

PLANNING COMMITTEE – 4 AUGUST 2020

Application No:	19/00854/OUTM (MAJOR)	
Proposal:	Outline application with all matters reserved except access for a proposed 322-unit residential development on land at Flowserve premises, Hawton Lane, Balderton, Newark	
Location:	Flowserve Pump Division, Hawton Lane, Balderton, NG24 3BU	
Applicant:	C B Collier NK Limited	
Agent:	Harris Lamb Limited	
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PR2RT8LBJBH00	
Registered:	14.05.2019	Target Date: 13.08.2019 Extension agreed to: 07.08.2020

The application is being referred to Planning Committee at the request of the Director due to the scale of the development and not being in accordance with the development plan, due to the schemes inability to fully contribute to Policy compliant planning obligations.

The Application Site

The application site is situated on the southern side of Hawton Lane, within the defined urban boundary of Newark Urban Area (NAP1) and within the built-up area of Balderton. The application site lies to the SE side of Newark and is approximately 2.2 km from the defined town centre (of Newark).

The site is approximately 12.6 hectares and is largely rectangular in shape comprising previously developed land that is currently part occupied by Flowserve Pumps Limited. Flowserve manufacture and assemble pumps used in many industries. The industrial use on-site is long-standing dating back to the nineteenth century.

The existing operational part of the site, comprising component stores, assembly and testing areas, associated offices and welfare facilities are set back from Hawton Lane and provide employment for approximately 100 people. The majority of the site was previously occupied by Flowserve; however the company have scaled back their operation in recent years and now retain an area of land and buildings situated centrally within the site, these factory building do not fall within the application site boundary.

To the south of the operational area is a redundant foundry, pattern stores and offices. Permission was granted under 18/01235/FULM for the demolition of these buildings and this permission has been implemented. To the north of the operational factory building is the Sports and Social facility, including its sports ground and pitches and club house, all of which also lie outside of the application site boundary. A public footpath crosses the site in this area, running east to west.

Access to the site is from a lengthy tree lined drive off Hawton Lane (c.400m). This access runs

through attractive landscaped grounds and alongside a watercourse. To the western side of the access to the site is a Local Wildlife Site 'Balderton Scrubby Grassland Local Wildlife Site (LWS 5/332)' which has been retained as part of the 18/01235/FULM application. The south-west portion of the site lies within Flood Zone 2 (at medium risk of flooding) as defined by the Environment Agency Flood Map with parts within Flood Zone 3 (at high risk of flooding) that follows the Middle Beck channel that is partially culverted and passes through the site from north-east to south-west and the Lowfield Drain that runs south of the site. However as part of the 18/01235/FULM application, permission was granted for the remediation of the site, formation of a drainage pond in the south-west corner, de-culverting and re-formation of the watercourse and raising of the ground levels to take the land out of the flood zone so that the land would be in Flood Zone 1 when the development is complete.

To the north and east of the site is suburban residential development. Elsewhere, the site borders the countryside, with the exception of an isolated pocket of residential development at the south-eastern corner which formerly provided workers' accommodation. The Sustrans cycleway, following the line of the former railway, passes to the west. Lowfield Lane also runs along the southern boundary.

Directly to the west of the application site is the land allocated for Land South of Newark (NAP 2A) which has been identified as a strategic site for housing to be constructed in the plan period to 2026 c. 3,100 dwellings. Planning permission was granted under 10/01586/OUTM and subsequently 17/00518/RMA for Parcel 1A which is directly adjacent to this application site and has since been implemented with dwellings currently under construction. The Newark Southern Link Road (NAP 4) abuts the SW corner of the application site.

Relevant Planning History

06/01639/OUTM - Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Refused 2007

1. The proposal fails to make adequate provision for amenity open space; children's play areas and sports facilities and therefore would exacerbate the existing deficiency of outdoor sports facilities in the Newark Area and be contrary to Policies R4 and R5 of the Newark and Sherwood Local Plan.
2. The proximity of the proposed factory to the proposed residential development and the lack of intervening landscaping would not allow for the creation of a satisfactory standard of residential amenity and would therefore be contrary to Policies H21 and E25 of the Newark and Sherwood Local Plan.
3. The proposal fails to make adequate provision for access to the site or address the traffic impact of the development in the locality, including that on sustainable transport, and therefore if approved would be detrimental to highway safety, be unsustainable and contrary to Policies H21 and E15 of the Newark and Sherwood Local Plan.
4. The proposal fails to make adequate provision for affordable housing within the site and would therefore be contrary to the Councils corporate aim of providing good quality housing for all and the Interim Policy Note: Planning Provision for Affordable Housing.

07/01840/OUTM – Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Permitted 2009 – permission not implemented

18/01235/FULM - Demolition of existing buildings, remediation of site, formation of drainage pond, de-culverting and formation of new watercourse and raising of ground levels to create a development site – Permitted 05.03.2019

Discharge of conditions applications:

19/00836/DISCON, 19/00760/DISCON, 19/00726/DISCON, 19/00652/DISCON and 19/00502/DISCON - conditions discharged and permission implemented.

19/SCR/00007 - Screening request for residential development – Environmental Impact Assessment not required 14.05.2019

The Proposal

Outline consent is sought for a residential scheme of up to 322 dwellings with associated areas of public open space; green and drainage infrastructure. The proposal is for 100% market dwellings and the application has been submitted on the basis of all matters except access being reserved.

Access to the site would be taken via the existing access drive off Hawton Lane and emergency access would be taken off Lowfield Lane to the south-east corner of the site. In order to ensure that access to the Flowserve premises and the Sports and Social Club is maintained, the application also includes the initial length of access road which will jointly serve these uses.

Despite the outline nature of the proposals, the indicative proposed site plan has allowed for the following mix of land uses:

Land Use	Land Area (ha)
Developable Housing Area (up to 322 units)	9.02 <i>(minus infrastructure such as roads)</i> Indicative mix: <i>2 bed apartments – 48</i> <i>2 bed terrace – 132</i> <i>2 bed semi-detached – 18</i> <i>3 bed semi-detached – 100</i> <i>4 bed detached - 24</i>
Public Open Space	3.58 Including: <i>Drainage Pond - 0.87</i> <i>Local Wildlife Site - 0.71</i> <i>LEAP – 0.19</i>
Total Area	12.6

The application has been accompanied by the following documents:

A suite of plans including:

- Location Plan - (7630-100)
- Topographical Survey – 12/01/18
- Existing Site Plan - (7630-110B)
- Existing Building heights - (7630_111B)

- Existing Building Usages – (7630-112B)
- Proposed Site Plan Part 1 – (7630-150D)
- Proposed Site Plan Part 2 – (7630-151C)
- Proposed Site Plan Part 3 – (7630-152B)
- Proposed Combined Site Plan - (7630-153G) revised 18.11.19
- Proposed House Type Plan – (7630-160D) revised 18.11.19
- Key Buildings Plan – (7630-161C)
- Focal Points Plan – (7630-162C)
- Proposed Road Network Plan - (7630-163C)
- Building Heights Plan – (7630-164C)
- Open Space Calculation – (7630-166A)
- 3D Models - (7630-170A, 171B, 172B, 173B, 174B, 175B, 176A, 177B, 178B, 179B, 180A, 181A, 182A, 183B)
- Proposed Street Scene – (7630-450A)
- Proposed Site Sections – (7630-451)
- Proposed Site Sections – (7630-452)
- Proposed Site Sections – (7630-453)
- Proposed access – (B17326-224-P0)
- Planning Statement –April 2019
- Design and Access Statement - April 2019
- Drainage Strategy and SuDs Assessment – Feb 2018
- Flowserve Flood Risk Sequential Test and Exceptions Test Report – April 2019
- Air Quality Assessment – April 2019
- Noise Impact Assessment – December 2018 and July 2019 (P18-035-R01-V3)
- Phase 2 Geotechnical Investigation –March 2019
- Phase 1 Environmental Risk Assessment – March 2019
- Phase 2 Site Assessment and Remediation Strategy - April 2019
- Flood Risk Statement - March 2019 and June 2019
- Preliminary Ecological Appraisal –March 2019
- Transport Assessment - April 2019, November 2019 and May 2020 (V.7)
- Traffic Modelling Results
- Junction Scenario Reports
- Travel Plan - April 2019 and August 2019 (A18361C)
- Arboriculture Survey and Method Statement – March 2019
- Marketability Report - 20 February 2018
- Statement of Community Involvement – April 2019
- Viability Assessment – 9th April 2019
- ECUS Archaeology and Heritage Planning Response Note – dated 28 June 2019
- Newark Flowserve Sports & Social Club Noise Assessment – September 2019
- Retained building Plan – (R160318)
- EFM Education Contribution Review – dated 2nd August 2019
- Supporting Letter dated 16th August 2019
- Supporting Letter dated 12th September 2019
- Supporting Letter dated 27th November 2019
- Supporting Letter dated 6th December 2019
- Supporting Letter dated 19th May 2020
- Flowserve Generator Noise Assessment (Report No: P18-035-R02v1) July 2020
- Supporting Letter from Agent dated 18th June 2020
- Supplementary Transport Note V.2.0 Parking Requirements for Flowserve Sports Club –dated 15th June 2020

- Proposed Sports and Social Club Parking Plan (7630-151G)
- Supporting Letter dated 17th July 2020
- Combined Site Plan (incorporating additional parking) (7630-157)

Documents also considered:

- Independent Valuation Analysis of Financial Viability Assessment in relation to the Proposed Development at: Former Flowserve Site dated 15 July 2019 (Ref. NBMDW)

Departure/Public Advertisement Procedure

Occupiers of 120 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 5 Delivering Strategic Sites
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 6 Shaping our Employment Profile
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Area Policy NAP 1 Newark Urban Area
- Area Policy NAP 2 Land South of Newark

Allocations & Development Management DPD

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 Developer Contributions
- Policy DM4 Renewable and Low Carbon Energy Generation
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Assessment SPD (December 2013)
- National Planning Policy Framework 2019 and its Technical Guidance.
- National Planning Policy Guidance

- National Design Guide, October 2019.

Consultations

Given the volume of consultation comments that have been received throughout the course of this application all can be found in full in Appendix A.

Comments received from Balderton Parish Council are in support of the proposal.

Representations have been received from 15 local residents/interested parties which can be summarised as follows:

Character

- The development is not complementary to the local area
- The development does not enhance the local area
- Loss of significant green space on the site
- The site plan shows open boundaries between the gardens and open countryside which will deteriorate the character and nature conservation status of the area
- Boundaries of the development with the open countryside should be gardens rather than roads to protect the dark sky environment currently experienced. Lighting should project beyond the site or upwards to protect this.

Highways

- Insufficient vehicle parking on the site
- One road to exit and enter the site raises highways safety and traffic concerns
- The designation of Lowfield Lane as emergency access to the south of the site is unacceptable due to its width and character
- The new link between the Southern Link Road and the Lowfield lane has bollards to prevent vehicles cutting through and using the lane to fly tip – these bollards should remain to protect residents of Lowfield Lane
- Lowfield lane is used by joggers, dog walkers and children that would be at risk if the lane was used as a rat run or for emergency vehicles.
- Lorries that use the lane frequently block it therefore it is unsuitable for emergency use
- Applications for new dwellings on Lowfield Lane has been resisted on highways grounds and this application would result in the intensification of the use of Lowfield Lane
- No highways risk assessment has been completed and fatalities will be inevitable if Lowfield Lane is used by the development
- Boundaries should be better treated around the public footpath and highway
- Could the developer consider providing another access road to link the new Southern Link Road to alleviate extra traffic on Hawton Lane.
- Concerns over the safety impact of right turning out onto Hawton Lane and additional vehicles exacerbating the current shaking impact traffic has on existing houses
- Hawton Lane need traffic calming measures like speed bumps, cameras and for residential use only rather than HGV
- The Amended Transport Assessment submitted to accompany this application is insufficient to determine the transport and highways impact of the development and is reliant upon the completion of the Southern Link Road. The report concludes that with infrastructure improvements in place such as the SLR the impact of the development will be minimal and thus no mitigation measures are required however this is reliant upon the completion of the SLR. Consideration should be given to the impact based on the highway network at present

rather than reliance upon future infrastructure. Should there be current network capacity then this should facilitate the planned delivery of dwellings at Newark South rather than an 'opportunity site' as delivery at Newark South is constrained by completion of the SLR. In addition, given Newark South developers are delivering the SLR, if this development is to benefit from the infrastructure then it should contribute towards its delivery.

Amenity

- Insufficient green space
- Small gardens shown which doesn't take account of residents' health and wellbeing
- The Leylandi hedge on the southern boundary should remain to protect Lowfield Lane residents' amenity
- Street lighting close to Lowfield Lane would impact amenity and ruin the countryside rural feel to the area
- Concerns that residents will be impacted by surrounding noises
- Residents are currently unable to open their windows due to highways noise and this development would make this worse.
- The indicative layout plan shows two storey dwelling close to existing properties which would impact their amenity.
- Richmond Close consists of bungalows therefore plots 316 - 324 should also be bungalows in order to complement the character of the existing area
- Concerns that additional traffic will impact the amenity of existing properties
- The site is partially used by dog walkers to access the cycle track and this will remove the area for local people

Ecology

- The Leylandi hedge on the southern boundary is known for nesting owls which have not been taken into account. The loss of the habitat will denude the biodiversity of the site.
- Request for retaining trees to protect wildlife
- Concerns on the impact of surrounding wildlife sites and habitats

Infrastructure Provision

- Because of the CIL Levy in this area contributions will be through a S106 agreement for education, health and open space – the viability appraisal states that there will be no affordable housing or other S106 contributions. Concerns are raised regarding the implications this will have on local infrastructure, including the impact on facilities and services provided as part of the Newark South development including the primary school and open space. The development should not rely on the infrastructure delivered in Newark South but should address its own impacts on local infrastructure.
- Development at Newark South is constrained by the delivery of the Southern Link Road in Phases. The application should have to contribute to local infrastructure in the same way.
- The offer of £275,000 towards 'community facilities' has been made but this equates to just £849 per dwelling whereas the Newark South contributions are significantly greater than this when considering the delivery of the SLR.
- There will not be surplus capacity at the primary school being delivered by Newark South development.

Other

- Comments have been received from an interested party that has been identified as an adjacent landowner that owns a strip of land running part of the length of the eastern site boundary c. 1 m wide by 100 m in length and they dispute the consultation procedure

undertaken for this application as they were not directly notified of the planning application until they contacted the Council independently. The comments received state the Council has been negligent in identifying all adjacent landowners and disputes the ownership certificates submitted by the applicant to accompany this application. They state that works have allegedly been carried out to their land without consent as part of the remediation permission and that Heras fencing has been erected without their expressed consent on their land following collapse of previous timber fencing. Comments also state they object to the application on the grounds that the site in question purports to include their land.

Positive Comments

- The layout shows an appropriate density and fulfills the need for more housing
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Comments of the Business Manager

The Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Newark Area Policy NAP 1 of the Core Strategy refers to promoting Newark Urban Area as the main focus for residential, commercial and leisure activity within the District. Newark Area Policy NAP 2A is specific to Land South of Newark which bounds the site to the south and west, this identifies the surrounding area as being a strategic site for housing, employment land uses, two local centres and associated green, transport and other infrastructure, permission for which, in part, has already been granted and commenced. In addition, within the Amended Core Strategy it is explained that, in addition to site allocations, a number of sites which were allocated or had planning permission previously, which are still considered developable but are subject to uncertainty over timescales for delivery, will be identified as 'Opportunity Sites'. This is not the same as the site being 'allocated', but it would be a site that NSDC would consider to be suitable for development in principle, subject to them being brought forward in a policy compliant manner.

