

## PLANNING COMMITTEE – 30 JUNE 2020

<b>Application No:</b>	<b>19/02158/OUTM</b>	
<b>Proposal:</b>	<b>Residential development of up to 19 no. new dwellings (following removal of Grove Bungalow and existing outbuildings)</b>	
<b>Location:</b>	<b>Grove Bungalow, Barnby Road, Newark-on-Trent, NG24 2NE</b>	
<b>Applicant:</b>	<b>Richmond and Pritchett</b>	<b>Agent: Grace Machin Planning &amp; Property</b>
<b>Registered:</b>	<b>19 December 2019</b>	<b>Target Date: 19 March 2020</b>
	<b>Extension of Time Agreed until 3<sup>rd</sup> July 2020</b>	
<b>Link to Website:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>	

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Newark Town Council has objected to the application which differs to the professional officer recommendation.**

### The Site

Located on the southern side of Barnby Road, the site comprises a well-proportioned attractive brick built bungalow set centrally within its long plot. Vehicular access to the site is from the eastern side of the frontage via a gravel/brick track. There are mature attractive trees that front the remainder of the highway. Mature vegetation and hedgerows bound the large front garden area.

To the rear of the bungalow is a lawn area with a number of mature trees which take on the appearance of an orchard. There are a number of low lying outbuildings to the east of the bungalow within its curtilage.

The remainder of the site to the east of the bungalow (outside of its curtilage) and to the rear of the dwellings fronting Barnby Road, is overgrown, vacant and accommodates a number of trees and vegetation.

Compared to surrounding dwellings, the host bungalow is set back within its plot. A detached modern dormer bungalow lies to the north-west whilst to the north-east is a row of historic two storey cottages (Grove Cottages) which sit gable end on with the highway and have windows facing the site. On the other side of the highway (north) are a number of large modern dwellings and beyond that is the east coast railway line.

A Biological SINC (Ballast Pit) lies circa 200m to the west across fields which is recognised as ‘a long disused ballast pit supporting open water and carr communities’.

The site lies within the defined built up part of Newark Urban Area.

## Relevant Planning History

- 20/000006/TPO – A group Tree Preservation Order has been made June 2020.
- PREAPP/00239/19 – Pre-application advice was sought for a scheme of around 20 dwellings. The advice was positive albeit a lower density was suggested.

There have been 3 notable applications located on land immediately to the south; known as land at Highfields School. In brief these were for:

- 17/00357/FULM – Residential development comprising 95 houses and associated infrastructure including removal of 26 TPO trees, Refused 15.09.2017. Issues related to impacts (visual and crime/disorder) from MUGA and viability having regard to disproportionate development costs and that the development couldn't mitigate the impact it would have upon infrastructure. Appeal Dismissed.
- 16/01134/FULM - Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Areas (MUGA) and the removal of 8 TPO trees. (Resubmission of 14/01964/FULM). Refused 15/09/2019. Issues related to ecological impacts and viability having regard to dis-proportionate development costs and that the development couldn't mitigate the impact it would have upon infrastructure. Appeal Dismissed.
- 14/01964/FULM - Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Refused 14.07.2015 on grounds that the number of compromises (such as noise from MUGA, privacy, failure to maximise community use, lack of infrastructure including affordable housing) meant it was unsustainable development. Appeal Dismissed.

### *Land immediately to the east (of the southern part of the site)*

- 19/01331/FUL - Proposed development consisting of 3 no. detached dwellings together with associated outbuildings and landscaping. (Resubmission of application 18/01609/FUL). This was approved under delegated powers on 1<sup>st</sup> April 2020.

## The Proposal

Outline planning permission with all matters reserved, except for the means of access, is sought for residential development. The quantum of development was originally for up to 20 dwellings but during the application process has been reduced to a maximum of 19 dwellings.

An indicative block plan has been submitted to demonstrate how this quantum of dwellings might be achieved on site together with limited (4) indicative elevations.

## The Submission

- Site Location Plan – drawing no. 1506G/004
- Indicative Block Plan – drawing no. 1506G/003A

- Typical Dwelling Elevations – drawing no. 1506/002
- Site Block Plan – 1506G-001
- Topographical Survey – Job No. 3394
- Proposed Preliminary Access Design Sheet 1 of 1 – drawing no. 100334-01-0100-01
- Amended Arboricultural Report & Impact Assessment, by AWA Tree Consultants dated November 2019 (received 06.01.2020)
- Combined Planning and Design & Access Statement, December 2019
- Ecological Appraisal Report by JJH Consulting, November 2019
- Flood Risk Assessment, Rev A by Dice Consulting Engineers Ltd, received 12 June 2020
- Preliminary Access Design – 100334-01-0100-01c, received 05.02.2020
- Extent Plan (24 Dice, Grove Bungalow, Barnby Road) received 05.02.2020
- Supplementary Bat Report, JJH Consulting Ltd received 18.05.2020
- Amphibian Mitigation Strategy, JJH Consulting Ltd, received 18.05.2020
- Foul Drainage Assessment Form, received 17.04.2020
- Sewer Record Plan, received 17.04.2020
- Proposed Drainage Strategy, Sheet 1 of 1, drawing no. 100334-01-0500-01, received 12.06.2020

#### Departure/Public Advertisement Procedure

Occupiers of ten 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. A re-consultation process on the additional ecological information has also taken place.

