

## PLANNING COMMITTEE – 4 FEBRUARY 2020

**Application No:** 19/01790/FULM

**Proposal:** Residential development for 87 dwellings and associated works

**Location:** Land At Lord Hawke Way And Bowbridge Road  
Newark

**Applicant:** Mr Andrew Dewberry - Arkwood Developments Ltd.

**Agent:** Mr Darren Turner - Jackson Design Associates

**Registered:** 15.10.2019                      **Target Date:** 14.01.2019

**Extension of Time Agreed Until** 11.02.2020

**Website Link:** <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PYP8E3LBLL00>

**This application is being referred to the Planning Committee under the Scheme of Delegation as the applicant is a company owned by Newark and Sherwood District Council and the Town Council object which is contrary to the Officer recommendation.**

### The Site

The application site is approximately 2.8 hectares in size. The site is divided into two areas; the larger of which being to the north of Lord Hawke Way and a smaller area to the south fronting Bowbridge Road.

Lord Hawke Way is a recently constructed roadway which was built to serve the Leisure Centre and Gladstone House; a recently constructed retirement village. The road will also serve the recently approved Community and Activity Village further to the east of the application site which has begun construction. Other adjacent land uses include a cemetery; the car park serving the Leisure Centre and Community and Activity Village; allotment land to the south and residential and industrial uses in close proximity.

There is an informal path which crosses the site from Bowbridge Road to the cemetery but this is not formally designated as a right of way. The northern part of the site was formally a BMX cycle track. The site is largely laid to grassland albeit there is a fence which bisects the site and has more rough and unmanaged grassland beyond.

The site is within the Newark Urban Area close to, but outside of, the designated Conservation Area by virtue of the separation distance afforded by the existing cemetery. The site forms part of the mixed use allocation NUA/MU/4 as defined by the Proposals Map of the Allocations document. The policy envisaged that the overall site would deliver around 115 dwellings as well as

the new leisure centre. As is inferred above, development already delivered includes the Leisure Centre but also includes Gladstone House which was not explicitly referenced by the allocation. This provides 60 single and two bed units with associated private and communal facilities. The implications of this development on the current site will be discussed in the appraisal section below.

### Relevant Planning History

There is no site history specific to this application site of relevance.

### The Proposal

The proposal seeks full planning permission for the erection of 87 market residential properties divided into 15 different house types as summarized below:

<b>Type</b>	<b>No. of beds</b>	<b>No. of storeys</b>	<b>No. of units</b>	<b>Note</b>
<b>A</b>	2	Single (apartments)	6	Retirement market. Two storey apartment block
<b>B</b>	2	Dormer bungalows	5	Retirement market
<b>C</b>	2	Single (apartments)	5	Three storey apartment block
<b>D</b>	2	Single (apartments)	4	Three storey apartment block
<b>E</b>	2	Single (apartments)	4	Three storey apartment block
<b>F</b>	2	Single (maisonettes)	4	Two storey building
<b>G</b>	2	Two	2	Ground floor solely garage / undercroft
<b>H</b>	2	Two	8	Terrace arrangement
<b>I</b>	2	Single	6	Semi-detached bungalows
<b>J</b>	3	Two	21	Includes detached; semi-detached and terrace arrangements
<b>K</b>	3	Two	6	Includes semi-detached and terrace arrangements
<b>L</b>	3	Two	4	Terrace arrangement
<b>M</b>	3	Two	4	Detached
<b>N</b>	3	Three	2	Semi-detached
<b>O</b>	4	Two	6	Detached
<b>Total:</b>			<b>87</b>	

The development also includes the creation of new vehicular accesses from Lord Hawke Way and the creation of a pedestrian walkway broadly down the centre of the northern parcel of land to re-create the informal footway which has established across the site from Bowbridge Road.

The application has been submitted on the basis of the following plans and documents:

- Design and Access Statement – 19 / 2216 / DAS Rev. B dated September 2019 (received 15<sup>th</sup> October 2019);
- Extended Phase 1 Habitat Survey undertaken by C Barker – P1841 / 0619 – 01 dated 18<sup>th</sup> June 2019;
- Flood Risk Assessment & Drainage Strategy undertaken by bsp consulting – 19-0197 BBRN-BSP-ZZ-XX-RP-C-001-P1\_Flood\_Risk\_Assessment dated 22<sup>nd</sup> May 2019;

- Transport Assessment undertaken by ADC Infrastructure – ADC1938-RP-A dated 12<sup>th</sup> September 2019;
- Travel Plan undertaken by ADC Infrastructure - ADC1938-RP-B dated 12<sup>th</sup> September 2019;
- Site Location Plan – 19 / 2216 / LP (A) dated September 2019;
- Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. H received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. G received 15<sup>th</sup> January 2020;
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Materials – 19 / 2216 / SITE0005 Rev. D received 15<sup>th</sup> January 2020;
- Adoption Plan – 19 / 2216/ SITE006 Rev. B received 2<sup>nd</sup> January 2020;
- Swept Path Analysis of Internal Layout – ADC1938-DR-051 Rev. P1 dated 10<sup>th</sup> September 2019;
- Type A: 2B4P Apartment (Retirement) – 19 / 2216 / A-001 Rev. B dated August 2019;
- Type B: 2B4P Bungalow (Retirement) – 19 / 2216 / B-001 Rev. B dated August 2019;
- Type C: 2B3P Apartment (Variant 1) – 19 / 2216 / C-001 Rev. B dated August 2019;
- Type D: 2B3P Apartment (Variant 2) – 19 / 2216 / D-001 Rev. B dated August 2019;
- Type E: 2B3P Apartment (Variant 3) – 19 / 2216 / E-001 Rev. C dated January 2020;
- Type F: 2B3P Maisonette (Floor Plans) – 19 / 2216 / F-001 Rev. B dated July 2019;
- Type F: 2B3P Maisonette (Elevations) – 19 / 2216 / F-002 Rev. B dated July 2019;
- Type G: 2B3P Coach House – 19 / 2216 / G-001 Rev. B dated July 2019;
- Type H: 2B4P Terraced House – 19 / 2216 / H-001 Rev. B dated July 2019;
- Type I: 2B4P Bungalow Detached & semi-detached – 19 / 2216 / I-001 Rev. B dated August 2019;
- Type J: 3B5P Linear House Semi-detached & terraced variant – 19 / 2216 / J-001 Rev. B dated July 2019;
- Type K: 3B5P Corner House Semi-detached – 19 / 2216 / K-001 Rev. B dated July 2019;
- Type L: 3B5P Linked Terraced House – 19 / 2216 / L-001 Rev. B dated August 2019;
- Type M: 3B5P Standard Detached – 19 / 2216 / M-001 Rev. B dated August 2019;
- Type N: Gateway Marker House – 19 / 2216 / N-001 Rev. B dated August 2019;
- Type O: 4B6P Standard House Detached – 19 / 2216 / O-001 Rev. B dated July 2019;
- Boundary Treatments – 19 / 2216 / GEN001 dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;
- Car Ports – 19 / 2216 / GEN003 dated September 2019;
- Drainage and Levels Feasibility – BRNK-BSP-ZZ-XX-DR-C-0001 received 23<sup>rd</sup> October 2019;
- Tree Survey – P1841 / 1019 – 02 dated 28<sup>th</sup> October 2019;
- Historic Environment Record Data – 19 / 2216 / HER001 received 6<sup>th</sup> December 2019;
- Nottinghamshire County Council Event / Activity Summary Report received 6<sup>th</sup> December 2019;
- ADC Infrastructure Letter Response to NCC Highways dated 12<sup>th</sup> December 2019;
- Copy of NCC Document ‘Residential Car Parking Research for Nottinghamshire’ First Edition – 1<sup>st</sup> February 2010;
- Supplementary Exploratory Investigation for Arkwood Developments by GeoDyne dated 21<sup>st</sup> January 2020.

## Departure/Public Advertisement Procedure

Occupiers of 106 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 6 – Infrastructure for Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 1 – Affordable Housing Provision  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
NAP1 - Newark Urban Area  
NUA/Ph/1: Newark Urban Area – Phasing Policy

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

Policy NUA/MU/4 – Newark Urban Area – Mixed Use Site 4  
DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM2 – Development on Allocated Sites  
DM3 – Developer Contributions and Planning Obligations  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
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)  
SPD Development Contributions and Planning Obligations 2013  
National Design Guide – Planning practice guidance for beautiful, enduring and successful places  
September 2019

#### **Consultations**

**Newark Town Council** - Objection was raised to this application on the following grounds:

l) Over intensification of the site;

- ii) Type H housing falls short of the Government guidelines regarding the size of the property;
- iii) Loss of privacy for Thoresby Avenue residents;
- iv) Loss of another green space.

**NCC Highways Authority – Additional comments received 22<sup>nd</sup> January 2020:**

Further to comments dated 3 January 2020, revised drawing 19/2216/SITE001/H has been submitted in an attempt to address previously raised concerns regarding parking.

Parking

As a result of the revised drawing the outstanding parking issues are considered to be:

Plots 33-40 – Whilst very minor adjustments have been made, the shortfall in spaces remains significant and there appears to be no alternative but to expect on street parking to occur.