The application site is currently shown on the proposals map as a Housing Site with Planning Permission (HoPP), although as outlined by the planning history above, this permission is no longer extant. Nevertheless, the fact that the site has previously obtained planning permission for residential development; is outlined on the Proposals Map as a Housing Site; and moreover is located within the Newark Urban Boundary where development is acceptable in principle, means that overall the principle for residential development is acceptable - subject to relevant policies being satisfied and detailed consideration regarding the various impacts of the development which are discussed in turn below in applying an overall planning balance.

Brownfield Regeneration

The application site comprises former industrial land which contains redundant buildings and cleared industrial land which are surplus to the retained Flowserve business' requirements following their consolidation into the retained Flowserve factory that lies outside of the

application site. The site is identified on the Council's Brownfield Land Register (ref. BF0001) and the proposal therefore represents brownfield regeneration. Paragraph 8c of the NPPF refers to making effective use of land - this theme is picked up in more detail in section 11 of the NPPF which discusses how planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. This chapter also highlights the importance of 'making as much use as possible of previously-developed or 'brownfield' land' except where this would conflict with other policies in the Framework, including causing harm to designated sites of importance for biodiversity.

Para. 118 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Planning permission granted under 18/01235/FULM secured (amongst other things) the demolition of the redundant factory buildings and full remediation of the site, therefore securing the opportunity to remediate this existing contaminated previously developed site for future use. The application at hand would utilise this site for housing, according with the objectives of section 11 of the NPPF by making effective use of previously developed land. The NPPF advises that *substantial weight* should be given to the value of using brownfields sites for homes within settlements as well as the opportunity to remediate contaminated land – it is considered that this has been achieved in part through the 2018 permission, with the value of re-using this previously developed site for housing as something that will weigh positively in the overall planning balance.

Loss of Employment Land

Despite the principle of residential development being acceptable, it must be acknowledged that this application would result in the loss of land associated with the existing Flowserve business in part. The applicant has submitted a Marketability Report which explains how the Flowserve business has retrenched considerably over the recent years and, as the business sector has evolved, the relevance of the location has reduced. The application at hand does not see the entire loss of employment land given that the retained operational part of the Flowserve site is outside of the application site however it would see c. 12 Ha loss of employment land.

Spatial Policy 2 in the Amended Core Strategy which covers the new plan period (2013-2033) indicates that quantitatively the District has a balance of employment land, which could absorb the 12ha loss proposed given it has an approximate overall employment land supply of 158.46ha. Notwithstanding this however, it is also important that loss of employment land is also considered from a qualitative perspective, i.e. will the type, balance and location of remaining employment land to enable the District to meet its employment development objectives. Quantitative and qualitative considerations are both relevant to how we should consider the potential impact of any loss of employment land on the strategic role and function of the remaining employment land, in meeting the future needs of the District – as part of applying Core Policy 6. Amended CP6 seeks to retain employment land and sites where there is a 'reasonable prospect' of them being required for that purpose. The Marketability Report submitted details how the relevance of the site's location has reduced as the employment sector has grown and that the site no longer has the ability to meet modern requirements preferentially over existing employment sites in the District.

It remains pertinent that there will not be a total loss in the existing employment use of the site as operations would continue from the retained portion of the site, however I do not agree with the

inference that the proposal at hand would necessarily result directly in improvements to the retained Flowserve business (and therefore employment benefits) as this lies outside of the red line of the application site. Nevertheless, it is not considered that the release of this land would inhibit meeting the District’s employment needs. CP6 requires developments that would result in the loss of employment land to have regard to the extent to which the proposal would respond to local needs for such development; the availability of alternative sites being able to meet the existing demand; the need to safeguard existing employment uses to safeguard their continued use, the need to protect the vitality and viability of town centres and the potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the District. It is considered that the national demand for housing meets the first requirement in that the proposal would respond to local needs, there are also suitable alternative sites within the district that would meet any employment demand – the proposal would not detrimentally impact the vitality and viability of the town centre, nor would it impact the strategic role and function of remaining employment land in meeting the future needs of the district. Consideration will be had in subsequent sections of this report as to safeguarding the integrity of neighbouring uses, including ensuring the continued use of the retained employment land, however overall it is considered that the development, including the loss of existing employment land, would accord with the objectives of CP6.

Housing Density/ Design & Impact on Character of the Area

Housing Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the Council's relevant development plan policies and the housing market at the time of delivery.

Open space within the development site (including the land reserved for the flood attenuation pond and LEAP) amounts to c.3.58 Ha leaving 9.02 Ha of land for the residential development. Therefore on a basis of a net developable area of 9.02 Ha, the delivery of 322 dwellings would equate to a residential density of 35.9 dwellings per hectare in compliance with Core Policy 3.

I note the currently intended housing mix demonstrates a focus of 2 bed (39.2%) and 3 bed (31.5%) dwellings with a mix of 2-4 bedroom properties with 14.2% of these to be apartments. The submitted details outline a proposed housing mix as follows:

Type	No.	%
2 Bed Apartment	48	14.9
2 Bed Terraced	132	40.9
2 Bed Semi-Detached	18	5.5
3 Bed Semi-Detached	100	31.1
4 Bed Detached	24	7.5

Total	322	
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The NSDC Housing Needs Survey Sub Area Report 2014 by DCA shows that in this market sector, (Newark Sub Area) demand is for mainly 3 bedroom dwellings (40.2%) followed by 2 bedroom homes (33.7%) then followed by 4 bedroom homes (14.4%). Overall I am satisfied that the mix is weighted towards 2 and 3 bedroom dwellings in line with CP3 which requires a varied mix of dwellings which does not include a higher volume of one particular type of dwelling and seeks to address the housing need of the district, namely: family housing of 3 bedrooms or more and smaller houses of 2 bedrooms or less. However the comments of the Strategic Housing Officer do note that this scheme could do more to help meet demands for people requiring one bedroom households. Officers are also mindful that the Council has undertaken a review of local housing need this year (2020), whilst the new housing need report is currently in draft form any forthcoming scheme would need to take account of local need at the time.

Notwithstanding the above, the design solution which is developed for submission as part of a future reserved matters application may well comprise a significantly different mix, type and density of dwellings on site to that outlined at this stage. As such no firm conclusions can be reached at this outline stage regarding these matters which would be assessed at reserved matters stage where due consideration would be provided to the relevant planning policies and guidance to deliver a high quality housing scheme.

Impact on the Character of the Area

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognized a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site falls within the East Nottinghamshire Sandlands Policy Zone 6 (ES PZ 6): Bowbridge Lane Village Farmlands. The zone is recognized as being predominantly flat, resulting in long distance views towards the surrounding industrial and residential developments. Land use is predominantly arable with boundaries generally being hawthorn hedges. It is recognised that further urban development (both residential and industrial) is one of the drivers for change in the area. Overall the landscape condition is considered to be good with low landscape sensitivity. In respect of built feature, one of the landscape actions is to reinforce the existing rural character by enforcing the local built vernacular in any new developments. The policy also states that new developments should reinforce the ecological diversity of designated Sites of Importance for Nature Conservation (SINC) (now known nationally as Local Wildlife Sites) where appropriate and enhance visual unity and soften surrounding built development through landscape planting.

In this respect, the incorporation on the indicative site plan of the landscape buffer along the western edge of the site, starting from the LWS travelling south along the watercourse leading to

the attenuation pond in the SW corner of the site is considered beneficial in terms of reinforcing the ecological diversity of the site (a point which will be explored further in a separate section below). In addition the incorporation of what appears to be a relatively strong landscape buffer along the western boundary of the site is considered beneficial in terms of assimilating the built form of the development into the surrounding area and buffering the sustrans network that runs N-S along the western boundary of the site. This landscape strip also incorporates the re-development of the LWS that exists within the NW corner of the site. The landscape strip would also join with the flood attenuation pond in the SW corner of the development site. Collectively, this landscaping and habitat enhancement will aide in meeting the above objective of reinforcing the ecological diversity of the site as well as the policy objectives of Core Policy 9 which seeks to achieve sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Impact on ecology will be discussed further in a separate section within this report.

To the north and east of the site is existing residential development off Hawton Lane and to the west is land which forms part of the Land South of Newark strategic housing site. At present the land surrounding the site is predominately residential in nature, this will only increase further with the forthcoming development of the residential allocation at Land South of Newark. I am satisfied that the indicative layout plan respects the urban grain of the surrounding area and equally the areas of open space demonstrated would aide in fragmenting any character impacts of built form from within the site. The landscaping along the eastern boundary of the site is also considered beneficial in terms of buffering the built form of the development from the open countryside.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as areas of open space, the watercourse and flood attenuation pond. Moreover, the application must be considered in the context that it is a brownfield site which has historically accommodated the built form of the now partly-demolished factories. Overall, in landscape terms, the comprehensive redevelopment of the site for a residential would not be materially worse than the historic uses of the site. The proposal is therefore considered compliant with Core Policy 13 of the Core Strategy.

Housing Design and Layout

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping with the effect of an application on the significance of a non-designated heritage asset taken into account in determining an application. Core Policy 9 of the Core Strategy requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the Allocations and Development Management DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The government has also published a National Design Guide (October 2019) which is a material planning consideration that illustrates how well-designed, successful places can be achieved in practice.

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has

submitted a Design and Access Statement along with a suite of indicative street scenes and 3D models to present the potential design solutions for the site. In addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

The overall acceptability of the layout will however depend upon the design solution proposed at a future reserved matters stage. The applicant will be expected to address detailed design issues in accordance with relevant development plan policies and the NPPF to ensure that a high quality scheme is achieved, which respects the characteristics of the surrounding area. However, with regards to layout of dwellings, I note the variety of footprints and sizes on the indicative plan including buildings shaped to address prominent corner locations and attached properties with delineation to front elevations. Such features are likely to add visual interest and enhance the design of the proposal. I note that the layout plan is somewhat responsive to the site context with properties facing the attenuation pond and surrounding open landscape where appropriate, albeit plots 93-103 and 226-236 which are shown indicatively as apartments do not necessarily accord with this and neither do the properties surrounding the LEAP.

I also note the use of active corner buildings which will aid legibility and reinforce active street frontages. The indicative layout and mix detail implies that the majority of the units will be two-storey with two apartment blocks in the NW corner of the site, one in the SW corner, one broadly centrally along the eastern boundary and one to the NE. Generally, to assist in meeting the policy requirement of creating a transition between the countryside and built form of the settlement building heights should be low at the boundaries with the countryside and existing residential development and within the site, where the built form can accommodate it, higher storey buildings will be acceptable. In this instance the apartment block proposed to the NW would be close to the access and set back from the highway, indicatively it is also shown to be screened by trees which I consider could be acceptable, however I do have reservations about the block in the SW corner and the block centrally along the eastern boundary which would both bound the site with the open countryside.

Similarly I have some concerns over the layout of parking provision which appears to be dominated by courtyard parking areas which are not generally encouraged as there is a potential that residents would seek alternative parking locations on the highway and also given the impact on the surrounding street scene. The publication of the National Design Guide (2019) emphasises the importance of well-considered parking infrastructure for new developments, I have particular concerns with the parking courts surrounding the Local Equipped Area for Play (LEAP) area and those that back onto each other throughout the site, stacked in between the dwellings. Revising the design to incorporate driveways alongside dwellings would allow for greater delivery of landscape mitigation along the key street scenes, allow for more natural surveillance over parking areas and result in an overall better designed development and this could be incorporated into the future design. Officers are mindful that these details are indicative only and can be negotiated at reserved matter stage, however given the description of the development is worded for "up to 322-unit residential development" if planning permission is granted, the LPA would be obliged to allow 322 units on the site, as the description is central to what may come forward at reserved matters stage (a point confirmed by appeal ref: APP/Z2505/W/18/3217623). The development therefore has to be capable of achieving this quantum. As currently presented the layout would not result in a well-designed development and the indicative site layout requires improvement.

However, officers are satisfied that a policy compliant scheme can be achieved in this respect through Reserved Matters.

Impact on Highways Network

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities, the NPPF also addresses the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe, or where there would be an unacceptable impact on highway safety (para. 109). Spatial Policy 7 also seeks to ensure that vehicular traffic generated does not create parking or traffic problems and policy DM5 of the Allocations and Development Management DPD requires the provision of safe access to new development and appropriate parking provision.

The application seeks to agree matters of access - access to the site would be taken via the existing access drive off Hawton Lane and emergency access would be taken off Lowfield Lane to the south-east corner of the site. In order to ensure that access to the Flowserve premises and the Sports and Social Club is maintained, the application also includes the initial length of access road which will jointly serve these uses. The principle of using Lowfield Lane as an emergency access has not been contested throughout discussions with NCC Highways and in the absence of any comments stating otherwise it is therefore considered acceptable that Lowfield Lane be used for Emergency Access only. Comments from local residents regarding the suitability of this access are acknowledged however so those of NCC Highways are as the Highways Authority who I note have made no specific objection in this regard.

I note that comments have been received from the Ramblers Association and NCC Rights of Way which relate to Balderton Footpaths 11 and 13. Balderton Footpath 13 runs along the eastern border and Balderton Footpath 11 bisects the northern part of the development and runs east-west. Notwithstanding that the layout submitted is indicative only it is shown that the two Footpaths would remain intact following the development to maintain connectivity into the surrounding areas. Nevertheless this matter could be negotiated at reserved matters stage.

Turning now to the wider implications of the proposed development, as can be seen in Appendix A discussions have been ongoing with the Highways Authority regarding the potential impact of the development upon the capacity of the local highway network. The most recent Transport Assessment (V.7) (TA) has been reviewed and forms the basis of this assessment. To more accurately model surrounding junction capacity this latest TA utilises the Newark Traffic Model software which more accurately accounts for driver re-routing patterns and decisions (for example when motorists take alternative routes which save time/distance when they encounter traffic or delays) to redistribute flows. These new flows are then used to model individual junctions using industry-standard software.

Calculations of the number of vehicular trips the proposed site is expected to generate show that the residential development would generate an increased number of trips than those associated with the existing factory, however, detailed junction capacity assessments of the Bowbridge Lane/Hawton Lane, Flowserve access/Hawton Lane and London Road/Hawton Lane junctions using specialist software show that all junctions would remain within capacity, with the exception of the Hawton Lane junction with London Road. However this junction, when compared with the

future 2029 scenario modelling (which includes surrounding consented developments) reduces from 90% capacity to 86% capacity due to the redistribution of traffic after proposed development flows are added into the modelling (which is because of driver patterns adjusting to differences in local traffic). The modelling also shows that with committed infrastructure improvements the wider highway network impact would be minimal as a result of this development. NCC Highways have concluded that the results of the traffic modelling in V.7 of the TA show that whilst a small loss in capacity results from the development generated flows, this is insignificant overall and would not justify junction improvement works. The Highways Authority have confirmed that this latest TA has positively responded to previous concerns raised and as such they no longer raise any objection to the proposed development.