#### 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  
 NAP1 - Newark Urban Area

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
 DM3 – Developer Contributions and Planning Obligations  
 DM5 – Design  
 DM7 – Biodiversity and Green Infrastructure  
 DM12 – Presumption in Favour of Sustainable Development

## Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Affordable Housing SPD 2013
- Developer Contributions and Planning Obligations SPD 2013

## Consultations

**Newark Town Parish Council** – (03.06.2020) Object as follows:

1. This development is over-intensive for the site.
2. The development will have a significant negative Impact on Amphibian Migration Route. This application does include an Amphibian Migration Strategy with some suggestions on how to improve the environment for amphibians such as hedgerows instead of fences to allow access, shelter and foraging. However these suggestions would have to be conditions in order to be assured when built and there is a concern that such measures can't guaranteed in the future if they are undone by alterations to the site by future occupants of the properties.

The intensive nature of the development is also of concern with regard to Amphibians. The present development, which is less intensive, has had a negative impact on the numbers of amphibians. Frog Life, who have monitored the migration route since 1988 have reported that between 2000 and 2020 numbers of toads have dropped from 800 to 143. Housing development was identified one contributing factor in ecologist Simon Thomas' 2008 report Barnby Road Pond Amphibian and Reptile Study. This report also points out how the route is connected to the ecology of the nearby pond which is enjoyed by many local people and visitors including for fishing. Also that the migration route is unusual in that the amphibians have colonised habitats in an urban area created by the railway rather than being destroyed by it. This is "an interesting facet of Newark's Natural Heritage" one which will be greatly damaged if not destroyed if the area is intensified.

3. Privacy; several neighbouring properties will be over looked from the new buildings.
4. Transport; there is insufficient parking proposed for the amount of housing on the site.
5. There is insufficient public transport serving the site. There is one bus stop within walking distance of which a small limited amount of buses attend infrequently.
6. This site represents the last open break between Newark and Balderton; the loss of this break is unacceptable.

Previous comments (10.01.20) - Strongly object for the following reasons:

- the principle of any development on this site is challenged as it represents the last open break between Newark & Balderton;
- over intensification of the site;
- no Ecology Assessment available - it is an important site for toad migration and bat roost;
- not suitable public transport route, is on a bus route but not a regular service available.

## **NCC Highways Authority – (11.02.2020)**

“Since the issuing of initial highways observations last month, a revised access plan has been submitted which confirms that sufficient visibility splays can be achieved from the improved access point, within the extent of adopted highway. Therefore, there are no objections to the granting of outline permission (with means of access) subject to conditions and informatives.

The applicant is reminded that whilst the application form on this occasion has indicated that the development is to remain private, the scale of development is such that the Highway Authority would advocate the design of an adoptable internal road layout. If this were to be pursued in the future, then it will be necessary to have a minimum of 0.5m service strip along the eastern edge of the internal road; this will not be permitted to have trees planted within it.

### **Condition: -**

- 1) No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary in accordance with approved plan reference Dice Proposed Preliminary Access Design on drawing number 100334\_01\_0100\_01 revision C dated 4 February 2020.

Reason - To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety

### **Informative: -**

- In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact HDC North at Nottinghamshire County Council [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) in the first instance.”

(23.01.20)

“The Highway Authority (HA) understand this to be an outline (with access) application for up to 20 dwellings on the site of Grove Bungalow off Barnby Road in Newark. The site currently houses one dwelling, with outbuildings all of which are proposed to be demolished. The site has a point of extant vehicular access on to Barnby Road which is proposed to be improved to serve the scale of development.

The HA previously provided pre application comments for development on this site in late 2019, identifying the scale of development is such that the design of an adoptable road layout is warranted. Notwithstanding the fact that the application form suggests the development will remain private, the access design comprises of a 4.8m wide carriageway together with a 2m footway along the western edge as per Part 3 of the Nottinghamshire Highway Design Guide (NHDG)1.

An uncontrolled crossing point has also been proposed immediately to the west of the site access, to connect with the existing footway on Barnby Road which would allow pedestrians to walk towards Newark town centre. It is assumed that a service strip is proposed along the eastern edge of the access; there appears to be either proposed, or existing trees which appear very close to the back of the carriageway. Vehicular visibility splays have also been demonstrated; please could the plan be updated to demonstrate that the required vehicular visibility splays do fall all within existing highway, and or land within the control of the applicant. Highway boundary information can be readily obtained by emailing [highwaysearches@viaem.co.uk](mailto:highwaysearches@viaem.co.uk); a small charge will be levied.

