

## **PLANNING COMMITTEE – 4 JUNE 2019**

<b>Application No:</b>	<b>19/00504/OUTM (MAJOR)</b>	
<b>Proposal:</b>	<b>Residential development for 9 detached houses and associated adoptable road, private road and other external works.</b>	
<b>Location:</b>	<b>Playing Field Elm Avenue Newark On Trent</b>	
<b>Applicant:</b>	<b>Newark &amp; Sherwood District Council - Mr Sanjiv Kohli</b>	
<b>Registered:</b>	<b>13.03.2019</b>	<b>Target Date: 12.06.2019</b>

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark and Sherwood Council is the applicant.**

### The Site

The application site relates to a rectangular plot of land of around 1.27 hectares in extent within the urban boundary of Newark. The site as existing forms a football pitch playing field protected by Spatial Policy 8 with an associated existing pavilion towards the west of the site. The site is known locally as 'The Stadium Site'. Access to the site is from Elm Avenue on the western boundary with the remainder of the site being surrounded by neighbouring residential curtilages. Boundaries to the site form a mixture of hedging and fences which demarcate neighbouring gardens. The site is relatively open from the west at Elm Avenue with this boundary formed by concrete posts and mesh fencing.

The site is immediately adjacent to, but outside of, the designated Conservation Area with the Cemetery and Polish War Graves on the opposite side of Elm Avenue. The associated Chapel within the Cemetery is Grade II listed.

Elm Avenue also forms the staff access to the recently approved Community and Activity Village some 300m to the south of the site.

The site is within Flood Zone 1 according to the Environment Agency maps.

### Relevant Planning History

There was an application in 2017 to retain the facility as an asset of community value but this was withdrawn prior to determination.

### The Proposal

The proposal seeks outline planning permission for the residential development of the site for up to 9 dwellings and other associated works. All matters except access are reserved with the proposed access being from Elm Avenue towards the north of the site. The access would also include pedestrian access until it indicatively meets a private drive to serve a number of the

dwellings (albeit the internal layout is not for consideration at this stage).

The indicative layout suggests that the 9 dwellings would all be detached and of generous foot print. The application has been accompanied by the following indicative plans and supporting documents:

- Site Location Plan – 18 / 2190 / LP;
- Proposed Indicative Masterplan – (02) 001 Rev. C;
- Indicative Dwelling Type 1 Proposed Floor Layouts – (02) 101;
- Indicative Dwelling Type 1 Proposed Elevations – (02) 102;
- Indicative Dwelling Type 2 Proposed Floor Layouts and Elevations – (02) 201;
- Indicative Dwelling Type 3 Proposed Floor Layouts and Elevations – (02) 301;
- Indicative Dwelling Type 4 Proposed Floor Layouts and Elevations – (02) 401;
- Indicative Dwelling Type 5 Proposed Floor Layouts and Elevations – (02) 501;
- Indicative Dwelling Type 6 Proposed Floor Layouts and Elevations – (02) 601;
- Indicative Dwelling Type 7 Proposed Floor Layouts and Elevations – (02) 701;
- Phase 1 Habitat Survey – SSN 01;
- Tree Survey – SSN 02;
- Tree Constraints Plan – SSN 03;
- Tree Protection Plan – SSN 04;
- Design and Access Statement;
- Planning Statement;
- Highways Report;
- Preliminary Bat Roost Assessment;
- Preliminary Ecological Appraisal;
- Flood Risk Assessment.

#### Departure/Public Advertisement Procedure

Occupiers of 35 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

#### Planning Policy Framework

##### The Development Plan

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

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 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

NAP1 - Newark Urban Area

NAP3 – Newark Urban Area Sports and Leisure Facilities

### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

### **Consultations**

**Newark Town Council** – No Objection was raised to this application.

### **NSDC Conservation – Legal and policy considerations**

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 193 of the NPPF, for example, states that: 3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

### Significance of heritage asset(s)

Newark CA was originally designated 1968 and has been extended in 1974, 1979, 1992 and 1995. The conservation area was extended to include the cemetery, on the opposite side to the site.

### Assessment of proposal

The site is adjacent to Newark Conservation Area on a playing field surrounded by residential development. It is considered the proposed access to will not cause harm to the conservation area and development of the site for residential will not cause harm to the setting of the conservation area.