Comments have been received from an interested party challenging the conclusions of the TA and modelling which have been reviewed by NCC Highways, their full response can be read in Appendix A to this report however in summary the Highways Authority maintains that the modelling undertaken in the TA is reasonable and has been correctly assessed. With regard to the comments made by this interested party that state that the completion of the Southern Link Road should not be relied upon in this Transport Assessment NCC Highways have advised that the trip distribution and strategy used for the Transport Assessment have been carried in agreement with the Highway Authority and NSDC, there has been a consistent approach to applying committed development, including the Southern Link Road where appropriate. For example the 3,000+ homes approved for Fernwood are based on the assumption that the Southern Link Road (SLR) will proceed [noting no more than 600 dwellings can be constructed as part of this development until the SLR is complete] and as such it is considered reasonable to appraise this application on the basis of the same.

With regard to other comments made regarding the suitability of Lowfield Lane and potential links to the SLR, NCC Highways have suggested that the emergency access link proposed be subject to a condition requiring further details. As long as NCC Highways and the LPA are content that connection can be made to Lowfield Lane then this is sufficient for determining this outline application. Links to the SLR are not part of this consideration. Given the outline nature of this application the internal road layout and other matters have not been considered in depth. However, the primary access as shown on drawing A18361-209-P1 is considered by the Highways Authority to be acceptable. A right turn lane facility has previously been discussed at this junction however the traffic modelling undertaken have proven it is not required in terms of capacity and land is also not available to provide it. In addition, the access is sufficiently far from the brow of the hill to the west to not affect forward visibility for eastbound drivers towards any vehicles waiting to turn right into the site access. However, the applicant has offered to fund a speed limit reduction to 30mph along this stretch of Hawton Lane as a safety enhancement which considered to be appropriate and would help satisfy any concerns about the lack of a right turn lane.

Concerns have been raised by the Highways Authority with the submitted travel plan (full comments detailing these concerns can be found in Appendix A). Whilst the Travel Plan has been revised in response to previous comments, there remain matters outstanding that would require further consideration. However the Highway Authority have advised that a condition could be applied in the event that a resolution is passed to grant permission seeking the submission and approval of a revised Travel Plan which I considered to be reasonable and appropriate in this instance. NCC Highways have also suggested conditions in relation to visibility splays, a construction traffic management plan, parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage in addition to development of the layout in relation to the Lowfield Lane emergency link and the extension of the 30mph speed restriction on Hawton Lane

(see their additional comments received 20.05.2020). Following discussions it has been agreed with NCC Highways that condition 01 [of their response] would form part of the reserved matters application and that 02 could be 'pre-occupation' rather than 'pre-commencement' given the existing access into the site. I consider all of the conditions requested, with the aforementioned amendments, to be reasonable to ensure the development would not unduly impact the highways network and to ensure the sustainable transport aims of SP7 and the NPPF are met.

Overall as a result of the proposed development highway safety and capacity would not be significantly compromised. The Highway Authority has concluded that the proposal, whilst resulting in a small loss in capacity from the development generated flows, would have an insignificant effect on the highway network and would not justify the requirement for junction improvement works. Subject to conditions the Highways Authority raise no objection to the proposal based on the updated Transport Assessment and Traffic Modelling and the proposal is considered to accord with the aims of SP7. Para. 109 of the NPPF states that 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 – this conclusion has not been drawn from the Highways Authority who are our technical experts and as such, subject to the conditions requested by NCC Highways the application is considered to be acceptable in this regard.

Impacts on Flood Risk and Drainage

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

The 2018 approval at the site approved the construction of an attenuation pond in the SW corner of the site along with the regrading of the land to bring the land out of the flood zone, effectively challenging the EA flood mapping. The works also included the decommissioning of approximately 465m of culvert, up to the access road running along the southern site boundary (Lowfield Lane) and re-alignment of the Middle Beck (with 1 in 3 side slopes); retention of the 1.04m diameter culvert crossing Lowfield Lane; construction of a c.10,300m² off-side pond (SW, along the line of the Middle Beck, which caters for additional flood water during heavy storm events); and raising of the remaining part of the development site above the 1,000-year flood levels.

Given the complexity of these works the Environment Agency (EA) were involved in working particularly on the Flood Model submitted with the application which simulated how the proposed works would impact the flood risk on site. After extensive discussions and amendments made to the flood simulation model the EA agreed the model was adequate for its purpose and met the required standards, resulting in the site being remediated to FZ1.

As agreed by the EA, the approved attenuation pond will be drained by gravity and will be lined to ensure ground water doesn't enter it, ensuring that the pond performs effectively for rainwater attenuation capacity. Overall the EA have concluded that they have no objection to the proposed development subject to conditions regarding the reporting of contamination and remediation of contaminants, infiltration systems and the removal of suspended solids from surface water run-off, conditions which have been part-discharged through separate discharge of condition

applications and discussions with the EA. The application at hand re-advances the approved drainage/flood attenuation scheme in the indicative site layout which the EA have confirmed remains acceptable. It is therefore considered that subject to a condition that the works are carried out as approved under the 2018 prior to the commencement of any residential development that the application is acceptable in flood risk terms. This is because the Sequential Test does not apply to residential development within flood zone 1, therefore the location of the proposed development is considered appropriate in terms of flood risk provided the previously approved works are completed, an approach that has also been confirmed by the Environment Agency.

It is also worth noting that the agent has commented in letters submitted in support of this application that the drainage works secured through the 18/01235/FULM application are a significant benefit of the application at hand that should be weighed into the overall planning balance. Officers are mindful that the flood alleviation works secured through the 18/01235/FULM were to facilitate the site as a development plateau remediated to FZ1 and that some downstream betterment only arises through the alleviation works undertaken to the site itself. Given the groundworks and flood alleviation proposed have been secured through the previous permission at the site, in order to facilitate the residential development, Officers do not consider it appropriate to afford the benefit of these works full weight in the planning balance given they have been partially taken into account in a previous scheme.

In terms of drainage for the future development a Drainage Statement has been submitted as part of the application. In terms of foul sewerage generated by the development, this is to be discharged into the existing public sewer network. In terms of surface water drainage the Drainage Statement advises that following testing at the site the presence of deep made ground is likely to limit the use of soakaways – below the made ground there is a relatively impermeable sequence of mudstone formation strata which would also impede this drainage system. Currently existing surface water is draining unrestricted into the Middle Beck and this would be continued for the access road network as agreed by the internal drainage board. The remaining surface water drainage for the site will be through cellular underground storage and oversized pipes in the adopted highway and permeable paving networks. The drainage strategy confirms that sustainable urban drainage systems have been considered and can be incorporated within the design. The application has been subject to consultation with NCC Flood Team as the Lead Local Flood Risk Authority and no objections have been raised to the proposed approach, however precise drainage details will be required to be submitted at reserved matters stage and will be controlled via condition.

Overall, subject to appropriate conditions (particularly relating to the completion of the approved flood modelling works under 18/01235/FULM), it is not considered that the proposed development would result in any unacceptable impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 supports the requirements of CP12 and states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and

contribute to the ecological network. DM7 also states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

It is acknowledged that there are numerous potential detrimental impacts to the ecological value of the site which could arise during construction and operational phases. These include, but are not limited to, the direct loss of habitats and their associated flora; degradation of retained habitats through soil compaction or changes to drainage etc.; pollution through either airborne or waterborne means; directly killing of species during site clearance; disturbance through increased artificial light; increased visitor pressure and degradation of retained or created habitats through mismanagement. However, this must be taken in the context of the overall benefits which the development, once constructed, has the potential to deliver.

Under the permission 18/01235/FULM extensive ecological investigations were carried out on the site in relation to the demolition of the existing buildings and ground clearance and remediation – as a result of this the ecological impacts of the site clearance have been appraised and agreed as part of this permission. The application at hand advances the same details which are considered up to date for the purposes of this application given the short passage of time between the previous approval and this application. In light of this it is not the intention of this report to rehearse these previously approved details, instead the context of this application will be discussed in relation to the updates this application advances.

The previous permission has secured a habitat and landscape creation and management plan that was agreed with Nottinghamshire Wildlife Trust (NWT) to include the retention of the LWS, replacement and enhancement of the LWS down the western boundary of the site creation of an attenuation pond which would also provide an aquatic habitat to maximize the sites ecological value in addition to drainage benefits which overall will provide ecological benefits such as creating a high quality community, foraging and nesting habitats. The application at hand advances these previously approved details and incorporates the habitat management plan within the indicative site layout plan.

Local Wildlife Site

To the west of the access and traversing the western boundary is the 'Balderton Scrubby Grassland Local Wildlife Site (LWS 5/332)' (LWS) which is described as a mosaic of scrub and species-rich grassland. Under 18/01235/FULM permission was granted to remediate the entire site save for this LWS which was to remain undisturbed to protect the habitat pending consideration of the planned Phase 2 Site Investigation results for this area. The justification for retention of the LWS in preference to site clearance and reinstatement is that it reflects the well-established ecological mitigation hierarchy (see BSI 42020:2013 and NPPF) – i.e. firstly, avoid negative ecological impacts where possible. If this is not possible, the next best approach is to mitigate for impacts and as a last resort, compensate. Complete site clearance, where the habitat would be initially lost, before compensatory habitat could be re-created would be a compensatory approach to development on this site. The disadvantage of this approach is that like-for-like re-creation may not be possible due to changing site characteristics and potential loss of specialist plant species. A condition was placed on this permission to temporarily protect the LWS during development and a further condition to secure the development of a Habitat Management Plan including full details of ongoing management and maintenance of the whole site and demonstration of soil contamination levels prior to land clearance within the LWS area.

The subsequent discharge of conditions applications evidenced that there was elevated metals and some asbestos in the soils at the LWS however this could not be remediated in the normal

way which would likely include the removal of the contaminated soils and replacement with clean as this would remove the ecological significance of the land. The submitted contamination and ecological report with this discharge of condition application subsequently concluded that the LWS did not need to be disturbed and instead made ecological recommendations for retention and enhancement rather than disturbance and replacement of habitats. It was recommended that in order to manage the potential risk to health at the site the site would be planted to keep bare areas to a minimum and the land would be regularly inspected. NWT have agreed to this approach given the retention of the LWS, however the Council's Environmental Officer raised concerns regarding how this would be ensured throughout the lifetime of the development and how future residents would be safeguarded. Discussions have been ongoing with the agent as to whether the land could be fenced off with clear signage advising residents of the ecological importance of the site – the land in question is shown as green space on the indicative site plan and devoid of built form such that it is considered feasible that this land could be separated as amenity green space rather than usable green space without impacting the indicative layout.

In respect to the areas of LWS immediately adjacent to the stream and proposed attenuation pond, it was previously agreed that significant ground (and habitat) disturbance would be unavoidable given the requirement for existing slab and culvert breakout and removal, pond excavation, and eventual bankside re-profiling works proposed as part of the overall site redevelopment scheme. Given this NWT agreed that a Habitat Management Plan was to be conditioned and agreed prior to the commencement of any site clearance works which incorporated a fully detailed methodology for reinstatement and ongoing management of the grass/scrub habitat mosaic for which the LWS is currently designated as well as detailed plans for habitat creation and maintenance across the wider site. This condition was agreed and discharged through a further discharge of condition application. Subject to the re-imposition of conditions requiring the implementation and completion of the approved Habitat Creation and Landscape Management Plans and future consideration of the NW portion of the LWS it is considered that this proposal would not unduly impact the biodiversity of the LWS's and include opportunities to conserve and enhance biodiversity on the wider site.

In conclusion, the long term management of this site and the LWS's discussed above is important and can be secured through a habitat management plan to ensure their suitable management, replacement and enhancement.

Trees

The 18/01235/FULM permission approved the clearance of all vegetation from the site and re-profiling to form a levelled construction platform. Whilst the site was dominated by bare ground which was becoming increasingly overgrown there were areas on the site which had some immature and semi-mature native trees in addition to some non-native tree planting associated with former landscaping including a line of Leyland Cypress and Lombardy Polar. Two areas of trees on the site were proposed to be retained, along the NE boundary with the sport club and along the northern boundary with Hawton Lane where there is a TPO designation. The trees that were proposed to be removed were classified as Category B and C trees with one area of Category U.

Whilst it was regrettable that the trees on site would be lost as a result of the approved permission, given the previous land use it was necessary to remediate the land to remove any potential contaminants. This previous approval proposed the removal of most trees on site however the long term arboricultural plan was to replace and enhance the ecology on site. The

Tree Officer reviewed the submitted details and advised that mitigation planting around the proposed pond should be implemented immediately and any further proposed soft landscaping proposals should seek to further mitigate and enhance for the loss of habitat and biodiversity that will occur during this phase of demolition/remediation. The Tree Officer requested a number of conditions which were attached to the permission and subsequently discharged with agreement from the NWT. The details submitted with this outline application replicate the approved details and it is considered that provided the same conditions securing the mitigation landscaping and planting are attached to any forthcoming approval this would be acceptable.

The Tree Officer consulted on this application has reiterated their previous comments therefore I am satisfied that subject to conditions in respect to further landscaping details and the protection of trees indicated for retention, the development is not considered to amount to a harmful impact in respect of trees.

Protected Species Impacts

The application at hand assumes a baseline ecological value of the site following the commencement of the ground works in respect of the 18/01235/FULM permission – the site is undergoing extensive remediation and therefore current habitats are primarily bare ground with the exception of the retained LWS and wildlife mitigation areas as approved through the 2018 application.

An extended Phase 1 Ecological Survey was undertaken in addition to Phase 2 surveys; great-crested newt, reptile survey, breeding bird survey, badger survey, otter and water vole survey, aquatic plant survey, white-clawed crayfish survey, bat survey (trees and buildings). Full details can be found with the ecological report which accompanied the 2018 application. In summary the appraisal identified the presence of common pipistrelle bats in buildings due to be demolished and other protected species on the land. No evidence of aquatic species were identified. As the baseline of the site is now predominately cleared with the buildings partially demolished it is stated in the Ecological Survey that the appraisal remains as previously approved. As the attenuation pond has not yet been constructed at the time of writing this report it is also considered that the existing baseline survey of the aquatic habitats on the site has not changed from the previous permission.

The preliminary Ecology Survey submitted with the application at hand states that the only identified change to the approved ecological details is the enhancement of Balderton Scrubby Grassland LWS. The groundworks consent (18/01235/FULM) included the retention of part of the LWS and replacement of the southern part within the Wildlife Mitigation Area as agreed with NWT. Under this consent the LWS was approved to be partially retained, enhanced and extended over the long term and is anticipated to remain of importance to nature conservation at a local level. Given the integrated nature of the groundworks consent and the outline application the conditions imposed on the 18/01235/FULM and subsequently agreed details through the discharge of conditions applications could be re-imposed on any future permission to ensure the ecological mitigation and enhancements previously secured are delivered through any future scheme on the site.

The indicative site layout plan and Ecology Report advance the same ecological strategy and habitat creation opportunities as previously approved and I note that NWT have raised no objection to this outline application provided the same protection, mitigation and enhancement measures as previously approved are carried through to any future approval on the site. I am

therefore satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF. Similarly to the flood alleviation benefits, the ecological benefits of enhancing the site and creation of habitats along the wildlife corridor and attenuation pond have been secured through the 18/01235/FULM application such that it is not considered these elements can be afforded full weight in the overall planning balance given they have been partially taken into account in a previous scheme.

