

PLANNING COMMITTEE – 4 AUGUST 2020

19/00854/OUTM - Flowserve Pump Division, Hawton Lane, Balderton, NG24 3BU
Appendix A

Consultation Comments

Balderton Parish Council – Support the proposal: “Members were concerned that there is only one access/exit to the site – could an additional routes be considered? Hawton Lane is already busy with traffic often queuing to get out onto London Road. The impact on Balderton sewerage system is also a concern – have the necessary extension works been undertaken at the plant on Lowfield Lane? D/C Planning committee members are urged to carry out a site visit before determining the application”.

Additional comments received: “With reference to the invitation to comment on the Updated Transport Assessment. Though not objecting in principle to the application, members were disappointed to note that the survey was undertaken on a Tuesday outside of peak times which would not give a true reflection of the traffic volume and existing issues along Hawton Lane; this ultimately affects London Road and Bowbridge Road junctions, both of which are already extremely busy.”

Newark Town Council (neighbouring parish) – “19/00854/OUTM – Flowserve Pump Division, Hawton Lane, Balderton, Newark: Please see comments below from Newark Town Council’s Planning Committee meeting held on 26th June 2019 regarding the above application:

Members Agreed to submit the following comments on the application to Newark & Sherwood

District Council:

- (i) Members were concerned at the traffic impact this development could have, with the increase in traffic using Hawton Lane to access/egress the proposed development site.

Additional Comments 14.8.19: It is noted that Notts. CC Highways remain concerned about the application as set out in its comments of 29 July regarding the Travel Plan and comments of 8 July regarding the Transport assessment. Both of these documents support the concerns raised by the Town Council and therefore the Town Council will sustain its objection in this regard until an acceptable Transport solution can be agreed with the County Council

- (ii) Further that a full Traffic Impact Assessment should be undertaken taking into account the implications for the new Southern Link Road, prior to this application being considered.

Additional Comments 14.8.19: The Town Council’s concerns about the wider traffic impact of this development appear to be shared by the County Council in its comments dated 8 July as mentioned above. The Town Council will sustain its

objection in this regard until an acceptable Transport solution can be agreed with the County Council.

- (iii) Members were also concerned about the impact that this would have on the provision of schooling in the area, secondary schools in particular. The impact of this development on the future proposals for schools being planned for the adjacent Land South of Newark developments, needs to be considered as a whole and this development should be required to contribute appropriate CIL/S106 monies to ensure that there is adequate provision of school places in the future
- (iv) In addition the design of new school provision and expansion of existing schools should take into account this development.
- (v) Any approval of this application should be accompanied with conditions to fit in with the timing of the adjacent land South of Newark development to ensure that the supply of new housing is sustainable.

Additional Comments 14.8.19: It is not agreed that this is not a material planning consideration, the cumulative impact of a number of developments within close proximity to one another should be factors that the Planning Authority can take into account when assessing an application. The Town Council will therefore sustain its objection for this matter. It was Agreed that this application be referred back to the Committee when responses to the above comments have been received.”

No additional comments received.

NSDC Contaminated Land – “As part of the current site investigation, demolition and remedial works it has been agreed that a 1000mm clean cap will be placed in garden areas in order to provide sufficient protection from the contamination present on site. The remediation company (LEE Remediation) are proposing to compete demolition and remediation of the site and cap the site with 300mm which will be validated leaving a ‘building platform’ for the developer.

The developer will then have to complete the remediation of the site by making up the level to 1000mm in gardens including sourcing clean material to do this and validating that it has been completed as proposed to the appropriate depth and is clean.

I would therefore expect that they will have to produce their own remedial strategy to provide detail on how they will achieve this and then provide the appropriate validation reports. Given this I think that parts B and C (and possibly D) of the standard condition (attached) are appropriate.”

NSDC Environmental Health – *Initial Comments 6.6.19* “I understand it this site wraps around part of an industrial site that will remain in place. That being the case there is potential for noise disturbance both from that unit and from the road to the south east of

the site. I would therefore ask that a detailed noise and emission assessment is undertaken to identify all potential noise and emission sources affecting the site.”

Additional Comments 10.6.19 “The report assesses noise exposure on the site and makes a number of recommendations in section 5 and I would ask that these are attached to any approval given.

Whilst a stated aim of future proofing is mentioned in the report, I do note that the “bypass” to the south of the site is frequently used at present as it is only a local route. Once it does join the A1 to the A46 traffic volumes can be expected to be much higher. I would ask whether the report takes account of this increase in traffic and noise exposure?”

Additional Comments 30.10.19 “I refer to the above application and have had time to digest the two noise reports provided to support the application.

Should the development be approved I would strongly suggest that the recommended outline noise mitigation measures detailed in both of the noise reports are required and implemented including the upgraded double glazing specification of 28 dB Rw + Ctr for habitable rooms of the nearest properties to the bypass road.

The noise report also shows that there could be a significant adverse impact from the generator at the factory which is used intermittently. Therefore, I would advise that appropriate sound insulation measures are undertaken so as to safeguard residential amenity to the nearest houses and protect the business interests of the commercial premises.

I trust this email is satisfactory for your purposes.”

Additional Comments 01.11.19 “Further to my email below, I have a further comment to make prior to determination. Having undertaken a site survey, I understand the application has been made by a developer not connected with the Flowserve Business. As detailed in the noise report the generator at the Flowserve site is likely to have a significant adverse impact on dwellings when in operation. Therefore I would suggest the applicant or developer will have to come to some sort of agreement with Flowserve to mitigate the noise from the generator by means of a suitable and sufficient enclosure.”

Additional Comments 07.01.20 “Thank you for your email, the comments of which have been noted. My comments were made on the information provided by the noise report. It states that there is likely to be a significant adverse effect, however taking into account their modification of the report due to noise mitigation measures will reduce the noise from significant inside the properties. It does not state whether this means there will be an adverse effect and is likely to be present and intrusive and likely to result in complaints. The report only looks at indoor noise impact and people do like to spend time outside, especially in warm weather.

I do take the point that the generator is stated to run for approximately 35 minutes at a time. I calculate if it ran each weekday it would account for approximately 145 hours a year. My understanding is it is used to test pumps that operate on different currents to the UK and no one would be able to know if contacts were won the generator would be used more frequently.

If possible, as a work around, would it be possible to condition the generator's use to a specific time period during the daytime and prohibit its use before 9am and after 5pm and all day Saturday, Sunday and Bank Holidays? For example, the generator should run for no more than 1 hr per day/145 hours a year rather than unrestricted between 9am-5pm.

My understanding is the land owner is nothing to do with the business so I'm not sure if the business would be happy to comply with such a condition."

Additional Comments 27.05.20 – "I have looked at the noise report and noted that from location 4 the noise recorded was 70dB. It [a distance buffer required around the factory to prevent the unacceptable amenity impact] could be easy enough to work out if you knew how far location 4 from the point source was. For every doubling of distance, the sound level reduces by 6 decibels (dB), (e.g. moving from 10 to 20 metres away from a sound source). But the next 6dB reduction means moving from 20 to 40 metres, then from 40 to 80 metres for a further 6dB reduction.