Plots 41-44 – One additional space has been provided; 5 spaces are provided for 4 no. 2 bed properties. This is not considered to be adequate.

Plots 45-49 – it remains that 10 spaces are provided for 5 no. properties. This is acceptable in terms of the number of spaces but the issue over the inconvenience of rear courtyard parking has not been addressed and will result in on-street parking.

Plots 61-63 – it remains that that 6 spaces are provided for 3 no. properties. But the same issue of rear courtyard parking being inconvenient and leading to on-street parking arises.

Notwithstanding the above, it is reaffirmed that it is not only the number of spaces being provided that matters, but that these should be in the right location and convenient to use by the residents they serve.

It is concluded that the level, location and layout of the parking provision remains unacceptable.

Drainage

I am unaware of any new submission to resolve the matter of surface water highway drainage. Without this resolution, significant layout changes may be required. Soakaways under the carriageway (as shown on drawing DR-C-0001-P1) are not acceptable to the Highway Authority and if this system of drainage were to be pursued it is likely that the roads would remain privately owned and maintained. If this were to be the case, it is recommended that a Section 106 Agreement be entered into to provide for future maintenance.

Conclusion

In conclusion, this Authority would wish these comments to be considered as an objection on the grounds that the proposal will result in on-street parking to the detriment of other users of the highway and matters concerning the acceptable disposal of highway surface water have not been addressed.

Should the Planning Authority be minded to approve the application the following conditions are suggested:

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area 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.).

Any 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 enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

Note to Applicant:

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

*Additional comments received 3<sup>rd</sup> January 2020:*

Further to two sets of comments dated 19 December 2019, I am in receipt of further information via emails dated 2th December 2019, 2nd January & 3rd January 2020 submitted to address previously raised concerns regarding parking, traffic modelling and drainage.

#### Parking

Information and clarity have been provided in an attempt to address previous concerns over parking; specifically:

Plots 77-82 – it is confirmed that 9 spaces are provided for 6 no. 2 bed properties. Given the open layout and target residential group, it is considered that is now acceptable.

Plots 68-76 – only 11 spaces are provided for 9 no. 2 bed properties. *This has not been addressed.*

Plots 33-40 – only 10 spaces are provided for 8 n. 2 bed properties. On a private driveway with no spaces to park any additional visitor cars. *This has not been addressed.*

Plots 41-44 – only 4 spaces are provided for 4 no. 2 bed properties. *This has not been addressed.*

Plots 45-49 – it is confirmed that 10 spaces are provided for 5 no. properties. This is acceptable in terms of the number of spaces but the issue over the inconvenience of rear courtyard parking has *not been addressed* and will result in on-street parking.

Plots 61-63 – it is confirmed that 6 spaces are provided for 3 no. properties. But the same issue of rear courtyard parking being inconvenient and leading to on-street parking arises.

Plots 17, 25-28 & 56 – the 4-bed properties have now been provided with 3 spaces, *except plot 17*. However, the spaces have been provided in tandem. Since this leads to the inconvenience of shuffling vehicles, on-street parking will result. This same issue has been used in a refusal on an application at Southwell which is now the subject of an appeal – see reference 18/01363/FULM APP/B3030/W/19/3234051.

Plot 54 – it is confirmed that the “two garages” referred to in my comments are in fact open car ports. So, this is no longer an issue.

Notwithstanding the above, it is reaffirmed that it is not only the number of spaces being provided that matters, but that these should be in the right location and convenient to use by the residents they serve.

It is concluded that the level, location and layout of the parking provision remains unacceptable.

### Transport Assessment

The requested information regarding the Newark Highway Model Forecasting Report has been submitted to confirm traffic issues in the long term.

In addition, further traffic modelling has been provided to consider the interim scenario whereby 599 dwellings are occupied at Middlebeck with no further road improvements being made over and above the existing conditions. This modelling demonstrates that there should be no capacity issues resulting from the proposal.

### Drainage

This matter remains unresolved and has the potential to lead to significant layout changes. Soakaways under the carriageway are not acceptable to the Highway Authority and if this system of drainage were to be pursued it is likely that the roads would remain privately owned and maintained. If this were to be the case, it is recommended that a *Section 106 Agreement* be entered into to provide for future maintenance.

## Conclusion

In conclusion, this Authority would wish these comments to be considered as an objection on the grounds that the proposal will result in on-street parking to the detriment of other users of the highway and matters concerning the acceptable disposal of highway surface water have not been addressed.

Should the Planning Authority be minded to approve the application the following conditions are suggested:

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area 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.).

Any 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 enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

## Note to Applicant:

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

## *Additional comments received 19<sup>th</sup> December 2019:*

Further to comments dated 10 December 2019, I refer to the submitted ADC letter of 12 December 2019; adoption plan 006A, and; site layout plan 001F.

It appears that many of the previously raised issues have been addressed. However, the two most critical matters of parking provision and traffic modelling to take account of the Middlebeck development remain unresolved.

### Parking

ADC have carried out a parking provision exercise to determine the level of provision. Firstly, it is believed that the calculation is flawed (House types I and O have more habitable rooms than stated). But more critical than this is the fact that even if the level of parking provision across the site were acceptable, the spaces need to be in the right location and convenient to use by the residents they serve. For examples:

Plots 77-82 – only 8 spaces are provided for 6 no. 2 bed properties. Plots 68-76 – only 11 spaces are provided for 9 no. 2 bed properties. Plots 33-40 – only 10 spaces are provided for 8 n. 2 bed properties. On a private driveway with no spaces to park any additional visitor cars. Plots 41-44 – only 4 spaces are provided for 4 no. 2 bed properties. Plots 45-49 – only 8 spaces are provided for 5 n. properties; 4 of these being 3-bed. Also, rear courtyard parking tends to be inconvenient to use and results in on-street parking. Plots 61-63 – only 4 spaces are provided for 3 no. properties; 2 of these being 3-bed. Plots 17, 25-28 & 56 – these are 4-bed properties and require 3 spaces each when only 2 are proposed. Should such provision be made, the spaces should not all be in tandem since the inconvenience of shuffling vehicles leads to on-street parking. This will have significant impact on the layout. Plot 54 - this is a 3-bed property with the provision of two garages which immediately front on to the prospective public highway. Any garage should be located 5.5m-6.1m (depending on door type) from the back edge of the footway to avoid cars being left onstreet whilst opening/closing doors.

It is concluded that the level, location and layout of the parking provision is unacceptable.

### Transport Assessment

A revised Transport Assessment was sought to take account of the committed development flows associated with the Middlebeck development. The latest ADC submission refers to figures 6.3 & 6.5 of the Newark Highway Model Forecasting Report (NHMFR). It would be useful to see this evidence that suggests a reduction of flows on Bowbridge Road. It is thought that these figures might represent a scenario where the whole length of the Southern Link Road is built out; offering alternative routes to the A1 and A46 for traffic generated in Southern Newark. It would be helpful if this could be confirmed or the associated scenario described. With the uncertainty surrounding the timescale for providing the link to the A46, it is considered appropriate that modelling should be produced to show what traffic conditions will occur on the basis of 599 dwellings being built out at Middlebeck with no further road improvements being made over and above the existing conditions.

### Conclusion

In conclusion, this Authority would wish these comments to be considered as an objection on the grounds that the proposal will result in on-street parking to the detriment of other users of the highway and insufficient evidence has been submitted to demonstrate that the capacity of the highway is not compromised to an unacceptable level.

Further to comments dated earlier today – 19 December 2019, it has come to my attention that the proposed drainage strategy for dealing with highway surface water is to have soakaways within the prospective public highway. This is not acceptable to the Highway Authority and risks any potential Adoption Agreement.

The preference is for a piped system to a public utility system. Where this is not possible, soakaways may be considered where they lie within public open spaces where easements will be required for maintenance purposes. If the Highway Authority were to agree to such a system, commuted sums for maintenance would be required.

A revision of the drainage strategy, as outlined above, may result in an amended housing layout.

*Additional comments received 10<sup>th</sup> December 2019:*

Further to comments dated 7th November 2019, it appears that there are still significant issues to address prior to this Authority being able to offer no objection to this proposal.

1. The red line application site boundary should include Lord Hawke Way to ensure access is available to the nearest public highway at Bowbridge Road.
2. Assuming that the unreferenced 'Revised Adoption Plan' shows the proposed extent of adoptable highway only in purple, there are some amendments required for this to be acceptable.
  - a. Parking spaces should not fall within the public highway and should lie in the curtilage of the associated dwellings.
  - b. The adopted highway should not have canopy shelters over it. Either these should be omitted from plots 51,52, 58 & 59 or the boundary of the adoptable highway relocated away from the dwellings.
  - c. At least one footway connection should be added at the junctions outside plots 5/6 and 16 to allow pedestrians to cross the junction from north to south along a desire line.
3. There are significant areas of 'green' space. Can it also be confirmed the intention for maintaining these areas? If they were to be proposed as part of any road adoption, this may affect our comments and certainly would have commuted cost implications.
4. Tarmac surfacing is expected throughout the adoptable highway works, with perhaps the exception of the junction table outside plots 10-11. Any ramps should be in tarmac, since block paving tends to move over time and create a maintenance issue.
5. Traffic calming features should be omitted except perhaps the junction table outside plots 10-11.
6. It has always been considered that a 3m footway/cycleway should be provided on the north side of Lord Hawke Way.
7. The houses on the south side of Lord Hawke Way appear to gain access from the existing driveway to the Care Home. Do private access rights exist or are they proposed, since this will not be adoptable.