Impact on Archaeology

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

Through the 18/01235/FULM permission, consent was given for extensive ground works which included the remediation and regrading of the site. As part of this application a consultation was undertaken within the Council's external Archaeological advisor who recommended the developer undertake historic building recording on the historic buildings on site to be demolished in addition to a scheme of archeological works. At the time of determining this application it was not considered that there would be significant archaeological value at the site however following further assessments undertaken to the west at the Land South of Newark strategic site the Archaeological consultant revised their comments requesting extensive investigative works following the uncovering of extensive Romano-British remains close to the application site boundary. At this time the groundworks permission had commenced and extensive groundworks had taken place – the Archaeological Advisor visited the site to review the works that had taken place and submitted revised comments which advised that it would have been unproductive to request trial excavation across the main site given the majority of the site had been disturbed by the previous industrial use. The Archaeological advisor commented that there were a couple of areas that could contain undisturbed archaeological remains which could benefit from some limited trial excavation to see if in situ remains survive (in the foundry waste piles in phase 1 and on the eastern side of the Sports and social club) however the remediation of this entire site without a requirement for any trial excavation has been secured through the 2018 permission and as such the ability to control this has been lost. However the agent has advised that since the development of the site will necessitate the whole of the site being disturbed they would agree to a watching brief being conditioned during the implementation of any subsequent reserved matters consent, albeit most of the ground in this area is to be raised rather than excavated to alter the flood risk of the land.

In the context of the previous approval at the site, subject to the above condition, the proposal is considered to raise no issues in relation to Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD.

Impact on Residential Amenity

The NPPF seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in

amenity including overbearing impacts and loss of privacy upon neighbouring development. Given the outline nature of the proposal it is not possible to assess all amenity impacts such as overbearing or loss of privacy through overlooking. These factors will be fully assessed at reserved matters stage.

The indicative layout submitted does indicate that the proposed houses could be sited a sufficient distance from one another as well as from the existing dwellinghouses, so as not to have a detrimental effect on one another. This issue would need to be considered in greater detail when the reserved matters of appearance, layout and scale are applied for, however, I am satisfied that the illustrative layout provides sufficient certainty that the objectives of Policy DM5 can be achieved in this regard.

Noise

An important consideration for this site is the interrelationship between the existing commercial premises, sports and social club and the proposed residential units. Given this a suite of Noise Assessments have been submitted to assess the potential future impacts. In this context the 'Agent of Change' principle which has been introduced at paragraph 182 of the 2019 NPPF is particularly relevant. This paragraph states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

The NPPF is also clear in identifying matters of noise as a material consideration in the planning process. Specifically paragraph 180 states that decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. The Council's Environmental Health Officer (EHO) has commented on this application and reviewed the submitted noise reports – they have advised that a number of recommendations are made within the report in relation to future proofing residential properties through various noise mitigation measures particularly to the south and west of the retained Flowserve factory and the northernmost and southernmost parts of the site to mitigate against traffic noise. The noise report states that recommendations have been made to protect the amenity of future residents as well as to safeguard the business interests of the Flowserve factory which is compliant with para. 182 of the NPPF.

A second noise survey has also been submitted to assess the implications of the Sports and Social Club (SSC) operation and the relationship with the proposed residential properties. In order to protect the residents from noise and to allow the SSC to operate without unreasonable restrictions a number of noise mitigation measures have been proposed including glazing and ventilation and acoustic fencing which the survey concludes will adequately protect the amenity of neighbouring residents. The EHO has confirmed that this approach is acceptable and having reviewed all of the submitted information confirms that no objections are raised subject to relevant conditions being attached to any grant of consent.

In terms of the interrelationship between the retained Flowserve Factory and future residential occupiers the first noise survey concluded there was likely to be a 'significantly adverse effect' on

residents when a generator within the factory was in operation (recorded noise levels of 70dB). For outdoor amenity spaces such as private gardens and patios, BS8233 (which provides guidance for the control of noise in and around buildings) states that ‘it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$ with an upper guideline value of 55 dB $L_{Aeq,T}$ which would be acceptable in noisier environments’. The initial report recommended that in addition to acoustic fencing, sound insulated windows with acoustic vents to habitable rooms to properties to the east of the factory would be required. However the EHO noted that the noise survey only accounted for indoor noise impact rather than considering external noise impacts and implications internally when windows are open.

Whilst the noise surveys explained that the generator is used in the daytime only and on an infrequent basis, officers consider limited weight can be given to the past infrequency of use as it is not possible for us to control or restrict how often Flowserve operate this machinery. As such the EHO suggested that sound insulation would be required to further mitigate and prevent any adverse effects on the amenity of future occupiers. As a result of ongoing discussions, a third noise survey (Report No: P18-035-R02v1) was submitted which looked at more comprehensively testing the noise impacts from the generator when it was in operation and considered what steps could be taken to reduce the noise.

A series of noise measurements were taken at key locations on the application site with the generator operating, with the access door on the main building both closed (as would be the case for the majority of the periods of generator operation) and with the door open (which would occur for short periods at the start and end of the generator operation). A summary of the results can be seen below:

Table 2: Summary of generator noise levels measured on development land (dB)

Location	Measured Noise Level in dB L_{Aeq}	
	Access door closed	Access door open
A. Plot 273	51	57
B. Plot 269	48	56
C. Plot 270	47	57
D. Site boundary (previous Location 4)	58	68

Taken from Page 8 of Flowserve Generator Noise Assessment Report No: P18-035-R02v1

The noise report concludes that whilst the main access door to the generator enclosure is not visible from the application site, noise levels are significantly higher when it is open due to reflections off the main building and noise egress from the gap between the enclosure and the adjacent building. The measured noise levels at Location D indicate that the generator noise measurements taken previously in the earlier acoustic assessments reviewed by the EHO (report P18-035-R01-V3) were with the access door open. With the access door closed (which is understood to be the scenario during the majority of generator operating periods), noise levels are significantly lower and no more than 58 dB L_{Aeq} . At locations representative of the nearest proposed dwellings (as indicatively shown on the proposed site plan), generator noise levels are lower still and in the range 47 – 51 dB L_{Aeq} . These measurements are at least 19 dB below those assumed in the previous assessments which is a significant reduction and equivalent to approximately two halvings of loudness (i.e. four times quieter) in addition to being within the upper guideline value of 55 dB for outdoor amenity spaces.

Provided the access doors to the generator are kept closed at all times during operation the generator is unlikely to result in any unacceptable noise impact to proposed residential occupiers on the application site. The acoustic survey recommends additional mitigation measures comprising the installation of an acoustic lobby on the access door so at least one door can remain closed at all times (provided the lobby would provide the same standard of sound insulation as the rest of the generator enclosure) or relocating the generator control panel to within the main factory building so the generator can be operated remotely in addition to the fuel tank filling door being inspected and properly sealed to minimise noise emissions from this section of the enclosure. All measures would ensure the enclosure remains efficient during operation in addition to the installation of acoustic fencing and sound insulated windows with acoustic vents to habitable rooms as indicated within the acoustic report.

The EHO has advised that these mitigation measures to the generator enclosure, as outlined in points 4.5 and 4.7 of the report, in addition to the sound insulation and noise control measures for the proposed dwellings outlined at section 4 of the report should be implemented to ensure there is no adverse impact through noise disturbance on future occupiers. The EHO has advised that the recommendations to the generator enclosure are especially beneficial to secure at this stage in order to prevent any future implications on the Flowserve factory in the future should noise complaints be received (in the absence of undertaking these mitigation works) and subject to securing a suitable noise attenuation scheme they raise no objections to the proposal.

Exact details of noise mitigation would be agreed at the reserved matters stage but given the positive conclusion of the EHO it is considered that the applicant has done enough to satisfy mitigation to the dwellings and generator enclosure. The latter would need to be controlled through a Grampian condition as agreed by the agent due to the Flowserve factory being outside of the application site (i.e. the works would need to be completed prior to commencement of this development, if approved). The applicant has indicated that Flowserve Factory owners are happy with this approach and a letter confirming this is expected imminently, this will be confirmed to Members as a late item upon receipt. It is therefore considered, subject to these conditions, that the impact on the amenity of future residents surrounding the factory would be acceptable such that the proposal would accord with the relevant elements of the NPPF and DM5 of the ADMDPD in this regard.

Lighting

I note that permission has been granted under 18/00235/FUL for the erection of floodlights around the football pitch which lies to the north-east of the sports and social club site (adjacent to the eastern part of the application site). The site plans submitted with this 2018 application shows the lights orientated inwards onto the pitch and at the time of determining the application, conditions were imposed in relation to the times in which these lights could be used and how frequently as a result of comments from the EHO. Impacts upon existing properties on Kew Gardens and Richmond Close were considered that lie to the north of the site, and I note that the application at hand would not introduce residential properties any closer to the approved floodlighting than appraised during this previous application.

The floodlights are restricted to be used only between 14:00 and 18:00 and no more than 12 occasions per year during 18:00 and 22:00 which prevents the floodlights being on unnecessarily when the pitch is not in use and also to prevent them being on late into the night. I am satisfied that this is acceptable in the context of the application at hand and that residential properties

proposed on the indicative site layout would not be unduly impacted as a result of the existing floodlighting.

Comments have been raised by interested parties about the potential impact of future street lighting on the amenity of existing properties and the impact it would have on the dark skyline that currently exists given the rural surroundings. The NPPF states at para. 180 that planning decisions and developments should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Given the outline nature of the application this level of detail has not been submitted, however I am satisfied that issues surrounding light pollution could be adequately addressed at reserved matters stage (where this is within the LPAs control) to ensure no detrimental effect on surrounding residents and the overall landscape. I am also mindful of the development being carried out to the west of the application site on Land South of Newark which will inevitably alter the surrounding character by virtue of the scale of this strategic housing and employment delivery such that any scheme forthcoming at the application site at hand would not result in significantly detrimental effects in accordance with the NPPF and DM5.

Impact on Contaminated Land

Paragraph 170 of the NPPF confirms that planning decisions should contribute to and enhance the natural and local environment including in the context of remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The approved application under 18/01235/FULM secured full site remediation and works are currently underway on site, implementing this permission. Nevertheless this application has been accompanied by a Phase 1 Environmental Risk Assessment which has been assessed by colleagues in Environmental Health. The Contaminated Land Officer has commented that the previous approval at the site agreed that following completion of the demolition and remediation a clean cap of 300mm is proposed leaving a building platform for the developer. The developer then has to complete the remediation by making up this clean cap to 1000mm in gardens including sourcing clean material and validating that it has been carried out to an appropriate depth and standard. The full phased contaminated land condition was imposed on the previous approval and the Contaminated Land Officer has confirmed that parts B, C and D of the condition are required to be re-imposed on any future approval to ensure the above measures are achieved and appropriate validation reports are submitted. Overall no objection has been raised to the residential development subject to conditions should permission be forthcoming.

I am satisfied that the applicant has appropriately considered the previous land uses of the site and subject to the ongoing works under 18/01235/FULM and the proposed mitigation measures secured through conditions, the site could be considered appropriate for residential use. Similarly to the flood alleviation and ecological benefits, the benefit of remediating this contaminated brownfield site (which although carries substantial weight through the provisions of the NPPF) is not considered to carry full weight in the overall planning balance of this application given it has been taken into account and secured through the 18/01235/FULM permission.

Impact on Community Facilities

The existing Flowserve Sports and Social Club (SSC) facilities to the north of the retained Flowserve building that lie outside of the application site are protected community facilities covered by Spatial Policy 8 and I note that this is proposed to remain unaffected within the proposed plans.

Accordingly there would be no physical loss of the community facility to consider against SP8. However it is equally important to ensure that this important community facility can continue to operate as it currently does with no unacceptable detrimental impact from development occurring (noting that Sport England have made comment in this regard).

Sport England initially commented in their Statutory Role that their main concerns regard how the proposed housing development relates firstly to the introduction of residential properties adjacent to the playing field and the potential for impacts on residential amenity (this has been covered in the above Amenity section) and secondly issues around access and car parking for the SSC.

In relation to parking, during the 18/01235/FULM application Sport England commented regarding the potential implications of the development on the ability of the SSC to continue to operate both during the remediation phase and in the future, with particular concern regarding retaining access to the site and its parking provision. At the time of determining this application it was therefore considered essential that adequate replacement parking provision for the SSC was secured so as not to unduly impact the operation of the community facility. Replacement parking was secured via condition as indicated on the plan ref. Sports Facility Car Parking Plan 7630_107D which shows 88 car parking spaces to the south of the retained Flowserve factory adjacent to one of the northern boundaries of this application site (noting that the approved car parking spaces are also shown on the indicative site layout). The previous parking provision for the facility lies to the western side of the site and has been part of the Phase 1 remediation works as approved under 18/01235/FULM. Concurrently with the determination of this previous application, permission was granted at the retained Flowserve premises for the erection of security fencing to separate the factory and the parking area to ensure both security for the factory and accessibility to the parking area for users of the SSC. Given the importance of maintaining the operation of the community facility a condition was imposed on the 18/01235/FULM consent that the car parking area as outlined on the aforementioned plan be made accessible and retained for users of the club at all times for the lifetime of the development. Given this car parking area was outside of the red line of the submitted site location plan, but within the blue line (as it was land within the applicant's ownership at the time) this was secured with a Grampian condition (Condition 04 of 18/01235/FULM).

For the avoidance of doubt Condition 04 of 18/01235/FULM reads:

“Notwithstanding the approved details, prior to the commencement of any works on site the car parking area denoted on the Sports Facility Car Parking Plan ref. 7630_107D (which is on land within the blue line boundary of the site on Site Location Plan - Ref. 110) shall be provided and made accessible for use by the Sports and Social Club. The car parking area shall thereafter be accessible and retained for the lifetime of the development for use by users of the Sports and Social Club unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the future operation of the community facility is not compromised by the approved development. ”

The Council's intention with imposing this condition was that the parking area would be provided and made accessible for users of the SSC prior to the commencement of the development and for its lifetime (noting the description of development for this permission was “[...] to create a development site”) so as not to affect the ability of the SSC to continue to operate as a community facility. However, throughout the course of this application Officers have considered the effect of

Condition 4 and the meaning of its wording – particularly the use of the phrase “*for the lifetime of the development*”. Officers were concerned that an argument could be advanced that once the 18/01235/FULM permission is complete (in that all the buildings on site have been demolished, the land remediated and the water works fully carried out) the condition would no longer remain enforceable as the ‘lifetime of that development’ would have ceased, thus the condition would no longer bite, albeit this was not their original intention.

In light of this, and the implications it could have on the determination of this application, the LPA has sought Counsel advice regarding Condition 04 and its enforceability. Counsel has confirmed that given the wording of the condition, it is ‘time limited’ to the works to be undertaken as part of the 18/01235/FULM application, and thus once the works have been completed the condition would no longer be enforceable. Whilst the LPA has received no indication that Flowserve has any intention of withdrawing the car parking area from use, an inability to enforce the Condition would result in an unsatisfactory position as the SSC would be left without any parking provision for its users. The Council is therefore concerned that, in those circumstances, the condition cannot now be taken into account as a way of ensuring the continued provision of car parking in deciding the current application.

