 dwellings would amount to 1,368m² (on the basis of the 14.4m² per dwelling standard). The application also proposes the reinstatement of a footpath link to Barnby Road which would facilitate access to Barnby Road Community Park and Locally Equipped Area of Play (LEAP) for residents of the proposed development. Recognising the limited on-site provision of public open space, financial contributions towards off-site provision would be sought, and this is detailed below under 'Viability of Development and Developer Contributions'.

Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the Allocations and Development Management DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

An Archaeological Evaluation Report (September 2014) and an Archaeological Mitigation Strategy (February 2015) have been submitted with the application, which were prepared in order to support the previous application (14/01964/FULM). As part of the archaeological investigation, fourteen trenches were excavated to investigate anomalies identified by a preceding geophysical survey. The investigation revealed a complex of ditches and occasional pits to the north and east

of the school buildings, and dating evidence indicates small scale activity in the Iron Age and Roman periods associated with an enclosure to the north of the school, and medieval and post-medieval agricultural activity.

Nottingham County Council Archaeology have not provided comments to date in relation to this application, however in relation to application 16/01134/FULM they commented that the proposed development site has high archaeological potential, as confirmed by the Archaeological Evaluation Report. The County Council Archaeology confirmed that they were content with the work that had been undertaken, and that the archaeological mitigation strategy was acceptable. As such they raised no objections subject to a condition requiring implementation of the submitted archaeological mitigation strategy.

It is however recognised that this application incorporates an area of land (the land which lies between the school buildings and London Road) which was not subject to archaeological investigation as part of the submitted Archaeological Evaluation Report and also lies outside the scope of the Archaeological Mitigation Strategy. As such, a condition is attached which requires that no development shall take place until an updated Archaeological Evaluation Report and Archaeological Mitigation Strategy which assesses all parts of the site which lie within the application red line boundary has been submitted and approved in writing. It also requires that all archaeological site work be undertaken in full accordance with the agreed written scheme.

Subject to this condition the proposal is therefore considered to raise no issues in relation to Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD.

Viability of Development and Developer Contributions

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

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms. Members will note that viability was considered as part of the previous appeal, with the more marginal nature of the scheme being proved to the satisfaction of the appointed Inspector to such a degree that significantly reduced contributions were deemed acceptable.

In relation to this application there have been on-going negotiations with regard to viability. The applicant submitted viability evidence which identified that the scheme would be unable to support the full scale of the planning obligation requirement, in addition to the CIL liability.

An independent viability assessment of the proposed development has been undertaken by the Council's appointed viability consultant. On the basis of these negotiations, the applicant has agreed to contribute £200,000 towards s106 contributions (which would be in addition to the full CIL liability). The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

The policy starting point for developer contributions is set out below together with details of the developer offer being proposed. It is important to note that the developer is willing for the overall financial offer to be distributed as the Local Planning Authority and County Council consider appropriate.

Affordable Housing

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based on the application proposal of 95 dwellings, this would amount to a requirement for 28 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing.

The application proposal would involve no provision of affordable housing and it is recognised that this would represent a shortfall in the policy requirement to the detriment of local affordable housing needs. However, paragraph 173 of the NPPF makes clear that pursuing sustainable development requires careful attention to viability and costs in decision taking. The Planning Practice Guidance expands on this and states that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations. The Guidance highlights that this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. The Guidance states that these contributions should not be sought without regard to individual scheme viability.

Overall, the application proposal falls short of the policy requirement to secure affordable housing provision. However, the applicant has proven to the satisfaction of the Council's independent advisor that the full scale of required contributions cannot be provided in the context of the scheme's viability. As such, having regard to the NPPF and Planning Practice Guidance and the viability position, it is not considered that the lack of affordable provision would outweigh the other benefits of the proposed development and the presumption in favour of sustainable development.

Community Facilities

The Developer Contributions SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1,433.32 per dwelling (including indexation) to be sought. The application scheme of 95 dwellings would equate to a community facilities contribution of £136,165.40 (including indexation). On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support a community facilities contribution and would fail to meet the SPD requirement in this regard.

Education

Paragraph 72 of the NPPF states that *"the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement..."*

Nottinghamshire Country Council have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the need for primary places arising from the proposed development.

