

## PLANNING COMMITTEE – 28 APRIL 2020

Application No:	20/00275/FULM		
Proposal:	Residential development for 87 dwellings and associated works (resubmission of 19/01790/FULM)		
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:	17.02.2020	Target Date:	18.05.2020
Website Link:	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q5PBIQLBFYF00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q5PBIQLBFYF00</a>		

Members will recall that this application was presented at the meeting of March 31<sup>st</sup> 2020. At the time, the Regulations enabling Councils to undertake committee meetings remotely had not been published and therefore the Planning Committee made recommendations to the Chief Executive for his decision under Emergency Powers for all [decision-making] items on that agenda. In all decisions made by the Chief Executive, each application was considered on its own merits with regard given to the development plan and any other material planning considerations. As a result, all of Planning Committee's recommendations to the Chief Executive were confirmed with the exception of this application.

The recommendation for this application was for refusal for the following reason:

*"Despite the changes made since the previously refused scheme, the proposal would still fail to provide adequate off street parking to facilitate the development which in turn would lead to on street parking to the detriment of the safety and operation of the highways network. The proposal is therefore contrary to Spatial Policy 7 and Core Policy 9 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material planning consideration."*

In this case, the Chief Executive sought legal guidance due to serious concerns on the soundness of the refusal on the grounds of insufficient parking, a matter which is informed by guidance, and the Council being found to have acted unreasonably at any subsequent planning appeal. The Chief Executive therefore elected to return this application to the Committee for their decision, noting that the relevant legislation is now in place to allow Members to make a decision 'remotely'. In any event, the scheme has now also been amended.

Members will recall that following the original refusal (reference 19/01790/FULM) the applicant provided additional parking spaces as well as agreed to double yellow lines being provided, subject to consultation, which overcame the concerns previously raised by Nottinghamshire County Council Highways in terms of highway safety. The application considered by Members on the 31<sup>st</sup> March was providing 177 spaces where County's parking standards required

provision of either 180 spaces (based on number of bedrooms) or between 94 and 178 (demand based). The development at that time was therefore providing either 1 or 3 spaces too few, which was not considered could be supported as a justifiable reason for refusal should an appeal be submitted. Irrespective of this, the scheme has now changed.

As a matter of procedure it is noted that a scheme on this site has failed to get the Committees support on two occasions. That said, Members must still consider the (amended) proposal before them afresh to ensure the Council is not acting '*Wednesday*' unreasonable.

Since the previous meeting, the applicant has used the opportunity to take on board the concerns of Members and has revised the scheme to show an additional 5 parking spaces to serve the development towards the western edge of the site (shown on plan reference Proposed Site Layout: General Arrangement – 19 / 2216 / SITE001 Rev. J (received 17<sup>th</sup> April 2020)). The revisions are discussed in the relevant sections below and where text is altered from the previous agenda report, it is shown through bolded text.

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**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

**19/01790/FULM** - Residential development for 87 dwellings and associated works.

This application was presented to Members with an Officer recommendation of approval but this recommendation was overturned and the application was refused for the following reason:

*The proposal will result in on-street parking to the detriment of other users of the highway due to insufficient off-street parking spaces being provided. In addition, the layout of the development will require soakaways under the carriageway as shown on drawing DR-C-0001-P1 which is not an acceptable system of drainage. The proposal is therefore contrary to Policy DM5 of the Allocations & Development Management Development Plan 2013.*

### The Proposal

The current application is a re-submission of the previously refused scheme in an attempt to overcome the reason for refusal.

The quantum and mix of development remains the same as previously considered:

Type	No. of beds	No. of storeys	No. of units	Note
<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 key differences between the previously refused application and the current submission is the provision of 3 extra car parking spaces; other areas of configuration (i.e. clear distinction of surfacing showing access from car parking spaces to properties); and further works to drainage proposals. The applicant has submitted a covering letter detailing the justification for the proposal

which will be referenced in the appraisal below where relevant.