Prior to the submission of this current application, land ownership has changed. The current application has been submitted with a new site location plan which only includes a red line for the application site and takes the SSC and the Flowserve factory (and thus the car parking area) out of either the red or blue lines. As a result of this it is no longer possible to re-secure the 88 parking spaces in the same way (via condition) in this current application. Accordingly, Officers have enquired whether the applicant would be willing to enter into a section 106 agreement with the owners of the parking area (Flowserve Factory) and the Council to ensure the parking area is retained. The agent has confirmed that the applicant cannot facilitate a S106 agreement in respect of this parking area with the owners of the Flowserve Factory site and in any event contends that the parking area is already secured through Condition 04 and thus a S106 agreement is not required. However, given the conclusion of our Counsel advice, Officers have significant concerns regarding the future availability of these parking spaces for the SSC as once the remediation permission is completed there would be no assurance that the parking spaces would be retained for use. The absence of an ability to guarantee the security of sufficient parking for the SSC through this application and the possible consequential impact on the operation of the community facility through the removal of any parking provision is therefore a material planning consideration for the Council to judge.

Given this conclusion Sport England were reconsulted on this application, their comments can be read in full in Appendix A, however in summary they have concluded that they would raise objection to the proposed development in the absence of any security over parking provision for the SSC as this could prejudice the use or indeed lead to the loss of the sports facility. In the absence of adequate car parking, Sport England have concerns that future visitors to the SSC could create significant disturbance to the residential amenity of future occupiers leading to potential future restrictions on parking and highway safety issues such as emergency vehicle access. In addition they have confirmed that in the absence of any security over parking provision they would support the Council’s conclusion that the absence of an ability to guarantee the security of sufficient parking for the SSC should carry significant negative weight in the planning balance as the potential removal of parking provision for the Club would impact its ability to operate as an identified Community Facility which is protected by SP8.

In an attempt to address this point the applicant has advanced several arguments:

1. That the SSC is unconnected to the application site, it comprises a separate land use on a site that is in separate ownership and there is no reason in planning terms why the applicant should provide parking for its benefit;
2. That in any event a site has been retained which is operated by Flowserve to provide 88 spaces which are available for the use of the SSC (which the applicant maintains is secured via Condition 04 attached to 18/01235/FULM, a permission that exists in perpetuity. Therefore, condition 4, relating to the provision and control of car parking must also exist and endure in perpetuity);
3. That insofar as the car parking needs of the SSC are material to the determination of the current planning application, which the applicant argues they are not, it is evident that such provision has already been made; and
4. In any event, the SSC can provide car parking on land which it currently occupies, and this is a matter for the SSC to resolve.

Having already explored point 2, to take the applicants first point, whilst the SSC is in separate ownership and lies outside of the application site the application site is directly adjacent to this site and includes land which the SSC have had the benefit of using for their parking provision for many years. The removal of this provision, through the development of this land, would directly impact this identified Community Facility's ability to operate which would conflict with the provisions of policy SP8 which seeks to protect community facilities. Throughout the course of the 18/01235/FULM application the applicant raised no objection to the requirement to make alternative parking provisions for the SSC and indeed agreed to (and has since made no challenge to) the imposition of condition 04 (irrespective of the recent conclusions regarding its future enforceability). Officers therefore consider it reasonable to conclude that the applicant was in agreement that condition 04 (and thus securing parking provision for the SSC) was necessary, relevant to the development to be permitted, precise and reasonable in all other respects (in accordance with para. 55 of the NPPF). It therefore appears that the applicant's position has changed with point 3 in that they no longer consider the car parking needs of the SSC to be material to the determination of the applications at this site.

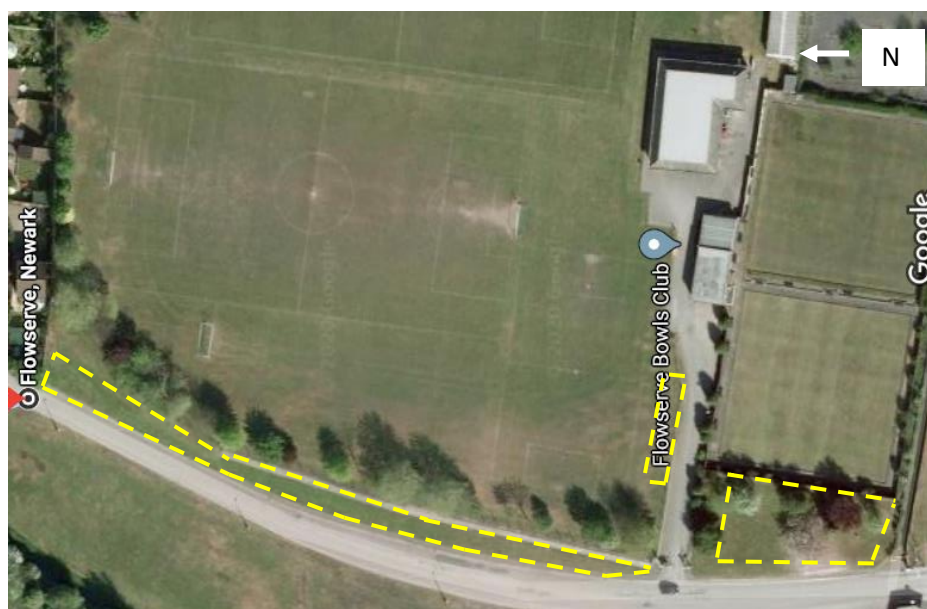
Further to this argument the applicant has submitted a statement (dated 18 June 2020) that seeks to clarify the previous (pre-commencement of the 18/01235/FULM application) and current parking positions of the SSC. Their statement asserts that historically, the SSC had a lease from the Flowserve factory which extended only around the sports uses which they currently occupy. It did not encompass any car parking areas in the control of Flowserve (i.e. the land that the SSC has historically used to the west of its entrance) and the lease did not require Flowserve to make any parking available. The users of the SSC simply parked on Flowserve owned and controlled car park (outside of the secured area) on an informal basis in an arrangement that could be described as use by unwritten licence. Such a licence is terminable at will by the licensor. The applicant argues that the current situation would see 88 spaces made available (again outside of the secured area) to the south of the Flowserve factory for use by the SSC on the same basis of an unwritten license and thus in the context of parking for the SSC, the situation would remain unchanged. The applicant therefore concludes that the SSC will not be affected by the current application as the scheme would not affect their parking position and there would be a nil effect.

However, the previous long term parking arrangements (irrespective of whether this was on the basis of an unwritten license) reflected that the SSC was the sports and social club of the Flowserve company. There are many factors that have '*changed*' when considering the current vs future parking situation, one fundamentally being the severance of the link between Flowserve and the SSC and that the two parcels of land are now in separate ownership. These changes are

therefore material in considering the status of the parking provision (even on the basis of an unwritten license) in addition to the fact that the previously approved and current planning applications on the surrounding land also change the circumstances in which to consider the previous and current parking arrangements, including the imposition of condition 04 described above. The Council therefore does not accept the applicant's argument. Officers have explained that their stance is that the SSC will be directly impacted by the application at hand and in the absence of any mechanism to secure sufficient parking provision for its use in perpetuity, Officers cannot reasonably conclude that the development would not impact the ability of the SSC to continue to operate as an important community facility which would be contrary to SP8 of the Core Strategy.

In light of this conclusion the applicant submitted a plan and a supplementary transport statement (version 2.0 – 15th June 2020) which put forward a proposal for parking to be provided within the SSC site itself (point 4 above). In the interest of coming to a satisfactory conclusion Officers explored this option with Sport England (whose comments on this can be read in Appendix A - 15.07.2020). In summary, there were concerns from Sport England about the assumptions made in the Transport Statement but more fundamentally they objected to the proposal to convert some of the land within the SSC to parking area stating that both the overflow parking and part of the suggested main car park on the submitted parking plan would use up any spare land which allows for site flexibility of pitch arrangements, maintenance, warm up and training without using the main pitch areas which would in turn impact the Club's ability to operate. Sport England would object to any proposal which results in the loss of usable playing field and have concluded that they do not consider the provision of parking within the SSC site itself (as shown on the plans submitted) to be an appropriate option to address this issue.

Whilst the agent disputes a number of points raised by Sport England (as highlighted in their letter of 17 July 2020), given Sport England's conclusion, the applicant has looked at alternative options to provide parking for the SSC. The indicative plan 'Combined Site Plan (incorporating additional parking) (7630-157)' has been submitted which shows a total of 96 car parking spaces. 44 spaces are shown within the red line of the application site to the east of the Flowserve factory adjacent to the boundary with the factory site, access to which could be obtained from the SSC down the public footpath that runs to the north of the factory building. 52 spaces are shown to the west of the SSC (outside of the red line of the application), 17 along the land to the north of the SSC access, 25 to the south (both of which are on the existing grass verge areas outside of the SSC boundary fencing) and 10 within the SSC site to one side of the existing access (three areas shown below).



In terms of quantum of spaces, throughout their comments Sport England have raised concerns that insufficient parking would result in consequential impacts on the residential development through displacement of vehicles onto residential streets which could pressure the future operation of the SSC and safety of the highway network. However, in terms of considering the optimum quantum of parking spaces, Officers are mindful that the 88 spaces that were intended to be secured through condition 04 of 18/01235/FULM would have secured a level of car parking that was previously accepted by Sport England in the 2018 application to be adequate as illustrated by the withdrawal of their objection and acceptance of the conditioned plan. As such, whilst there might be concerns regarding 'overspill' car parking issues it would not appear reasonable to reopen this issue for debate again given their previous position. This would also appear to be implied by Sport England's comments of 15.07.20 that state "there appears to be logic in considering at least the same level [of parking] as that agreed on the retained Flowserve site for any assessment". As such, Officers consider the applicant's indicative arrangement showing 96 spaces to be sufficient.

Ten spaces are shown within the grassed area of the SSC. Given their previous comments Officers have sought a view from Sport England on this final parking plan however at the time of writing this report their comments have not been received. Officers are mindful that the area shown is adjacent to a marked out football pitch and may not be suitable from Sport England's perspective, however the plan is indicative only at this stage and should these 10 parking spaces be lost this would leave 86 parking spaces which is only 2 less than was secured through the 18/01235/FULM permission. Whilst it is less than ideal to reduce the number of spaces, when looking at the overall scheme, Officers do not consider a reason for refusal could be sustained on the difference of 2 spaces.

The Highways Authority have also been consulted on this final parking plan. They have advised that the 17 spaces shown to the north of the SSC access are less than ideal. The indicative plan shows a footway running to the rear of the spaces which infers these would be adopted as part of the public highway, however the Highways Authority usually expect all car parking to be off-highway. Comments from NCC Highways (20.7.20) highlight that these spaces are unlikely to be refusable on highways safety grounds but in the event that they are accepted a commuted sum payment would be expected for maintaining the spaces if they were to remain in the public highway. On the basis that these spaces would not present a highways safety risk Officers are comfortable that these spaces could be acceptable, subject to a detailed design at reserved matters stage and the satisfaction of the Highways Authority.

Having explored multiple options with the applicant, this indicative parking plan showing how a sufficient number of parking spaces could be accommodated on the site and on land that is within the same ownership as the SSC is considered to address Officers' previous concerns relating to a lack of parking provision and any consequential impact on the SSC. A scheme for parking provision for the SSC, based upon the indicative plan submitted, would need to be submitted as part of the reserved matters submission (first phase) and given it would in part relate to land outside of the application site boundary would need to be secured through a S106 agreement. However subject to this, Officers consider the proposed residential development would now be acceptable in relation to any potential impacts on the operation of the community facility.

I note Sport England have also commented on the application raising concerns regarding the potential for the Flowserve business to relocate in the future resulting in this land being offered up for development and further pressure on the facility. Whilst Officers agree that any loss of or restrictions on access and/or parking for the Club has the potential to have significant impacts on

the future use of the sports field site, it would be unreasonable to assess the application at hand based on an assumption that further development might come forward in the future. Given the applicant is now willing to enter into an agreement for the submission of parking scheme to secure parking spaces for use by the SSC in perpetuity, Officers consider that this proposed residential development would no longer result in any significant detrimental impact on the designated Community Facility. The proposal is therefore considered to be in accordance with policy SP8.

Viability of Development and Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

Clearly the starting point for any application is that the proposed development would deliver the full suite of contributions considered necessarily attributed to the development. In the case of outline applications, some contributions cannot be fixed until overall numbers are known. The S106 would therefore need to set out, where relevant, a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage.

However in this case the applicant has submitted a viability case which identifies that the scheme would be unable to support any planning obligation requirements due to the level of abnormal costs associated with the remediation of this brownfield site in addition to abnormal foundation solutions required, works to alleviate flooding issues and the undevelopable nature of part of the land where wayleaves exist which have been counted in the assessment from the 18/01235/FULM permission (estimated cost of £4,205,061). Given this site is a brownfield site, which requires substantial contamination remediation there are significant challenges and site constraints that would be associated with the delivery of any re-development of the site. The conclusion, in the viability report in this case, is that there is insufficient headroom to support any S106 contributions. The viability appraisal has been determined based upon a developer profit level of 2.64% on revenue (amounting to £1,542,032.00) which is considerably lower the industry norm of 20% and the viability report concludes that should the development include policy compliant contributions then the scheme would generate a negative developer margin of -£8,244,539.00 (-15.29% on revenue) which would be well below market expectations of a scheme of this nature.

As with previous instances where we have been presented with a viability case, Officers have negotiated an independent review of the appraisal at the cost of the applicant. The response received from Lambert Smith Hampton dated 15th July 2019 confirms the agent's viability appraisal to be acceptable in that it is based on reasonable development costs and robust assumptions in line with current market requirements. The independent review therefore corroborates that the scheme is not viable on a policy compliant basis as there is insufficient headroom based on the substantial abnormal development costs associated with re-developing this brownfield site.

Nevertheless, the following discussion provides the requirements of the SPD and consultee responses for a scheme of up to 322 dwellings. For each potential contribution the policy position

will be stated along with the developer's offer and Officer's position/commentary on each. The implications of the viability position are then considered at the end of this section.

Affordable Housing

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based upon the maximum number of units as detailed on the Indicative Masterplan, this would deliver **97 affordable units**.

Notwithstanding any comments made by the agent that members may recall from their briefing meeting in 2019 the proposal would involve no provision of affordable housing on site and it is recognised that this would represent a significant shortfall in the policy requirement to the detriment of local affordable housing needs.

CP1 states that in seeking to secure 30% affordable housing in doing so will consider the nature of the housing need in the local housing market; the cost of developing the site; and the impact of this on the viability of any proposed scheme. In circumstances where the viability of the scheme is in question, the developer will be required to demonstrate, to the satisfaction of the District Council, that this is the case – this is reiterated by para. 57 of the NPPF. However, both the NPPF and the NPPG makes clear that where the viability of a development is in question, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Notwithstanding this, Officers are conscious that paragraph 64 of the NPPF states that:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes;*
or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

The 10% figure has also been reinforced by the latest national CIL consultation and this has been presented to the applicant as an absolute minimum requirement for the proposal.

As set out above a viability case has been presented with this application which includes a high level of costs associated with the redevelopment of brownfield or previously developed land. As discussed in the *Principle of Development* the NPPF asserts the importance of utilising brownfield land, particularly within settlements for the delivery of homes and where proposals support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (para. 118).

As a result, to incentivise brownfield development para. 63 of the NPPF states that where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floor space of the existing

buildings, this is known as 'Vacant Building Credit'. However, this does not apply to vacant buildings that have been abandoned. The Council has accepted that the former Flowserve buildings which were vacant were not considered to have been abandoned and as such could be counted against the Affordable Housing requirements of the site. However discussions have been ongoing with the agent regarding whether the proposal at hand is able to 'claim' this credit because the Council considers that in order to claim the floor space of any vacant building, these buildings should be present on site and included as part of the proposal at the time of determining the application where the credit is to be applied. The agent has disputed this point and has submitted their own Counsel advice which the Council's own Legal Advisor has reviewed. For the avoidance of doubt, the demolition of all of the redundant factory buildings was approved under the 18/01235/FULM and following commencement of this permission it has been confirmed that all buildings proposed and consented to be demolished have been demolished at the time of determining this application.