8. It would appear that insufficient off-street parking has been provided in many instances that could lead to on-street parking to the detriment of other road users. Each 2- or 3-bed property should have has 2 spaces and larger homes have 3 or more spaces.

9. No revised Transport Assessment has been provided to take account of the committed development flows for the Middlebeck area.

10. In the original Transport Assessment the swept path analysis drawing ADC1938DR-051-P1, shows a vehicle using part of a private access (bottom right drawing). This is not acceptable and should be amended.

11. The submitted Travel Plan is acceptable

In conclusion, a number of amendments are sought and this Authority would wish these comments to be considered as a 'holding objection'

*Original Comments received 7<sup>th</sup> November 2019:*

There are several issues and queries that need addressing prior to this Authority being able to offer no objection to this proposal.

1. The red line application site boundary should include Lord Hawke Way to ensure access is available to the nearest public highway at Bowbridge Road.

2. It should be made clear which roads are to be offered for highway adoption so that there is no misunderstanding regarding standards to be applied.

3. There are significant areas of 'green' space. Can it also be confirmed the intention for maintaining these areas? If they were to be proposed as part of any road adoption, this may affect our comments and certainly would have commuted cost implications.

4. Road surfacing details should also be made clear e.g. tarmac or block paving etc.

5. It is uncertain that traffic calming features are needed and it is suggested that these be removed or further justified.

6. It has always been considered that a 3m footway/cycleway should be provided on the north side of Lord Hawke Way.

7. The houses on the south side of Lord Hawke Way appear to gain access from the existing driveway to the Care Home. Do private access rights exist or are they proposed, since this will not be adoptable.

8. Any adoptable roads should have a defined footway(s) and normally this is adjacent to the carriageway.

9. It would be helpful if a schedule could be provided to identify that each 1 bed dwelling has at least 1 car space; each 2 or 3 bed property has 2 spaces and larger homes have 3 or more spaces. Any additional visitor parking should also be identified.

10. The Transport Assessment fails to include the committed development flows for the Middlebeck area.

11. In the Transport Assessment the swept path analysis drawing ADC1938-DR- 051-P1, shows a vehicle using part of a private access (bottom right drawing). This is not acceptable and should be amended.

12. Are any enhancements proposed for the footway/cycleway that exists between Bowbridge Road and Elm Avenue, as it runs through the development.

Comments regarding the submitted Travel Plan are awaited from colleagues and these will be forwarded in due course.

**NCC Rights of Way Officer** – No comments received.

**NCC Strategic Planning** - Thank you for your email dated 30th October 2019 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council's responsibilities there are number of elements of national planning policy and guidance are of particular relevance in the assessment of planning applications these include Minerals and Waste, Education, Transport and Public Health.

#### County Planning Context

##### Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications.

Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

##### Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for nonminerals development fall within them.

##### Minerals

In relation to the Minerals Local Plan, whilst the proposed site does not lie within an MSA/MCA, approximately 100m to the East of the site, lies the boundary for the MSA/MCA for gypsum. Given

the proposed development is surrounded by development, it is unlikely that there would be an adequate site area to facilitate a viable extraction site. Therefore, the County Council does not wish to raise an objection to the proposal from a mineral perspective.

### Waste

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 existing waste management facilities (as per Policy WCS10).

As set out in Policy WCS2 'Waste awareness, prevention and re-use' 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 the 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 Highways

The County Council does not have any Strategic transport planning observations to make.

### Archaeology

The application site has an archaeological potential; as recent developments across flat areas of the gravel terraces south of Newark have repeatedly shown. This is an open and largely undisturbed piece of ground which has largely avoided the housing and industrial development of neighbouring areas, so it would be expected that archaeological remains here to be relatively well preserved. The applicants do not seem to have considered the heritage impacts of their proposals, and it might be helpful if they were asked to address this omission. The most effective way of addressing the issue would be to commission a geophysical survey of the site. On the basis of the results of this work, the County Council would anticipate it will be possible to identify what further work is necessary, and whether this can best be achieved through the imposition of an appropriate planning condition.

### Planning Obligations

In terms of this application, whilst the County Council will not be seeking any planning obligations or conditions for Transport and Travel Services, confirmation of whether any other developer contributions (education and libraries) are considered necessary by the County Council is still awaited as outlined in appendix one. These will be provided as soon as possible along with supporting justification.

Where developer contributions are sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application.

Further information about the County Councils approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at

<https://www.nottinghamshire.gov.uk/planningand-environment/general-planning/planning-obligations-strategy>

If the Council has any queries regarding planning obligations please contact Andrew Norton, the County Councils Developer Contributions Practitioner on 0115 993 9309 or by email [andrew.norton@nottscc.gov.uk](mailto:andrew.norton@nottscc.gov.uk)

## Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants.

## **NCC Developer Contributions - Primary Education**

The development would generate 18 additional primary places. Based on current data there is projected to be sufficient capacity to accommodate the additional pupils generated by this development. As a result, the County Council will not be seeking any primary school contributions to mitigate the impact of this development.

## Secondary Education

The development is located in the Mansfield Secondary Planning Area and would generate 14 additional secondary places. As can be seen in the table below; based on current data there is projected to be insufficient capacity to accommodate the pupils generated. The delivery of additional secondary education provision will be delivered through the District Council's Community Infrastructure Levy (CIL).

Planning area	DfE no	School	District	Net Capacity	Pupil projection	Housing			Surplus or Deficit Places	
						Commitments, excluding local plan (1-10 yrs)	Local Plan (1-5 yrs)	Local Plan (6-10 yrs)		Local Plan (10+ years)
Newark	4017	Magnus Academy	NEWARK	1140	724	230	10	25	79	151
Newark	4022	Newark Academy	NEWARK	1349	1412	145	10	25	0	-243
Newark	0006	PLANNING AREA TOTAL NEWARK		2489	2137	375	20	50	79	-93

## Libraries

### 1. Background

The County Council has a statutory responsibility, under the terms of the 1964 Public Libraries and Museums Act, to provide "a comprehensive and efficient library service for all persons desiring to make use thereof".

In Nottinghamshire, public library services are delivered through a network of 60 library buildings and 3 mobiles. These libraries are at the heart of our communities. They provide access to books and DVDs; a wide range of information services; the internet; and opportunities for learning, culture and leisure.

The County Council has a clear vision that its libraries should be:

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.
- contain a comprehensive range of stock to meet the needs of the local community

The County’s libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

## 2. Potential development of Land on Lord Hawke Way

There is currently a proposal for a new development on land at Lord Hawke Way, this would comprise 87 new dwellings. At an average of 2.3 persons per dwelling this would add 200 to the existing libraries’ catchment area population. The nearest existing library to the proposed development is Newark Library.

The County Council would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought for additional library stock. An increase in population of 200 would put more demand on the stock at this library and a developer contribution would be expected to help address this situation.

The Museums, Libraries and Archives Council (MLA) publication “Public Libraries, Archives and New Development: a standard approach” recommends a standard stock figure of 1,532 items per 1,000 population.

Newark Library is currently below the MLA optimum stock level (see table below) and so a developer contribution would be sought to ensure current stock levels are not put under further pressure as a result of the new development.

The County Council would seek a developer contribution for the additional stock that would be required to meet the needs of the 200 population that would be occupying the new dwellings. This is costed at 200 (population) x 1.532 (items) x £10.00 (cost per item) = £3,064.00

### Library Optimum Stock Levels

LIBRARY	Catchment Popn Est (Census 2011)	Total Lending Stock	Ref Stock	Total Stock	Optimum Stock figure	Difference Optimum vs Actual stock
Newark Library	37,752	46,067	6943	53,010	57,836	-4,826

**Ramblers Association** – No comments received.

**NSDC Environmental Health (contaminated land)** – Historic mapping identifies that the previous use of the site was as allotments.

Allotments are a potentially contaminative land-use and such land can possibly be used for contaminative activities including: use of fertilizers, pesticides and fungicides, localised waste disposal. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

**NSDC Environmental Health (noise and lighting)** – I refer to the above planning application and would like to make you aware that following the establishment of the YMCA facility, Environmental Health has received complaints alleging light nuisance from the lights on the pitches and general circulation lighting. As the complainants properties are situated further away from the proposed development, I would be obliged to know what action the developer is to take to prevent possible light nuisance complaints. It may be advisable for you to require them to undertake a lighting survey which takes into account the proximity of the YMCA and leisure centre.

**NSDC Tree Officer** – *Additional comments received 6<sup>th</sup> December 2019:*

Given the recent information I would consider that the outlined protection measures noted in the submitted tree report should be sufficient.