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

- Letter from Arkwood – ‘Bowbridge Road Development – “The Avenues”’;
- Design and Access Statement – 19 / 2216 / DAS Rev. C dated September 2019 (received 14<sup>th</sup> February 2020);
- 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;
- Supplementary Exploratory Investigation for Arkwood Developments by GeoDyne dated 21<sup>st</sup> January 2020.
- 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. J (received 17<sup>th</sup> April 2020;**
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. I received (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Materials – 19 / 2216 / SITE0005 Rev. E (received 14<sup>th</sup> February 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 (A) dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;
- Car Ports – 19 / 2216 / GEN003 dated September 2019;
- Topographical and Utility Survey – 3109 Drawing No. 0001 dated 21.06.2019;

- 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;
- Drainage and Levels Feasibility – BRNK-BSP-ZZ-XX-DR-C-0001-P03.

### Departure/Public Advertisement Procedure

Occupiers of 107 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** - It was decided to sustain the Committee's original **Objections**, together with a requirement for a Traffic Impact Assessment as follows:

- i) Over intensification of the site
- ii) Type H housing falling short of Government guidelines regarding size of property
- iii) Loss of privacy for Thoresby Avenue residents
- iv) Loss of another green space
- v) Newark Town Council remains extremely concerned about this planning application; since the original application was considered it has become clear that the funding to complete the Southern Link Road (East to West) is not in place, whilst a full TIA was carried out to support the Middlebeck development, this cannot now be relied on to support this, or any other significant new housing development on Bowbridge Road or adjoining streets.

The Town Council urges the District Council, in the strongest possible terms, to commission a new TIA to model the impact of the SLR not being completed on the Town. Without this assessment, applications for significant new house building in this area should be subject to a moratorium. There can be no justification for allowing new housing development to take place without the knowledge of what the traffic impact will be on the Town, in the event that this important road is not completed as planned. If the District Council are minded to approve this application, then the Town Council would suggest that any such permission is accompanied by a condition that no development may commence until such time as the funding for the full SLR is guaranteed & in place and the road is physically completed.

**NCC Highways Authority** – This application is a resubmission of 19/01790/FULM, which NCC objected to on the grounds of parking and drainage issues.

The new application has made some changes to the parking arrangements and provided further justification for the number of spaces and layout. In addition, an offer has been made to formalise the no waiting restrictions that currently exist on Lord Hawke Way that should protect against undesirable on-street parking. In respect of the parking, it is therefore concluded that this issue is resolved.

In respect of the drainage issue, the proposal now includes highway soakaway under areas of verge landscaping. In principle, this is acceptable. However, details and calculations have not been provided sufficiently to demonstrate that this means and scale of soakaway arrangement can be provided in an acceptable manner. Either more details are required prior to granting permission, or a pre-start condition applied to any decision notice (see below). Either way, it will be necessary for the Highway Authority to be granted easement to maintain the soakaways including an appropriate area around the soakaways for access. A commuted sum will also be required to cover maintenance costs and this will be included in any Section 38 road adoption agreement with this Authority.

In a related matter, I note that the position of the highway drainage soakaways sometimes coincides with proposed tree planting. This will not be possible/acceptable, and will have implications on the landscape proposals. Areas of verge will not be adopted and therefore a maintenance arrangement should be agreed and protected by condition and/or Section 106 agreement.

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.

No part of the development hereby approved shall commence until details and calculations in support of the highway drainage soakaway proposals shall be first submitted to and approved in writing by the LPA. Any proposed soakaway shall be located outside of the public highway boundary and suitable easement provided for maintenance access.

Reason: To ensure the highway drainage proposals can be accommodated and acceptably achieved within the extents shown on drainage drawing 0001/P03, and to protect the structural integrity of the highway and 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.

No part of the development hereby approved shall commence until an application has been made to the Highway Authority for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way (within the extent of the prospective public highway), and the length of new access road immediately outside plots 47,48, 61 & 62.

Reason: To prevent on-street parking that would be detrimental to the access and safety of other 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.

**NCC Rights of Way Officer** – I've checked the Definitive Map of recorded Public Rights of Way and can confirm that there are no recorded Public Rights of Way crossing the site edge in red on the site location plan. This does not preclude unrecorded public rights being proven to exist at a later date. I attach a plan showing an extract of the Definitive Map of Public Rights of Way for the vicinity of the site. As the applicant has acknowledged that there is a tarmacked surfaced walking and cycling route which passes through the site. We are unaware who owns or has maintenance responsibility for the path.

The Rights of Way Team has no objection to the proposal.

**NCC Strategic Planning** - Thank you for your email dated 17th February 2020 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 a 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.