Whether it is necessary for existing buildings to be present on site at the point of the determination of the application in order to include the floor space of the buildings within Vacant Building Credit calculations has not been definitively settled in case law. The National Planning Policy Guidance (NPPG) advises that *"where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought"*.

Paragraph 27 of the NPPG goes on to say *"A 'credit' should then be applied which is the equivalent of the gross floor space of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation"* [emphasis added]. The LPA's opinion is that the ordinary and natural meaning of these words is that the vacant building must be present on site at the time of the planning decision and the demolition has to be part of the scheme coming forward for decision, not as part of some earlier operation. The NPPG is a material consideration and therefore the Council considers it reasonable to require any buildings to be used in claiming Vacant Building Credit to be present at the time of the decision. Given all of the buildings on site have been demolished, Vacant Building Credit cannot be used to offset any of the affordable housing contribution required by the development. The minimum expectation would be for the development to provide at least 10% affordable housing, based upon the maximum quantum sought this would amount to **32 units** being provided as affordable units which in monetary terms would equate to: **£1,472,000** (32 x £46,000/unit). The LPA would be seeking to secure this contribution through a S106 agreement.

Throughout the course of this application the applicant and their agent have continuously expressed their intention is for in excess of 30% of the units on site to be delivered as affordable housing through a Registered Provider (RP). The applicant has sought to secure a partnership with a RP in order to apply for grant funding from Homes England (HE) to provide affordable housing on this site (a figure of 113 units has been cited consistently within correspondence from the agent). However, as part of their grant funding stipulations HE will not support any affordable housing delivered through a planning obligation (S106 or condition). Therefore, whilst the applicant has advanced their intention to deliver affordable housing on the site (with HE grant funding), and Officers clearly see the merits of this, we have explained that in order to give this any weight in the planning balance there must be a mechanism by which to ensure its delivery.

Notwithstanding HE's position, the applicant has put forward a number of proposals to the LPA as a way to 'work around' this restriction so that the intended provision of affordable housing on the

site can be afforded weight in the planning balance. The options put forward include making Nottinghamshire Community Housing Association (NCHA) a joint applicant within this planning application or the applicant entering into a contract with NCHA and the Council to achieve a simultaneous “exchange” whereby NCHA sign and complete an agreement to purchase land sufficient to accommodate 113 units for affordable housing and that at the point of this signing the Council releases the planning permission for the development upon the understanding that the land has already been transferred to NCHA. Officers have sought Counsel advice on these options.

NCHA as a Joint Applicant – the Council’s view is that this option is unlikely to significantly alter the previous position. There would remain no condition or S106 agreement that would bind the applicant and NCHA to providing affordable housing on the site unless the permission was adapted to be a ‘personal permission’. However, NCHA has not indicated that they are agreeable to this approach in any event.

Entering into a Contractual Agreement - There is, so far as we are aware, no reported case law suggesting that mechanisms along the lines of those promoted on behalf of the applicant in this option are either (a) lawful; or (b) appropriate. One of the reasons contributions are secured using S106 is the enforcement machinery contained within that provision. Any agreement outside S106 would not benefit from the same machinery, Officers have expressed concerns that should there be any breakdown in the mechanisms between the applicant and NCHA or if HE did not provide grant funding then the enforceability of this agreement is unclear. As far as we are aware HE has not indicated that the proposals suggested by the applicant would attract such funding on a basis that they consider is proper. Nor have they indicated informally or otherwise that this is in general terms an approach they are familiar with or have used before.

The applicant/agent has not articulated with any sufficient precision either the statutory powers that would be used for the purposes of both entering into such an agreement and/or the later enforcement of it, in circumstances where it might later be argued that the precise reason s.106 was not used was to secure public funding that would not be available had it been used. As set out above, the Council is not aware of any support for this approach whether from HE, Planning Inspectorate or the courts. It is therefore considered, by definition, an unconventional approach which has not been tested and Counsel has advised that this carries significant risk.

In addition, the applicant has not in any event produced a sufficiently detailed draft contract so that the Council could meaningfully assess fully potential areas of difficulty. The applicant has been advised that should they wish to continue to pursue this course that this is a matter for them to undertake. Counsel has raised legitimate questions such as: What would the contract say, for example, about the allocation of risk? What would it say about enforcement mechanisms in the case of a failure to deliver affordable housing, or about the prospects of further planning applications being made to release the affordable housing provision? Who would the mechanisms be enforceable against, and how? These questions remain unanswered and therefore Officers consider this is not a reasonable or reliable option to pursue. NCHA have also, as far as we are aware, not indicated that they would be amenable to this kind of approach, or that they have used it successfully before and HE have advised that they would prefer no agreement between the developer and a registered provider for affordable housing that forms part of the planning submission.

In conclusion, it is accepted that the NPPF places substantial weight on re-using brownfield land, particularly to meet the demand for housing, and presents a mechanism which incentivises this

through reducing required affordable housing contributions. However the application at hand is not capable of fully utilising the mechanism that would have been available to off-set some or all of the required contributions towards affordable housing and as such Officers consider that in order to comply with the NPPF a minimum of 10% affordable housing should be provided by this scheme at least (which would amount to 32 dwellings) or the equivalent commuted sum payment in lieu of on-site delivery (which would amount to **£1,472,000**), neither of which are forthcoming with this application.

Whilst Officers do not dispute the applicant's intention may be to secure grant funding for this purpose with a RP in the future, in the absence of any mechanism to secure a policy compliant 30% or at least the NPPF minimum of 10% contribution, no weight can be afforded to this in the planning balance.

Community Facilities

As defined by the Developer Contributions and Planning Obligations SPD, community facilities include (but are not limited to), Community Halls; Village Halls and Indoor areas for sport. In the interest of comprehensive development, the District Council will seek the collective provision of new infrastructure (where necessary). Based on 2016 indexing, for a development of 322 dwellings this would equate to a financial contribution of **£445,670.54**.

As stated above the scheme would not be able to support a community facilities contribution and would therefore fail to meet the SPD requirement in this regard.

Education

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

The comments of Local Education Authority (LEA) suggest that the development would yield an additional 68 primary school places and 52 secondary school places (albeit the delivery of secondary education places would be secured through the District Council's Community Infrastructure Levy). A contribution of **£1,148,656** (68 x £16,892) has therefore been sought for Primary education which the LEA state would be used towards the delivery of the extension of the existing Chuter Ede Primary School (Fernwood Annexe). It is noted that this amount actually exceeds the latest figures from the Developer Contributions SPD but it is equally noted that no 2016 indexing figures have been formally provided and thus presumably this amount has taken the latest indexing into account.

Throughout the course of the application the agent has disputed the methodology used by the LEA in calculating education contributions based upon relevant 'school planning areas', arguing that there is capacity in surrounding schools (based upon a different catchment area approach) that would negate the requested contribution. The LEA asserts that the contribution requested has been determined based upon the County Council's Planning Obligations Strategy and that the report submitted by the agent disputing the requested contribution is not based upon the County Council's adopted approach as it should be based solely on the capacity of schools within the respective 'Primary Planning Area', which in this case is Balderton, rather than one individual school. The LEA have advised that the methodology used has been agreed by the Department of Education and maintain that based on current projections there is insufficient capacity within the

Balderton Primary Planning Area to accommodate the development and as such the contribution requested is valid and justified.

The applicant remains of the view that the LEA have failed to justify its request for a contribution to be made for education on the basis that their analysis of adjoining schools closest to this development demonstrates that they still have surplus capacity. The applicant has also advanced the argument that the School Capacity (SCAP) projections have changed – they argue that where the LEA had previously forecasted that the rolls in the Balderton and Newark Town 1 Primary Planning Area were going to grow (by 13 and 197 places respectively), the most recent SCAP projections suggests that both planning areas are going to have a fall in rolls by 2023/24 (by 55 and 19 places respectively). In this context the applicant argues that there is sufficient capacity for the proposed development. NCC have been asked for additional comments on this point, however they have not been received at the time of writing this report.

However, in any event, as explored above the scheme would not be able to support any education contribution and would therefore fail to meet the SPD requirement in this regard.

Health

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This amounts to **£316,403.64** for the entire 322 units.

Given the pressure on existing infrastructure that is already stretched it is considered that this contribution would be required, however the scheme would not be able to support a healthcare contribution and would therefore fail to meet the SPD requirement in this regard.

Libraries

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. This amounts to a contribution of **£15,307.88** in respect of Library stock.

However, as explored above the scheme would not be able to support this contribution and would therefore fail to meet the SPD requirement in this regard.

Public Open Space

A development of up to 322 dwellings is required to make a contribution towards public open space in the form of provision for children and young people (18m²/dwelling), amenity green spaces (14.4m²/dwelling), outdoor sports facilities (52.8m² per dwelling), allotments and community gardens (12m² per dwelling) and natural and semi-natural green space. The indicative site layout incorporates on site provision in the form of 5 separate areas totaling 35,889m². The open space provision includes:

- A 1,956m² Local Equipped Area for Play (LEAP) which is situated on the southern portion of the site.
- A 24,092m² amenity area running along the western site boundary and including the attenuation pond.

- A 7,148m² landscaped amenity area is proposed at the northern site boundary, where the access road adjoins Hawton Lane and the Local Wildlife Site
- A 2,243m² landscaped amenity area at the entrance to the site.
- A 450m² landscaped area adjacent to the west of the Flowserve premises.

Despite the total of 35,889m² over half of this constitutes the sustainable drainage scheme (SUDS) (with 10,600m² comprising the attenuation pond). The NSDC Parks and Amenities officer has commented that it may be appropriate to consider all or some of this as Public Open Space, the purely engineered drainage solution element may not be appropriate to include, such as the flood attenuation pond. It is noted that the actual figures may differ slightly given the changes made to the indicative layout throughout the life of the application but there is the opportunity to secure these figures as minimum quantum through any associated legal agreement.

Based on the required provision levels the scheme should include 5,796m² of children and young people's playing space (322x18) however the only area included on the indicative plan is the LEAP at 1,956m². None of the remaining areas shown on the layout are appropriate as playing space and therefore there is a shortfall of 3,840m² (equating to **£192,691.20** based on £50.18 per m²).

The NSDC Parks and Amenities officer also states in their comments that a scheme of this size should include the provision of allotments (3,888m²) and if on-site provision is not considered to be possible then an off-site contribution (of **£39,890.88**) towards allotment provision in Balderton should be provided. In addition, given the size of the development it is considered appropriate that the site should include provision for older children and teenagers in the form of a Neighborhood Equipped Area for Play.

It is appreciated that it is unlikely that outdoor sports facilities would be provided on site and Officers do not accept that the existing facilities on the Flowserve Sports and Social Club can be counted as on-site provision, therefore an off-site contribution would be more appropriate in this respect. This would amount to **£237,545.84** based on 2016 indexing of the SPD figures.

Maintenance of Public Open Space

The District Council has confirmed that it would not take on the maintenance of the Public Open Space which amounts to a total of approximately 3.58 hectares including a LEAP, biodiversity habitats, SUDS and an attenuation pond which would require an able and sophisticated maintenance regime.

It is acknowledged that the applicant has a duty of care to new customers which extends far beyond the initial point of sale. Managing the delivery of communal facilities for a large development requires careful programming and constitutes highly specialized, resource intensive work, particularly given the site specific circumstances relating to the LWS and SUDS scheme. Equally it is acknowledged that the use of Management Companies (ManCos) is common practice across the UK.

A ManCo is a company set up to specifically maintain and manage communal areas and services within a development which do not belong to nor are the responsibility of a specific person (for instance an individual leaseholder or home owner). The specific details relating to the future management of the Public Open Space would be agreed through a S106 agreement with the developer, albeit it falls to the LPA to agree a precise schedule of maintenance/management prior to development commencing. Maintenance would be paid for by the developer through either by

them front loading the ManCo with subsidies and/or applying service charges to the dwellings they sell - overall this approach is considered acceptable.

Transport

Nottinghamshire County Council (NCC) have made a specific request that the current development would warrant a contribution of **£225,000.00** to support the provision of a bus service to serve the development (albeit the final level of contribution would need to be confirmed upon submission of the road layout as part of a planning application and following discussions with the local bus operators).

NCC have also requested a contribution of **£50,000** for indicative bus stop infrastructure to serve the site (again, subject to the final layout to determine the number of stops required within the site). A Bus Taster Tickets Contribution of **£9,000** has also been requested to provide new occupants with a 2-week smartcard bus pass for use on the local bus network, to encourage use of sustainable modes of travel. However, no evidence has been provided to justify these three sums.

CIL

The Council's adopted Community Infrastructure Levy confirms that for residential development in this location is rated zero.

Summary of Developer Contributions and Conclusions on Viability

In summary the viability case submitted identifies that the scheme would be unable to support any planning obligation requirements due to the level of cost associated with re-using a brownfield site and in particular given the works approved through the 18/01235/FULM permission (c. £4,205,061). The viability assessment has been based upon a 2.64% profit level on revenue (2.71% on cost) which is well below the general industry norm of 20%. The Council's consultant has confirmed that the viability assessment is robust and based upon reasonable development costs and assumptions in line with current market requirements and therefore it is accepted that the scheme is unviable on a policy compliant basis.

The proposed on-site contributions are limited to the provision of open space for children and young people (in the form of a LEAP, albeit significantly smaller than required for a development of this size) and amenity green space. Whilst Officers do not challenge the viability conclusions, the proposal falls significantly short of the policy requirements to secure the required level of contributions towards affordable housing, community facilities, education, health, libraries, public open space and transport.

The agent has argued throughout the course of the application that the absence of S106 contributions does not automatically make a development inherently unsustainable, a point which Officers do not necessarily agree with having drawn the agent's attention to an appeal decision at Highfields School, London Road, Balderton, NG24 3AL (APP/B3030/W/17/3188864 & APP/B3030/W/17/3188871) which considered this very point. Paragraph 10 of the NPPF confirms that at the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 8 confirms that there are three dimensions to sustainable development: economic, social, and environmental. To support strong, vibrant and healthy communities the NPPF asserts that a sufficient number and range of homes must be provided to meet the needs of present and future generations. Whilst the development at hand would provide housing, it is not lost on Officers that if the occupants of these new dwellings would not have access to adequate education or healthcare facilities or sustainable means of transport then the sustainability of the

development is questionable. Equally if the houses provided are unaffordable or fail to meet the housing needs of the community it is intended to serve or if the development fails to provide sufficient public open space and community facilities to, amongst other things, support the health and social wellbeing of its future occupants then the development would not be completely sustainable.

Officers concerns surrounding the inherent sustainability of the development have been discussed with the agent, and whilst they have reiterated the accepted viability position that the development is unable to meet the policy requirements the applicant has offered a financial contribution of **£275,000** to be paid on the implementation of development (principally offered as a Public Open Space contribution but ultimately to be used at the discretion of the Council). It is not clear how this figure has been determined by the agent as it would still fall short of the overall required contribution towards Public Open Space in addition to all other contributions (overall total **£4,151,165.98**) however it is accepted that this contribution would go a small way in mitigating the impacts of the development on existing facilities. The agent has confirmed that this contribution would be taken from the total developer profit which would reduce the profit level to 2.17% on GDV (equating to £1,267,032.00). The Council's independent assessor has confirmed that the sum would have an insignificant impact upon the viability of the development given the level of abnormal development costs.