The application scheme of 95 dwellings would generate 20 additional primary school places which requires a developer contribution of £229,100. On the basis of the agreed viability evidence, the scheme would not be able to support the full requirement in this regard. It is recommended that with the exception of the transport contribution, all remaining contributions would be directed towards education. As such, a total of £185,800 would be available to be directed towards education provision, which would reflect approximately 16 additional primary places (at £11,455 per place). As such, whilst the proposed development would not meet the SPD requirement in full, it would make a substantial contribution towards meeting the requirement in this regard.

Highways / Integrated Transport

In accordance with the Developer Contributions SPD, the Highways Officer has confirmed that they require £14,200 towards the provision of a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road), and it is recommended that this full amount be secured as part of the legal agreement in accordance with the requirements of the SPD.

Health

For developments of 65 dwellings or more that increase pressure on the health service, DM3 and the Developer Contributions SPD allow for contributions to be sought (£982.62 per dwelling, including indexation) where there is an identified need in the locality. However in this case, no response has been received from NHS England to justify any such request and consequently no provision is being sought.

Open Space

In accordance with the requirements of the Developer Contributions SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the proposed layout plan includes an area of amenity space adjacent to the proposed access road totalling 1,690m², which exceeds the SPD requirement in terms of amenity green space provision per dwelling.

The SPD also requires all residents to live within 300m of an area of between 0.2Ha and 1Ha in size of natural or semi-natural green space. Whilst all of the dwellings would be within 300m of the proposed area of green space, given that its size falls below the 0.2Ha threshold, the proposal is not therefore considered to comply with the requirements of the SPD in this respect. In addition, a footpath link to Barnby Road is proposed which would provide improved access to the Barnby Road Community Park and LEAP play area for future residents (albeit that this would also be more than 300m away).

None of the open space shown is specifically designed as children and young people's playing space and it would ordinarily be considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children's playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at £927.26 per dwelling (including indexation) plus £1,031.30 per dwelling (including indexation) towards maintenance costs that would need to be agreed as part of any legal agreement. The application scheme of 95 dwellings would require a

contribution of £186,063.20 in this regard. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support an open space contribution and would fail to meet the SPD requirement in this regard.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. At an average of 2.4 persons per dwelling, the application scheme of 95 dwellings would increase the existing library's catchment area population by 228 persons. The County Council has therefore confirmed that a developer contribution of £4,516.30 (including indexation) would be required towards the additional stock that would be required to meet the needs of increase in population. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support the libraries contribution and would fail to meet the SPD requirement in this regard.

Summary of Developer Contributions and Conclusions on Viability

A summary of developer contributions / s106 requirements is set out in the table below. This summary is based on the Officer judgement as to the most appropriate contributions to secure in the context of the total agreed scale of contribution having regard to the viability position:

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Affordable Housing	30% on-site provision or £896,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £186,063.20 (including indexation)	No provision either on-site or by financial contribution
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200
Education	£229,100 to provide 20 additional primary places (at £11,455 per place)	£185,800 to provide approx 16 additional primary places (at £11,455 per place)
Community Facilities	£1,433.32 per dwelling = £136,165.40 (including indexation)	No provision either on-site or by financial contribution
Libraries	£4,516.30 (including indexation)	No financial contribution
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (November 2016 by Ecus Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to	See first column for requirement

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE BASED ON 95 UNITS REQUIREMENT	CURRENT OFFER IN TERMS OF VIABILITY POSITION
	construction works commencing to allow habitat for any reptiles displaced during the construction works.	
Maintenance of on-site open space and ecology corridors and off-site ecology enhancement areas	Maintenance of on-site open space and ecology corridors, and off-site ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include: i) description and evaluation of the features and species to be managed; j) ecological trends and constraints on site that may influence management; k) aims and objectives of management; l) appropriate management options for achieving aims and objectives; m) prescriptions for management actions; n) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); o) personnel responsible for the implementation of the plan; p) monitoring and remedial/contingency measures triggered by monitoring.	See first column for requirement
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement
Community use agreement for school sports facilities	A community use agreement to secure community use (outside of school hours) of the sports facilities of Highfields School.	See first column for requirement
TOTAL	30% on site affordable housing provision and £570,044.90 developer contributions (plus CIL)	No affordable housing provision and £200,000 developer contributions (plus CIL)

The scheme comprises a developer offer of £200,000 towards developer contributions as detailed in the table above. The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

Aside from affordable housing which is considered in detail above, the other contributions which are not being met in by this proposal relate to community facilities, library stock provision, and public open space in the form of natural/semi-natural green space, and children's and young person's play space. In relation to education provision, the proposal would not meet the SPD requirement in full but would make a substantial contribution towards meeting the requirement in this regard.