### *Planning Obligations*

The following sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

### *Transport and Travel Services*

The County Council request a planning obligation of £5,000 for Sustainable Travel Contribution. This would be used to provide new occupants with a 1-month smartcard bus pass, or equivalent pass, for use on the local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures to serve the site.

### *Education*

Based on current projections, there is currently sufficient capacity in both the primary and secondary planning areas to accommodate the additional pupils generated by this development. Therefore, the County Council will not be seeking any planning obligations for primary or secondary education. As developer contributions are being 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. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

*Additional response re: education received 17<sup>th</sup> March 2020:*

## Potential Developer Contribution in respect of the proposed development on land at Lord Hawke Way and Bowbridge Road (20/00275/FULM)

### 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

Our 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.

We 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 on page 2) 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.

We 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** – We wish to OBJECT to this development.

The site is crossed by a path running parallel to Thoresby Avenue. Although this path is not registered as a public right of way it is nevertheless used extensively by local residents as a pleasant pedestrian route from Bowbridge Road to the sports area at the end of Elm Avenue and thence to the SusTrans track. Building on either side of this path would result in a significant loss of green space and a less enjoyable walking environment.

**NSDC Environmental Health (contaminated land)** – With reference to the above development, I have previously reviewed the Supplementary Exploratory Investigation Report submitted Geodyne (dated 21.01.20) in support of the previous planning application (19/01790/FULM).

This document builds on the previous investigations and provides additional sampling across the proposed development to allow a greater density of testing and increased confidence in the data.

The results of the sampling confirm the findings of the earlier works in respect of the PAH contamination in the location of TP6 and goes on to propose appropriate remedial measures to deal with this hotspot.

The Supplementary Exploratory Investigation Report also includes sampling of a parcel of land to the South West which was not included in the previous investigative works. Following the sampling of this area, the report concludes that the made ground in this locality is contaminated.

Potential remedial options for this area are considered, either for excavation and removal of the material or for remedial capping with certified clean material. Environmental Health considers either to be appropriate, however all Nottinghamshire Local Authorities require the top metre to be free from contamination, the 600mm cap proposed in the report is not sufficient.

I shall look forward to receiving an appropriate validation report in due course.

Due to the above outstanding issues, I would recommend that the application is conditioned as follows:

*'The development hereby permitted shall not begin until a scheme to deal with the contamination that has been previously identified in the Geodyne Supplementary Exploratory Investigation report dated 21<sup>st</sup> January 2020 has been submitted to and approved in writing by the local planning authority.*

*The scheme shall take account of Environmental Health's requirement for the top metre being free from contamination and shall propose appropriate methodology for validation of all remedial measures.*

*Following acceptance of the proposed remediation scheme by the local planning authority, the developer shall implement the scheme and carry out validation as agreed. A validation report shall then be produced and submitted to the LPA for approval.'*

**NSDC Environmental Health (noise and lighting)** - I refer to the above application and have reviewed the resubmitted application and previous application. As previously requested I would strongly recommend that a lighting survey is undertaken to establish the impact the flood lighting of the YMCA sports facilities.

I have noted previous comments received from the Senior Architect for the development which state:

*"I've spoken to the applicant on the issue of the YMCA lighting. As we understand it the complaints have come from the Elm Avenue direction where there has been a change from the previous recreation ground / open space to the new flood-lit sports facilities. The proposed residential development will be built within the context of these lights as existing, so any new residents will be aware of the situation: it will not be a change from the darker skys that existing residents may have enjoyed prior to the YMCA development. On that basis the applicant does not foresee any nuisance complaints arising from the new development and would not wish to undertake lighting surveys."*

One could be flippant and say that the applicant would say that wouldn't they. I cannot agree with the applicant that they do not foresee any nuisance complaints arising without undertaking such a lighting survey. Lighting complaints regarding the YMCA have been received from multiple directions and it is not the point that the sky will not appear dark, it is that residents of some of the properties may find the lighting intrusive. Should complaints be received the Council must investigate and cannot negate someone's concerns with a statement that the lights were already there.