No dig drive construction is stipulated in 2 areas but there is no detail submitted for the final top surfacing or edging that will not result in tree root disruption. Phasing of these areas is not noted on the submitted tree protection plan—this is required and may result in fencing being in different locations prior to path/drive construction.

My concern with trees T5/6 are insufficient room for any future tree development that may result in future pressure for repeat pruning operations/removal of trees.

No full soft landscaping details have been provided.

I would recommend if approval is given then conditions should be attached as below:

1. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
  - a. A plan showing details and positions of the ground protection areas.
  - b. Details and position of protection barriers .
  - c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
  - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
  - e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - f. Details of any scaffolding erection and associated ground protection within the root protection areas

g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

3. Prohibited activities

The following activities must not be carried out under any circumstances.

a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,

c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.

d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.

e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

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

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

*Original comments received:*

Proposed layout -particularly to plot in the North West corner-will result in high detrimental impact to tree roots as a result of a large area of hard surfacing.

Trees 5 and 6 are likely to be under increased pressure due to the very close proximity to the proposed dwelling.

T16 will be detrimental affected by the extent of proposed new hard surfacing and it is likely that T19 will have similar issues.

Proposed indicative landscaping will require trees of smaller stature/form in order to allow full

development. Additional structural cells under proposed hard surfacing may be required to allow sufficient rooting volume to allow root development without detriment to proposed hard surfacing and drainage options. Some of the proposed soakaways/gullies are within RPAs of retained trees (T22) and likely to be too close to proposed trees.

**NSDC Conservation** – There are no designated heritage assets within the proposal site. The Newark Conservation Area (CA) is situated to the northeast of the proposal site. This part of the CA is defined by Newark Cemetery which includes the internationally important War Graves Cemetery. The centrally located chapels within the cemetery are both Grade II listed.

### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, 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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting. It should be noted that the Newark & Sherwood Amended Core Strategy DPD has been through examination and determined to be sound. It therefore carries material weight in the decision-making process.

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 – revised February 2019). 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, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

### Observations on proposal

Conservation has no objection to the proposed development.

The proposal site is allocated for residential and leisure facilities. The sports facilities element has been completed, along with a supported living development to the south.

The proposed development comprises 87 dwellings with a mixture of heights, with the maximum heights of 11.5m with the 3 storey components.

Having reviewed the submitted details, Conservation is confident that the development will cause no harm to the setting of the Newark CA, taking into account the special character of the Cemetery.

If approved, consideration should be given to the landscaping and boundary treatments on the northeast side towards the Cemetery. Panel fences and other domestic elements should be avoided as far as practicable. This will help preserve the setting and context of the CA.

**NSDC Archeological Advisor** – No comments received.

**NCC Flood** – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 16 Oct 2019. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions;

### Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ref BBRN-BSP-ZZ-XX-RP-C-001-P1\_Flood\_Risk\_Assessment dated 22 May 2019, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

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

### Informative

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

**NSDC Parks and Amenities Officer** – As a development of 87 units this scheme should make provision for public open space in the form of provision for children and young people (18m<sup>2</sup> per dwelling) and amenity green space (14.4m<sup>2</sup> per dwelling). I note that the proposed site landscaping drawing (19/2216/S1TE002) details amenity green space totalling 2,719m<sup>2</sup> (31.25m<sup>2</sup> per dwelling) – an over-provision of 1,466m<sup>2</sup>. However none of this public open space is obviously suitable as children’s playing space, with the majority of it fronting onto a busy main road.

In order to ensure that the development makes appropriate provision for children and young people then either an on-site area should be created or an off-site commuted sum should be paid to allow for the creation/improvement of new or existing children’s playing space in the vicinity of the development. The nearest potential sites for improvement are over 500m away and accessing them would involve crossing Bowbridge Rd. There are no obvious sites where new children’s playing space could be created within a reasonable walking distance of the development. I thus believe that an area of children’s playing space should be created on the development site. I note that 11 of the dwellings on the development are classed as retirement properties and these will not generate a need for children’s playing space. The area required should thus be in the region of 76x18=1,368m<sup>2</sup>. However given the over provision of amenity green space this can be reduced to an area that will allow for an appropriate equipped play area and the necessary buffer zones.

With regard to biodiversity I note that the Design and Access Statement refers to a Phase 1 habitat survey having been carried out, however this report is not available on the planning website. I note also that the Council’s Tree Officer has requested that a tree survey be carried out and I would support this. Wherever possible existing wildlife-friendly features such as trees and hedges should be retained and the new areas of amenity green space should be designed to offer opportunities for biodiversity gain.

**NSDC Community and Arts Manager** – I have no objection to the proposed development and a development of this scale would attract a community facilities contribution in accordance with the current Developer Contributions SPD to secure improved community infrastructure. However, given the sites location and proximity to the Newark Sports and Fitness Centre and YMCA

Community and Activity Village which provide significant community facilities a contribution would not be justified in this specific instance.

**NHS Newark and Sherwood CCG –**

Impact of new development on GP practice	The development is proposing 87 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx 200 (B) (2.3 x A).
GP practice most likely to be affected by growth and therefore directly related to the housing development	It is unlikely that NHS England or Mid Notts CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is: <ul style="list-style-type: none"> <li>• Fountain Medical Centre</li> <li>• Lombard Medical Centre</li> <li>• Barnby Gate Surgery</li> </ul>
Necessary to make the development acceptable in planning terms	All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area
Plans to address capacity issues	The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards.
Fairly and reasonably related in scale and kind to the development.	As a consequence we would ask for £920 per dwelling for costs of health provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period.
Financial contribution requested	£80,040 (87 x £920 per dwelling)

**Trent Valley Internal Drainage Board –** The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s catchment.

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

The Board’s consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board’s district (other than directly to a main river for which the consent of the Environment Agency will be required).

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

**6 letters of representation have been received which can be summarized as follows:**

*Principle of Development*

- The area is a valuable green space used by walkers; casual runners; dog-walkers and other aspects to promote health;
- The Council's Community Plan says it will protect, promote and enhance the District's natural environment;
- The site allocation is inappropriate and outdated in view of the large growth that is taking place south of Bowbridge Road;
- The Hawtonville Estate does not need another piece of green space removed from it;
- There are already 7150 houses being built south and east of Newark;
- There will nowhere to extend the cemetery in the future;
- Many people use the area for dog walking;
- The density is too high for the site;
- Not everyone can afford access to the Leisure Centre so green spaces are valuable;

*Impact on Highways Network*

- The Community Plan states that it will reduce congestion;
- This application will add to the congestion already placing a strain on Bowbridge Road – this will get worse as Middlebeck is built out;
- Building more homes will increase the traffic and fumes;
- The proposal will place a demand on vehicular parking;
- The condition of Bowbridge Road is poor;

*Impact on Amenity*

- The noise level will increase which will be detrimental to the visitors of the cemetery and the elderly residents of Gladstone House;
- The development will cause a loss of privacy and overshadowing to neighbouring properties;
- Neighbours will have to look at a building site;
- Car ports are proposed close to the neighbouring boundaries;
- If a footpath is on the boundary then it may lead to increased crime;

*Impact on Infrastructure*

- The homes will add more waste to landfill and plastic use;
- The proposal will affect the school and hospital resources;

*Other Matters*

- The development will bring neighbouring house prices down;

## Comments of the Business Manager

### Principle of Development

The site is within the Newark Urban Area but moreover is within a mixed use site allocation. As is referenced above, the circumstances have changed since the site was allocated insofar as part of the allocation has already delivered Gladstone House which comprises 60 no. one and two bed retirement units. Clearly, the nature of this development has taken up less land than 60 dwellings would and therefore the remainder of the site allocation (the application site) would be capable of delivering more than the remainder of the policy allocation.

The site represents a sustainable location where the principle of residential delivery would be acceptable irrespective of the site allocation. Thus the fact that the amount of development proposed by this application would lead to the total delivery of 147 units in an area initially envisaged for around 115 is not considered to be an issue in principle. The site allocations were not intended to be a ceiling for development and in the context of the previous permission for Gladstone House there would be justification for the higher density of development in principle. This is caveated on the basis that the application would still need to meet the remainder of the Development Plan which is assessed in detail below.

### Policy Requirements

As is detailed above, the site is within a mixed use site policy allocation. Policy NUA/MU/4 details that development on the site will be subject to:

- *The development of a Master Plan to address the relationship between the residential development and the new leisure centre and provide a context for any future incorporation of RHP Sports Ground within the management of leisure centre;*
- *Address issues relating to the adjacent operations of neighbouring employment sites; and*
- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured by condition on any planning consent are likely to be required.*

The first requirement relates to the development of a Master Plan which is absent from the submission. However, the leisure uses referred to have already been brought forward since the policy allocation. The current application essentially forms the last piece of the site allocation and therefore the preparation of a Master Plan is redundant insofar as the relationship with neighbouring land uses can be fully assessed.

The submitted Design and Access Statement deals with the other two requirements. Matters of archeology are discussed within the relevant heritage section below.