For outdoor amenity spaces such as private gardens and patios, BS8233 states that 'it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments'. So for a reduction from 70dB to the upper limit (55dB) would require a 15dB reduction which would be approximately 3 times doubling of the distance of location 4 from the source. It says in the report that the location of 4 Location 4: E of factory, halfway down E elevation, 2m from roadway but I'm not sure where this is in relation to the source of the noise. Assuming it was 2M away from the source I estimate that no dwelling or outside space should be within 16m however it may be more than this if the distance of the meter was further way. I also assume that the generator is not used at night."

Additional Comments 15.07.2020 – "Thank you for your email and noise report ... I have the following comments. I would request the developer proceed to investigate 4.5 and 4.7 of the report:

4.5 For this reason, we consider that it would be useful to investigate the feasibility of:

a) Installing an acoustic lobby on the access door such that at least one door can remain closed at all times (it would be necessary to ensure that the lobby would provide the same standard of sound insulation as the rest of the generator enclosure); or

b) Relocating the generator control panel to within the main factory building such that the generator can be operated remotely

4.7 We would also recommend that the fuel tank filling door is inspected and properly sealed to minimise noise emissions from this section of the enclosure.

In addition the recommendation for the properties detailed in section 4 should also be implemented."

Additional Environmental Services Comments 10.6.19 "Residential Development - Accept Findings

An Air Quality Assessment has been conducted by Kairus Ltd commissioned by C B Collier Ltd (ref: AQ05163) dated 1/04/2019 in support of this planning application.

This document provides a comprehensive assessment of the air quality issues surrounding the proposed development, identifies the potential impacts from both the construction phase and operational phase at sensitive receptors identified as part of the report (1-23).

In summary, providing that the proposed mitigation measures are incorporated during construction and operational phases of the development, I can concur with the findings of the AQ assessment for Nitrogen Dioxide and Particulates at the sensitive receptor locations.

The risk of dust deposition (nuisance dust) is considered greater. The application site for the above development lies in an area where there are several active industrial sites. Therefore I agree with the highly recommended measures outlined in Appendix D to the report should be implemented in full.

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 bunded 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”

CADENT – “Considerations in relation to gas pipeline/s identified on site:

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

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

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

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

Landscape (Tree) Specialist – "The submitted tree survey does not appraise any individual trees so it is difficult to fully assess the impact of the indicative layout on existing trees.

However, it is likely that A1 A7 G1 G8 G9 and G10 will all have some adverse impact resulting in tree loss/potential tree damage. Any full/reserved matters application should be accompanied by a detailed site specific Arboricultural impact assessment as recommended within BS5837-2012 section 5.4.

This should identify potential tree constraints and direct/indirect effects of the proposed design and proposed tree protection and mitigation. Trees retained/removed should be clearly identified.

A full site specific arboricultural impact assessment and tree protection should be provided detailing all protection measures to be incorporated during construction activities.

A full soft landscaping scheme should be considered at an early stage of the design process incorporating defined green infrastructure of species and type that will have ample room for full development and of a wide range of species that will increase site biodiversity and be tolerant of anticipated climate change and invasive pests and diseases.

Recommend any approval has attached conditions:

1. No Works or development shall be carried out 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.)
2. No works or development shall take place until the scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
 - a) A plan showing details and positions of the ground protection areas.
 - b) Details and position of protection barriers.
 - c) Details and position of underground service/drainage runs/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.
3. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.
4. Prohibited activities: The following activities must not be carried out under any circumstances.
- a) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
 - b) No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
 - c) No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
 - d) No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
 - e) No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f) No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g) No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h) No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
5. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
6. Prior to the implementation of the landscaping details hereby approved, within each phase of development, 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 District Planning Authority. Thereafter, the landscaping proposals within each phase of development shall proceed in accordance with the approved details.
7. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest,

unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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.”

Sport England – “Sport England – Statutory Role and Policy

It is considered that the proposal could prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’: www.sportengland.org/playingfieldspolicy

Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposed development if approved would result in the construction of new dwellings adjacent to an existing sports facility.

Our main concerns with respect to 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 and secondly issues around access and car parking.

Residential Amenity

On the southern side of the playing field site the design of the main access (to the development and the retained industrial area) and existing layout of the playing field creates a reasonable separation between the usable playing field area and the proposed residential properties. The development beyond on the northern boundary of the playing field may create issues of residential amenity however this could be seen as no worse than the existing relationship on the western boundary. It is noted that your Environmental Health team commented on the proposals for flood lighting for the football pitch and restrictions were put in place on the approval. Some objections were received from residents on Kew Gardens, Graham Close and Richmond Close. It is assumed that the restrictions are appropriate for the new development but this should be fully considered. It is noted that the submitted noise impact assessment does not include an assessment of the

impacts on residential amenity as a result of sport being played at the site at weekends and under floodlights in the evenings

Access and car parking

You may recall that Sport England raised concerns previously regarding access to the playing field site and with regard to the level of parking. The access question appears to have been resolved. Car parking is to be provided on site but we remain concerned that overspill car parking may take place on the new residential streets and this should be carefully considered to ensure that sports activity at the site is not affected.

We have, as agreed, consulted the Football foundation who advise;

The Football Foundation (FF) considers that with improved access and increased parking on site (costs to be met by the development) the club could continue to function effectively from this site.

However, the FF would also look at any other football ground improvements that could be provided via the Section 106 process. Which would support/sustain and develop sport (in this case Football) at the site.

Statutory Conclusion

Whilst Sport England is generally supportive of the application, we remain concerned that the residential development could create pressure on and prejudice the continued use of the site for sport. This pressure could increase if at some point the retained flow swerve business relocates and this area is also approved for development.

However given the points raised regarding residential amenity above that an objection could be sustained.

Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

This application falls within the scope of the above guidance as it relates to a major development over 300 dwellings.

It is understood Newark and Sherwood District Council is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule. However sports facilities are not covered by the CIL S123 list and as such could be covered via an agreement under S106.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect

the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<http://www.sportengland.org/planningforsport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The Proposal and Assessment against Sport England's Objectives and the NPPF

The population of the proposed development is estimated to be round 700 new residents. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

Indoor Sports Facilities

The application appears silent on the needs or otherwise for additional indoor sports facilities to cater for the demand generated by new residents over and above the improvements as a result of the provision of an improved pavilion.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of an additional 700 new residents in this local authority area will generate a demand for an additional 44 visits per week to swimming pools and 42 visits per week to sports halls - when converted to a capital cost this equates to £245,000. A copy of the SFC report is attached. This demand may be able to be accommodated within existing facilities or by improving existing facilities, your council has the evidence available to understand the supply, demand, quality and capacity of existing facilities in the locality which would address the above, but this should be clarified.

Formal Outdoor sports facilities

The need for the proposals to take account of the demand generated by the growth has been raised above. Your authority has an up to date PPS and has access to the Population Growth Demand Calculator. The use of the two document should be used to establish the additional demand generated by the increase in population in the area. No doubt that your Community, Sports & Arts Development and Parks & Amenities teams will comment on this aspect of the proposals. The comments from the Football Foundation

You may be aware that, Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design.

We would encourage you to embrace the concept of 'Active design': Sport England believes that being active should be an intrinsic part of everyone's life pattern. The master planning of major new housing and mixed use development schemes has a vital role in providing easy access to a choice of opportunities for sport and physical activity, making new communities more active and healthy. Active Design is aimed at urban designers, master planners and the architects of our new communities. The guidance promotes sport and activity through three key Active Design principles of - improving accessibility, enhancing amenity and increasing awareness (see link below for more information)

The document can be downloaded via the following link:

<http://www.sportengland.org/activedesign>

Non-Statutory Conclusion.