Should the planning Authority feel it is not necessary to require a lighting survey and the application is granted I would be obliged if the following conditions are applied:

Restriction on hours of operation: The hours of operation on site should be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

Hours of delivery: No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

Limit hours of operation of machinery: No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Dust: The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

**NSDC Tree Officer** – No comments received.

**NSDC Conservation** – No comments received.

**NSDC Archeological Advisor** – The site is located in a potentially archaeologically sensitive area to the south-east of the historic medieval core of Newark. Numerous archaeological sites are noted within 1km of the site including two enclosures to the south of the site (HER: MNT3611 and 3610) of unknown, but possible Roman date and the parliamentary second line of circumvallation dating to 1645-1646, constructed during the Civil War. To the east of the proposed site, an isolated find spot records the location of a gold solidus of the Merovingian king, Clothar II, minted in Marseilles in approximately 625 AD. To the south-west of the site, recent work associated with the Newark South development has identified extensive, previously unknown, Roman and Iron Age settlement activity. Dense prehistoric and Roman archaeology has also been encountered to the north-west of Hawton House on the west side of Bowbridge Lane.

Recent archaeological monitoring work immediately to the south and east of the site did not record any features during construction work. However the absence of archaeology noted here does not preclude the potential for archaeology to be present on the current site.

If permission is granted, I recommend there be an archaeological condition to assess the archaeological potential for the site and to inform a further mitigation strategy. This would include, but may not be limited to, a trial trench evaluation of the site to provide information on the presence/absence/ location, depth, survival and significance of any archaeological remains

The specifications for the work should be approved by this department prior to commencement and this office will require ten days' notice before commencement of the archaeological work.

The following condition wording is based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019):

- **Part 1**

*No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:*

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

*The scheme of archaeological investigation must only be undertaken in accordance with the approved details.*

*Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.*

- **Part 2**

*The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.*

*Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.*

- **Part 3**

*A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.*

NPPF states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible' (para 199).

If planning permission is granted with an archaeological condition, please ask the developer to contact this office and we will prepare the usual briefs for the works.

**NCC Flood** – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 17 Feb 2020. 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 Cleveland Green playing field and Sconce & Devon Park in Newark and Coronation Street Park in Balderton. 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 serious consideration should be given to creating an area of children’s playing space 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. 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	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



development.	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** – No comments received.

**Cadent** – Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

### Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

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

- The issues remain the same in terms of lack of privacy and overshadowing to neighbouring dwellings;
- Taking up yet another green space with disruption to bird population due to removal of hedges;
- The site is enjoyed by dog walkers and used by children as a play area;
- Where will the cemetery be extended;
- Overdevelopment of the area with properties being built on Middlebeck and The Bearings causing increased traffic on Bowbridge Road;
- It seems the council is intent on giving themselves permission to develop on every piece of green land with little regard for the wishes of residents;
- An extra 87 houses plus construction traffic will make the road virtually unusable due to volume of traffic;
- The care home regularly has emergency ambulances called and works traffic will hinder this;
- School children regularly walk across the site which will not be safe during building works;
- The houses will overlook the flats in Gladstone House;
- The area is clearly a zone of health and leisure and the green space should be protected;
- Not everyone can afford to pay for leisure facilities;
- The Councils community plan says it protect, promote and enhance the districts natural environment;
- The planning allocation is totally inappropriate;
- The development would lead to congestion and associated air pollution;

#### Comments of the Business Manager

Whilst a significant level of the following assessment will be the same as that previously presented to Members on February 4<sup>th</sup> 2020, the current application has been submitted afresh with additional information which requires consideration. Moreover, the decision of Members to refuse the last scheme is material to the current determination and therefore will be referenced where relevant below. It is also material that Members refused the last application on a single reason (albeit relating to both parking and drainage issues). It would therefore be unreasonable to introduce new reasons to resist the current scheme unless they have directly arisen through the changes between the applications.

#### 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 aide 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.

As part of the previous application, the agent 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 built 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>
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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 and an updated survey is currently being undertaken. 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 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 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.