The policy wording is not prescriptive in terms of the potential 'issues' relating to the nearby employment uses. My interpretation of the policy is that it relates largely to an assessment for the amenity of the proposed occupiers from the industrial uses to the south (i.e. potential noise and disturbance impacts). I would agree with the stance of the submitted Design and Access Statement that the majority of the proposed development would be separated from the industrial uses to the south of the site by the presence of the Gladstone House development. In reality therefore, the most likely affected plot would be Plot 87 on the southern edge of the site.

However, this plot would still be separated by approximately 75m from the depot site to the south given the presence of the existing allotments. The landscaping plan details an existing hedge along the southern boundary of the site which would aid in mitigating impacts to this plot.

The application submission has also referred to the prevailing wind which would generally push dust and emissions away from the site. This has been discussed with Environmental Health colleagues and it has been confirmed that in broad detail the predominant wind direction is from the south west (thereby towards the north east). This does of course depend on other climatic features and can vary enormously. The direction of the prevailing wind is therefore given little weight in the assessment of this site specific application.

The agent has also pointed out that no noise or dust assessment was provided in the determination of the planning application for Gladstone House immediately adjacent to the site (relying again on a similar statement referring to prevailing wind and distance from employment uses). This was accepted in the Gladstone House application partially in acknowledgement of an appeal decision at 293 Bowbridge Road where an Inspector discounted noise and dust emissions as being an issue for a care home development:

*'Although a number of noise generating industrial and commercial uses exist in close proximity to the appeal site, it is apparent from the evidence before me that the dominant source of noise is from traffic along Bowbridge Road.'*

*'The Tarmac Topblock operation is a permitted process under local authority control as a Part B process. The Permit regulates the environmental controls required on site to prevent nuisance dust releases.'*

Further discussion with Environmental Health colleagues has confirmed that there have not been complaints from the occupants of Gladstone House. Given that Gladstone House would form intervening built form between the majority of the proposed development and the nearby industrial uses, it is considered that it would be unreasonable to resist the application purely on the basis of a lack of formal noise and dust assessment.

Other neighbouring employment uses in close proximity to the site include the recently build Gladstone House and the Leisure Centre. Although Gladstone House does have facilities that take it beyond the scope of a typical C3 dwelling house, the facilities are ancillary to the extra care use and are not considered materially different to a typical residential use in terms of a neighbouring amenity relationship.

The Leisure Centre is fully operational and has been for some time. The uses are well contained within the building and in any case the building is separated from the site by Lord Hawke Way. The most likely neighbouring impact on the proposed development would be the noise and disturbance created by the use of the Leisure Centre car park immediately to the east of the site boundary. The development has been designed such that the closest element would be a private driveway and car parking spaces to serve Plots 33-40 inclusive. In respect to Plots 33-40, rear amenity space would be on the west side of the dwellings and therefore protected by the built form of the dwellings. Whilst these plots may experience a slight increase in noise and disturbance from the use of the Leisure Centre car park, I cannot envisage a more appropriate design to mitigate against this. There would be an element of the buyers beware principle for these plots and to some extent the disposition of uses is not uncommon in an urban setting such as this one. No specific harm has therefore been identified against the requirements of Policy NUA/MU/4.

### Housing Mix, Type and Density

The application form refers to a site area of approximately 2.8 hectares which on the basis of 87 units would represent a density of approximately 31 dwellings per hectare thereby aligning with the aspirations of Core Policy 3.

The District Council has commissioned a district-wide Housing Needs Survey splitting the results into sub-areas. The following represents an assessment of the results of the survey for number of beds for the market sector against the proposed development:

<b>No. of Beds</b>	<b>Total existing and concealed demand from the 2014 survey (%)</b>	<b>Split of proposal for consideration (%)</b>
1 bedroom	3.7	0
2 bedrooms	33.7	50.6
3 bedrooms	40.2	42.5
4 bedrooms	14.4	6.9
Five or more	8	0

The Design and Access Statement refers to figures presented at pre-application stage when it was not explicitly clear whether the apartments would be one or two beds. Given that it is now proposed for all apartments to be two beds, the majority delivery is tipped towards two beds rather than three beds as required by the 2014 needs survey. Notwithstanding this, when assessing solely against the 2014 percentage results, the proposed three beds would exceed the proportionate split (i.e. the scheme would deliver 42.5% against the survey need for 40.2%). There is a danger in being too prescriptive to the exact percentage splits of the survey noting that the results of this survey are now over five years old. Essentially the applicant could partially rectify the situation by changing some of the two bed apartments to one bed apartments. However, I would be reluctant to insist upon this purely to meet the split of the 2014 survey partly because some of the secondary bedrooms to the apartments are relatively small in any case (discussed further below). It is noted that some of the two bed units are presented for the retirement market. The success of the Gladstone House scheme opposite the site in some respects represents a more up to date and site specific demonstration of demand than a report for the whole sub area conducted five years ago. The proposal would deliver a significant proportion of three bed units and the second majority demand of two bed units. On balance therefore I do not consider it would be reasonable or necessary to insist on revisions in this respect.

As is detailed by the table in the proposal section above, the proposed development incorporates numerous different house types ranging from bungalows; apartments / maisonettes; semi-detached; terraced; and detached. This varied mix is welcomed in terms of the overall development offer.

The national Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. However the National Planning Policy Guidance (online tool) is clear in stating that if an LPA "*wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.*" Provision in a local plan can also be predicated on evidence, as the NPPG goes on to describe. In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should

not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way.

The following table is lifted from the March 2015 document:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

The following table represents an assessment of the proposed development against the above space standards. In some cases the apartment sizes are not exactly the same (i.e. house type A varies from 68.5m<sup>2</sup> to 72m<sup>2</sup> so in these instances average floor spaces have been used.

House Type	No. of beds	No. of persons	Floor space (m <sup>2</sup> )	Space standard requirement (m <sup>2</sup> )	Compliance against (+/- m <sup>2</sup> )
A	2	4	70	70	Exact
B	2	4	68	70	-2
C	2	3	65	61	+4
D	2	3	63.5	61	+2.5
E	2	3	66.6	61	+5.6
F	2	3	72.1	61	+11.1
G	2	3	70.5	70	+0.5
H	2	4	68.5	79	-10.5
I	2	4	63	70	-7
J	3	5	91	93	-2
K	3	5	96	93	+3
L	3	5	91	93	-2
M	3	5	97	93	+4
N	3	5	101	99	+2
O	4	6	124.5	106	+18.5

On the whole the development would comply with the National Space Standards with the majority of the house types exceeding the requirements. The greatest deficiency (and indeed the only one which falls more than 10 square metres short of the standards) is house type H. This is referenced by the objection of the Town Council. This is a terraced two storey property proposed for 8 plots (33-40 inclusive) set along the eastern boundary of the site (adjacent to the Leisure Centre car park). The floor plans indicate that one of the bedrooms could fit a double bed in but the other would probably logistically be restricted to two single beds. There is no internal storage indicated. This has been raised as an issue with the agent during the life of the application to ascertain if it is scope to increase the footprint of these plots marginally to the rear. The following response has been received:

*The house types have had a long gestation and have been considered in terms of useable space, build-costs and likely sales values. There are a range of types across the development to suit a diverse market and consideration has been given to the designs to allow flexibility for a purchaser so that, for example, walls between living rooms and kitchen / dining spaces are non-loadbearing and could be omitted if bought off-plan. These particular dwellings are seen as entry-level and the floor area proposed has to be balanced against the likely sales values. From experience these 2 bed properties are some 5-8.5m<sup>2</sup> larger than well-known developers would provide on a comparable house type.*

Officers have no evidence to the contrary in respect to the salability of the plots and concur that a range of house types would suit a diverse market. In acknowledgement of the fact that the space standards have not been adopted and indeed noting that if the plots were increased then the subsequent rear garden sizes would be decreased (without a significant re-design), the slightly reduced floor area is not considered sufficient to warrant refusal in its own right. The compromises identified will need to be weighed in the overall balance of the proposal below.

#### Impact on Character and Design

Design remains high on the policy agenda as evidenced by the publication of a national design guide by the government in September 2019.

Inherently through the delivery of 15 different house types the development would give a varied mix of design which would add a sense of place and legibility within the development. The design has also incorporated other positive elements including gateway plots which address the entrance to the site from Lord Hawke Way. Notably plots 46 and 47 which are three storey properties (the only three storey properties proposed in the development other than the apartments). There would also be areas of open space at the site access and fronting Bowbridge Road which would soften the overall visual impact of the scheme.

As is detailed by the description of the site above, as existing there is a hardsurfaced pedestrian path (albeit not formally recognized as a right of way) which crosses the site. Upon site inspection this appears to be well used as a means of crossing the site. It is therefore welcomed that the proposed development seeks to incorporate this within the development. However, in order to deliver the residential development as envisaged by the policy allocation, it would now be the case that the path is crossed by vehicular accesses. There is a pedestrian diversion around the south of the private driveways which would mean that users would only have to cross one road which is overall considered to be an acceptable compromise.

The Design and Access Statement details the design principles that have been employed in the preparation of the overall site masterplan. One of these is to establish active and animated street frontages with an attractive public realm overlooked by new residents. This is evident within the development proposals, most notably along the already referenced path retained crossing the site. The plan demonstrates that additional planting would be created along the path and that the plots facing the path to the north would have soft landscaped frontages rather than featuring the hard standing of car parking spaces (the implications of which are discussed further in the Impact on Highways section below).