Sport England is not currently able to support the proposal as there are a number of unanswered questions regarding offsite contributions to formal offsite sports facilities. We would be pleased to comment further once further information is provided in this regard.

Sport England would be happy to discuss any of the issues raised above."

Additional comments received 19.5.20 – "Thank you for reconsulting Sport England with additional information regarding impacts on the car parking proposals for Flowserve SSC agreed under application 18/01235/FULM (and secured under the later security fencing application). I can confirm that the lack of ability to control the provision/retention of car parking would be a concern for Sport England.

As previously advised; **Statutory Conclusion**

Whilst Sport England is generally supportive of the application, we remain concerned that the residential development could create pressure on and prejudice the continued use of the site for sport.

We considered that the points raised regarding residential amenity could not be sustained as an objection, because the car parking issues appeared to be resolved. But even with the car parking proposed we remained concerned that overspill car parking may take place on the new residential streets and this should be carefully considered to ensure that sports activity at the site is not affected.

If the proposed car parking solution is not now certain (noting that Flowserve feel that the condition is valid and there is no reason for a legal agreement), sport England supports your conclusion that;

.....the absence of an ability to guarantee the security of sufficient parking for the SSC and the possible consequential impact on the operation of the community facility will be a material planning consideration for the Council to judge, one that will carry significant negative weight in the planning balance.

Without the security of sufficient car parking Sport England would objection to the development as it could prejudice the use or indeed lead to the loss of the sports facility. Without car parking visitors to the site could create significant disturbance to residential amenity leading to parking issues restrictions on parking and objections and issues with regard to highway safety (including emergency vehicle access). It is noted that the submitted/ revised TIA has not addressed vehicular movement to and from the SSC facility it is assumed that this is because the SSC operates when the factory is closed and there is therefore no reason to test both (not used am or pm peak). It is also noted that the loss of parking/parking issues are not considered in the TIA as I assumed it is currently considered as resolved.

One potential option would be that Flowserve SSC secures a lease/rental arrangement directly with Flowserve for use of the car park (again this would not be linked to the current application but could remove some uncertainty) . However, we are not clear if this is possible as we understand that Flowserve SSC do not own the site.

Non-Statutory Conclusion.

Sport England remains unable to support the proposal as there are a number of unanswered questions regarding offsite contributions to formal offsite sports facilities, covered in our response dated 28-05-2019 (attached). We would be pleased to comment further once further information is provided in this respect.”

Additional Comments received 15.07.2020 – “I refer to your email below and attachments and my previous email dated 19/05/2020. In that email Sport England concluded;

Without the security of sufficient car parking Sport England would object to the development as it could prejudice the use or indeed lead to the loss of the sports facility. Without car parking visitors to the site could create significant disturbance to residential amenity leading to parking issues restrictions on parking and objections and issues with regard to highway safety (including emergency vehicle access). It is noted that the submitted/ revised TIA has not addressed vehicular movement to and from the SSC facility it is assumed that this is because the SSC operates when the factory is closed and there is therefore no reason to test both (not used am or pm peak). It is also noted that the loss of parking/parking issues are not considered in the TIA as I assumed it is currently considered as resolved.

The applicants agent has submitted additional information which seeks to address the concerns raised with regard to the provision of parking and the effects on the future use/operation of the SSC playing field site, Sport England comments as follows;

1. Supplementary Transport note:-

Sport England does not to seek to advise on car parking levels, given, particularly, to local circumstances and differences in local parking requirements/policy. However,

there appears to be logic in considering at least the same level as that agreed on the retained Flowserve site for any assessment. We would make some observations on the assumptions made.

- Spectator levels will fluctuate depending primarily on the success or otherwise of the team and the local nature of the two teams involved, it is difficult to plan for a worst case scenario but planning for the most frequent occasions seems sensible.
- Sport England would not wish to push for a higher level of parking than is necessary as we would clearly prefer to see the use of other forms of access to the site other than the private car. We would encourage active travel to sites such as walking and cycling and shared transport. However, there are issues around car sharing and child safeguarding for clubs, such that the ratio of parents and children is not simple. We would want to ensure that appropriate off-site parking is retained/provided.
- The 2017 Newark and Sherwood DC Playing Pitch strategy review advises that on site there are - *Two adult pitches, one 9v9 pitch, three 7v7 and three 5v5 pitches, all of good quality. Several mini pitches are over marked onto adult pitches. Logistical problems and a need to fit more pitches onsite but no room to do so.* The uses listed at the SSC site are not therefore correct, the former tennis courts area has been converted to a 7v7 pitch, adult pitches are overmarked for junior football so multiple games can take place. It is understood that a total of 17 football teams use the site.
- Football Tournaments and other such all day events take place which on occasion would see an increase in cars, which unless the majority of cars can be appropriately located, will lead to either on street parking or the events not taking place which would be a financial impact on the sustainability of the club.

2. Onsite parking plan.

- The submission makes reference to the redundant onsite tennis courts, the tennis courts have been converted to a 7v7 pitch created in 2016/17 (confirmed in PPS review)
- Both the overflow parking and part of the suggested main car park use up any spare land which allows for site flexibility of pitch arrangements, maintenance, warm up and training without using the main pitch areas.
- Sport England would object to any proposal which results in the loss of usable playing field.
- The suggestion of on site parking is not an option - SSC have enjoyed that benefit of off-site parking for a number of years, the applicant should recognise that without proper provision of parking the SSC site which he also owns will be affected and the scheme which is being developed will also be affected.

3. Letter ref P1470/PD/clw

- The letter raises the obvious point that the users of the SSC - have parked on a Flowserve owned and controlled car park for some considerable time but that this is was **outside** of the secured area. The proposed car park is within the secured area therefore without any specific requirements to make this car park available, it is actually in many ways less secure than the informal arrangement.. Notwithstanding any previous informal arrangement parking within the secure area is at greater risk of loss. The previous long term arrangements reflected that SSC was the sports and social club of the Flowserve company, this link has now to all intents and purposes gone. The position of SSC has therefore changed the two parcels are in separate ownership any feeling of obligation that Flowserve may have had in the past to support the Social side is no longer a factor. Indeed it is understood that Flowserve support the original condition, but will not enter into any other formal arrangement which secures the use of the car park, if it concluded that the condition is not valid.
- Without the construction of houses as planned and if the informal car park is unavailable for some reason parking on the access road outside working hours would not create an issue. This is not picked up in the letter, Sport England reiterates our concern that uncontrolled parking on the new residential streets would impact up on residential amenity and lead to highway safety issues, including access for emergency vehicles. This will lead to even greater negative pressure on the operation of the SSC playing fields. There is a clear material impact on both the SCC and the future occupiers of the proposed residential properties.
- The letter also advises that Sport England seeks to ensure that the operation of the SSC remains unaffected and it concludes that there is nil effect – this is clearly not the case, as we already understand that the junior football club are already seeking alternative an venue(s) The PPS review in 2017 advised that There were 266 teams playing in the district. This was an increase of 51 teams from the 2014 audit. This places additional pressure on pitch provision and the quality of the playing surface. The local football facilities plan (LFFP 2019) indicated that in 2018 around 230 teams had affiliated to the county FA the pressure on pitch provision therefore remains and issue.
- Sport England would not support the loss of the playing field site unless an alternative new replacement site was available or that the evidence indicates a surplus in the catchment in order to meet the requirements of our policy and NPPF para 97.
- It is understood that the owner of the SSC site is seeking re-negotiate a lease. If it is expected that SSC becomes more financially sustainable and commercially focused (greater use of facilities throughout the year) there will be a greater need to attract more visitors more often which will add to the identified parking issues.