The applicant’s covering letter with the current submission has explicitly addressed how the proposals have evolved specifically to satisfy local housing needs. It is stated that:

*‘Arkwood wants to stand aside from other developers by building homes that people want to live in for the longer term thereby creating sustainable and diverse communities.’*

Furthermore the letter contains evidence to suggest that, *‘in general, the size of the homes are significantly larger than those that the market within Newark offers.’*

**Larger** – **Comparable** – **Smaller**

Unit Type (Nat. Space Std)	Arkwood	Developer A Newark	Developer B Newark	Developer C Newark	Developer D Edwinstowe	Developer E Worksop
2 Bed apartment (70m <sup>2</sup> )	65 - 72m <sup>2</sup>	N/A	N/A	N/A	N/A	67.5 - 72m <sup>2</sup>
2 bed bungalow (61m <sup>2</sup> )	65m <sup>2</sup>	N/A	N/A	N/A	63.5m <sup>2</sup>	54 – 58.5m <sup>2</sup>
2 bed house (70-79m <sup>2</sup> )	68.5m <sup>2</sup>	60.5 – 62.5m <sup>2</sup>	N/A	59.5m <sup>2</sup>	N/A	65m <sup>2</sup>
3 bed house (93m <sup>2</sup> )	91 - 97m <sup>2</sup>	70.5 – 75.5m <sup>2</sup>	92.5m <sup>2</sup>	71 – 98m <sup>2</sup>	103.5m <sup>2</sup>	86 - 95m <sup>2</sup>
4 bed house (106-115m <sup>2</sup> )	124.5m <sup>2</sup>	97.5 – 109m <sup>2</sup>	112.5 – 125m <sup>2</sup>	99 – 118m <sup>2</sup>	156m <sup>2</sup>	135m <sup>2</sup>

Officers concur that a range of house types (including a notable 13% proportion of bungalows) 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 referred to (33-40) were increased than the subsequent rear garden sizes would be decreased (without a significant re-design), the slightly reduced floor area for some house types is not considered sufficient to warrant refusal in its own right. This judgement is particularly reached when taken in the context of the above table which clearly demonstrates a number of the house types would over provide in floor space in comparison to a number of other schemes on the market.

### 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.

The applicant has also directed Members towards specific design features such as open plan living areas served by natural light and flexible internal room layouts. The apartments all have internal cycle stores and garages are generally larger than other house builders.

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) 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.

Members may recall that in the consideration of the previous scheme Officers advised that further archeological works would not be required 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. However, as detailed by the consultee section above, the current scheme has been assessed by the Council's appointed Historic Environment Officer. The comments acknowledge that the site is located in a potentially archaeologically sensitive area to the south east of the historic medieval core of Newark. Ultimately the conclusion is contrary to Officers previous assessment and contends that the absence of archeological evidence on the adjacent site does not preclude the potential for archeological remains to be discovered on the application site. Clearly matters of archeology are material to the decision (and indeed are referenced in the site allocation) and in the context of these comments Officers are minded to take a different standpoint and recommend the imposition of the suggested conditions to protect any archeological potential of the site.

### 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.

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 agent responded to the previous concern by identifying 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 was 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.

As is detailed above, part of the reason that Members refused the last application was that the plans demonstrated soakaways under the carriageway which was deemed an inappropriate means of drainage. The covering letter with the current application states that drainage consultants have been commissioned to complete a new design to provide an on-site solution to surface water drainage. No further details of this design were submitted with the application submission. Given that this directly relates to part of the reason for Members refusing the last application, Officers have sought a more comprehensive update on this point. To address the point a drainage plan has been submitted during the life of the application. The Highways Authority have accepted the use of highways soakaways under areas of verge landscaping in principle. However, further detailed calculations are required prior to being formally agreed. The agent has confirmed that the intention is for the exact design of the soakaways and landscaping to be coordinated together, which will be developed with the contractor. These details could reasonably be secured by condition (which is an accepted approach by the Highways Authority) and therefore subject to appropriate conditions, there would be no reason to resist the current application on means of drainage.

### 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 application has been accompanied by a Tree Survey.

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.

Some of the retained trees would be close to plots (for example T5 and T6 to Plot 01) so I have carefully considered whether it may be desirable for the occupiers to fell these specimens despite the intention for their retention. 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 protection measures as 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 in 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.

The comments of the Town Council above suggest that the District Council should commission a new traffic model to take account of the potential implications of the southern link road not coming forward as anticipated. Whilst these concerns are noted, it would be wholly unreasonable to hold the decision of the current application on that basis (or condition that work cannot be commenced until funding is in place). As Members are aware it does not fall for individual applications to fix current issues in the highways network. The proposed development would not add sufficient traffic to severely impact upon the existing traffic conditions. The application has been accompanied by a Transport Assessment which considers the impact of the proposed scheme and allows the current application to be assessed irrespective of the Town Council's concerns in relation to the southern link road.