The indicative masterplan submitted as part of the application depicts nine large detached houses. Although not to be considered as part of the scheme, the indicative scheme does not reflect the existing development in the area. The area is a mix of detached and semi-detached dwellings of a modest scale. Any development should reflect the local building form and scale within its local vicinity. Therefore would not result in a well-integrated and designed development.

**NSDC Health and Community Relations Officer** – The site has not been used for sport (football) for a number of years due to the poor quality changing provision and lack of demand locally. The proposals as submitted do not require a community facilities contribution in respect of the current policy requirements. However, I am aware that a separate legal agreement is in place that will facilitate a financial contribution to the YMCA Community and Activity Village to mitigate the loss of the former sports pitch and associated changing provision which will improve access to sporting and recreation opportunities for the benefit of the wider community. In terms of quantum of space, the loss of the former sports pitch has been mitigated by the acquisition and subsequent change of use to sport and recreation land of the former tarmac land adjacent to the YMCA facility which is approximately double the size of the site to be developed.

**NSDC Strategic Housing** – No comments received.

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

**Archeological Advisor** - No archaeological input required.

**NCC Highways Authority** – *Additional comments received 13<sup>th</sup> May 2019:*

Following on further from my previous comments dated 01/05/19, should an amended plan not be submitted it is recommended that the following conditions be imposed to any permission granted:

1. No development shall commence on any part of the application site unless or until the carriageway width of Elm Avenue along the site frontage is widened to 4.8m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

2. No development shall commence on any part of the application site unless or until the eastern footway of Elm Avenue is improved to provide dropped kerbs and tactile paving, and minor kerb realignment and vehicle crossing improvement are provided outside the garages to no. 1 Elm

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

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the access into the site has been designed to have a minimum width of 4.8m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

4. The formal written approval of the Local Planning Authority is required prior to commencement of the development with regard to parking and turning facilities, access driveway widths, gradients, surfacing, street lighting, and drainage of the site. All details submitted to the Local Planning Authority for approval shall comply with the current Notts County Council highway design guidance and shall be implemented as approved.

Reason: In the interests of highway safety.

#### Note to applicant

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans tel: 0115 804 0015 for details.

#### *Original comments received 1<sup>st</sup> May 2019:*

This is an outline application for which approval for access only is sought for 9 proposed dwellings served by a new vehicular access from Elm Avenue. The access is to have footways each side and it is considered will remain private.

Elm Avenue has a carriageway width of 4.25m and is also used for access to residential properties on Marton Road, Beeston Road and Bancroft Road. There are existing footways on Elm Avenue, the western footway is narrow for its whole length to London Road and the eastern footway narrows to approx. 1m for a section of 80m from the dwelling known as 'Elm View' to the garages for no. 1 Elm Avenue.

For new roads, the current highway minimum standard is 4.8m with 4.25m normally only considered for private driveways. However, in this instance, this an existing situation that already serves a significant number of dwellings without an accident problem being evident. 4.25m is sufficient for two cars to pass one another safely at appropriate speeds.

Similarly, footway widths are normally required to be 2.0m wide. Therefore, the substandard section of footway on Elm Avenue is less than ideal. However, once again, this is an existing situation and one that might be improved with the agreement of the developer.

The deficiencies in Elm Avenue have led to the point of restricting the quantity of development on this site, so that the highway impact is similarly restricted to a point that is considered acceptable in terms of pedestrian and vehicle generation. For example, data-based experience tells us that 9 dwellings would typically generate around 6 trips in a peak hour (1 every 10 minutes). Similarly, pedestrian trips would be 1 or 2 per hour. These flows are not considered to offer a severe impact on the highway. However, it is considered that minor improvements could be made to Elm Avenue to overcome local concerns and to make the development safer and more sustainable, particularly for pedestrians.

It is suggested that the carriageway width be widened to 4.8m along the site frontage to improve vehicular movement along Elm Avenue, particularly should a car and a larger vehicle come into conflict e.g. refuse vehicle.

Likewise it is considered that the eastern footway of Elm Avenue be improved. Whilst generally its width cannot be improved, the lack of dropped kerbs and tactile paving could be addressed. Also there is a particularly poor pinch point outside the garages to No. 1 Elm Avenue where a minor kerb realignment and vehicle crossing modification could result in improved access for pedestrians, particularly the disabled.

Whilst the development of this site is acceptable in principle to the Highway Authority, it is recommended that the above points be addressed and an amended plan be submitted for reconsultation.