Whilst the scheme would not make provision for children's and young person's play space or a financial contribution towards community facilities or library stock provision, I do give some weight to the fact that there would be community benefit associated with wider community use of the school sports facilities, which would be secured via legal agreement. Paragraph 176 of the NPPF makes clear that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. In relation to this case, I do not consider that the identified requirements constitute necessary safeguards essential to making the development acceptable in planning terms, and given the agreed viability position their non-provision cannot therefore justify refusal of the application. Overall, whilst the proposal falls short of the policy requirements, I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Conclusion and Planning Balance

Paragraph 14 of the NPPF confirms that at the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 7 of the Framework confirms that there are three dimensions to sustainable development: economic, social, and environmental.

i) Economic

The NPPF defines the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.”

The Government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. Although the applicant has not sought to quantify the economic benefits of the scheme, it is accepted that there will be considerable economic benefits both during the construction phase and following completion of the development through increased spending within the area. In light of the Government's push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement) it is considered that moderate weight in favour of the application can be afforded to these benefits.

ii) Social

The NPPF defines the social role as “*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*”

The scheme will deliver 95 new dwellings reflecting a broad range of dwelling types, including 2, 3, 4 and 5-bed houses which will support the creation of a balanced community and contribute towards meeting the district's identified housing need. Whilst the scheme will not deliver any affordable housing, for the reasons set out above, it is considered that this has been robustly justified on the basis of scheme viability having regard to the clear guidance within the NPPF and Planning Practice Guidance on this issue. The application proposal would result in a high quality development of new homes in a sustainable location on the edge of Newark. It will incorporate on-site open space provision, improve permeability through the creation of a new footpath link to Barnby Road, and will facilitate enhanced community use of the sports facilities at Highfields School which will be secured via legal agreement. In addition, the development will make a contribution towards local infrastructure via planning obligation contributions, albeit that it is recognised that these are below the full level that would be required by the Developer Contributions and Planning Obligations SPD. The social benefits of the development are therefore considered to be significant and must be afforded considerable weight in favour of the application.

iii) Environmental

The NPPF defines the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

In relation to the historic environment, the application proposal has been sensitively designed having regard to the setting of Highfields House as a non-designated heritage asset, and conditions are recommended in relation to archaeological survey and investigation. In terms of ecological impact, a series of detailed mitigation measures are proposed in order to mitigate the loss of habitat and to ensure the protection of species. These measures would be secured by means of planning conditions and through legal agreement. The application proposal will involve the loss of a considerable number of trees, including those which are protected by TPO. It is however recognised that the layout of the proposed development has been designed to minimise the impact of this loss in terms of the visual amenity of the wider area, with the contribution of those trees which would require removal being predominantly experienced from within the site itself. The application would also involve the loss of a stretch of hedgerow which comprises 'important' hedgerow in the context of the Hedgerow Regulations 1997. It should however be recognised that the majority of existing hedgerows on the site would be retained, and there would be enhancement through additional hedgerow planting along both the northern and southern boundaries of the land known as Baileys Field and Quibell Field. In terms of landscape impact, given that the site lies on the edge of the built up area and does not have a particularly open aspect, it is considered that the development does not conflict with the objectives of the Landscape Character Assessment SPD which identifies that the focus for this landscape character area is to conserve what remains of the rural landscape by concentrating new development around existing settlements.

As set out within the appraisal above, the Council considers that it can demonstrate a five year housing land supply, and therefore in accordance with the paragraph 49 of the NPPF, relevant policies for the supply of housing should be considered up to date. The application site is not an allocated site within the development plan, but is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy which identifies that the Newark Urban Area will be the focus for housing and employment growth within the district.