Whilst appreciating only means of access is being determined, for the eventual road layout to be adopted it would need to be designed in accordance with Part 3 of the NHDG in terms of forward visibility, bend widening, speed control along with adequate turning head provision for a refuse wagon operated by Newark and Sherwood. Please note that bin wagon dimensions do differ amongst authorities, and it is the applicant's responsibility to ensure that the layout can accommodate the correct sized wagon."

**NCC Lead Local Flood Authority** – Formal comments on amended drainage strategy are awaited and will be reported as a late item

(27.12.20) Object until adequate FRA submitted

**Environment Agency** – Formal comments on amended drainage strategy awaited and will be reported as a late item.

(21.05.2020) No comments to make

(24.04.2020) – 'Thank you for consulting the Environment Agency on the above proposal.

From the information submitted the only environmental issue which falls within our remit and which we will be commenting on is regarding foul drainage. However, we are currently unable to provide you with a formal response as there are discrepancies/contradictions in the information provided by the applicant. It is currently unclear how foul drainage is to be disposed of and we therefore require clarity, as detailed below, in order to assess the submission.

#### *Foul Drainage Assessment*

This states that the applicant intends to utilise an existing non-mains foul drainage system and discharge to a watercourse.

The quantity of discharge stated would require a permit and any existing system installed for the existing bungalow is unlikely to be sufficient for the needs of the whole development. There is no watercourse in the immediate vicinity so it is unclear where the effluent is to be discharged to. We note that there are some historic private treatment systems in the vicinity but these soak away to ground rather than discharging to watercourses.

The form also states that the applicant have provided a written explanation of why connection to the mains sewer is not feasible; however we are unable to locate this document.

### *Flood Risk Assessment*

This document indicates that the applicant intends to connect the foul drainage to the public sewer via a PDaS sewer, but that existence of the PDaS sewer on Barnby Road is only 'assumed'. These are former private sewers that were transferred over to Severn Trent as a public sewer in October 2011 as part of the Private Drains and Sewers (PDaS) 2011. The fact that they are not shown on the Severn Trent Sewer Record Plan does not mean they do not exist, but the developer would need to investigate this further (6.27 of the Design and Access Statement says 'we therefore anticipate the LLFA will request that a below ground CCTV survey is undertaken before the development commences').

We would be grateful to receive clarity from the applicant on the above issues.'

### **NCC Policy/Developer Contributions (13.01.20)**

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 will request a Bus Stop Infrastructure contribution of £13,000 is paid to provide new bus stops facilities on Barnby Road:

- Newark bound new stop - Install standard bus stop pole with hardstand waiting area and raised boarding kerb
- Lincoln bound new stop - Install standard bus stop pole and raised boarding kerb

#### *Education*

A development of 20 dwellings would yield 4 additional primary and 3 additional secondary school places.

##### *Primary*

Based on current data there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development. As a result, the County Council will not be seeking any planning obligations towards primary education.

##### *Secondary*

Based on current data there is projected to be sufficient places to accommodate the additional secondary aged pupils projected to arise from the proposed development. The delivery of secondary education in the District is via the CIL. Due to there being sufficient capacity, the County Council would not seek a CIL contribution from this development.

(14.01.2020) - The site has a high archaeological potential. The RCHME identified the Line of Circumvallation as running through the site in their volume on the Civil War siegeworks of Newark. We have had only limited opportunities of identifying this earthwork, which would

probably be of national significance once firmly located. The County Council would strongly recommend that if planning permission is granted this should be conditional upon a scheme of archaeological mitigation, which might probably best focus on a strip, map and record exercise.

**Cadent (Gas)** – (23.12.19) Advice that an assessment has been made:

“Affected Apparatus

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)”

Details of what should be undertaken prior to any work taking place then follow.

**Network Rail** – (01.06.2020) No objection in principle but there are requirements that must be met. They go on to request that an informative is added to any approval which is repeated verbatim in the ‘note to applicant’ section of this report.

**Tree Consultant** – (21.05.2020) – No further comments

Previous comments: ‘There appears to be some discrepancies between the indicative block plan and the AMS with regard to retained/removed trees.

T212/13 are shown removed on AMS plan but retained on block plan.

G41 and G51 are shown partially retained on the AMS plan but removed on block plan

G44-retention/removal is unclear.

If the above can be clarified any approval will require compensatory soft landscaping and retained tree/hedge protection measures.’

Recommend conditions:

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

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



- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

### 3. Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

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

**Natural England** – No comments to make. Refer LPA to Standing Advice.

**Nottinghamshire Wildlife Trust** – (04.06.2020) –

“We have reviewed all the necessary documents, including but not limited to the ‘Supplementary bat report’ and the ‘Amphibian mitigation strategy’.