Statutory Conclusion

Without the security of sufficient car parking Sport England would object to the development as it could prejudice the use or indeed lead to the loss of the sports facility. Without car parking visitors to the SSC site could create significant disturbance to residential amenity leading to parking issues, restrictions on parking, objections from residents and issues with regard to highway safety (including emergency vehicle access).

As Sport England has consistently advised whilst we are generally supportive of the application, we remain concerned that the residential development could create pressure on and prejudice the continued use of the SSC site for sport.

Non-Statutory Conclusion.

Sport England remains unable to support the proposal as there are a number of unanswered questions regarding offsite contributions to formal offsite sports facilities, covered in our response dated 28-05-2019. We would be pleased to comment further once further information is provided in this respect. Could one option be rather than an off-site contribution, could land be allocated within the residential area and a car park created for SSC adjacent to the playing field entrance?

I can confirm that Sport England will support an appeal if the council considers that the above is a reason for refusal.”

LCC Archaeology – “I would like to revise my comments.

Extensive excavations have taken place on the adjacent site which have not yet been published so unfortunately I was not aware of the significance of the site when I initially appraised it. The final report is still being written up so I have not had sight of the results of the excavations but I have spoken at length with the county archaeologist who has been a lead on that scheme.

The adjacent site contained extensive Romano-British remains, of which industrial areas have been located close to the boundary of the Flowserve site. It entirely possible that these remains would continue onto this site. In addition to this site is also likely to have contained civil war remains as well as evidence of its more recent industrial past.

The concrete hardstanding which covers this site is likely to have damaged some potential archaeology on this site but also may have preserved more deeply buried archaeology and because of this there is a potential that important archaeology may survive here and that this potential should be explored. Ideally the developer should supply further information to support this application ideally through an initial desk based assessment which will lead to intrusive trial excavation.

I did pass the site yesterday and can see that there are machines already working to break up the concrete slab and I am mindful that if more clearance works continue (beyond clearing the hardstanding) that they may compromise the archaeology before we have time to properly investigate.”

Revised Comments: “My mind has been greatly eased by the fact that the majority of the site has been substantially disturbed by previous development on the site, as per my

original thoughts. It is clear that had we requested trial excavation across the main site that it would have been totally unproductive. The exposed culvert is a wonderful example of Victorian engineering that is a rare treat to see exposed. There were a couple of areas that could contain undisturbed archaeological remains and could benefit from some limited trial excavation to see if in situ remains survive. I was unable to find a phase plan, but the areas of interest are by the foundry waste piles (phase 1?) and on the northern side of the Sports and social club.”

Confirmation that given the works permitted under 18/01235/FULM on the basis of Archeological advice throughout that permission that no further Archeological works are required.

NCC Highways – Initial Comments 5.6.19 “The scale and nature of this proposal means that additional time is required to appraise the Transport Assessment. However it is already clear that the proposal will have detrimental impact on the junctions at Hawton Lane/Bowbridge Road and Hawton Lane/London Road with no mitigation measures being proposed. Therefore please accept this as a ‘holding objection’ pending the results of this Authority’s appraisal.”

Secondary Comments 8.7.19 “Looking at the Transport Assessment, the main comparison is between scenarios 3 (2029base+committed) and 4 (2029base+committed+development). Also between scenario (S5) for 2029 base +development (no committed) and comparing this against the 2029 base only scenario (S2) to show that their development on its own won’t be a problem. This latter comparison is a bit meaningless as it avoids the future potential reality i.e. with committed development.

J1 Bowbridge Road/ Hawton Lane:

- I disagree with the statement that the proportional increase in degree of saturation is minimal. All saturation values increase and, in the case of Bowbridge Road south this is very close to 100%. The practical maximum target is 90% (100% saturation is not an acceptable limit) so we are well into the unpredictable zone where a little extra traffic has a disproportionate effect on queues and delays.
- The applicant should consider what mitigation measures might be offered, but it is worth noting that MOVA and Toucan style facilities are already present.

J2 Hawton lane/ Site Access:

- I have a concern regarding the approach from the left coming from the railway bridge and the narrowness of Hawton Lane at the junction. The right turn in is predicted to increase in the PM peak from 7 to 78 meaning there will be a high chance that a right turning vehicle will be waiting in the centre of the junction to make its turn. This will increase the chances of shunt type accidents with a following vehicle running into the back of one waiting to turn. The applicant should investigate the provision of ghost island right turn facility. A central right-turn lane might help that as well since a left-turning HGV would more easily be able to make the turn without encroaching on the eastbound lane.

J3 London Road/ Hawton Lane:

- This junction already carries a large number of vehicles turning right from Hawton Lane

onto London Road to access the A1. This may change when the SLR link to the A1 is complete but, for the moment, Hawton Lane is the main route.

- The predicted RFC values for Scenario 3 show a junction performing poorly; well over its capacity. The Flowserve development flows added into Scenario 4 worsen this further by a significant amount. Taking out the committed development and comparing scenario 5 (2029 devt, no committed) with scenario 2 (2029 base, no committed) demonstrates Flowserve taking the junction from busy but within capacity to well over capacity. The combined Mean Max Queue (as there is only a single lane) goes up from 5.47 in the PM peak to 21.58, this is a significant increase and does not 'remain relatively low'.
- This junction is currently under pressure and the increased flow may affect safety as vehicles at the give way line come under more pressure from the increased flows behind to make their turns out onto London Road.
- London Road / Hawton Lane has a poor accident record and clearly more traffic is likely to lead to additional accidents unless mitigation works are carried out. The Transport Assessment includes 'Crashmap' accident data which may be incomplete and not fully up-to-date. I would hold more confidence in data supplied by this Authority and, in any case, it should cover a 5 year period; not a 3 year period.
- Mitigation measure need to be considered to make this proposal acceptable.

The conclusions that 'the proposed development can be accommodated without detriment to vehicular flows and road safety on the surrounding highway network' appears to be lacking veracity. The applicant may wish to address the above matters, but as it stands this Authority would recommend refusal on the grounds that highway safety and capacity are significantly compromised. The proposal will increase the risk of accidents and resulting queues and delays at junctions are severe and unacceptable.

I am awaiting comments regarding the Travel Plan submission and will respond regarding this aspect in due course."

Additional comments 24.7.19: "Please find our comments for the Flowserve site travel plan, below:

- Figure 3.1 is not overly clear. The Google satellite image used is blurry and it does not identify the full site (i.e the extent of the site boundary, or the access junction).
- Paragraph 4.8 discusses the access from Lowfield Lane which will be developed to provide emergency service access only. It is not clear how this link will be managed (i.e. how will it be controlled so that only emergency services use this access)?
- Paragraph 4.12 should discuss the number of parking spaces proposed. The Residential parking Standards for New Developments document is referred to on page 10 and should be applied to the number and type of proposed residential dwellings.
- Paragraph 5.1 refers only to one pedestrian access point to the site (from Hawthorn Road). The site abuts residential dwellings to the east and north east, and as such the developer should explore pedestrian access points to these existing dwellings to increase permeability and encourage walking.
- It is not clear whether any buses (accessible from the site) serve the rail facilities.
- Distances to bus facilities have been calculated from the site access point. It is likely that once distances from the centre of the site are taken into account, the site will lie

outside the preferred maximum distance to public transport facilities. How is this proposed to be mitigated?