The application is not considered to result in any adverse impact in terms of highway safety, flood risk or drainage, archaeology or visual amenity subject to conditions. In relation to the impact on residential amenity in terms of privacy and overlooking, it is considered that the application effectively addresses all the points raised by the Inspector in relation to the previously refused scheme. It is not considered that the proposed development would result in any unacceptable reduction in amenity for occupiers of neighbouring dwellings, and that no unacceptable standard of amenity would result for future occupiers of the proposed new dwellings, in accordance with the requirements of Policy DM5 of the Allocations and Development Management DPD. In relation to sports provision, it has been demonstrated that the development will not compromise the school's requirements in terms of sports provision and Sport England have raised no objection in this regard. By securing improved community use of the school's sports facilities via legal agreement, the wider community value of the school's existing facilities will be improved.

The proposed development will result in the loss of a considerable number of trees (including those protected by group TPO) and the loss of important hedgerow. Whilst the scheme has been designed to minimise the impact of the loss and to afford mitigation via replacement planting, it is considered that there will still be some detrimental impact in this regard. In balancing this detrimental impact against the wider benefits of the proposal, it is however considered the benefits of the development outweigh this harm. The replacement planting in terms of both trees and hedgerow will over time contribute towards mitigating the loss of these features. The substantial social and economic benefits of the scheme through the provision of new housing are considered to outweigh the detrimental impact in this regard.

Consideration has been given to all material comments from neighbours, interested parties and consultees. Recognising that there will be a degree of harm in terms of the loss of existing trees and hedgerow, but acceptance in other regards on balance I consider that this would be outweighed by the benefits of the development. I therefore consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations and recommend approval subject to conditions and completion of a legal agreement.

RECOMMENDATION

That full planning permission is granted subject to:

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to secure the heads of terms set out in the table contained within the Summary Developer Contributions section above.**

01 Time Period

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

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

02 Approved Plans

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

PL-001 – Site Location Plan
HIGH-PL-002 (Rev A) – Planning Layout
HIGH-PL-003 – Landscape Masterplan
AM.222316.107 Rev A – Site Sections
AM.211713.110 – Kilmington Detached Elevations
AM.211713.111 – Kilmington Detached Plans
AM.211713.112 – Kilmington Elevations
AM.211713.113 – Kilmington Plans
AM.211713.114 – Coleford Elevations
AM.211713.115 – Coleford Plans
AM.211713.116 – Norbury Elevations
AM.211713.117 – Norbury Plans
AM.211713.118 – Tetbury Elevations
AM.211713.119 – Tetbury Plans
AM.211713.120 Rev A – Westbury Elevations
AM.211713.121 Rev A – Westbury Elevations
AM.211713.122 – Westbury Plans
AM.211713.123 – Durham Elevations
AM.211713.124 – Durham Plans
AM.211713.125 – Kirkham Elevations
AM.211713.126 – Kirkham Plans
AM.211713.127 – Oakham Elevations
AM.211713.128 – Oakham Plans
AM.211713.129 – Hartlebury Elevations
AM.211713.130 – Hartlebury Plans
AM.211713.131 – Hartlebury Alt Elevations
AM.211713.132 – Hartlebury Alt Plans
AM.211713.133 – Garages Single and Double – Plans & Elevations
AM.211713.134 – Garages Triple – Plans & Elevations
AM.211713.135 – Hartlebury Alt Elevations
Tree Survey Report (ECUS Ltd, June 2017)
Tree Survey and Constraints Plan L4630/02 (Figure 2 within Tree Survey Report (ECUS Ltd, June 2017))
Tree Protection Plan L4630/03 (Figure 3 within Tree Survey Report (ECUS Ltd, June 2017))
ELL-189-AHN-B-700 Rev E – Swept Path Analysis & Visibility Assessment

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03 Surface and Foul Water Drainage

The development hereby permitted shall not commence until drainage details and plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, this shall include details of the proposed management and maintenance regime and reflect that highways drainage should only be

connected to adopted Severn Trent drainage. 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 in accordance with the requirements of Core Policy 9.

04 Flood Risk Assessment and Finished Floor Levels

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 3688/FRA/Final/v1.0/2017-02-10 prepared by Weetwood Services Ltd in February 2017, and internal finished floor levels shall be set at least 150mm above adjacent external ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of the NPPF and the requirements of Core Policy 9.