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 crux of the previous refusal was in relation to the insufficient parking provision to serve the proposed development which in turn would have led to on street parking to the detriment of the safe operation of the highways network.

Since the refusal, the applicant has met with Officers and NCC as the Highways Authority to advance this re-submission in an attempt to address the previous concerns. This is referenced in detail by the applicant's covering letter:

*"The development adopts the NCC Highways guidance and exceeds the overall minimum provision of 161 spaces by 16 additional parking spaces = 177 Spaces – The development achieves an impressive 203% parking provision across the site."*

The specific changes in comparison to the previously refused scheme include the provision of 3 extra parking spaces to the east of the site (2 more in the visitor parking for plots 33-40 and 1 more adjacent to the apartment blocks of plots 29-32). It is also intended that there would be double yellow lines marked along Lord Hawke Way to discourage inappropriate parking. Again the applicant has taken the opportunity to compare their proposals against other developments in the District (and one in Bassetlaw) in terms of parking provision:

Key : Parking provision when comparing similar recent developments with Arkwood design –

More – Comparable – Less

	Arkwood Bowbridge Rd	Site A Southwell	Site B Newark	Site C Worksop
Units Types	2,3 & 4 Bed	1,2 & 3 Bed	1,2,3 & 4 Bed	1,2,3 & 4 Bed
Unit Number	87 units	38 units	62 units	80 units
Parking Provision (no.)	177 spaces	67 spaces	117 spaces	155 spaces
Parking Provision (%)	203%	176%	188%	193%

Owing to the latest revised plan, the above table is now out of date insofar as the proposed site would now include a total on 182 parking spaces. This exceed the minimum number of spaces required on the NCC methodology of either 180 spaces (based on bus route and site accessibility) or between 94 and 178 (based on the ‘demand’ method of calculating car parking spaces).

Irrespective of which method is used, the proposal as revised would provide over the required number of spaces by at least 2 spaces. On this basis there is no tangible evidence to suggest that the development would lead to on street parking to the detriment of highways safety.

Furthermore, the National Planning Policy Framework, paragraph 109 states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

It is now the case that NCC’s objection on car parking and highways has been removed (as was the case on the 31<sup>st</sup> March) and that car parking spaces provided exceed NCC standards. Officers remain of the opinion that continuing to sustain refusal on car parking grounds will likely lead to the loss of any appeal and a successful claim of costs on the ground of unreasonable behavior. This is also the case should Members introduce any new grounds not previously reasonably raised.

The case remains, as with the previous proposals, that there would be areas of parking provision which could be considered compromised in terms of their usability. 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 (indeed pathways have now been indicated on the plans to show these linkages). 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. 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.

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 as well as being allocated within the Plan for housing. 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.

The revised scheme has been assessed by NCC as the Highways Authority with their comments listed in full above. The comments acknowledge the further justification and changes made in the current scheme. The encouragement of further waiting restrictions on Lord Hawke Way has also been referenced in the comments which ultimately conclude the previous parking issues have been resolved. Clearly this is a material change from the previously refused proposal.

The Highways Authority has suggested a number of condition should Members be minded to approve the application. One of these (number 24 in the recommendation list below) relates directly to the applicant making an application for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way. Officers have queried the wording of this condition given that it would not necessarily secure this coming into place. However, given the process (which is open to public consultation and could in an unlikely scenario be refused) the Highways Authority do not consider that it would be reasonable to condition the implementation of the waiting restrictions. The Highways Authority is satisfied that their suggested wording of the condition ensures best endeavors will be made to secure the restrictions. The condition meets the tests and therefore there is no issue with imposing it as suggested.

The proposal as revised would subject to the suggested conditions comply with the requirements of Spatial Policy 7 and the relevant elements of Policy DM5. The applicant has demonstrated that the revised proposal would not have an adverse impact on the highways network and the Highways Authority have confirmed that they would no longer object to the development of the site as proposed.

#### Impact on Land Contamination

The application submission included a Supplementary Exploratory Investigation undertaken by GeoDyne and dated 21<sup>st</sup> January 2020.

Colleagues in Environmental Health have reviewed the report and accepted that the document builds on the previous investigations of the site since the time of the Leisure Centre application. It is considered that the remedial options presented are acceptable subject to an increase from 600mm to 1m cap to be kept free from confirmation. A bespoke condition has been suggested which could be attached to any forthcoming permission.