We are generally pleased with the information provided in each report; however, we would like to draw your attention to the following:

### **The Amphibian Mitigation Strategy**

Detailed on page 7 paragraph 4.0, the ecologist recommends various mitigation strategies which we fully support, including habitat creation and enhancement on site which will post-development foraging habitat and movement corridors for common toad and other amphibian species where present. We would like to reiterate the importance of the recommended habitat creation and we would expect to see these suggestions being implicated on site. Furthermore, the ecologist also recommends precautions for site clearance and preventing fragmentation to ensure the protection of amphibian species present on site. Again, we would expect these suggestions to be followed and implemented by the developer to ensure no amphibian species are harmed. As you will be aware, common toads are protected in the UK under the Wildlife and Countryside Act, 1981, and are also a Priority Species under the UK Post-2010 Biodiversity Framework. Therefore, legislation required that planning authorities need to ensure that common toads are protected from adverse effects of development.

### **Supplementary Bat Report**

Detailed on page 6, paragraph 4.0, the ecologist recommends that demolition should proceed with caution due to the possibility of bat use in the building. We would like to reiterate that if bats or bat droppings are found during demolition, then all work should stop immediately, and a licenced ecologist should be contacted immediately. Furthermore, as the building was considered to offer some potential for use by bats, it is recommended that surveys be repeated if there are any delays to works of more than 12 months. We would also like to highlight the habitat creation and improvements recommended in paragraph 4.4 which should be implemented during and after the development works. In Britain, all bat species and their roosts are legally protected, by both domestic and international legislation.

This means you may be committing a criminal offence if you:

1. Deliberately take, injure or kill a wild bat
2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
3. Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
4. Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
5. Intentionally or recklessly obstruct access to a bat roost.

Therefore, planning authorities need to ensure that all bat species are protected from any adverse effects of this development.”

(07.01.2020) - “We wish to comment on the above application.

We have reviewed the supporting information available on the planning page and note that your email dated 03/01/2020 to George Machin outlines the requirement for further bat surveys and the need to address and provide an appropriate mitigation strategy for the amphibian interest including the toad crossing in the area.

We fully support this approach and would expect all issues relating to protected species (both European Protected Specs and Section 41 NERC Act 2006 Species of Principal Importance) to have been considered and addressed at this stage of the application, as per the requirements of the National Planning Policy Framework (2019).

Once these issues have been addressed we will be happy to review and provide comments relating to any further information, including any proposed mitigation and results of further bat surveys in relation to this application.”

**Trent Valley Internal Drainage Board – (21.01.20)**

“The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

The Board maintained Sodbridge Drain, an open watercourse, exists in a south easterly direction from the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts.

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

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

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

**NSDC Strategic Housing – Recommends the following affordable dwelling mix:**

	Affordable Rent	Shared Ownership	Totals
2 bed	3		3
3 bed		2	2
	3	2	5

**NSDC – Parks and Amenities –** ‘As a proposed development of more than 10 houses this scheme will need to make provision for public open space in the form of children’s playing

space (18m<sup>2</sup> per dwelling) and I note that the amended indicative site plan does not appear to show any such provision. The scheme will thus need to be amended either to provide on-site children's playing space (360m<sup>2</sup> based on 20 dwellings) or a commuted sum towards off-site provision/improvement and maintenance will need to be provided. The nearest appropriate site for such provision is Barnby Road Community Park however this site is c500m away along a fairly busy road.'

**Representations have been received from 8 local residents/interested parties which can be summarised as follows:**

- Concern regarding vagueness of application;
- Concern a scale of development; is it 20 or 50 (the D&A Statement suggests the highway can accommodate up to 50)
- Layout and density is inappropriate and have harmful impact on wildlife;
- D&A Statement refers to regular and frequent bus services; this is not correct – bus stop is 6 minute walk away and are only 3 per day, distance to town is also inaccurate;
- Concerns regarding highway safety and poorly maintained footways;
- Discrepancies in tree survey - Trees T42 and T43 are not within the ownership of the developer
- Queries over hedgerows and what will happen to it, loss of habitat for wildlife if lost; Concerned that hedgerows might not be preserved, important for habitat and privacy.
- Ecological issues not been properly addressed such as bats;
- Toad migration route is not mentioned;
- Flood risk assessment inadequate;
- No public sewers (all have septic tanks) and rainwater could run from this higher land elsewhere;
- Persistent gas leak in the area involving years of exploratory digging which is so far unresolved;
- Neighbour has badgers in their garden each year, bats and owls in the trees;
- Concerned about impact on privacy and overlooking;
- Concern from traffic pollution;
- Barnby road itself is narrow, in a state of disrepair with speeding cars so is already dangerous;
- Concern at impact on local infrastructure such as schools.

Comments of the Business Manager

The Principle

The Council is able to robustly demonstrate a 5 year housing land supply and the Development Plan is up to date for decision making. In accordance with DM12 and the NPPF, the starting point for decision making is with the statutory Development Plan.