05 Surface Water Drainage Scheme

Notwithstanding the submitted details, no development shall take place until a detailed surface water drainage scheme for the site, 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 in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that drainage from the site will 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.
- Limit the maximum discharge to the greenfield run-off rate (Qbar) from the area. 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 to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- Demonstrate that the site drainage system will 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% climate change 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.
- Demonstrate that consideration has been given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- Include details of any SUDS showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

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 in accordance with the aims of the NPPF and the requirements of Core Policy 9.

06 Suspended Solids in Surface Water Run-Off

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution during the construction phase in accordance with the aims of the NPPF and the requirements of Core Policy 9.

07 Archaeological Investigation

No development shall take place (including any works of excavation) until an updated Archaeological Evaluation Report and Archaeological Mitigation Strategy which assesses all parts of the site which lie within the application red line boundary, has been submitted to and approved in writing by the Local Planning Authority. All archaeological site work shall be undertaken in full accordance with the agreed written scheme of archaeological investigation and no variation shall take place without prior written consent of the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Core Policy 14 and Policy DM9 of the DPD.

08 Ecology Mitigation Measures

The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out in the submitted Ecological Appraisal (Ecus Ltd, November 2016). For the avoidance of doubt, this shall include the measures set out within the Botanical and Reptile Survey Report at Appendix 5, and the offsite enhancement measures set out within the Reptile and Amphibian Mitigation Strategy at Appendix 6 and shall include:

- The use of general construction safeguards, including good working methods to protect badgers and other mammals;
- Ground clearance works should be undertaken under the supervision of an Ecologist; and
- The use of sensitive working practices in relation to the felling of trees with low potential to support roosting bats.

The mitigation measures shall be fully implemented prior to occupation of any dwellings on site and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

09 Reptile and Amphibian Mitigation Programme

No development or ground clearance works shall be commenced until an implementation and phasing programme for the delivery of the mitigation measures set out in the Reptile and Amphibian Mitigation Strategy which forms Appendix 6 of the Ecological Appraisal (Ecus Ltd, November 2016) (and which reflects the Reptile Method Statement which forms Appendix 1 to the Reptile and Amphibian Mitigation Strategy) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of timescales for the submission of an outcome and findings report following the full implementation of the Reptile and Amphibian Mitigation Strategy and include details of the number of amphibians and reptiles encountered during the clearance works. It shall also include details of road designs to incorporate underpasses

and dropped kerbs to facilitate wildlife movement. All works should then proceed in accordance with the approved Strategy and programme unless otherwise agreed in writing, by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation of any dwellings on site unless otherwise agreed in writing, by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

10 Biodiversity Management Plan

No building on site shall be occupied until a biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out management measures for the Ballast Pit and for the ecology corridors within the development site in order to ensure that habitats are managed appropriately in the long-term to maximise their wildlife value. The agreed management plan shall be implemented as such thereafter.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

11 Bat and Bird Boxes and/or Bricks

No building on site shall be occupied until details of bat and bird boxes and/or bricks have been submitted to and approved in writing by the Local Planning Authority. The nest boxes/bricks shall then be installed, prior to occupation of the dwellings hereby approved, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD

12 External Lighting Scheme for Public Realm

Within six months of the commencement of development, a scheme for the provision of external lighting for the public realm shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development.

Reason: To safeguard the amenity of the area and in the interests of biodiversity in accordance with Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

13 Nesting Birds

Any clearance works of vegetation or trees 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 suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. 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).

14 Arboricultural Method Statement

Notwithstanding the submitted Tree Survey Report (ECUS Ltd, June 2017), prior to the commencement of the development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting indicated as to be retained and future management thereof shall be submitted to and be approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerows and trees (which are shown on the Planning Layout as being retained) and include identification of those individual trees within a group which need to be removed or pruned. 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 and visual amenity of the site in accordance with the aims of Core Policy 12 and 13 of the Newark and Sherwood Core Strategy (2011) of the DPD.

15 Landscaping Details

Notwithstanding the details submitted on the approved plans, within three months of the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- an implementation and phasing programme;
- details of existing trees and hedgerows, which are to be retained;
- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs, hedgerow 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.
- proposed finished ground levels or contours;
- means of enclosure;
- access control barriers;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.;
- driveway materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

For the avoidance of doubt, hedgerow planting shall be undertaken in accordance with the Wildlife Corridors and Planting section of the Reptile and Amphibian Mitigation Strategy which forms Appendix 6 of the Ecological Appraisal (Ecus Ltd, November 2016).