Being part of a mixed use site allocation, it is implicit that there are a variety of land uses in the immediately surrounding area. This includes the recently developed Leisure Centre and Gladstone House, both of which are significantly scaled buildings of modern design. The benefit of these buildings in terms of the residential delivery of the site is that there is sufficient scope to deliver a modern development approach overall including with elements of scale such as the three storey apartment blocks. This includes at the entrance of the site from Bowbridge Road where two flat storey apartment blocks would flank the entrance with the block to the north of the entrance proposed to be approximately 9m in height. Whilst a flat roof design is not necessarily an approach which would be encouraged, it does have the benefit of reducing the overall height which in turn is beneficial to the more modestly scaled dwellings behind the apartments (more akin to the amenity discussion below). The apartment blocks would be set back from the highways edge through areas of green space and have been designed with curved frontages at the entrance which would reduce their overall starkness. In the context of the existing Gladstone House and Leisure Centre buildings, and in acknowledgement that there are a variety of commercial uses in the area, I do not consider that the design of these apartment blocks is harmful in principle.

The approach for the lesser scale residential plots along the northern boundary which is shared with residential curtilages is appropriate (the amenity implications are discussed in further detail below). Each of the plot types has detailed the proposed materials (albeit with colours etc. to be agreed) with a focus on brickwork and smaller elements of cladding. This is considered acceptable to the residential context of the area and compliant with the relevant elements of Policy DM5.

### Impact on Heritage and Archeology

The site is outside of the Conservation Area but is less than 70m from the boundary and therefore has the potential to affect its 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. I am conscious that the development would be visually read alongside the modern recent developments of the Leisure Centre; Gladstone House and the buildings associated with the Community and Activity Village - all of which have a large modern scale. The proposed development closest to the Conservation Area boundary would feature the rear gardens of the proposed plots. The boundary of the Conservation Area also features dense landscaping to a degree that it is not considered the proposed development will have a perceivable impact on the setting of the Conservation Area.

The submitted Design and Access Statement includes a Heritage Assessment. This acknowledges that the policy allocation requires an archeological evaluation. It is confirmed that trial holes on the wider allocated site have not recorded archeological features or deposits. On the basis of this previous evidence (submitted to discharge conditions for the other schemes within the site allocation) it is contended that further evaluation and monitoring is not required. Having reviewed the most recent archeological watching brief undertaken for Gladstone House, it is noted that this

did not include the current application site. Given the uncertainty in relation to this specific site and the scale of the development proposed, Officers requested further desk based review through the Historic Environment Records.

The applicant has consulted the Historic Environment Record (HER) during the life of the application and therefore has met the requirements of paragraph 189 of the NPPF. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities typically require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Given the lack of archaeological interest uncovered in the adjacent site, as well as confirmation from the County HER that no identified archaeological data points fall within the development site, it is felt that further archaeological investigation is not required. This has been agreed verbally with internal Conservation Officers.

### Impact on Amenity

Policy DM5 seeks to protect the amenity for both existing neighbouring residents but also to provide appropriate levels of amenity provision for proposed occupiers.

In terms of relationships with existing neighbours, the most likely affected properties would be those adjoining the northern boundary of the site along Thoresby Avenue. There are six plots along this boundary however only three of these (22-24 inclusive) would create back to back relationships. These plots are all single storey with minimum back to back distances of approximately 22m with the properties on Thorseby Avenue. There would be car ports at a closer distance but again noting that these would be single storey, this is considered to be an appropriate relationship.

Plot 21 would be closer to the northern boundary of the site such that the distance between this plot and the nearest neighbour at no. 4 Thorseby Avenue would be just under 19m. However, the orientation of this plot is such that it would be the single storey gable end facing the neighbour and therefore this is not considered harmful in amenity terms.

Plots 01 and 25 would both be adjacent to the northern boundary and two storey in height. In respect of plot 01, this would broadly align with the building line of the nearest neighbour to the north albeit with a greater set back from Bowbridge Road. However, the distance between the two properties would be around 13.5m such that the plot is not considered to create an imposing or overbearing impact. Any outlook from the rear of no. 221 Bowbridge Road towards the development would be at an oblique line of site.

The distance between no. 22 Thorseby Avenue and the two storey side gable of plot 25 would be approximately 18.5m. There would be one first floor narrow window on the side gable of this plot although this is intended to serve an en-suite bathroom. It would therefore be wholly reasonable to ensure this window is obscurely glazed by condition.

There are also residential properties on the opposite side of Bowbridge Road which would share a relationship with the proposed development. This includes the apartment for house type A although this is restricted to a two storey height. Taking the distance of at least 32m across the highway into account, I have not identified any harmful amenity impacts in terms of overbearing or overlooking.

Moving then to assess the amenity relationships within the site itself, it is notable that the scheme has evolved since pre-application discussions to ensure adequate separation distances. Rear to rear distances of over 21m have now been presented on the overall site layout. The houses proposed would be allocated an area of rear garden albeit of differing extents (some relatively modest for example the Coach Houses at plots 49 and 61). This is not considered to be an issue in principle given that the variety of house types in the site give proposed occupiers choice at the time of purchase. Although the apartments would not be afforded separate private amenity provision, this is not an uncommon scenario and the overall open space within the site (discussed in further detail below) would ensure that all residents have the opportunity to enjoy areas of open space in close proximity to their dwelling.

During the life of the application, comments have been received from Environmental Health colleagues making specific reference to the potential for light pollution from the nearby YMCA Community and Arts Village (partially given previous complaints from existing residents). Paragraph 182 of the NPPF confirms that where the operation of an existing business or community facility could have a significant adverse effect on new development, it falls for the applicant to consider appropriate suitable mitigation. The comments have been passed to the agent during the life of the application. The agent's response correctly identifies that the complaints originated from residents to the north of the YMCA facility where there had been a change to the existing site circumstances (i.e. the flood lighting sports use was imposed to existing residents). On this basis, it is argued that this application would be materially different insofar as the proposed occupiers would not have experienced the darker skies which existed before the YMCA development. Officers agree that there is merit to this argument and that occupiers would be aware of the mixed use nature of the area prior to purchase (and thereby given the opportunity to avoid the properties towards the west of the site if it were a concern).

Nevertheless it remains the case that the Environmental Health Act 1990 would require the investigation of any valid complaint received which could ultimately compromise the operations of the YMCA Community and Arts Village (for example through requiring a restriction of the usage of the flood lights). In this instance Officers are conscious that the original complaints (from residents to the north of the YMCA facility) came at a time when the lights were incorrectly installed. This has now been rectified through enforcement negotiations. Given the intervening distance afforded by the Leisure Centre car park, it is considered unlikely that the flood lighting, as correctly installed, would impose an adverse amenity impact to the proposed occupiers of this site.

On this basis, whilst the comments of Environmental Health have been taken on board, it is not considered reasonable to insist upon further surveys in terms of lighting.

Taking all of the above factors into account, I have not identified any specific areas of amenity harm and the proposal would be compliant with the relevant elements of Policy DM5 and the provisions of the NPPF.

#### Impact on Flood Risk and Drainage

The site is located with Flood Zone 1 on the Environment Agency's mapping relating to flooding from rivers and sea and therefore under the definitions within the NPPF in an area of low probability for flood risk.

Given that the development forms a major application, one of the validation requirements was for the submission of a Flood Risk Assessment (FRA) and Drainage Strategy. This report states that

ground levels at the site are generally level. There are however some small patches of the site which are at a low risk of surface water flooding attributed to low spots in the ground levels associated with former land uses.

In terms of drainage, the report details that the ground conditions are favorable for the discharge of surface water to ground via infiltration as evidenced through soakaway testing. Foul sewage is intended to use the existing combined sewer located in Bowbridge Road via a gravity connection. The means of drainage have been assessed by NCC as the Lead Local Flood Authority with no objections raised subject to a condition. Officers have queried whether or not such a condition would be reasonable given that the application submission included drainage details. However, given the concern from the Highways Authority (as discussed further below) in respect to the submitted details, the condition is deemed reasonable and indeed necessary.

### Impact on Trees and Ecology

The Design and Access Statement details that there a number of tree specimens along Bowbridge Road and towards the eastern boundary of the site. It is suggested that the latter species are immature, planted in the last 20 years. The original submission did not include a Tree Survey albeit it was discussed with the agent that this had already been commissioned and the final report was awaited. This has since been received during the life of the application.

The survey identified a total of 20 individual trees and two tree groups, the majority of which are along the site boundaries. A significant majority of the specimens are identified as Category B (retention is considered desirable). However, only one individual tree (a Category C Damson tree) and one group of trees (Category C comprising beech and cherry) would need to be removed to facilitate the development. The remainder would be retained with canopies protected by fencing and / or ground protection boards across the root protection area. A ground reinforcement geotextile is also intended to be used to protect the roots of T1 near the proposed access road.