**NCC Ecology** – No comments received.

**NCC Flood** – Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

**Sport England** - Thank you for consulting Sport England on the above application.

<p><b>Summary:</b> Sport England raises <b>no objection</b> to this application which is considered to meet exception 4 of our adopted Playing Fields Policy.</p>
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*Sport England –Statutory Role and Policy*

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 (in particular Para. 97), and against its own playing fields policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’

Sport England’s Playing Fields Policy and Guidance document can be viewed via the below link:

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

#### *The Proposal and Impact on Playing Field*

The proposal involves the loss of the Elm Street playing field (The Stadium Site)

#### *Assessment against Sport England Policy*

This application relates to the loss of existing playing fields and the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

‘The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.’

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

#### *Assessment of Existing Playing Fields*

The Playing Pitch Strategy review in 2017 advised;

The site provided ‘One poor quality adult pitch with peak time capacity’ - ‘Possible transfer of site to district council and future residential development option to be considered.’ Which is a repeat of the 2014 PPS assessment.

Whilst there are changing facilities on site it is understood that work would be required to enable the re-use of the facilities.

The Football Foundation who respond on behalf of the FA have advised that;

‘The site has not seen significant football use in recent years and the YMCA Sport Village development would provide appropriate compensation for the loss of the site.’

Sport England has previously recognised that the provision of additional land for sport and recreational uses at the YMCA Community and Activity Village (former RHP sports ground), by the acquisition of additional land adjacent to the site from Tarmac and the provision of Artificial Grass Pitches (AGP) and other sports and recreation facilities (providing enhanced facilities for football) would effectively outweigh and balance the loss of the Stadium Site. The quantity of playing field lost is therefore compensated by the quantity of additional land at the Activity Village site the provision of AGPs is an improvement on the quality of the pitch which would be lost.

There is no requirement for a condition or some form of agreement to secure the replacement of the playing field area, as the replacement area is secured and facilities have been provided.

### Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered that the replacement land and facilities at the Community and Activity Village meet exception 4 of the above policy.

It is for the authority to determine if the site is required to meet any other active recreation or open space requirements for that area.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

**Representations have been received from 34 local residents/interested parties which can be summarised as follows:**

#### *Principle of Development*

- An alternative use rather than residential should be found;
- There are no wide open grass land for exercising dogs or general enjoyment;
- The land should be a childrens play park or parking for the events at the War Graves;
- There are already other applications to build on green space (including Cedar Avenue);
- The need for developing any green space is questioned – there are a number of large developments proposed in and around Newark;
- If the above developments are not enough then why is Brownfield land not being favoured;
- There are several of other more suitable sites around Newark – has an alternative site assessment been undertaken to prove other sites aren’t more viable;
- The loss of green space in Newark to build houses is fast disappearing – there are thousands of houses going up in Newark so are these really necessary;
- Newark needs more green spaces, not more houses;
- Greenery can promote mental and physical health and reduce morbidity and mortality;
- The playing field was used on a regular basis and could continue to do so;



- The town as a whole falls behind in the amount of green space for children;
- Residents moved to the area for the very reason of being adjacent to the a sports field;
- Flowserve have teams crying out for more playing facilities;
- There is nowhere for youngsters to play an impromptu game of football or cricket;
- Local clubs have requested to use the land but have been rejected;
- It is cynical for the Council to say it is not needed for pitch provision and release it for housing;
- There are no grass pitches at the YMCA;
- Any contribution towards the YMCA is not outlined in the application and should be earmarked as a developer contribution;
- Newark is a growth point and therefore needs amenity areas;
- Newark will become one big housing estate;
- The leisure centre isn't the answer for people who can't afford to use it;

### *Impact on Highways*

- Access for the materials would be via Elm Avenue which is already difficult to navigate with cars;
- The road is not suitable for increased traffic;
- The pavements along Elm Avenue are narrow reaching London Road and are not wide enough to use safely for pedestrians, wheel chair users and pushchairs;
- The junction of Elm Avenue to London Road is wide enough but the road narrows away from London Road;
- Vehicles have to mount the foot path to allow one another to pass;
- The junction at Elm Avenue and London Road is constantly used as an overflow parking area;
- Larger vehicles such as fire engines and bin lorries already struggle to get down Elm Avenue;
- Trees overhang Elm Avenue and it is barely lit;
- There will be even more cars using the road now 1 Elm Close is a business;
- The increased use of Elm Avenue will disturb the tranquility of the cemetery;