Spatial Policies 1, 2 and NAP1 of the adopted Amended Core Strategy, identify Newark as a Sub Regional Centre where the focus, as a sustainable settlement, is for housing and employment growth.

The site is located within the defined main built up area of Newark as identified on Map 2 of the Allocations and Development Management DPD. In principle therefore, housing development could be appropriate subject to other considerations which I shall discuss below.

The proposal also seeks to demolish the existing bungalow. This was present on site in 1965 according to historic maps and is an attractive bungalow. However I do not consider this to be of such architectural or historical merit that its loss could reasonably be resisted. The principle of its demolition is therefore accepted.

### Appropriateness of the Development, including Character, Density and Housing Need & Mix

As all matters are reserved for subsequent approval, consideration is confined to whether in your view the scheme at this quantum is capable of being developed without detrimental impacts. To aide with this assessment the applicant has provided an indicative layout plan to demonstrate how 19 units could successfully be accommodated on the site.



The site is located on Barnby Road with part of the site fronting the highway and the remainder falling behind existing ribbon development that is a main characteristic of the area/suburb. Development in the vicinity is generally low density interspersed with areas of open green space giving it a semi-rural feel and visual appearance.

I am aware that planning permission has been granted (our reference 19/01331/FUL) on land to the east for residential development comprising 3 detached dwellings. I am also aware that 3 applications have been submitted relating to land immediately to the south (land rear of Highfields School) which have been refused and subsequently dismissed on appeal. More detail is contained within the site history section of this report. None of the reasons for refusal related to an 'in principle' concern or one relating to the character and/or appearance of the backland type of development.

As indicatively shown, Plot 1 is would be aligned with the neighbouring dwellings fronting Barnby Road which I consider would help retain the ribbon development character and grain, with the other units tucked back into the site. Whilst developing the site would introduce a new type of development character, this need not be fatal and I am of the view that a carefully designed scheme could be successfully assimilated into the area. The retention of the mature frontage trees helps to retain this rural open feel to the street-scene.

The quantum of development would be a maximum of 19 dwellings - reduced from 20 due to concerns that the indicative layout was over intensive. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. At c0.65 hectares in area, the density proposed is lower than the 30 dph advocated by the Development Plan. However given the low density of development in the area and its suburban area and character I consider that this level is acceptable for the context.

The latest drainage strategy now indicates the need for a foul pumping station to the site frontage, behind the trees which are to be retained. No details as to what this would look like have been provided, however I am satisfied that a scheme could be designed to be sensitive to its prominent position within the site which could include additional landscaping to soften its impact. This would be a matter to resolve at reserved matters stage.

In terms the housing need in Newark, the requirement is for mainly 3 bedroom dwellings (40.2%) followed by 2 bedrooms (33.7%) followed by 4 bedroom dwellings (14.4%) then 5 bedroom dwellings (8%) with 3.7% of the need being for 1 bedroom units. This outline application is not considering the mix per se, but it is important that an appropriate layout and mix to meet local need could be accommodated. I note the revised plan for 19 units indicates a mix to comprise 2 beds x 6 (32%), 3 beds x 7 (37%), 4 beds x 4 (21%) and 5 beds x 2 (10%). I am satisfied a layout such as this is capable of achieving a mix that closely aligns with the housing need.

Taking all of this into account, I am satisfied that development could be undertaken sensitively with an appropriate mix to meet the housing need in such a way that the character and appearance of the area is not unacceptably affected in line with the requirements of CP3, CP9 and DM5.

### Residential Amenity

Safeguarding the residential amenity for both existing and any new dwellings will be paramount in order to comply with policies CP9 and DM5 of the Development Plan. Given that the layout and appearance are reserved, this is a matter best considered in detail at reserved matters stage.

Grove Cottages to the east have windows facing the application site at first floor level and are located relatively close to the boundary. Any development to the west of these would need to be carefully designed in order to safeguard against loss of privacy and overlooking issues. The indicative layout does however suggest that a scheme is capable of being achieved that would avoid unacceptable impacts on these dwellings. Given the distance between the remainder of the site and the existing dwellings on Barnby Road, which have generous sized gardens, I am satisfied that a scheme could be achieved that adequately respects the living conditions and privacy of existing dwellings.

Given the proximity of the railway line, consideration would need to be given to reducing the noise levels. However this would be in terms of the types of glazing to be used in windows for plots nearest to it rather than requiring a noise survey at this stage.

### Highway Impacts

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

Part of Barnby Road has an 'advisory' 20mph limit due to its proximity of Barnby Road Primary School, however, these are not legally enforceable. This section of Barnby Road is restricted to 30mph. The proposal seeks to take access from the eastern side of the frontage and would provide access and egress for all 19 units. Appropriate visibility splays at the access point have now been demonstrated such that vehicles emerging could do so safely. I note local residents have raised concerns that the Transport Assessment denotes that the access is designed to accommodate up to 50 units. This is not an unusual expression in such a document. However the description of development clearly defines the maximum number of dwellings sought, which is 19.