Reason: In the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

16 Implementation of Landscaping

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the

development is occupied or in accordance with the programme agreed with the Local Planning Authority. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

17 Bus Stop Enhancements

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on London Road (NS0416 and NS0779) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel

18 Laying Out of Access Road

The access road off London Road hereby approved shall be laid out in accordance with drawing HIGH-PL-002 (Rev A) and constructed in accordance with details to be first submitted and agreed in writing by the Local Planning Authority in liaison with the Highway Authority.

Reason: In the interests of Highway safety and to ensure the access roads are constructed to adoptable standards in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

19 Visibility Splays

Areas within highway forward visibility splays around bends should be kept clear of any obstruction above 0.25 metres.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

20 Garage Doors

Garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To avoid vehicles overhanging the footway to the detriment of pedestrian safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

21 White Lining to London Road

No part of the development hereby permitted shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

22 Hard Surfacing to Driveways

No dwelling as part of the development hereby approved shall be occupied until its associated driveway has been surfaced in a hard bound material for a minimum distance of 2 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

23 Noise Mitigation Measures in Relation to Foul Pumping Station

Prior to the first operation of the foul pumping station hereby approved, a noise assessment report undertaken in accordance with BS4142 2014 that assesses the noise impact of the pumping station on surrounding residential properties shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures identified within the agreed noise assessment as being necessary in order to ensure no unacceptable impact on the amenity of surrounding residential properties shall be implemented prior to first operation of the foul pumping station.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

24 Details of Proposed Ground Levels and Finished Floor Levels

Notwithstanding the submitted details, 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).

25 Construction Hours

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 - 18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

26 Boundary Treatments

The dwellings hereby approved shall not be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the driveways serving Plots 7, 9 – 21, 61, 62, and 68 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

27 Materials

Notwithstanding the submitted details, no above ground construction works shall take place until full details (and samples as required) of the colour and type of all facing materials to be used for the residential units have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Core Policy 9 of the Newark and Sherwood Core Strategy DPD (2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

28 Removal of Permitted Development Rights Relating to Boundary Treatments

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

Schedule 2, Part 2: Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Unless consent has firstly be granted in the form of a separate planning permission.

For the avoidance of doubt, this relates to the whole site and all plots.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in order to safeguard the amenity of neighbours and/or in the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

29 Detailed Appearance of Those Units Fronting the School Building as a Non-Designated Heritage Asset

No development shall be commenced in respect of Plots 1 - 6 and Plot 95 in relation to the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity and in order to safeguard the special architectural or historical appearance of the main school building and lodge in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

30 Travel Plan

Prior to the first occupation of any of the dwellings hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel in accordance with the aims of the NPPF and Spatial Policy 7 of the Core Strategy.

31 Obscure Glazing to Side Window of Plot 21

The first floor window on the south facing first floor side elevation of Plot 21 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with Policy DM5 of the DPD.

Notes to Applicant

01

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

02

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

03

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

04

Nottinghamshire County Council (Highways Authority) advise that 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 or commission the County Council to carry out the work on your behalf. Please contact David Albans tel. 01623 520735 david.albans@nottscc.gov.uk for further details.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued.

			A	B	C	
Dev Types	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
Residential (C3)	14,838.59	0	14,838.59	£45	288	£874,127.85

$$\text{CIL CHARGE} = \frac{\text{CIL Rate (B)} \times \text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)}}{220}$$

(BCIS Tender Price Index at Date of Charging Schedule)

06

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org

08

The applicant's attention is drawn to the advisory comments made by Network Rail in response to this application.

09

The applicant is advised that badgers are a protected species under the Protection of Badgers Act 1992. Any works carried out or interference in the area of a sett used by badgers or where the works or interference causes death or injury to the protected animal are illegal. For further information contact Natural England on: Tel: 0115 929 1191 Email: eastmidlands@naturalengland.org.uk

Background Papers

Application case file.

For further information, please contact Clare Walker on extension 5834.

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/00357/FULM