### *Impact on Amenity*

- Development of this nature take time to build so will disrupt existing residents;
- The plans will overlook neighbouring gardens;
- The houses will lead to a loss of light;
- There will be a potential loss of property value and increased burglary potential due to enclosed garden areas;
- The site should be viewed from neighbouring gardens;
- Due to the size of the houses they will overshadow neighbouring land uses;
- A 12m high ridge height is stated in the documentation which will cause significant loss of light and privacy;
- The line of trees on the Eastern Avenue will block out sunlight;
- The 10m buffer should not be used for development;
- There are 36 houses which will be impacted in one way or another;
- The light from the dwellings would restrict the views of stars;
- The attraction of living in the property was the open green space;
- Neighbouring residents enjoy the view of the open space;

- Neighbouring properties have low wire fencing boundaries;
- The additional cars will cause air and noise pollution;

### *Impact on Ecology*

- The presence of bats in the area has been questioned but not confirmed within the documentation but bats are present;
- Hedgehogs and squirrels have been seen on the field;
- The land could be turned into a wildlife / conservation area;
- It is illegal to disturb nesting birds;
- Permission will not be given for netting of adjacent neighbouring hedges;

### *Impact on Flooding*

- How can developing green space be more sustainable than brownfield;
- The development of the land would stop the natural drainage which is in place at present;
- Falstone Avenue has flooded on 9 occasions since 1998 – more houses would make things worse;
- The drains of Bancroft Road also flooded as they were too small;

### *Design and Character*

- The layout of the Type 1 house shows 6 bedrooms even though it is stating as being 5;
- The houses would be totally out of plans to the keeping of the area;

### *Other Matters*

- Objections should be taken seriously, particularly as NSDC are the applicants and the decision makers – objectivity and impartiality are a cause for concern;
- Lack of consultation with those directly affected – when the land was transferred many people in and around the land signed a petition expressing concern;
- NSDC are taking the land away from the people they are there to serve;
- Under the impression the land was gifted for football in the past by Mr Pratt – has the paperwork been lost?
- The council sold the land underhand;
- The Council are the decision makers as well as the applicant which raises questions of impartiality;
- It is not clear who would be responsible for the maintenance of the trees;
- Residents surrounding the land should have been given the option to buy it;
- 1 Elm Close has recently been granted to be converted to business which will already increase traffic;
- There should be an independent review of the land transfer;
- Unable to access neighbouring comments online;
- Issues with commenting online so deadline for comments should be extended;
- The site is adjacent to a tranquil cemetery but the works will create noise and disturbance;

## Comments of the Business Manager

### Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The site is within the Newark Urban Area which is identified at the top of the hierarchy as the Sub-Regional Centre. Given its function as the focus of the Districts additional growth, the principle of developing the site for residential use is acceptable in principle subject to an assessment against the remainder of the Development Plan.

### Loss of Protected Playing Field

Policy NAP3 (Newark Urban Area Sports and Leisure Facilities) states that the District Council will seek to improve sports and leisure facilities. In addition, Spatial Policy 8 resists the loss of existing community and leisure facilities unless it can be clearly demonstrated that:

- *Its continued use as a community facility or service is no longer feasible, having had regard to appropriate marketing (over an appropriate period of time and at a price which reflects its use, condition and local market values), the demand for the use of the site or premises, its usability and the identification of a potential future occupier; or*
- *There is sufficient provision of such facilities in the area; or*
- *That sufficient alternative provision has been, or will be, made elsewhere which is equally accessible and of the same quality or better as the facility being lost.*

Moreover, paragraph 92 of the NPPF states that planning decisions should guard against the unnecessary loss of valued facilities and services. Paragraph 97 goes further to outline a number of caveats similar to those in Spatial Policy 8.

This matter has been addressed by the associated Planning Statement primarily in reference to satisfying the second and third criteria of the bullet points listed above. No evidence of specific marketing has been submitted but given that the wording of Spatial Policy 8 uses the word 'or' rather than 'and'; this need not be fatal to the application in itself. As is referenced by the comments of the Health and Community Relations Officer, the site has not been used for sport for a number of years due to the poor quality changing facilities and lack of demand locally (albeit this is a matter dispute by neighbouring representations received).

The Planning Statement refers to the recent and ongoing development at the Community and Activity Village accessed from Bowbridge Road adjacent to the existing Leisure Centre. The justification text associated with Policy NAP3 acknowledges that the facilities on Bowbridge Road

will provide a focus for sport and recreation in Newark Urban Area and the wider Newark Area, suitable for a growing population.