Parking is a matter best considered at reserved matters stage but it is anticipated that the off-street parking quantum is capable of being met on site without risk of leading to on-street parking elsewhere.

The comments by residents of the proximity to bus stops and indeed the requirement of SP7 to minimise the need to travel and to enhance local services and facilities are noted. In order to serve the development hereby proposed (and indeed better the provision for the wider community) NCC have requested a developer contribution towards bus stop infrastructure on Barnby Road. The requested £13,000 would go towards provision of new bus stops for both Newark and Lincoln bound routes. I consider this request to be reasonable and it would assist with compliance with SP7 in terms of mitigation and in terms of sustainability.

NCC Highways Authority raise no objection on highway grounds to the scheme. There are no reasons to resist the application on highway grounds.

### Flooding and Drainage

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems.

The site lies within Flood Zone 1 (at lowest risk of flooding) according to the EA Flood Maps albeit is in an area identified as being prone to surface water flooding.

The application has been accompanied by Flood Risk Assessment and Drainage Strategy which has been amended during the lifetime of the application in order to provide certainty on how both surface water would be managed and foul sewage would be disposed of given the lack of public sewers along Barnby Road and the failure of infiltration testing to sufficiently drain surface water away.

The strategy now proposes a foul pumping station to the site frontage (indicatively located behind the existing frontage trees (which are to be retained and are now protected) which would pump waste south to a public sewer on London Road in Balderton.

The surface water drainage strategy comprises a system of surface water sewers (tanks are indicatively shown under the gardens of two plots to the west of the site) that will collect run off from the developable area, drain into an existing pond to the west as well as permeable paving below parking areas and some of the un-adopted private driveways. The scheme has been designed so as not to increase flood risk elsewhere.

NCC Lead Local Flood Authority and the Environment Agency's comments are awaited but are expected to raise no objections given the schemes have been amended in consultation with them.

Both elements of the drainage strategy would require their maintenance to be put into the control of an appropriate management company which can be secured by a s106 agreement. Subject to a reserved matters approval being developed in accordance with the strategy, which can be secured by condition, I am satisfied that the proposal accords with the policy requirements.

### Impacts on Trees and Landscaping

The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM5.

There are a number of trees within the site. As such an Arboricultural Report and Impact Assessment has been submitted in support of the application. This identifies 40 trees and 8 groups of trees and hedges as being present on site. The majority of these trees are graded as C quality (low to average), 2 are U graded (poor trees) and 9 are B graded (good quality and life expectancy). The most significant trees are two early mature Cherry trees (T4 and T5) located at the site frontage which are B graded. These are shown to be retained on the indicative layout plan which is welcomed albeit I consider that slightly more space around these trees for growing room would be appropriate given their age. The other good quality trees are all located around the periphery of the site and are indicated as being retained.

A number of trees (C and U graded) mainly to the rear of the existing outbuildings would likely need to be removed to facilitate the development shown. It is possible that a less intense development could see more of the trees retained albeit some of the C graded trees will ultimately not be worthy of on-going protection. For now, a blanket Tree Preservation Order has been made covering all trees on site to give protection in the first instance until the Council's tree consultant is able to make a detailed assessment on site (once covid-19 safe) regarding which specific trees are worthy of protection such that the order can be amended to the best quality specimens.

The Council's tree consultant has raised no objection (a query was originally raised regarding a discrepancy between the plans but as the layout is not for consideration this is not considered to be pertinent and in any event the reduction of 1 unit has assisted with this) subject to conditions.

Having considered the outline nature of the scheme and the indicative layout, notwithstanding that some of the retained B graded trees would benefit from additional space to grow, I consider that a layout similar to that presented would be acceptable in terms of the impact on trees. It



would be necessary to require mitigation and compensation for lost trees with replacement planting which could be secured via a condition at reserved matters stage.

### Ecological Impacts

The site itself has the potential to provide habitat for wildlife and as such the application was supported by an Ecological Appraisal and further surveys and strategies have been provided upon request.

CP12 (Biodiversity and Green Infrastructure) seeks to conserve and enhance biodiversity whilst Policy DM7 specifies that: "On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP."

The scheme has been assessed against Natural England's Standing Advice.

#### *Amphibians*

Common toads are recognised as being of principal importance for consideration and biodiversity under the relevant legislation and are listed as a priority species in the UK Biodiversity Action Plan, which is material for planning decisions.

A common toad migratory route and toad patrol access is located c400m to the north-west of the site. A further migratory route to Balderton Lake is located 900m to the south-west. Therefore upon request, an amphibian mitigation strategy has been submitted which seeks to mitigate any impacts upon local populations of amphibians.