#### 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.

### *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 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 **2,689m<sup>2</sup>** which would meet the quantum requirements for amenity green space for 87 dwellings. **Whilst the latest plan shows five additional parking spaces within areas that were previously shown as open space, the development would still achieve around 1,436m<sup>2</sup> more amenity green space that the policy requirement of 1,253m<sup>2</sup> (i.e. 115% more than required by the SPD).**

### *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.

### *Transport*

Contrary to the previous application, NCC Strategic Policy have requested a contribution of £5,000 for Sustainable Travel Contribution. It is stated that this would be used to provide new occupants with a 1-month smartcard bus pass, or equivalent pass, for use on the local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures to serve the site. Officers have queried the change in position (noting that the number of proposed dwellings has not changed) and a response has been received stating that the request is justified partly given that the previous scheme was refused on the basis of parking provision. Clearly, as is outlined above, Officers are of the view that this matter has now been resolved and therefore this is not considered to form an adequate or relevant justification. It is also stated that the contribution would help achieve modal shift and reference is made to the submitted Travel Plan which includes an intention to provide a welcome pack including information of bus timetables etc. Officers consider that in this instance it would be more reasonable to condition compliance with the Travel Plan rather than seek an additional financial cost for bus tickets. The size of the scheme is below the usual threshold for a Sustainable Travel Contribution and in this case the justification provided is not considered sufficient to deviate from the norm.

### 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 applicant has submitted the current application as a direct attempt to overcome the previous refusal on the basis of parking and drainage issues. As is detailed above, the additional justification and revised design measures have led to the Highways Authority removing their previous objection.

**Member's concerns in respect to parking provision have been noted by the applicant and the latest plan submitted demonstrates an additional 5 parking spaces to the previous iteration considered by Members. When taken in the context of the available parking provision calculations, this represents an over provision of at least 2 spaces (more depending on which method is relied on). Moreover, the applicant has already demonstrated that the level of parking exceeds that provided by numerous other schemes in the District. Weight must also be attached to the sustainable location of the site which provides significant opportunity for more sustainable modes of travel.** The scheme as revised would be, subject to conditions, compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

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:

- Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. J (**received 17<sup>th</sup> April 2020**);
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. I received (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. G (received 14<sup>th</sup> February 2020);
- Proposed Site Layout: Materials – 19 / 2216 / SITE005 Rev. E (received 14<sup>th</sup> February 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 (A) 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 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 have been submitted to and approved in writing by 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.

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. G received 14<sup>th</sup> February 2020 and Boundary Treatments – 19 / 2216 / GEN001 (A) dated September 2019 shall be implemented in full prior to the occupation of each relevant plot. The approved boundary treatments shall be retained thereafter for the lifetime of the development.

Reason: In the interests of residential amenity.

11

The development hereby permitted shall not begin until a scheme to deal with the contamination that has been previously identified in the Geodyne Supplementary Exploratory Investigation report dated 21<sup>st</sup> January 2020 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall take account of Environmental Health's requirement for the top metre being free from contamination and shall propose appropriate methodology for validation of all remedial measures.

Following acceptance of the proposed remediation scheme by the local planning authority, the developer shall implement the scheme and carry out validation as agreed. A validation report shall then be produced and submitted to the LPA for approval prior to the occupation of any dwelling hereby approved.

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 - 19 / 2216 / SITE001 Rev. I received 14<sup>th</sup> February 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 of 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

No part of the development hereby approved shall commence until details and calculations in support of the highway drainage soakaway proposals have been first submitted to and approved in writing by the Local Planning Authority. Any proposed soakaway shall be located outside of the public highway boundary and suitable easement provided for maintenance access. The drainage soakaways shall be constructed in accordance with the approved details.

Reason: To ensure the highway drainage proposals can be accommodated and acceptably achieved within the extents shown on drainage drawing 0001/P03, and to protect the structural integrity of the highway and 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.

24

No part of the development hereby approved shall until an application has been made to the Highway Authority for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way (within the extent of the prospective public highway), and the length of new access road immediately outside plots 47, 48, 61 & 62.

Reason: To prevent on-street parking that would be detrimental to the access and safety of other road users.

25

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

26

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

27

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the

works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

### 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**



Committee Plan - 20/00275/FULM