It is acknowledged that the loss of the Elm Avenue 'Stadium Site' was envisaged as part of a wider strategy for Sport Development in Newark. It is also a matter of public record that the Sport England consultation response for the Community and Activity Village (reference 17/01693/FULM) stated that, *"there is sufficient additional capacity and facilities on site to conclude that the provision is suitable and sufficient replacement for the loss of the Elm Street Stadium site (football)"* which is indeed replicated through their comments on the current application.

There is a comprehensive sporting and leisure offer in very close proximity to the site (less than 300m away and therefore equally accessible), which has been delivered intentionally to offer high quality sporting facilities to serve both the immediate and the wider community. These facilities, once fully built out will offer an enhanced provision in comparison to the single footpath pitch to which this application relates. Therefore in this instance, given the specific site circumstances, the loss of a protected playing field is deemed appropriate against the requirements of Policy SP8 and paragraph 97 of the NPPF.

#### Housing Type and Density




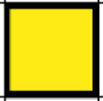



Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery. Paragraph 127 of the NPPF states that planning decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

The application relates to outline permission for up to 9 detached dwellings which as shown by the indicative site layout would result in large spacious plots each with generous areas of amenity provision.

The site area is approximately 1.27 hectares in extent. The development of the site would represent a site density of just 7 dwellings per hectare which clearly falls significantly short of the aspirations of Core Policy 3. Regardless of the outline nature of the proposal, the site density could not be improved at reserved matters stage given that the outline permission seeks for a maximum of 9 dwellings. The Planning Statement contends that the reason for the low density is owing to the ability of the highways network to accommodate more than 9 dwellings on to the existing road network which is compromised in some respects through a reduced width of parts of Elm Avenue. This is noted as a concern through the submissions received as part of the application to a degree that it would be inappropriate to insist on a greater housing density purely to meet the numerical aspirations of Core Policy 3.

Although being purely indicative and not for formal consideration at this stage, the following dwelling mix is outlined on the plan:

## Schedule of Accommodation:

	<b>DWELLING TYPE 01 - (5 Bed detached)</b> House (GIA): Approx. 351.8m <sup>2</sup> (2 storey). Garage (GIA): Approx. 51.3m <sup>2</sup> Plot Size: 2,166m <sup>2</sup> (north), 2,231m <sup>2</sup> (south)	<b>2</b>
	<b>DWELLING TYPE 02 - (4 Bed detached)</b> House/Garage Combined (GIA): Approx. 274.6m <sup>2</sup> (2 storey) Plot Size: 720m <sup>2</sup> (north), 714m <sup>2</sup> (south)	<b>2</b>
	<b>DWELLING TYPE 03 - (5 Bed detached)</b> House/Garage Combined (GIA): Approx. 312.6m <sup>2</sup> (2 storey) Plot Size: 707m <sup>2</sup>	<b>1</b>
	<b>DWELLING TYPE 04 - (5 Bed detached)</b> House (GIA): Approx. 276.6m <sup>2</sup> (2 storey). Garage (GIA): Approx. 40.9m <sup>2</sup> Plot Size: 1,632m <sup>2</sup>	<b>1</b>
	<b>DWELLING TYPE 05 - (5 Bed detached)</b> House/Garage Combined (GIA): Approx. 287.8m <sup>2</sup> (2 storey) Plot Size: 1,288m <sup>2</sup>	<b>1</b>
	<b>DWELLING TYPE 06 - (5 Bed detached)</b> House/Garage Combined (GIA): Approx. 361.6m <sup>2</sup> (2 storey) Plot Size: 783m <sup>2</sup>	<b>1</b>
	<b>DWELLING TYPE 07 - (5 Bed detached)</b> House/Garage Combined (GIA): Approx. 313.2m <sup>2</sup> (2 storey) Plot Size: 718m <sup>2</sup>	<b>1</b>
<b>TOTAL:</b>		<b>9</b>

4 bed detached	<u>2</u>	<u>(22%)</u>
5 bed detached	<u>7</u>	<u>(78%)</u>
	<b>9</b>	<b>(100%)</b>

As a consequence of the low site density, the indicative housing mix lends itself to larger executive dwellings as outlined by the Schedule of Accommodation above which confirms that a reserved matters application could deliver 22% 4 bed dwellings and 78% 5 bed dwellings. Again, it is notable that the exact mix is not for consideration at this stage but it is my view that Officers, and indeed subsequently Members, would be at fault to ignore the fact that if the principle of 9 dwellings on the site were to be accepted, it would be difficult to envisage anything other than a development of large homes coming forward.