The original comments of the Tree Officer raised concern in respect to some areas of hardstanding and their respective impact on tree specimens to be retained. These comments have been passed for review during the life of the application. A response has been received which essentially contend that the root protection measures outlined by the original Tree Report would be appropriate. Whilst the revised comments of the Tree Officer agree to this in principle, it is stated that the protection measures are still lacking in detail and therefore further detail is requested by condition.

The comments in respect to T5 and T6 are noted (that there may be later pressure to fell) but in reality I consider this to be relatively low risk given that they are positioned to the north side of the plot and therefore wouldn't impede on the plots amenity space. There may be some requirement for pruning but this level of compromise is considered reasonable to a site of this size.

Subject to securing the measures outlined by the report by condition, (and indeed acknowledging that there will be additional landscaping as part of the proposals), I am satisfied that the impact on trees would be appropriate.

The site is not affected by any local or national ecological designations. Nevertheless there is a local site of nature conservation at Balderton Lake some 400m to the east of the site. The

applicant has assessed the ecological potential of the site through the submission of an Extended Phase 1 Habitat Survey based on surveys undertaken in May and June.

The site is predominantly comprised of species poor amenity grassland and species poor tall ruderals and perennials. The survey did not identify significant habitat within the site nor an indication of any rare plants or plant communities present. The site does demonstrate the potential to support nesting birds and foraging bats as well as reptiles such as Grass Snake and Toad where taller vegetation is present. No physical evidence of protected species were identified through the site survey works and therefore the report does not recommend any further survey works. It is however suggested that precautionary methods are employed including careful consideration of lighting to ensure that it is low level and shielded. These methods could be secured by suitably worded condition which would ensure the development is appropriately mitigated and compliant with Core Policy 12 and Policy DM7.

### Impact on Highways

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 DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Given the number of dwellings to which the application relates, the application submission has been accompanied by both a Transport Assessment and a Travel Plan document (both undertaken by ADC Infrastructure). The development would be accessed via Lord Hawke Way with a T-junction to the north and south. This is a recently constructed roadway from Bowbridge Road developed to enable the delivery of the site allocation including the Leisure Centre and also now the Community and Sports Hub further east.

The Transport Assessment estimates the trip generation that the development will create both in terms of sustainable modes of transport such as walking and cycling but also in terms of use from the private car. It is stated that the residential delivery of the site would generate 52 two way traffic movements in a peak hour which is considered to be immaterial to the traffic on the wider highways network.

In respect to the submitted Travel Plan, the sustainable location of the development in the Newark Urban Area is used to demonstrate that numerous facilities will be within walking distance of the site. Nevertheless various measures and incentives are proposed to achieve targets such as a reduction in use of the private car. These measures (which could be secured by an appropriately worded condition) include appointment of a Travel Plan Co-coordinator as well as a monitoring regime.

The proposed development has been assessed by Nottinghamshire County Council as the Highways Authority with their comments listed in full above. Their comments have detailed a number of issues on various occasions which the agent has continuously attempted to address through revisions and further correspondence from their appointed Transport Consultant.

The outstanding matters of concern can be broadly split into matters of parking and drainage.

A parking schedule has been provided during the life of the application albeit this is now out of date for the scheme being formally considered owing to protracted discussions and amendments

to the parking provision and layout. The overall scheme demonstrates a mixture of solutions including parking to the side of plots; within undercrofts; in front of plots and in parking courts.

The latest plans for consideration demonstrate considerable efforts to overcome the perceived parking issues throughout the site. This includes moving dwellings within their plots (for example the four bed dwellings at Plots 25-27) to allow for side by side parking on the frontage thereby eliminating the need for tandem parking of three spaces. Other amendments include handing the apartment block for Plots 29-32 so that there is more space for overspill / visitor provision for Plots 33-40.

Notwithstanding the revisions made, there are still areas where the parking provision is less than ideal. For example, whilst the retained pedestrian linkage through the site is advocated in design terms, the consequence of this is that the parking provision for the adjacent plots would be positioned at the rear with car ports and spaces in front served by hardstanding turning heads. This is not ideal in terms of function insofar as the proposed occupiers would have to walk from the spaces to [probably] their rear door. The concern with this situation normally is that it will lead to on street parking as occupiers seek a more convenient solution. However, the width of the turning heads would not be inviting to allow on street parking and in some respects this would not even create a more favourable position. For example, if plot 08 were to park their car on the access to the turning head then they would have to walk further than if they were to use their assigned car port / parking space. It is fully appreciated that there will be compromises for some occupiers. However, this must be weighed in against the benefits of an attractive pedestrian environment which would be delivered by the retained pathway.

On the whole, the parking provision is screened from the public realm which is beneficial in design terms. Perhaps the starkest contrast to this would be the parking provision along the eastern boundary of the development to serve plots 33-40 inclusive. However, I am conscious that this is immediately adjacent to the car park for the existing Leisure Centre and therefore it is difficult to conclude that this would be harmful in itself.

With a scheme of this size there has to be a careful balance for both the amount of parking provision and its disposition within the site to avoid on street parking which could ultimately affect the efficiency and safety of the highways network (the crux of the outstanding highways objection).

Despite the elements of compromise identified above I am conscious that the site is within the Newark Urban Area which is a sustainable location well served by public transport. The apartment buildings in particular have also demonstrated spaces for cycles which would encourage more sustainable transport if parking provision does become in high demand. It is an unusual scenario for Officers to go against the advice of the Highways Authority. However, in this case, the concern that the proposal will result in on-street parking to the detriment of other uses of the highway is not considered to be robustly demonstrated on the basis of the latest plan submissions. On balance, it is not considered that this should represent a reason to refuse the application in its own right.

The other matter for concern from NCC Highways perspective is in respect to the drainage plan which shows soakaways within the highway where they have a preference for a piped system (which may or may not be acceptable to Severn Trent). Whilst the demonstration of a satisfactory drainage regime remains outstanding, it is not considered reasonable to withhold the

determination on that basis. NCC Flood have already suggested a condition requiring details of drainage which could be imposed with details submitted at a later date.

Moving then to NCC comments on the Transport Assessment submitted, it was requested that the agent specifically consider the implications of the committed Middlebeck (otherwise known as Land South) development currently under construction. This has been addressed by the agent including further traffic modelling to consider the interim scenario whereby 599 dwellings are occupied at Middlebeck with no further road improvements being made over and above the existing conditions. NCC Highways have accepted that this modelling demonstrates that there should be no capacity issues resulting from the proposal.

### Impact on Land Contamination

The application submission included an Exploratory Investigation Report undertaken by GeoDyne and dated May 2013. The age of the report is in acknowledgement that it was undertaken for the entire site allocation (i.e. where the Leisure Centre and Gladstone House has already been delivered).

Colleagues in Environmental Health have reviewed the report and, as their original comments above outline, requested that if permission is forthcoming a condition is imposed requiring further works. This is in acknowledgement that the report itself recommends supplementary testing of the topsoil prior to the residential delivery of the site. This matter has been subject to lengthy negotiations which have essentially led to the consultant acting on behalf of the applicant to present an alternative methodology of works (i.e. not as onerous as the usual 'standard' condition). The additional report has been received but is subject to an outstanding consultation with Environmental Health colleagues. Condition 11 has been drafted in the instance that this report is not acceptable however an update either way will be provided to Members through the late items schedule.

### Developer Contributions

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.

Planning obligations are usually delivered directly through the completion of a Section 106 legal agreement prior to planning permission being granted, and not through a planning condition. However, because NSDC are both the land owner and local planning authority, the legal advice states that a Section 106 legal agreement cannot be utilized. NSDC cannot enter into a planning obligation which imposes obligation upon itself as land owner enforceable by itself as Local Planning Authority. In this instance it would therefore be necessary to impose a condition which duplicates the necessary elements of a S106 legal agreement. The idea being the requirements of the condition would later form the basis of a future Section 106 legal agreement as and when the site (or elements of it) are disposed of to a third party who would then be able to enter into a legal agreement with the Local Planning Authority. This is an approach which has been previously taken by the Authority (specifically the Yorke Drive development).

### *Affordable Housing*

The District Council sets a threshold of 30% on site affordable housing delivery. For an 87 unit scheme this would amount to 26 units.

However, in the assessment of the application of 60 Care Units at Gladstone House, the Officer report accepted that *'the use promoted would essentially forward fund the delivery of affordable housing which could be off-set against any required contribution in association with future market housing delivery on the wider site.'* Put simply 60 affordable units at Gladstone House would represent 41% affordable delivery over the entirety of the allocation site and therefore given these specific site circumstances it is no longer considered reasonable for the current application to make provision towards affordable housing.

### *Community Facilities*

The SPD outlines that for a development of this size, a contribution towards community facilities would be expected. Community Facilities can include numerous types of development including village halls; areas for sport and activity; buildings for worship or buildings for leisure and cultural activity.

The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. This would amount to circa £120k for a scheme of this size.

However, I am mindful that the application site is immediately adjacent to existing community facilities both in the form of the recently developed Leisure Centre and also the development coming forward at the Community and Activity village. In this context, the area is well served by facilities of a high standard. In this case therefore there would be no justification to insist on a further contribution amounting from this development proposal. This has been agreed by the Community and Arts Manager as detailed by the consultation section above.