Given the significant shortfall and the viability case at this site, the Council has attempted to facilitate discussions with external parties to explore grant funding opportunities to address the apparent 'funding gap'. Having discussed with Homes England, at this time there appear to be no grant funding programmes available for the developer to access. Homes England have explained a new Strategic Housing Infrastructure Fund (SHIF) is anticipated to be released later in the year which could address some of the shortfall associated with remediation costs, however the eligibility of this site would be dependent upon the costs/benefit ratio of the scheme and in any event would be allocated through a competitive bidding process. Homes England have indicated that having a secured planning permission would assist them in assessing any future application for grant funding, however there are no assurances that this development would be successful in any future funding application.

Officers have also considered whether it might be possible to build a review mechanism into any future S106 agreement to ensure that a proportion of any additional profit that is generated from the scheme that has not been factored into the viability appraisal could be clawed back (in accordance with para. 57 of the NPPF) however, given the viability figures it is unlikely that this would amount to such a sum that it would have any significant impact on the current shortfall in contributions. Notwithstanding this, it is recommended in the event of planning approval that such a mechanism falls part of the planning obligation.

It is accepted that in facilitating the delivery of new development it is necessary to ensure that new development is not made unviable because of infrastructure and planning obligation requirements. However, even with the £275,000 Public Open Space contribution and the provision of the LEAP and amenity open space on site; there would still be a significant shortfall in overall contributions for a development of this scale. This shortfall is not to be taken lightly when the impact in real terms is considered. The development would undoubtedly put pressure on the existing services within the town including the education and health system with no financial mitigation secured. This will clearly hold *significant* negative weight in the overall planning balance.

Other matters

Argued Benefits of the Proposal

The agent has commented in letters submitted in support of this application that the proposal will provide a *'significant benefit to the local economy through the creation of [1,400] construction jobs'* (based upon the HBF calculator). Whilst it is accepted that the development of housing results in the creation of construction jobs which benefits the local economy it is not accepted that this is a significant economic benefit of the proposal as the benefit of these jobs would be finite during the period of construction only. Therefore whilst this can be given some weight in the overall planning balance the weight would not be *significant*.

The agent has also advanced that the application at hand would provide social and economic benefits through protecting the employment provision on the retained Flowserve site. Whilst it is accepted that the Flowserve factory is to be retained, it is also noted that the factory lies entirely outside of the red line of this application site and has been severed from the application at hand. The jobs provided at the Flowserve factory are also not dependent upon this application as this is an existing employment provision. On this basis Officers do not consider it reasonable to count any jobs or employment at the Flowserve factory as economic or social benefits in the planning balance of the application at hand.

Similarly, the agent has advanced that given this application would renew the existing access and access road into the site which serves the Sports and Social Club and formalise parking arrangements that this should be counted as a benefit of the application as it maintains accessibility to the Club. Clearly this is not considered by Officers to be a benefit of this future residential scheme as the Sports and Social Club are already served by the existing access which is only proposed to be altered as a result of the substantial groundworks and utilities renewal as part of the 18/01235/FULM application and the application at hand. The Club also had access to parking on the wider Flowserve site prior to the commencement of groundworks, which irrespective of whether this was formal or informal, was available nonetheless. As such Officers do not consider that the formalisation of parking for the Sports and Social Club can be counted as a *benefit* either.

Splitting of the Remediation Consent and the current Application

Throughout the course of this application the applicant has expressed that they feel the Council has misled them, explaining that they have already invested a significant sum of money in this site through the remediation works that are currently underway on the basis of a favourable pre-application for the future residential development of the site and grant of permission for the 18/01235/FULM remediation application. However, Officers would like to clarify that the Council has always exercised caution in promoting the approach that the applicant has taken with splitting the remediation and residential applications and commencing works on site in advance of any residential permission. From early on the applicant and their agent expressed the desire to commence demolition, remediation, drainage and levelling works prior to obtaining consent. Officers understand the reason for this was so works to remediate the site could commence earlier, meaning that from the point of any residential planning permission house sales could be achieved sooner, helping overall cash flow. Officers have previously advised the agent that this approach was not without risk to the applicant in the absence of a planning permission for residential development (notably in email correspondence dated 16.06.2018 and verbally in meetings with the applicant's agent), however the Council also accepted that it was the applicant's

right to structure delivery however they chose. Officers have also continued to work proactively with the applicant and their agent to find ways to address any outstanding issues that have been identified throughout the course of this application.

Comments from Interested Parties

Comments have been received from an interested party that has been identified as an adjacent landowner who has explicitly requested that her letter be published on the Council's website as a comment on this planning application. The comments received state that this party owns a strip of land running part of the length of the eastern site boundary c. 1 m wide by 100 m in length and they dispute the consultation procedure undertaken for this application as they were not directly notified of the planning application until they contacted the Council independently. The comments received state the Council has been negligent in identifying all adjacent landowners and disputes the ownership certificates submitted by the applicant to accompany this application. In accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) this 'major' planning application must be publicised:

"by giving requisite notice —

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or*
- (ii) by serving the notice on any adjoining owner or occupier; and*
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated."*

In this case, both the current planning application and application 18/01235/FULM were advertised within the Newark Advertiser and site notices were erected at the access to the Flowserve Site on Hawton Lane, in addition to occupiers of adjoining properties being notified by letter. In cases where the immediately adjoining land to a development site is devoid of any residential/commercial property to notify, the Council places a site notice near to the site to advertise the application. In this instance the interested party did not receive a neighbour notification letter for either planning application, however both a site notice and an advertisement in the local newspaper were posted. There is no legal requirement to undertake Land Registry searches in instances where there is no occupier of the adjoining land with the aforementioned notification procedures meeting legislative requirements for advertising applications. Nevertheless, as this party has identified themselves as an adjacent landowner I have issued them with a neighbour notification letter to give them additional time to consider and comment on this current application. Given the application site boundary as submitted with both planning applications at this site do not include the strip of land cited by this interested party I am satisfied that there is no requirement for the applicant to serve notice on this party as part of the planning process. With regards to comments raised in relation to the applicant allegedly carrying out remediation and site clearance works to and from this ransom strip of land that is not in their ownership I have advised that it is the applicant/developer's responsibility to make contact with the adjacent landowner should they wish to carry out work from their land and advised the interested party that landownership is a civil matter that they would need to pursue separately.

Overall Planning Balance and Conclusions

Given the complexity of this application there are a number of factors that require balancing.

The Council considers that it can demonstrate a five-year housing land supply which has been consolidated in the recent adoption of the amended Core Strategy. The application site lies within a sustainable location and is identified as a site with planning permission in the allocations plan, albeit this consent has since lapsed. In addition, the site is a sustainably located brownfield site that lies within the Newark Urban Area. In accordance with the NPPF this development would promote an effective use of land in meeting the need for homes and would make use of a previously developed site that has required substantial contamination remediation works to be undertaken. In accordance with para. 118 of the NPPF *substantial* positive weight should be given to the value of using suitable brownfield land within settlements for homes in addition to opportunities to remediate contaminated land. Whilst it is considered that this has been achieved in part through the 2018 permission, the value of re-using this previously developed site for housing is something that should weigh significantly in favor in the overall planning balance.

That said it is equally necessary to ensure that an acceptable form of development takes place, including required mitigation. A development of this scale will inevitably have impacts and will undoubtedly significantly change the existing character of the location. However, it does not follow that a significant change must equate to unacceptable harm. The outline nature of the proposal does not allow the ability to appraise the specific detail of the scheme at this stage, however it is relevant at this stage to assess the principles of the development put before us that would advance to Reserved Matters stage. As currently submitted the site layout presents a less than ideal parking arrangement, reliant upon courtyard parking with limited natural surveillance which Officers consider could compromise the overall quality of the development. Nevertheless layout is a matter to be reserved and in principle Officers are comfortable that the maximum quantum of 322 units could be accommodated on this site in a more suitable layout in order to create a well-designed, high quality development which is sufficient at this stage.

In addition to the re-use of previously developed land for housing, the scheme would provide some benefits in remediating a contaminated brownfield site, which although carries *substantial* weight through the provisions of the NPPF is not considered to carry *full* weight in the overall planning balance of this application given it has been taken into account and secured through the 18/01235/FULM application. Similarly the development would provide drainage and flood alleviation infrastructure which again has been secured through the 2018 permission – in this regard it is important to reiterate that the site is not a true allocated site that the Council is reliant upon for delivering a sufficient supply of housing, the Council is also able to demonstrate a five-year supply therefore it is not considered that that the on-site drainage/flood alleviation works required to effectively create a development plateau can be counted as a significant benefit of the development at hand as they are purely enabling development to make the site acceptable for housing. Officers are conscious that these works would provide some offsite betterment downstream, however do not consider this to carry *significant* weight.

The development would result in the loss in part of an area of the designated Local Wildlife Site, however as secured through the 18/01235/FULM application ecological mitigation and enhancement through the creation of a wildlife corridor, enhancement of the retained LWS and the creation of an attenuation pond would be delivered. This benefit has previously been taken into account in the previous permission, however it is considered that the harm of losing part of a designated wildlife site balanced with the benefits of the ecological enhancements would result in only moderate benefits which would carry *some* positive weight.

The application is not considered to result in any significant impact on the highways network following further traffic modelling (subject to conditions and further expansion of the submitted

Travel Plan), nor would there be any unacceptable residential amenity implications for future occupiers subject to securing the mitigation measures outlined relating to the Flowserve factory generator. The application is not considered to result in any adverse impact in terms of archaeology and would provide short term employment benefits through the construction period. Following extensive negotiations and agreement from the applicant to provide long term parking provision in part within the development site, the proposal is no longer considered to result in an unacceptable impact upon the Flowserve Sports and Social Club as a protected Community Facility (subject to condition for a detailed parking scheme to be submitted). In addition, it is acknowledged that the scheme would provide some on-site Public Open Space in addition to a financial contribution of £275,000 which carries some weight overall.

However, the above benefits of the scheme must be weighed against the negative impacts. The outline nature of the proposal does not allow the ability to appraise the detail of the scheme at this stage. However, it is relevant at outline stage to agree the legalities of the associated contributions which would be secured for any development which would progress to reserved matters stage. The applicant has presented a viability case which states that the development can afford no policy required contributions whatsoever as a result of the high level of abnormal development costs associated with re-developing a brownfield site. This has equally been agreed by the Council's Independent Viability Advisor. Clearly this causes a significant concern in the determination of the application and carries negative weight in the overall balance.

As stated above, the applicant has put forward a contribution of £275,000 (principally towards Open Space, but to be spent at the discretion of the Council) throughout the life of the application. However, it is not lost on Officers that this would still amount to a significant shortfall in comparison to the overall contribution package which would be expected for a development of this size. Nonetheless, the difficulty in refusing an application purely on this basis (noting that all other material considerations are now found to be acceptable subject to conditions) is that Independent Viability Advice confirms that the scheme cannot afford any contributions and in the context of this site, Officers are mindful that if a development for housing results in such a negative viability case, any other form of development on this site is likely to result in a greater negative balance. There is therefore a real risk that this contaminated brownfield site could be left vacant and undeveloped which would undoubtedly have consequences for the vitality and quality of the local area and conflict with the aims of the NPPF which places significant weight on the redevelopment of previously developed land.

Whilst noting the heavy compromises in respect to contributions as evidenced by the viability case, Officers are minded to attach significant positive weight to redevelopment opportunity and potential housing delivery which this site presents in addition to the aforementioned benefits this development would bring about. On this basis, the recommendation before Members is a very finely balanced approval subject to the conditions and the securing of a legal agreement for the matters outlined below.

RECOMMENDATION

That outline planning permission is granted subject to the conditions outlined below and the signing of an associated Section 106 agreement requiring the following:

- **\$106 Review mechanism**
- **£275,000 financial contribution**
- **On-site open space provision**
- **Suitable parking arrangements for the Flowseve Sports and Social Club**

Conditions

01

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

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

02

The first reserved matters application should be accompanied by a Phasing Plan detailing the development to come forward in each phase or sub phase of the development. This plan should be re-submitted and updated where necessary through subsequent reserved matters applications. Details of the appearance, landscaping, layout (including parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage in accordance with the County Council's current Highway Design Guide at the time) and scale ('the reserved matters') for each phase or sub phase of the development demonstrated by the agreed Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of Town and Country Planning Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

03

The development hereby permitted authorises the erection of no more than 322 dwellings.

Reason: To define the planning permission as the amended details submitted as part of the application assume a maximum number of 322 dwellings.

04

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Highways

06

No part of the development hereby permitted shall be brought into use unless or until a suitable access has been provided at Hawton Lane as shown for indicative purposes on drawing A18361-209-P1 (page 61 of the Transport Assessment V.7 reference A18361C dated May 2020), to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

07

No part of the development hereby permitted shall be commenced until the visibility splays of 2.4m x 120m at the new junction with Hawton Lane are provided in accordance with drawing A18361-209-P1 (page 61 of the Transport Assessment V.7 reference A18361C dated May 2020). The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height (with the exception of the existing culvert wall parapet to the east of the access).

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

08

No part of the development hereby permitted shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To promote sustainable travel.

09

No development shall commence on any part of the application site unless or until a suitable construction traffic management plan, including access arrangements and lorry routing, has first been submitted to and approved in writing by the LPA in full, and thereafter implemented in accordance with that plan.

Reason: In the interests of highway safety & to protect the town centre from extraneous traffic.

10

Notwithstanding previous submissions, details of the development layout submitted with any reserved matters application shall include a foot/cycle/emergency link with Lowfield Lane. Details of this link should be submitted and approved in writing by the LPA in full and thereafter implemented in accordance with the approved details.

Reason: To provide connectivity, permeability and the promotion of sustainable travel.

11

No part of the development hereby approved shall commence until an application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Hawton Lane. The extension of the speed restriction must be carried out prior to the occupation of any unit on site.

Reason: In the interests of highway safety.

Ecology**12**

Any subsequent reserved matters application shall be accompanied by an updated ecological survey carried out by a qualified ecologist within the relevant appropriate timeframes outlining the ecological potential of the site at that time. The development approved as part of that Reserved Matters shall thereafter be carried out in accordance with any recommended mitigation measures incorporated within the results of such survey.

Reason: To ensure the protection of the ecological value of the site.

13

Notwithstanding the requirements of condition 12 above, no development shall take place within any phase or sub phase pursuant to Condition 2 until a scheme for ecological mitigation ('the Ecological Mitigation Scheme') for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Ecological Management Scheme shall include recommendations relating to amphibians, reptiles, aquatic habitats, birds, badgers, bats and invasive species, as set out in the Mitigation Measures outlined at Section 4 of the Preliminary Ecological Appraisal at: Lowfield Works, Hawton Lane, Balderton. Reference: PE00022 prepared by Dr Holly Smith, Harris Lamb dated 13th May 2019. The agreed scheme shall be implemented in full in accordance with an approved phasing timetable and prior to the occupation of any dwellings within that phase.

Reason: To ensure that wildlife and habitats are retained are protected, in the interests of nature conservation.