Core Policy 3 does identify that the housing needs of the District includes family housing of 3 beds or more but it more specifically confirms that particular emphasis will be placed on securing small houses of 2 bedrooms or less – something that this application is highly unlikely to address.

The Housing Needs Survey (2014) outlines that for the Newark Sub Area outlines that the market demand by bed size was 14.4% of respondents for 4-bed dwellings and just 8% for five or more beds. In comparison, the demand for 3 beds was 40.2% of the respondents and 2 beds was 33.7%.

Officers have carefully considered whether this should form a reason to resist the outline application in its own right notwithstanding that matters of housing size and mix are technically a consideration for reserved matters stage. However, in the context of the above conclusion that it would be inappropriate for a denser development due to the highways constraints, it is the view of Officers that it would be unreasonable to then go on to resist the application on the basis of housing mix. I am aware that the site could be developed through smaller units by leaving large expanses of open space but I am equally conscious that this is unlikely to be a viable option of developing the site and creates further issues as to how securing open space could be reasonably justified for a development of this size. It remains the case that there is a need for larger units (combined at 22.4% of the overall respondents) and therefore this site, with its associated constraints, offers the opportunity to address this need. The development would also align roughly with the housing sizes of the neighbouring homes to the north on Falstone Avenue. It is also notable that the Council has in the past lost an appeal for an outlined application on matters of density partially on the basis of surrounding site circumstances which included the presence of spaciouly set detached dwellings in close proximity (Application reference 17/00383/OUT for three dwellings at Brooklyn, Southwell).

It remains the case that the development of the site as proposed could achieve no more than a density of 7 dwellings per hectare. It is also reasonable to assume that if outline permission were to be granted, then an associated reserved matters submission would feature large executive dwellings. In this respect the application is contrary to Core Policy 3. This must in Officers view weigh negatively in the overall balance undertaken below.

#### Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The constraints of the local highways network has already been acknowledged above and indeed has been raised as a cause of concern through the consultation process of the application. The application has been accompanied by a Highways Report undertaken by ADC Infrastructure Limited and dated January 2019. The report details the accessibility and sustainability of the site before describing the development in more detail in highway terms. It confirms that the development would provide 12 car parking spaces as well as individual dwellings being served by garages albeit this level of detail is not for consideration at outline stage.

It is however necessary to fully assess the suitability of the single point vehicular access for the residential development of the site. This is intended to be a priority controlled T junction from Elm Avenue with a 4.8m wide carriageway with 2m wide footways on each side of the road. It is stated that visibility splays of 2.4m by 43m are achievable in both directions. Trip generation is estimated at around 6 trips in peak hours, or one every 10 minutes.

The proposal has been assessed by Nottinghamshire Country Council with their comments listed in full above. In summary no objection has been raised to the development subject to conditions which can reasonably be secured. The original comments did request slight amendments to be shown on a revised plan but the applicant has requested that these be secured by condition and the Highways Authority have confirmed that this would be an acceptable approach. In the context of their expertise, the development is deemed compliant with Spatial Policy 7 and the relevant criteria of Policy DM5.

### Impact on Character and Design

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development (noting that a number of these factors would not be able to be considered until reserved matters stage).

Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal given the presence of the Conservation Area opposite the site, development will also need to satisfy Policy DM9. The policy requires that development must promote local distinctiveness and protect heritage assets (including their setting).

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The application has been accompanied by a number of indicative drawings of the varying house types as well as a Design and Access Statement to detail the rationale behind the intended design. It is noted that the development has sought to respond to the local vernacular and design cues including hipped roofs and bay windows. The application also states an intention for the use of traditional red brick materials with clay plain tiled roofs predominantly.

It is noted that the Design and Access Statement refers to maximum heights of 12m from ground level to ridge line excluding any point features. This has been raised as a concern during the consultation process by numerous parties. It is fully acknowledged that a 12m dwelling height would be a departure from the surrounding neighbouring properties and as such Officers remain to be convinced that this would be appropriate in the context. However, this is not a matter to consider at outline stage given that the exact scale is yet to be agreed. The finer details would be considered at reserved matters stage in outline permission is to be forthcoming. The applicant should however note that if dwellings do come forward at the scale implied by the Design and Access Statement it is highly likely that Officers would request for the submission of street scenes / cross sections across the site to fully understand the impacts of the development. This would also need to address the comments of the Conservation Officer listed in full above in respect to the overall character implications.