- No targets have been set, which is unacceptable. The TA will have provided an estimate of trips associated with the site, and therefore this is the basis on which targets should be set. The primary target should be based on the trip generation values in the accompanying Transport Assessment (i.e. include one table showing the values used in the TA, and a further table showing the target trip generation with the Travel Plan in place (i.e. lower than the TA)). Mode share can be used as a secondary target, and we would recommend using Census journey to work data as the initial baseline prior to collecting site specific data.
- Targets should then be updated using results from the baseline travel surveys conducted within 3 months of occupation, however any changes to targets must be approved by NCC.
- An interim Travel Plan Coordinator should be identified now (including their name and contact details). Once the permanent TPC has been identified, NCC should be updated of their details and the TP updated accordingly.
 - The TP does not state the length of the monitoring period, nor the length of period in post of the TPC. The monitoring period should run from first occupation until a point 5 years following 50% occupation, with targets matching the monitoring period. The TPC should be in position prior to first occupation (not 'upon first occupation as stated in Table 9.1) to match the monitoring period unless the Travel Plan fails to meet its targets, in which case the monitoring period and TPC's period in post should be extended accordingly and remedial actions proposed.
 - It is now commonplace for a development of its size to offer free taster bus tickets to new residents. These can be offered on a redemption basis as part of the welcome pack. Section 8 is really weak - simply stating that 'walking/cycling will be encouraged as much as possible' is not sufficient. It should include all initiatives the developer / TPC will implement to reach the TP's targets. Examples include:
 - Co-operation in and promotion of national events;
 - Provision of adequate residential cycle storage;
 - Provision of notice boards in publicly available areas, such as the sales office for all perspective buyers to view. The green credentials of the site could be used as a selling point;
 - Issuing of a periodic newsletter to update residents on the Travel Plan's progress;
 - Any proposed improvements to local bus services(?); and
 - Provision of a resident welcome pack containing:
 - walking, cycling and public transport maps
 - Public transport timetables
 - The name and contact details of the TPC
 - Information on how to access personalised journey planning services
 - Information on how to redeem the taster bus ticket
 - Information on Nottinghamshire's own car sharing scheme: NottinghamShare.

- Paragraph 8.5 mentions cycle parking facilities. These have not been discussed previously? Nor have the provision of footways/cycleways through the site (referenced in Table 9.1).
- The 'final' Travel Plan must be in place before any units are occupied, this is not particularly clear within Table 9.1.
- Baseline travel surveys should be conducted within 3 months of initial occupation, and repeated annually thereafter (preferably in the same month to avoid discrepancies caused by seasonal variations). Surveys must be approved by NCC prior to issue.
- In addition to being disseminated to NCC and the local district council (via an annual report), survey findings should also be disseminated to residents to keep them up to date with the progress of the Travel plan.
- Paragraph 10.3 refers to employees?
- The TP should commit to a 3 year review and evaluation with NCC.
- The TP must commit to remedial measures should the Travel Plan fail to meet its targets at the end of the initial monitoring period – at minimum this should involve the extension of the monitoring period and period in post of the TPC as discussed above”

Additional comments 19.11.19 – “Further to comments dated 8th July 2019, revised Transport Assessments have been received and analysed (the latest being dated 19th November 2019).

In summary, when compared to the existing site use, the highway impact is such:

- The proposal will generate 109 additional trips in the AM peak, and; 122 in the PM peak.
- Between 7am and 7pm, 1011 additional trips will be generated.
- In the AM peak 55% of trips run to the west; 45% to east.
- In the PM peak 38% of trips run to the west; 62% to east.

The impact on individual junctions has been modelled, bearing in mind the 'design year' traffic flows includes those associated with the committed development at 'Land South of Newark':

Bowbridge Lane / Hawton Lane junction

In the 'design year' of 2029, without the proposed development the junction is over-capacity i.e. long delays/queues occur. With the proposed development maximum queues would increase by 2 or 3 vehicles (pcus).

Notwithstanding the above, it is difficult to see what mitigation might be sought that is reasonable and proportionate to the proposal and its level of impact.

Hawton lane / Site Access junction

Whilst, previously, a right turn lane has been sought, the modelling has demonstrated that

queuing to enter the site is small with a maximum queue of 3 vehicles (pcus). The Applicant's Agent has submitted that land to offer a right turn lane is not available and in answer to road safety concerns suggests that the current 40mph speed restriction could be reduced to 30mph. This would seem to be a reasonable suggestion since it would reduce the forward visibility/braking distances over the ex-railway bridge when approaching the junction from the west.

London Road / Hawton Lane junction

In the 'design year' of 2029, without the proposed development, the junction is over-capacity i.e. long delays/queues occur.

The modelling shows that maximum queues extend as a result of the proposal:

- From 60.5 vehicles/pcus in the AM peak to 100.9, and;
- From 370.8 vehicle/pcus in the PM peak to 430

Assuming a PCU length of 5.5m these queues may extend beyond 500m in the AM peak and 2.3km in the PM peak, with the development flows.

This is based on 49 pcus being added in the AM peak as a consequence of the development (45% of 109) and 76 pcus in the PM peak (62% of 122).

With and without development, the junction will operate beyond its capacity in the design year and the Applicant's Agent argues the case that the proposal adds a comparatively small proportion of traffic to this junction over and above natural traffic growth and flows associated with committed development.

4.4% of the two-way flow on Hawton Lane will be attributable to the proposal at this junction in the AM peak, and; 5.4% in the PM peak.

This is considered significant and whilst the developer has indicated that they would be willing to contribute a proportional amount to the cost of a mitigation scheme e.g. traffic signals, a formal scheme has not been provided and other funding is not identified to secure a scheme in the future. Furthermore, such a scheme would have to be subject to a road safety audit and it has already been identified that issues would arise with regard to vehicle movements from private drives located between stop lines.

Other Matters / Comment

Whilst the Travel Plan has been revised in response to previous comments this matter is still outstanding at the time writing, pending further assessment being carried out by colleagues. Further comments will be forwarded as soon as possible but, failing this, should a resolution be passed to grant permission, then it is recommended that a condition be applied seeking the submission and approval of a revised Travel Plan.

It has come to light that traffic flows associated with committed development at Fernwood, affecting London Road, have not been included and these would exacerbate the capacity issues noted above.

The very long queues identified on Hawton Lane above are, of course, estimated and theoretical. If they were to occur in practice, all other junctions on Hawton lane would be affected. It is possible, perhaps likely, that once queues and delays become acceptable to the average motorist, alternative routes would be sought, but the impact of this on other local junctions has not been assessed and would require the use of the Newark Traffic Model held by the Planning Authority to do so.

It has previously been recognised that the London Road / Hawton Lane junction is currently under pressure and the increased flows may affect safety as vehicles at the give way line come under more pressure from the increased flows behind to make their turns out onto London Road. Also, given the poor accident record, more traffic is likely to lead to additional accidents unless mitigation works are carried out.