14

No works shall take place within a 10 metre buffer around the Local Wildlife Site to the north-west of the site until a scheme for the protection of the Local Wildlife Site has been submitted to and 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 of working methods to be employed for any groundwork within or adjacent to the Local Wildlife Site.
- d. Details of any scaffolding erection and associated ground protection within the Local Wildlife Site
- e. Details of timing for the various phases of works or development in the context of the Local Wildlife Site protection measures.

All works/development shall be carried out in full accordance with the approved Local Wildlife Site

protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that the existing Local Wildlife Site to be retained is protected in the interests of visual amenity and nature conservation.

15

Prior to the clearance of any land within the Local Wildlife Site, an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of contamination within the Local Wildlife Site (whether or not it originates on the site). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. All works/development must be carried out in full accordance with the approved report.

Reason: To ensure the preservation of the Local Wildlife Site where possible, in the interests of nature conservation.

16

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until an Ecological Management Plan and timetable has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- a) description and evaluation of the features species to be managed;
- b) ecological trends and constraints on site that may influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) personnel responsible for the implementation of the plan;
- h) monitoring and remedial/contingency measures triggered by monitoring.

All works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintain and enhancing biodiversity.

17

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until a Habitat Creation and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority to provide mitigation measures for the partial loss of the Local Wildlife Site (LWS) and scrub habitat. The plan shall include:

- a) purpose, aims and objectives of the scheme;
- b) a review of the site's ecological potential and any constraints;
- c) description of target habitats and range of species appropriate for the site;
- d) selection of appropriate strategies for creating/restoring target habitats and introducing target species either on site or elsewhere to adequately compensate for loss of onsite habitats ensuring there is a net gain in habitat provision;
- e) selection of specific techniques and practices for establishing vegetation;
- f) sources of habitat materials (e.g. plant stock) or species individuals;
- g) method statement for site preparation and establishment of target features;
- h) extent and location of proposed works;
- i) aftercare and long term management;
- j) the personnel responsible for the work;
- k) timing of the works;
- l) monitoring;
- m) disposal of wastes arising from the works.

All works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintain and enhancing biodiversity.

18

Any details submitted in relation to reserved matters for landscaping within any phase or sub phase pursuant to Condition 2 shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan (including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens). All of which should integrate with the Habitat Creation and Landscape Management Plan and Ecological Management Plans required by conditions 16 and 17. The landscaping details shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

Trees

19

Any full/reserved matters application should be accompanied by a detailed site specific Arboricultural impact assessment as recommended within BS5837-2012 section 5.4.

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.

20

No works or development shall be commenced within any phase or sub phase pursuant to Condition 2 until the Local Planning Authority has approved in writing the full details of trees to be retained on or adjacent to the site (by reference to an Arboricultural impact Assessment submitted as recommended in BS5837-2012 Trees in Relation to Design ,Demolition and Construction recommendations.)

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.

21

No works or development shall be commenced within any phase or sub phase pursuant to Condition 2 until the 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/soakways 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 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.

22

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.

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.

23

No works or development shall be commenced within any phase or sub phase pursuant to Condition 2 until the Local 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.

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.

24

Prior to the implementation of the landscaping details hereby approved, within each phase or sub phase pursuant to Condition 2, details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells (as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping proposals within each phase of development shall proceed in accordance with the approved details.

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.

25

Within each phase or sub phase pursuant to Condition 2 the approved landscaping scheme shall be carried out upon completion of development within that phase. 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.

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.

Flood Risk

26

The development shall be carried out in accordance with the submitted flood risk assessment (FRA for Land at Hawton Lane, Newark, March 2019, JBA Consulting, C.B.Collier, V7) and the following mitigation measures it details:

- The finished floor levels shall be set no lower than the greatest height of the following;
 - 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 30% climate change from the Middle Beck plus 600mm freeboard.

- 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 50% climate change from the Middle Beck.
- 1 in 100 year fluvial flood event (0.1% annual exceedance event) with 30% climate change from the Middle Beck plus 75% blockage at the Lowfield Lane Culvert (Found within section 5.1 of the FRA).
- No development may commence on site until the proposed realignment and de-culverting of the Middle Beck has been completed. The Environment Agency will need to be re-consulted if any alterations are made to the proposed realignment of the Middle Beck.
- No development may commence on site until the construction of the 10,408.50m³ flood storage pond which contains a 60m lateral spill/inlet with a crest set at 13.2mAOD. This will have a finished bed level of 12m AoD or 12m AoD permanent water level. The Environment Agency will need to be re-consulted if any alterations are made to the proposed flood storage pond.
- The culvert diameter must be maintained to a size of 1.04m at the Lowfield Lane crossing.
- No development may commence on site until the applicant has demonstrated that no development other than that of water compatible development will be within Flood Zone 3b.

These mitigation measures shall be fully implemented in accordance with the above stated timescales relevant to each phase or sub phase pursuant to Condition 2. All mitigation measures must be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: The requested finished floor levels are required to reduce the risk of flooding to the proposed development and future occupants. The works to the culvert and construction of the attenuation pond are required to change the flood zone classification of the site and to reduce the risk of flooding to the proposed development.

27

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

28

No occupation of the dwellings pursuant to each relevant phase or sub phase pursuant to Condition 2 shall occur until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

29

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved prior to the relevant phase of the development being occupied.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

30

No drainage systems for the infiltration of surface water to the ground are permitted. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and shall be submitted to the Local Planning Authority for approval in writing. The development shall only be carried out in accordance with the approved details and prior to the commencement of development within that relevant phase or sub phase of the development pursuant to Condition 2.

Reasons: To prevent pollution of controlled waters and comply with the NPPF. Infiltration of surface water into land impacted by contamination (via soakaways or permeable pathing etc.) may cause groundwater pollution.

Amenity/Environmental Health

31

No development shall take place within any phase or sub phase pursuant to Condition 2 until a scheme for noise mitigation ('the Noise Mitigation Scheme') for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation Scheme shall include the recommended noise mitigation measures set out within the Noise Impact Assessments ('Assessment of Noise Impact on a Proposed Residential Development' Report No: P18-035-R01-V3 dated July 2019, 'Sports and Social Club Noise Assessment' Report No: P18-035-R02v2 dated September 2019 and 'Further Assessment of Potential Impact from Flowserve Generator Noise on a Proposed Residential Development' Report No: P18-035-R02v1

dated July 2020) submitted to accompany this application. The agreed scheme shall be implemented in full prior to occupation of any of the dwellings approved in that phase.

Reason: In the interests of residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

32

Prior to the commencement of development a scheme for noise mitigation of the Flowserve Factory Generator (as identified in the 'Further Assessment of Potential Impact from Flowserve Generator Noise on a Proposed Residential Development' noise assessment, Report No: P18-035-R02v1 dated July 2020) ('the Generator Noise Mitigation Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Generator Noise Mitigation Scheme shall incorporate the recommended noise mitigation measures set out at points 4.5 and 4.7 of the aforementioned noise assessment submitted to accompany this application. The agreed scheme shall be implemented in full prior to the commencement of development and retained in perpetuity.

Reason: In the interests of residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

33

The development hereby approved shall be undertaken in strict accordance with the Mitigation Measures detailed within Section 8 and the Construction Mitigation Measures contained within Appendix D (pages 40-42) of the Air Quality Assessment produced by Kairus Ltd. (project ref. AQ051639, dated 01.04.19) submitted to accompany this application.

Reason: In the interests of residential amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

34

No development shall take place within any phase or sub phase pursuant to Condition 2 until a Construction Method Statement for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for;

- i. access and parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities
- ii. for public viewing, where appropriate,
 - i. wheel washing facilities,
 - ii. measures to control the emission of noise, dust and dirt during construction
 - iii. a scheme for recycling/disposing of waste resulting from construction works
 - iv. hours of operation
 - v. a scheme to treat and remove suspended solids from surface water run-off during
- iii. construction

The approved Statement shall be adhered to throughout the construction period.

Reason: To ensure amenity of neighbouring residential properties is maintained throughout construction.

35

Development other than that required to be carried out as part of an approved scheme of remediation must not commence within any phase or sub phase pursuant to Condition 2 until Parts B to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

36

No development shall take place within any phase or sub phase pursuant to Condition 2 until a

parking scheme for the Flowserve Sports and Social Club ('the SSC Parking Scheme') has been submitted to and approved in writing by the Local Planning Authority. The SSC Parking Scheme shall provide for a minimum of 88 parking spaces. The agreed SSC Parking Scheme shall be implemented in full and made accessible to the users of the SSC prior to the commencement of development. The agreed scheme shall thereafter be accessible and retained for users of the Sports and Social Club in perpetuity.

Reason: To ensure the future operation of the community facility is not compromised by the approved development in accordance with Policy SP8 of the Newark and Sherwood Amended Core Strategy (2019).

Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord 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/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the residential development hereby approved as the development type proposed is zero rated in this location.

03

Notes from The Highways Authority – Nottinghamshire County Council Highways

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.

In order to carry out the new junction works at Hawton Lane you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details.

This consent requires an application for a Traffic Regulation Order before the development commences to reduce a speed limit. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact helen.r.north@viaem.co.uk . Please note this process can take 6-12 months.

The applicant should make every effort to accommodate the footpaths in their existing location.

- Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor.
- If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application way under this act should be made to the Planning authority and is a separate application to the planning permission
- For path which required a TCPA diversion Under Section 12 of the Growth and Infrastructure Act 2013, it is now possible for the planning authority to carry out preliminary consultations, draft and make the Order under the appropriate Regulations (Town & Country Planning Public Path Orders Regulations 1993) if an application has been made under Part 3, and before planning permission has been granted, if on granting it, it is necessary to alter a public path. The order can be confirmed if planning permission is then granted. This can avoid the previous delays caused by developers having to wait for planning permission to be granted before applying for a diversion.
- The development cannot be started until such time as a confirmed diversion order is in place and the new route is constructed, open and available on the ground (see note above re TCPA orders)
- If a public footpath is proposed to be upgraded to a cycle path, consideration needs to be given to its future maintenance and its legal status. This will required further a detailed discussion
- The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.
- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
- There should be no disturbance to the surface of the footpath without prior authorization the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way with the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

05

Notes from The Environment Agency

The proposed realignment of the Middle Beck and the creation of a proposed compensatory floodplain storage pond as approved by 18/01235/FULM must be completed before any development commences on site. The applicant must demonstrate the proposed more vulnerable development (Drawing: Combined Site Plan, Ref: 153G, Ritchie and Ritchie Architects LLP, Nov 2019) is no longer within flood zone 3b (otherwise this will not comply with the NPPF). To remove the site from Flood Zone 3b the applicant must first realign the Middle Beck and produce the flood storage pond as proposed. The applicant will then need to undertake a data evidence request which should include topographic data and a model highlighting the proposed realigned Middle Beck and flood storage pond. This should then be submitted to the Environment Agency.

The proposed flood plain compensatory storage pond approved by 18/01235/FULM must be completed before any development commences to ensure flood risk to others is not increased.

The diameter of the culvert at Lowfield crossing must be maintained to ensure the discharge is maintained at the same amount as existing. This is to ensure flood risk to others downstream of the site will not be increased.

Advice to Applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The 8 meter access zone from the top of the Middle Becks bank is required to ensure the EA has access to the Middle Beck and allows the potential for flood defence improvements in the future.

It should be noted on site it was mentioned there would be the introduction of a culvert underneath a substation. If this is to be added then the modelling will need to be altered to show the impacts this may have on the site."

General Advice for Infiltration Drainage Systems

The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car

parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.

- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.

A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Waste on Site: The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

06

Notes from CADENT Gas

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.

07

Notes from Newark & Sherwood District Council's Environmental Health Department

Construction Phase Mitigation

General Communication

- A stakeholder communications plan that includes community engagement before work commences on site should be developed and implemented.
- The name and contact details of person(s) accountable for air quality and dust issues should be displayed on the site boundary. This may be the environment manager/engineer or the site manager. The head or regional office contact information should also be displayed.

General Dust Management

- A Dust Management Plan (DMP), which may include measures to control other emissions, in addition to the dust and PM10 mitigation measures given in this report, should be developed and implemented, and approved by the Local Authority. The DMP may include a requirement for monitoring of dust deposition, dust flux, real-time PM10 continuous monitoring and/or visual inspections.

Site Management

- All dust and air quality complaints should be recorded and causes identified. Appropriate remedial action should be taken in a timely manner with a record kept of actions taken including of any additional measures put in-place to avoid reoccurrence.
- The complaints log should be made available to the local authority on request.
- Any exceptional incidents that cause dust and/or air emissions, either on- or off- site should be recorded, and then the action taken to resolve the situation recorded in the log book.

Monitoring

- Regular site inspections to monitor compliance with the DMP should be carried out, inspection results recorded, and an inspection log made available to the local authority when asked.
- The frequency of site inspections should be increased when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.

Preparing and Maintaining the Site

- Plan the site layout so that machinery and dust causing activities are located away from receptors, as far as is practicable.
- Where practicable, erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.
- Where practicable, fully enclose site or specific operations where there is a high potential for dust production and the Site is active for an extensive period.
- Avoid Site runoff of water or mud.

- Keep Site fencing, barriers and scaffolding clean using wet methods.
- Remove materials that have a potential to produce dust from Site as soon as possible, unless being re-used on Site. If they are being re-used on-Site cover appropriately.
- Where practicable, cover, seed or fence stockpiles to prevent wind whipping.

Operating Vehicle/Machinery and Sustainable Travel

- Ensure all vehicle operators switch off engines when stationary - no idling vehicles.
- Avoid the use of diesel or petrol-powered generators and use mains electricity or battery powered equipment where practicable.
- A Construction Logistics Plan should be produced to manage the sustainable delivery of goods and materials.

Operations

- Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems.
- Ensure an adequate water supply on the Site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate.
- Use enclosed chutes and conveyors and covered skips.
- Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate.
- Ensure equipment is readily available on site to clean any dry spillages, and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.

Waste Management

- Avoid bonfires and burning of waste materials.

Measures Specific to Earthworks

- Stockpile surface areas should be minimised (subject to health and safety and visual constraints regarding slope gradients and visual intrusion) to reduce area of surfaces exposed to wind pickup.
- Where practicable, windbreak netting/screening should be positioned around material stockpiles and vehicle loading/unloading areas, as well as exposed excavation and material handling operations, to provide a physical barrier between the Site and the surroundings.
- Where practicable, stockpiles of soils and materials should be located as far as possible from sensitive properties, taking account of the prevailing wind direction.
- During dry or windy weather, material stockpiles and exposed surfaces should be dampened down using a water spray to minimise the potential for wind pick-up.

Measures Specific to Construction

- Ensure sand and other aggregates are stored in banded areas and are not allowed to dry out, unless this is required for a process, in which case ensure that appropriate additional control measures are in place.
- Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery.
- For smaller supplies of fine powder materials ensure bags are sealed after use and stored appropriately to prevent dust.

- All construction plant and equipment should be maintained in good working order and not left running when not in use.

Operational Phase Mitigation.

- The provision of at least 1 Electric Vehicle (EV) “rapid charge” point per 10 residential dwellings and/or 1000m² of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
- Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety

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Comments from the Trent Valley Internal Drainage Board

The site is partly within the Trent Valley Internal Drainage Board district.

The Board maintained Lowfield Lane Drain (West), an open watercourse, exists to the east of 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. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Background Papers

Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 19/00854/OUTM