### *Education*

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The application includes 11 units specifically intended to cater for the retirement market. Nottinghamshire County Council as the education authority would ordinarily discount one bedroom apartments from the education requirement (on the assumption that these are unlikely to house children which would need school places). A similar assumption could be made for apartments directed towards the retirement market but seen as these are all two bed units, it would be necessary to control their occupation by condition.

Notwithstanding the above, as is confirmed by the comments of NCC as the education authority above, there is existing capacity in the education system to support the development and therefore no contribution towards education is sought.

### *Open Space*

As a development of 87 dwellings this application would need to make provision for public open space. The indicative layout demonstrates areas of formal open space which appears to include some garden areas to the rear of plots 83-87. This has been queried during the life of the

application with the applicant confirming that this is the correct interpretation of the plan. These units are intended for the retirement market and therefore it is proposed that they are served by a small patio looking onto the open space.

The SPD states that the scheme, at its maximum quantum, would need to provide for open space in the form of provision for children and young people (18m<sup>2</sup> per dwelling), amenity green space (14.4m<sup>2</sup> per dwelling), and natural and semi natural green space. The SPD also sets out the cost per dwelling where a commuted sum is required as well as the potential maintenance costs that would need to be agreed as part of any legal agreement. The alternative would be to provide all open space on site with a maintenance company.

The latest plan does not show any on site provision for children and young people with the intention to make a contribution towards an existing play area in the vicinity. The open space delivered on site would amount to 2,753m<sup>2</sup> which would meet the quantum requirements for amenity green space for 87 dwellings.

### *Health*

The Developer Contributions SPD details that, for a scheme of this size, a contribution to the health authority should be made for the sum of £982.62 per dwelling. Clearly this is subject to a justifiable means of spending such a contribution which is discussed in the comments of Newark Clinical Commission Group listed in full above. It is confirmed that it would be necessary for the development to make a payment of £80,040 for the investment in local health provision including Fountain Medical Centre; Lombard Medical Centre and / or Barnby Gate Surgery.

### *Libraries*

The SPD details that library contributions can be attributed towards the costs of building / extending a library building or the costs of providing additional stock for existing facilities. NCC have commented on the need for the development to contribute towards library provisions in their comments above. Based on the anticipated increase of 200 in population from the development, a contribution of £3,064 is sought.

### CIL

The development would be required to make a community infrastructure levy contribution of £45 per internal square metre. The applicant has submitted confirmation of the total floor space for the purposes of CIL calculations.

### Overall Balance and Conclusion

The proposal relates to the residential development of an allocated site within the Newark Urban Area. Although the quantum of development exceeds that originally envisaged by the policy allocation, as is detailed by the above appraisal, this is not considered fatal in principle.

The development would comprise a modern scheme with a variety of house types including single storey bungalows; apartments and two storey dwellings. The overall character implications of the proposal is on balance considered acceptable. Although there are areas of compromise, for example instances of rear parking and some house types being below government space

standards, these are somewhat mitigated by the overall layout which incorporates areas of open space including the retention of a right of way across the centre of the site.

Statutory consultees have appraised the application and it has been found acceptable in respect to matters; flooding / drainage; and heritage. Whilst there remains an outstanding highways objection, Officers consider that the latest plans have made enough changes to adequately address the areas of concern identified such that the parking provision and layout represents an acceptable compromise for a scheme of this size.

The contributions towards the District's housing supply in a sustainable location warrants significant positive weight and in the absence of any demonstrable harm to the contrary, the recommendation is one of approval subject to the conditions outlined below to mitigate the impacts of the development.

## **RECOMMENDATION**

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

### Conditions

01

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

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

- Site Location Plan – 19 / 2216 / LP (A) dated September 2019;
- Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. H received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. G received 15<sup>th</sup> January 2020;
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. F received 15<sup>th</sup> January 2020;
- Proposed Site Layout: Materials – 19 / 2216 / SITE005 Rev. D received 15<sup>th</sup> January 2020;
- Type A: 2B4P Apartment (Retirement) – 19 / 2216 / A-001 Rev. B dated August 2019;
- Type B: 2B4P Bungalow (Retirement) – 19 / 2216 / B-001 Rev. B dated August 2019;
- Type C: 2B3P Apartment (Variant 1) – 19 / 2216 / C-001 Rev. B dated August 2019;
- Type D: 2B3P Apartment (Variant 2) – 19 / 2216 / D-001 Rev. B dated August 2019;
- Type E: 2B3P Apartment (Variant 3) – 19 / 2216 / E-001 Rev. C dated January 2020;
- Type F: 2B3P Maisonette (Floor Plans) – 19 / 2216 / F-001 Rev. B dated July 2019;
- Type F: 2B3P Maisonette (Elevations) – 19 / 2216 / F-002 Rev. B dated July 2019;
- Type G: 2B3P Coach House – 19 / 2216 / G-001 Rev. B dated July 2019;

- Type H: 2B4P Terraced House – 19 / 2216 / H-001 Rev. B dated July 2019;
- Type I: 2B4P Bungalow Detached & semi-detached – 19 / 2216 / I-001 Rev. B dated August 2019;
- Type J: 3B5P Linear House Semi-detached & terraced variant – 19 / 2216 / J-001 Rev. B dated July 2019;
- Type K: 3B5P Corner House Semi-detached – 19 / 2216 / K-001 Rev. B dated July 2019;
- Type L: 3B5P Linked Terraced House – 19 / 2216 / L-001 Rev. B dated August 2019;
- Type M: 3B5P Standard Detached – 19 / 2216 / M-001 Rev. B dated August 2019;
- Type N: Gateway Marker House – 19 / 2216 / N-001 Rev. B dated August 2019;
- Type O: 4B6P Standard House Detached – 19 / 2216 / O-001 Rev. B dated July 2019;
- Boundary Treatments – 19 / 2216 / GEN001 dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;
- Car Ports – 19 / 2216 / GEN003 dated September 2019.

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

04

No development hereby permitted shall be occupied until details have been submitted to the Local Planning Authority for approval in writing of the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

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

05

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the Local Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

06

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction;
- hours/days of proposed construction.

Reason: To protect the amenity of the surrounding area.

07

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

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

08

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ref BBRN-BSP-ZZ-XX-RP-C-001-P1\_Flood\_Risk\_Assessment dated 22 May 2019, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.

- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

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

09

No unit hereby approved shall be occupied until bin storage facilities have been provided for that unit in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to occupation of any unit in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

10

The boundary treatments for each plot as shown on plan references Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. F received 15<sup>th</sup> January 2020 and Boundary Treatments – 19 / 2216 / GEN001 dated September 2019 shall be implemented in full prior to the occupation of each relevant plot.

Reason: In the interests of residential amenity.

11

The results of the further testing / sampling of the site as outlined by the scope of works in the letter by GeoDyne dated 12<sup>th</sup> November 2019 (reference 39368/CJP) shall be submitted to the Local Planning Authority prior to the commencement of development. Details of any subsequently required mitigation / validation shall thereafter be agreed with the local Planning Authority and the development carried out in accordance with the approved details.

Reason: To ensure that the risk to residential occupiers is fully understood and where appropriate mitigated against.

12

The first floor window opening on the northern side elevation of Plot 25 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.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

13

Units 77-87 inclusive as indicated by plan reference Proposed Site Layout: General Arrangement - Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. H received 15<sup>th</sup> January 2020 shall be occupied by at least one person over 60 years of age or their widow, widower (or recognised co-habitee, main carer or dependant).

Reason: To define the planning permission and in line with the applicants submissions.

14

The development hereby approved shall be carried out in accordance with the mitigation measures outlined by the requirements of the submitted Extended Phase 1 Habitat Survey undertaken by C Barker – P1841 / 0619 – 01 dated 18<sup>th</sup> June 2019, specifically;

- Controlled and directional vegetation clearance to enable reptiles to move away from the site.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

15

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests biodiversity specifically bats.

16

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on the application site.

f. Details of any scaffolding erection and associated ground protection within the root protection areas

g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

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

17

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

<b>Open Space / Children's Play Space</b>	On / off site provision and maintenance as follows:  Amenity Green Space  Provision for Children and Young People
<b>Health</b>	£80,040 (87 x £920 per dwelling) + indexation and monitoring from January 2020
<b>Libraries</b>	£3,064 + indexation and monitoring from January 2020

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

18

The following activities must not be carried out under any circumstances.

a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.

b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on the application site,

c. No temporary access within designated root protection areas,

d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.

e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.

f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.

g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.

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

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

19

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drive/parking area 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.).

20

Any 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 enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

21

Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

22

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

23

The development shall be carried out in accordance with "Section 8.0 Implementation and Monitoring" of the Travel Plan undertaken by ADC Infrastructure - ADC1938-RP-B dated 12<sup>th</sup> September 2019 specifically the role of the Travel Plan coordinator and the monitoring requirements with the exception of the references to approval from Nottinghamshire County Council. Approval shall be sought from the Local Planning Authority.

Reason: To promote sustainable measures of travel.

### Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

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](http://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. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

03

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

### 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).

**Lisa Hughes**  
**Business Manager – Growth and Regeneration**