Conclusion

As it stands, this Authority would recommend refusal on the grounds that highway safety and capacity are significantly compromised. The proposal will increase the risk of accidents and resulting queues and delays at junctions are severe and unacceptable; contrary to Spatial Policy 7 and the National Planning Policy Framework.”

Additional comments received 20.05.2020 – “Further to comments dated 19th November 2019, a revised Transport Assessment (revision 7 dated May 2020) has been received and analysed.

Previous versions of the Transport Assessment were based on manually adding and distributing traffic flows and committed development flows to localised junction models. Previously, the impact on the London Road junction with Hawton Lane was shown to be significant and raised serious concerns. However, this type of modelling lacks sensitivity and suggests, for example, that a driver would regularly be part of a queue of over 100 vehicles in the morning peak and 400 vehicles in the evening peak, in this case.

Consequently, it was suggested to the applicant/consultant that the Newark Traffic Model be used to determine trip distribution, which would include all the committed development sites, including the approved Fernwood sites, and; take account of nearby highway improvement schemes.

In practice, where motorists regularly encounter heavy congestion / queuing / delays, decisions are made to choose alternative routes which save time and/or distance. Consequently, some traffic re-routes, until an equilibrium is reached. The Newark Traffic Model takes account of this to redistribute flows and more accurately reflect driver patterns. These new flows are then used to model individual junctions using industry-standard software.

The latest Transport Assessment has used the Newark Traffic Model and carried out appropriate junction capacity modelling in line with parameters agreed with the Highway

Authority. The results show that whilst a small loss in capacity results from the development generated flows, this is insignificant and will not justify junction improvement works.

This is an outline planning application with access being determined. As such 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 acceptable. Whilst a right turn lane facility has previously been discussed, it is neither required in terms of capacity and land is 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. Furthermore, an offer has been made to fund a speed limit reduction to 30mph along this stretch of Hawton Lane as a safety enhancement. This is considered to be appropriate and would help satisfy any concerns about the lack of a right turn lane.

Further revision to the Travel Plan is necessary but it is considered that this matter could be dealt with by a suitable planning condition. It is concluded that the application may be permitted subject to the following conditions:

1. The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, road layout, surfacing, street lighting and drainage (hereinafter referred to as reserved matters). All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

Reason: To ensure the development is constructed to adoptable standards.

2. No development shall commence on any part of the application site unless or until a suitable access has been provided at Hawton Lane as shown for indicative purposes on drawing A18361-209-P1, to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

3. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 120m at the new junction with Hawton Lane are provided in accordance with drawing A18361-209-P1. 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.

4. 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 unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

5. 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 agreed in writing by the LPA, and thereafter implemented in accordance with that plan.

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

6. 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.

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

7. No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Hawton Lane.

Reason: In the interests of highway safety.

Notes to Applicant:

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

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."

Confirmation from NCC Highways that condition 01 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.

Additional Comments received 02.06.2020 – “We are content that our response dated 19 May 2020 is justified and reasonable.

We have reviewed our comments in light of the objection made by SLR/Urban & Civic, and these are some broad conclusions:

1. This is an outline planning application where internal road details have not been assessed. However, the junction at Hawton Lane is already in use by the industrial site-generated traffic and no recent record of injury accidents exist. Improvements to the junction have been proposed, and the details have been assessed on the basis of whether or not they are suitable to accommodate residential-generated traffic.
2. This Authority has suggested that the emergency access link be subject to a condition requiring further details. As long as we are content that connection can be made to Lowfield Lane, that is sufficient for the time-being. Links to the Southern Link Road are not part of this consideration for the Highway Authority.
3. It would be unreasonable to expect a bus service to enter the site, but the less-than-ideal walking distances to a bus stop is not sufficient in itself to justify refusal of the application when walking and cycling links are good, and promote sustainable travel.
4. Regarding trip generation, NCC is in the practice of carrying out its own estimate of trip using the industry-standard TRICS database tool. Whilst the filters applied and site examples may differ to those in the submitted Transport Assessment, where the resulting estimate of trip rates is not significantly different, they are not challenged.
5. 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. Indeed the 3,000+ homes approved for Fernwood are based on the assumption that the Southern Link Road will proceed.

Notwithstanding the above, I am awaiting a further response from a colleague regarding SLR's comments regarding the modelling of the traffic signals to confirm that we have not missed anything of significance. I shall have to get back to you on this next Monday.”

Additional Comments received 02.06.2020 – “Further to my email below, I have now received the comments from our Traffic Systems Network Manager (see below). You will find that the conclusion is that NCC is satisfied with how the traffic/junction modelling has been carried out, but should it be considered prudent to allay fears, the applicant/agent could be asked to re-run the models under more stringent conditions. The applicant / agent may have a view on this and you may need to consider whether it is necessary in light of the weight being given to any objections. However, it is my opinion that the modelling already done is reasonable and has been correctly assessed by the Highway Authority.

Looking at the SLR comments in section 6.2 I have the following responses:

- Pedestrian modelling: the junction has been modelled with pedestrians running every second cycle which is normally a legitimate approach outside of town centres where pedestrian usage can fluctuate considerably. I take the point that the proposed school may well lead to the pedestrians running in consecutive cycles in the height of the AM peak when the traffic peak coincides with the peak school ingress time. I would say though that this would not be for the whole hour so I still think that the approach taken by Patrick Parsons is not unreasonable. However, if you wish to see the worst case then the model should be run with the pedestrians in every cycle. I must say that, looking at the PP modelling, there will be enough headroom within the junction in the AM performance for it to still give a positive result. In the PM the school and commuter peak won't coincide so this does not need to be looked at. The Flowserve flows on Hawton Lane add in 52 vehicles in the AM and 37 in the PM. Looking at the comparison of base versus development scenarios, both should be run with pedestrians in every cycle to judge the Flowserve performance on a level playing field, but, as I've said, I think that there will still be sufficient headroom in the junction for it to perform okay and there is no practicable, proportionate mitigation proposal available.
- The Patrick Parsons Linsig model has used traffic signal configuration data provided by Via/ NCC so the minimum green timings reflect what are on street. The intergreen times used are a reasonable estimate of a mean value intergreen for modelling purposes. As such, they are subjective but not unreasonable. If PP are to rerun the Linsig model with pedestrians every cycle then they could also increase the clearance periods at the same time – it would be up to PP to argue whether this would be reasonable. However, these values would need to apply across all scenarios and I think that the difference in performance between the base and development cases will still be low – too low to be able to justify asking for significant intervention at a junction which already has MOVA and Puffin style facilities.
- The final comment regarding the peak hour RFC values appears to be incorrect. The PP TA reports that the worst degree of saturation in the morning is 73.2% (equivalent to an RFC of 0.73) and 78.4% in the PM (equivalent to an RFC of 0.78) – I don't know where SLR are getting their figures from. These are both comfortably below the value of 90% saturation (or an RFC of 0.9 NOT 0.85 as stated)."

Additional Comments received 13.07.2020 – In response to the agent's review of the Sports and Social Club Parking requirements: "They are right that TRICS offers little help. I have read the notes and consider that the level of parking being offered does look reasonable to me."

Additional Comments received 20.07.20 – "The spaces I am not keen on are those 17 spaces in lay-by arrangement on the first length of spine road. Because the footway is shown running to the rear of these spaces it looks like we would be expected to adopt them as public highway. We would normally expect all car parking to be off-highway. I would have thought this 17 could be provided alongside the private access to the club perhaps?"