The submitted mitigation strategy sets out that ground clearance would need to be undertaken at a suitable time of the year (either early spring/late autumn or during winter) to decrease the likelihood of amphibians being present on site. If clearance is undertaken in active season, this would be undertaken east to west to direct toads towards suitable habitat. A number of precautions are also recommended. The mitigation strategy is acceptable (NWT have raised no objection to this) and provided the development proceeded in accordance with it, I am satisfied that adequate mitigation would have been employed. This can be subject of a condition.

#### *Bats*

The ecological appraisal undertaken in 2019 identified potential for bats to utilise the site and a need for further surveys during the bat season. This has resulted in a delay to the consideration of this application in order that the appropriate surveys be carried out.

Nocturnal bat surveys have been undertaken in May 2020 and no bats were observed entering or leaving the existing building on site and bat activity within the vicinity of the site was low, with two bats observed foraging in an adjacent garden during the emergence survey and only one bat noted as being in the vicinity during the dawn survey. The findings therefore suggest that bats should not be a constraint to the development. However demolition would need to proceed with caution and

any delays of longer than 12 months would require a repeat survey given the transient nature of bats. I am satisfied that this could be controlled and suitably mitigated with an appropriately worded condition. Other mitigation in the form of retaining trees along the periphery of the site is recommended and low level lighting should be employed to prevent any unnecessary light spill on adjacent habitats.

### *Badgers and Reptiles*

No evidence of badgers or reptiles on the site was found and there is a lack of suitable areas and habitat for badger sett creation or habitat suitable for reptiles in the area. No mitigation is therefore necessary.

### Breeding Birds

Existing hedgerows, trees and scrub on site offer resources for breeding birds which would have a minor negative impact but mitigation in the form of avoiding clearance during breeding season would afford some protection.

### Great Crested Newts

Some habitat suitable for GCN was noted within the site albeit no breeding ponds are present and its isolation from potential breeding sites by roads were considered a barrier to movement. The ballast pit 200m from the site is unlikely to be suitable for GCN and no mitigation is considered necessary.

### *Ecological Enhancements*

In line with the requirements of the Development Plan and the NPPF, consideration of how the scheme would contribute towards habitat creation and improvement has been considered.

The ecologist recommends that grassland areas within the development should be seeded using a species rich meadow or neutral grassland seed mix in preference to a species poor amenity grassland seed.

Existing unmanaged hedgerows could be managed and enhanced by being gapped up using native species that provide fruit and nectar sources for birds, small mammals and insects. Suggested species include holly, hazel *Corylus avellana*, field maple *Acer campestre* and elder. This planting will improve the diversity and structure of the hedgerow. In addition, the hedgerow could be extended along the rest of the southern site boundary and along the western boundary both of which are currently delineated by a wire fence. This would improve the wildlife corridor across the site and buffer the site from the grassland to the south and west. Other recommendations were also suggested are best considered at reserved matters stage.

It is noted that NWT raise no objection to the scheme now that the additional mitigation strategy for amphibians has been received. Subject to a number of conditions to safeguard the ecological interest of the site and to secure enhancements, I consider that the scheme is acceptable and complies with the Development Plan.

## Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Contributions required by this development are set below. For the avoidance of doubt the applicant has agreed to these being secured through a section 106 agreement.

### *Affordable Housing*

Core Policy 1 provides that for schemes of 11 or more dwellings, on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions. A scheme for 19 dwellings would require 5 affordable houses on-site to meet the 30%. The mix recommended by the council's strategic housing officer is for 3 x 2 bed affordable rent (very popular) and 2 x 3 bed units for shared ownership which would fit with the indicative mix. This mix would be secured via the s106 agreement.

### *Public Open Space (Provision for children and young people)*

This application would need to make provision for public open space at 18m<sup>2</sup> per dwelling as set out in the Developer Contributions SPD. I would not expect this to be provided on site given its relative modest size and instead would expect that a financial contribution should be provided in lieu of this which would be spent to upgrade the existing parks in the area. This is based on £927.26 per dwelling based on 2016 indexation (which would need to be uplifted).

### *Community Facilities*

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling is therefore sought.

## Primary 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 number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required. However the Local Education Authority have indicated as there is existing capacity available to accommodate occupiers of the dwellings no education contribution will be sought. In terms of secondary education, the development would be covered under CIL regulations.

## Planning Balance and Conclusions

The site lies within the defined built up part of Newark, where the principle of residential development is acceptable in accordance with the spatial strategy.

I have concluded that the quantum of up to 19 dwellings could be accommodated on site without unacceptable harm to the character, appearance or density of the area and that this could be achieved whilst retaining the best quality trees. The ecological value of the site, with appropriate mitigation strategies in place secured by conditions, would be safeguarded and enhanced overall.

The applicant has demonstrated there is a safe means of vehicular access from Barnby Road with appropriate visibility splays and it is expected that the relevant consultees will agree that an acceptable means of draining the site for both surface water and foul sewage can be achieved.