Noting the residential context of the site surroundings and the intentions of the indicative submissions, Officers have not identified any potentially harmful character or amenity impacts which would prevent the approval of an outline planning submission. This includes in the context of the nearby designated heritage assets. The exact details of the scheme would remain subject to the reserved matters approval.

### Impact on Ecology and Trees

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements

of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The application site largely forms a vacant playing field albeit there is a small club house pavilion towards the Elm Avenue boundary of the site. There is also a group of trees near the western boundary and several off site trees in close proximity to the site.

The application has been accompanied by a Preliminary Ecological Appraisal dated January 2019 which identified that the pavilion building could be used by bats and therefore made recommendations for a subsequent bat survey. This has been duly undertaken and submitted as part of the application submission. It is stated that a close inspection of the pavilion building revealed no evidence of bats and that the roof void showed signs of damp and water ingress with very little opportunity for roosting. The overall conclusion is that the building is considered to have negligible suitability for roosting bats. It does however go on to suggest mitigation measures such as the inclusion of bat tubes or boxes and also a bat mitigation method statement for construction briefing as a precaution. These could be secured by a suitably worded condition should approval be granted.

The application has also been accompanied by a Tree Survey of the site which identifies 7 trees on the site and a number of trees surrounding the site. 1 of the trees (False Acacia) is considered as a Category B tree with the remainder being Category C. A Tree Protection Plan has also been submitted demonstrating that the 7 trees at the front of the site could be retained even in respect of the indicative layout submitted (albeit if this exact layout were to come forward there may be some compromises to the garden area of one of the plots). Given the classification of the majority trees as Category C I do not consider it necessary at outline stage to secure protection of the specimens. There is an expectation that if the site were to come forward for residential development it would include further details of landscaping which could be imposed as a condition at outline stage.

### Impact on Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties. A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. If outline permission were to be forthcoming then the specific details of the scheme in terms of amenity impacts would need to be fully considered.

Notwithstanding the above, it is notable that a number of interested parties have commented specifically on the amenity implications of the scheme raising concern in respect to overbearing; overshadowing and overlooking issues. The submitted Design and Access Statement in some way lends itself to a more thorough amenity assessment than would be necessary at outline stage by discussing some of the design principles that the development is expected to follow. These include a 10m buffer between built form and site boundaries and maximum building heights of 12m to ridge line as already referred above.

In respect to the referenced ridge height this is notably higher than a typical two storey dwelling presumably due to the expansive footprints indicatively shown. However, these heights (if they do come forward at reserved matters stage pending outline approval) would be potentially somewhat mitigated by the spacious plots of the dwellings which indicatively demonstrate a minimum distance of around 26m rear to rear elevation. There are closer distances of built form indicated at



around 14m but this would be a rear to side elevation relationship. Again, it is likely that Officers would be requesting cross sections of the site to understand the resultant amenity relationships.

It would be inappropriate and ill advised to thoroughly assess amenity impacts at this stage given that the layout submitted is not been formally proposed and could change before any form of development comes forward. It is fully appreciated that the amenity relationship for neighbouring residents will be fundamentally changed from the existing scenario of an open playing field. However, taking account of the low density residential scheme proposed at the site, Officers are satisfied that a reserved matters submission could appropriately demonstrate amenity relationships that secure both neighbouring amenity provision (including appropriate boundary treatments) and provide appropriate amenity provision for proposed occupiers. On this basis, it would be unreasonable and unnecessary to resist the application against the amenity provisions of Policy DM5.

### Flood Risk and Drainage

The application site is within Flood Zone 1 in its entirety albeit a small proportion of the centre of the site is at a low risk of surface water flooding. The application has been accompanied by a Flood Risk Assessment owing to the site area being over 1 hectare but NCC as the Lead Local Flood Authority have not provided comments specific to this application. As part of the proposed development a new surface water drainage system will be constructed which will be designed to cater for all surface water runoff from the development. The submitted FRA confirms that appropriate maintenance schedules will need to be specified to ensure SUDS features are performing as intended for the lifetime of the development. Subject to the details of the drainage coming forward as part of any reserved matters submission, there would be no reason to resist the application on matters of flooding or drainage.