If push came to shove, though, I am not sure the arrangement shown could be refused on highway safety grounds, although we would need a commuted sum payment for

maintaining those lay-by spaces if they were to remain in the public highway.”

NCC Rights of Way: “I have checked the Definitive Map for the Balderton area and can confirm that Balderon Footpath No 11 crosses the site and Balderton Footpath no 13 runs either adjacent or just inside the site . I attach a plan showing the definitive route of the footpaths and would be grateful if you could make the applicant aware of the legal line. We would encourage the developer to have early discussion with this team in relation to how the footpaths are to be accommodated or affected in the development.

The Rights of Way section has no objection to the proposal in general. Although the applicant acknowledges the existence of the footpath there are no details as to how they will be accommodated. The Rights of Way team would like the applicant to be advised as follows:

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 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 require 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.”

Ramblers Association – “We have no intrinsic objection to this scheme. It needs to be remembered, however, that public footpaths are involved: Balderton Footpath 13 runs along the eastern border and its integrity needs to be preserved. Balderton Footpath 11 bisects the northern part of the development and runs east-west. Again, pedestrian access in this area of the site needs to be maintained.”

Nottinghamshire Wildlife Trust – “Thank you for consulting Nottinghamshire Wildlife Trust on the planning application highlighted above. I have discussed this planning application with my colleague Claire Sambridge who has previously commented on planning applications for this site. We are pleased to have been able to work cooperatively with the ecological consultants on a number of revisions of the Ecological Management Plan (dated 22.05.19) and the Habitat Creation and Landscape Management Plan (dated 22.05.19). These documents were produced in support of planning application 18/01235/FULM in the interests of protecting and enhancing habitats and species on site. The versions referred to have incorporated our previous comments and we are satisfied that sufficient detail has now been provided to allow the plans to be implemented appropriately.

We note that a Landscape Management Plan was to be produced in fulfilment of Condition 18 but we do not appear to be able to find that document. This document will form a key part of site plans and we look forward to seeing this document and how it is integrated with the EMP and HCMP as intended.

Condition 8 of planning application 18/01235/FULM required the production of a mitigation scheme to ensure the protection of the remaining area of the Local Wildlife Site. We are satisfied with the proposals in the scheme which should serve to protect the retained LWS area as well as future wildlife-focussed areas. It is of the utmost importance that the

recommendations in the report and in the EMP and HCMP are followed as set out throughout the entire development process.”

Natural England – “Natural England has no comments to make on this application...”

NCC Flood Management Team – “Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Based on the information provided within the Flood Risk Assessment, the LLFA have No Objections to the proposals.”

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.”

The Environment Agency – 14.6.19: The Environment Agency has previously been consulted on a planning application located at this site under ref: 18/01235/FULM. The proposal was described as “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”.

Following a review of information submitted in support of that application (e.g. contamination assessments), we provided comments and recommended conditions if permission were granted. These are reflected in conditions 05 and 024 of permission 18/01235/FULM. We have no knowledge as to whether these conditions have been fully discharged.

The following reports have been submitted in support of the application:

1. Interpretative Report on Site Investigation (Soil Mechanics, November 2006)
2. Phase 1 Environmental Risk Assessment (Lee Remediation, June 2018)

We have previously reviewed these reports under 18/01235/FULM, and therefore we reiterate some of our previous comments below. As we are not aware that risks to controlled waters from potential sources of contamination have been addressed under 18/01235/FULM, we recommend similar conditions which are also outlined below.

The Phase 1 Desk Study Report has identified numerous sources of contamination on site and the report recommends that a Phase 2 Site Investigation is undertaken. We agree with this approach and would recommend that the following planning conditions are included on the decision notice if planning permission is granted.

Historic uses of the proposed development site present a potential risk of contamination that could be mobilised during construction to pollute controlled waters. The site is located upon Secondary (A) aquifer of the Balderton Sand and Gravel and Alluvium. The superficial deposits are in turn underlain by the Branscombe Mudstone.

Any intrusive site investigation should include provision for an adequate assessment of the risk the site poses to controlled waters. This site is also located within Source Protection Zones 1, 2 and 3 for a deregulated groundwater abstraction at the site. We understand that this abstraction is associated with the former industrial processes at the site, and is no longer in use. We would appreciate confirmation that the well will be decommissioned appropriately.

Condition

Prior to each phase of development approved by this planning permission no development shall commence 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.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: 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).

NOTE: Part 1 of this condition has been satisfied by the submitted reports.

Condition

Prior to each phase of development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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.

Condition

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.

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

Condition

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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.

Informative

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

Please provide a copy of the subsequent decision notice.”

27.6.19: “Environment Agency position

The proposed development will only meet the National Planning Policy Framework’s requirements if the following planning conditions are included.

Condition

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.
- The applicant must demonstrate no development other than that of water compactible development will be within Flood Zone 3b before any development may commence on site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason(s): The requested finished floor levels are required to reduce the risk of flooding to the proposed development and future occupants.

Advice to LPA and applicant

The proposed realignment of the Middle Beck and the creation of a proposed compensatory floodplain storage pond must be completed before any development commences on site. The applicant must demonstrate the proposed more vulnerable development (Drawing: Combined Site Plan, Ref: 153D, Ritchie and Ritchie Architects LLP, Nov 2018) 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 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."

19.12.2019: "I refer to the above application which was received on the 20 November 2019.

The capacity of the flood storage pond will remain the same as previously agreed within the modelling. This is because within the email correspondence the applicant states the following "the updated layout does change the capacity on the pond and".

Please can you confirm if the capacity of the flood storage pond has altered from previously agreed.

It should be noted that the culvert in the middle section of the realigned Middle Beck has been included which is different from previous drawings.

After consultation with Asset performance we have no issues with the proposed alterations. However, it is worth reminding the applicant that they will need to maintain an 8m easement access from the top of bank along the Middle Beck (Main River). The applicant will also require an environmental permit for flood risk activities, if they are to undertake any activity within 8m from the top of a main river bank.”

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

County Planning Context

Transport and Flood Risk Management

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

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

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas have been identified in Nottinghamshire and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

The proposed site at Flowserve Hawton Lane lies within the Minerals Safeguarding and Consultation Area for gypsum. As per National Planning Policy (para. 204), the draft Minerals Local Plan (Draft Plan Consultation, July 2018) contains a policy (SP8) concerning the safeguarding and areas. Although the plan is not yet adopted, its provisions should be given some weight as a material consideration. In the draft Plan policy SP8 requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development prior extraction will be sought where practical.

Considering the proximity of the proposed site to the active quarry and its processing site, the applicant should address policy SP8, and National Policy, and consider prior extraction of

gypsum as this will prevent sterilisation of the mineral and may also benefit the developer in terms of land preparation, if applicable. It is noted that to the West and North of the site boundary there is residential development therefore the potential of extraction of gypsum may be limited to the ground preparation work. The applicant would be required to demonstrate that the feasibility of extracting gypsum prior to development has been considered and demonstrate, if found to be not practical nor viable, why this is the case.

The proposed site also lies within close proximity, at its nearest extent 800m, to the active Bantycok quarry permitted area which is to the South-east of the proposed site. As the proposed development will not bring residential development closer to the mineral site, it is not anticipated that residential development at this site will cause sterilisation of this active mineral site.