I am also satisfied that an appropriate housing mix could be secured including 30% on site provision for affordable housing and that the pressure on infrastructure (such as bus services, community facilities etc) from the development could be mitigated by developer contributions to enhance existing local facilities. The living conditions of existing residents could be safeguarded with a carefully designed scheme advanced at reserved matters stage.

## **RECOMMENDATION**

**That planning permission is approved subject to**

- a) the conditions and reasons shown below; and**
- b) the signing and sealing of a section 106 agreement to secure the following:**

<b>Summary of Matters to be secured via a s.106 Agreement</b>	
Affordable Housing	30% on site (5 units in total; 3 x 2 bed affordable rent and 2 x 3 bed shared ownership)
Bus Stop Infrastructure	£13,000 for 2 new bus stops on Barnby Road
Community Facilities	£1,384.07 per dwelling (£26,297.33)
Children's Play Space	£927.26 per dwelling (£17,617.94)
SUDS/drainage features	To be maintained for the lifetime of the development

## Conditions

01

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

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

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

02

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

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

03

No development shall be commenced until a scheme for a scheme for archaeological mitigation has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority. Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

Reason: To ensure that satisfactory account is taken of the high potential archaeological interest of the site.

04

Any reserved matters application pursuant to this outline consent shall either be accompanied by a new Arboricultural Impact Assessment or be made in accordance with the Arboricultural Impact Assessment by AWA Tree Consultants (dated November 2019) and in either case shall be accompanied by an Arboricultural Method Statement (AMS) which shall include:

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

- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. 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 thereafter be carried out in full accordance with the approved AMS.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

05

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

06

No site clearance, hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

07

The development shall proceed in full accordance with the Amphibian Mitigation Strategy dated May 2020 by JJH Consulting Ltd unless otherwise agreed by the Local Planning Authority.

Reason: In order to afford adequate protection to amphibians.

08

Unless the bungalow is demolished before 18<sup>th</sup> May 2021, no demolition shall take place until repeat bat surveys are undertaken by a suitably qualified ecologist or organization and details of the findings and any required mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. The demolition shall thereafter be undertaken in line with the agreed mitigation scheme.

Reason: In line with the recommendations of the Supplementary Bat Report undertaken by JJH Consulting Ltd in the interests of protecting bats that could be present on site.

09

Prior to first occupation of any dwelling hereby approved, a Habitat Creation and Enhancement Scheme (HCES) shall be submitted to and approved in writing by the Local Planning Authority. This scheme should build upon the ecological and arboricultural reports submitted with the outline permission and shall contain details of long term management plus a timetable for implementation. The approved HCES shall be implemented on site in accordance with an agreed timetable and retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

010

Prior to first occupation of any dwelling hereby approved, details of any external lighting 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 for nocturnal wildlife and amenity such as low level lighting. The approved external 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 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and nocturnal wildlife such as bats.

011

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary in accordance with approved plan reference Dice Proposed Preliminary Access Design on drawing number 100334\_01\_0100\_01 revision C dated 4 February 2020.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety

012

Any reserved matters application pursuant to this outline consent shall be made substantially in accordance with the Drainage Strategy and Flood Risk Assessment (rev A) by Dice Consulting Engineers Ltd received on 12 June 2020 unless an alternative scheme is submitted as part of the reserved matters submission.

Reason: To ensure that an appropriate means of surface water drainage and foul sewage disposal is made and to effectively manage flood risk.

#### Notes to Applicant

01

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact HDC North at Nottinghamshire County Council [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk) in the first instance.

02

Network Rail advice of the following:

#### *Barnby Level Crossing*

The site entrance will be in proximity to Barnby Level Crossing which has in excess of 250 trains a day crossing through, many at high speed (125mph). The Signaller at the location from where the crossing is controlled has an obligation to initiate the Barrier Lowering Sequence in sufficient time (at least three minutes) ahead of the arrival of a train at the crossing without compromising its punctuality at maximum operating line speed.

The safety of railway level crossings and of all crossing users is of paramount importance to us. We would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer. Alternatively, information is available online at <http://lxresource.co.uk/campaigns/distraction-campaign>.

#### *Access to Railway*

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, during construction work, the crossing must remain clear and unobstructed at all times to ensure crossing users can enter and leave the crossing area safely. Vehicles associated with works must not be parked in a way that obstructs the crossing approaches or warning signage/lights at any time.



03

The applicant is reminded that bats are protected species and this means a criminal offence would be committed if anyone:

- Deliberately takes, injure or kill a wild bat
- Intentionally or recklessly disturbs a bat in its roost or deliberately disturb a group of bats.
- Damages or destroys a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
- Possesses or advertises/sells/exchanges a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
- Intentionally or recklessly obstructs access to a bat roost.

04

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

05

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

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

#### BACKGROUND PAPERS

Application case file.

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

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 – Planning Development**

Committee Plan - 19/02158/OUTM