### Developer Contributions and CIL

Core Strategy Spatial Policy 6, policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

### *Affordable Housing*

The qualifying thresholds for affordable housing provision requires some careful consideration. Paragraph 63 of the NPPF confirms that *“provision of affordable housing should not be sought for residential developments that are not major developments.”* For housing, major development is defined as being where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The proposed application thereby falls into the major category by virtue of its site area.

Despite the Amended Core Strategy being adopted after the publication of the 2019 NPPF, the drafted Core Strategy document was examined under the previous NPPF (2012). Paragraph 213 of the NPPF (2019) therefore applies, which states:

*“...existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

Core Policy 1 outlines that the affordable housing provision threshold will be for: *“All housing proposals of 11 units or more or those that have a combined gross floor space of more than 1000sqm.”* The first element of the proposal does align with the NPPF but the latter point in respect to the floor space threshold does not as it could easily relate to non-major development (i.e. this proposal if the site area was below 0.5 hectares). On this basis, limited weight can be attached to this element of Core Policy 1. This application relates to less than 10 dwellings and therefore in line with the NPPF for this specific application it would be inappropriate and unreasonable to seek a contribution towards affordable housing.

#### *Other Contributions*

The proposal for up to 9 dwellings does not meet the thresholds for any of the other contributions outlined by the Developer Contributions SPD.

#### *CIL*

The development would however be liable to make a CIL contribution on the basis of £45 per square metre of internal floor area. The exact amount would be calculated at reserved matters stage.

#### Overall Balance and Conclusion

The proposal relates to the residential development of the site for up to 9 dwellings. The site is within the Newark Urban Area and therefore represents a sustainable settlement where further development is supported in principle. However, the site is subject to constraints notably in respect to its allocation as a protected playing field but also a compromised highways network surrounding the site specifically through the inconsistent width of Elm Avenue.

As is detailed in the appraisal above the loss of the playing field, whilst regrettable, is acceptable against Spatial Policy 8 on the basis of the recently enhanced sporting and leisure offer in close proximity to the site at the Leisure Centre and the ongoing development of the Community and Activity Village.

There remains other compromises to the scheme, notably in respect to the low site density which allows for the development of larger homes which would not meet the most identified need of the area. However, when weighed against the housing contribution that even 9 dwellings would provide, and also taking account the constraints of the site in terms of the access road which would prevent a greater density of development, the matter of housing mix is not considered fatal to the overall scheme.

Being outline in nature, there are a number of finer details which are not for consideration at this stage. Having said that, on the basis of the site area and the indicative information submitted, Officers are confident that a reserved matters submission could demonstrate an acceptable scheme in respect to character and amenity impacts.

In the absence of any other identified harm, the proposal is recommended for approval subject to the conditions outlined below.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

### Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

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

03

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

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

04

The development hereby permitted authorises the erection of no more than 9 dwellings.

Reason: To define the planning permission.

05

Any details submitted in relation to reserved matters shall include a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

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

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

06

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

Reason: In order to enhance habitats on the site in accordance with the aims of the Core Policy 12 and Policy DM7 of the Development Plan and the National Planning Policy Framework (2019).

07

The development hereby approved in the context of the demolition of the existing pavilion shall be carried out in accordance with Chapter 7 of the Preliminary Bat Roost Assessment dated January 2019 undertaken by Weddle Landscape Design in respect to the Bat Construction Method Statement.

Reason: In order to protect the presence of any species on the site in accordance with the aims of the Core Policy 12 and Policy DM7 of the Development Plan and the National Planning Policy Framework (2019).

08

No development shall commence on any part of the application site unless or until the carriageway width of Elm Avenue along the site frontage is widened to 4.8m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

09

No development shall commence on any part of the application site unless or until the eastern footway of Elm Avenue is improved to provide dropped kerbs and tactile paving, and minor kerb realignment and vehicle crossing improvement are provided outside the garages to no. 1 Elm

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

Reason: In the interests of highway safety.

10

No part of the development hereby permitted shall be brought into use until the access into the site has been designed to have a minimum width of 4.8m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

11

The formal written approval of the Local Planning Authority is required prior to commencement of the development with regard to parking and turning facilities, access driveway widths, gradients, surfacing, street lighting, and drainage of the site. All details submitted to the Local Planning Authority for approval shall comply with the current Notts County Council highway design guidance and shall be implemented as approved.

Reason: In the interests of highway safety.

### **Notes to Applicant**

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans tel: 0115 804 0015 for details.

### **BACKGROUND PAPERS**

Application case file.

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Director Growth and Regeneration**