Waste

In terms of the Waste Core Strategy, the site is, at its closest extent, approximately 400m to the West of a sewage pumping station. Whilst there is residential development closer than the proposed site to the sewage site, it may be likely that potential environmental impacts may be detectable at the proposed development site. It is recommended that the developer contacts the site operator to discuss this further. This would help to ensure, as per policy WS10, that this permitted sewage site is safeguarded, and sterilisation of the site is prevented.

The site also, at its closest extent, is approximately 700m to the East of the active quarry farm recycling site. Due to the distance, it is unlikely that housing in this location would present a significantly additional sterilisation risk to the recycling centre in terms of Nottinghamshire and Nottingham Waste Core Strategy Policy WCS10.

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Built Heritage

The County Council from the built heritage perspective have no comment to make.

Archaeology

The site has the potential to contain archaeological remains of a range of periods. Immediately to the west of the site extensive archaeological investigations undertaken as part of the Newark South development uncovered extensive Romano-British settlement complete with specialised industrial areas around the area of the watercourse on the edge

of the Flowserve site. It may be expected that this settlement activity continued on the other side of the watercourse, in the Flowserve site.

The County's Historic Environment Record locates the Civil War sites of Rossiter's Sconce and the line of Circumvallation on the area of the Newark South development mentioned above. This was based on the work of the Royal Commission on Historic Monuments back in the 1960's and their attempt to trace where various parts of the siegeworks might be located. Over the years, we have been refining these locations through development funded archaeology. There was absolutely no sign of any Civil War material in the Phase 1 works of Newark South, which would suggest Rossiter's sconce lies either to the west, possibly around the site of Hawton House, or to the east, adjacent to the watercourse and potentially within the Flowserve site. The latter has been the preferred location, given the way in which Rossiter's appears to be located by an unidentified watercourse on the 17th C. Clampe plan, although both this stream and Middlebeck have been frequently rerouted over the centuries, so the location of their 17th C. confluence is difficult to pinpoint with certainty.

Finally, the site has the potential to contain industrial archaeological remains. The Lowfield foundry is not on Sanderson's map of 1835, but does appear on the 1st Edition 6" map and subsequent mapping shows the industrial complex growing rapidly and changing fairly frequently.

So, the site has undoubted archaeological potential, and the applicants should be requested to provide more information on this potential. A useful first stage would be a thorough desk-based archaeological assessment. This work should consider the geotechnical work which has been undertaken, and if further geotechnical work is planned it would be useful to ensure there is archaeological oversight of such work.

The nature of previous development on site may have damaged archaeological remains, but it is unlikely to have completely destroyed them. Were Rossiter's sconce to be located here, it would almost certainly consist of a deeply ditched enclosure, as we found with the King's Sconce to the north of Newark, which had survived successive maltkilns and other industrial development. The Flowserve site clearly has some contamination issues; the impact of remediation on the potential archaeological resource also needs to be considered and mitigated.

A desk-based archaeological assessment is a necessary first step and may well need to be followed by trial trenching. If the development is to proceed an appropriate programme of archaeological mitigation is likely to be required, which may feasibly be secured through suitable conditions.

Strategic Highways

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

Public Health

The local health report in appendix one identifies that many of the health indicators are similar to and not better than the England average.

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population: <http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>
This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire: <http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-and-wellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 with the Planning and Health Engagement Protocol 2017 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications: <http://www.nottinghamshireinsight.org.uk/search?q=Spatial+Planning>

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the outline application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11-year olds in this area is similar not better than the England average Obesity levels for this It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=7166d749-288a-4306-bb74-10b6c4ffd460> are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Nottinghamshire ICS Strategic Estates Board or where all NHS stakeholders are members and also consult with Newark and Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

Planning Obligations

The following sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development.

The County Council would be seeking contributions to mitigate the impact from the proposed development. These are detailed in appendix two and summarised below.

Transport and Travel Services

An indicative bus service contribution of £225,000 would support the provision of a bus service to serve the development. The 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.

Nottinghamshire County Council would request an indicative bus stop infrastructure contribution via a Section 106 agreement of £50,000 for bus stop installations to serve the site. The contribution value can be verified upon receipt of final plans to determine the number of stops required within the site. This will be used towards installations of bus stops within the site to promote sustainable travel.

A Bus Taster Tickets Contribution of £9,000 is requested that will 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.

Education

Comments regarding the contributions which may be sort for education is currently awaited and will be provided as soon as possible.

As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this outline application. Further information about the County Councils approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>

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

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without

prejudice to any comments the County Council may make on any future planning applications submitted for this site. “

2) I am contacting you as a follow up to the Strategic Planning response that was sent on the 6th June by my colleague, Emma Brook, in respect of the above planning application. I would be grateful if the comments below, regarding the education planning obligations which would be sought by the County Council could be considered as an appendix to Emma’s response.

Primary

The development is located in the Balderton Planning Area and would generate an additional 68 primary school places. As can be seen in the table below there is insufficient capacity to accommodate the additional places generated. As a result the County Council would seek a contribution of £1,148,656 (68 places x £16,892 per place). This would be used towards the delivery of the extension of the existing Chuter Ede Primary School (Fernwood Annexe).

DFE No:	School	Planning Area	Net Capacity	Average 5 Year Projection	Housing	Local Plan Housing 5 yrs	Local Plan Housing 6-10 years	Local Plan Housing 10+ years	Surplus or Insufficient Places
3539	All Saints Primary School, Elston	Balderton	105	91	4	0	0	0	10
2674	Chuter Ede Primary School	Balderton	600	609	47	27	0	193	-83
3081	Coddington CofE Primary and Nursery School	Balderton	420	393	38	0	0	42	-11
2678	John Hunt Primary School	Balderton	397	372	0	9	16	50	-1
3097	St Peter’s Crosskeys CE Academy	Balderton	210	176	2	0	0	0	32
Total:			1732	1641	91	37	16	285	-53

Secondary

The development is located in the catchment of Newark Academy and would yield an additional 52 primary school places. Delivery of secondary education places would be secured through the District Council’s Community Infrastructure Levy.”

Additional Comments 16.8.19: “I am contacting you further to my email below regarding the education contributions being sought by the County Council in respect of the above application; in particular the education report submitted by the applicants education consultants EFM. I have discussed the content of this report with my colleague and as a result of this, the County Council have the following comments and points of clarification.

The County Councils approach to requesting Planning Obligations is set out in its Planning Obligations Strategy The approach for education is set out in appendix 5 which commences on page 20. In terms of the number of pupil places generated by a development; a scheme of 100 dwellings can be expected to generate 21 children of primary school age and 16 children of secondary school age (Calculated on the numbers of children of primary and secondary school ages which developments can be expected to generate). This is based on information provided by the Office of National Statistics). Therefore, as set out in the Councils response to the District Council on 28th June, a development of 322 dwellings

would generate 68 primary (324 x 0.21) and 58 secondary (324 x 0.16) school places;

On page 2 of the report, under the education heading, it states that consideration has been given to all primary schools within a 2 mile walking distance and a 3 mile walking distance for secondary education. The County Council consider school capacity based on Primary School Planning Areas and the methodology for assessing this is approved and agreed by the DfE as part of the SCAP process. It is therefore considered that the approach used for considering school capacity in the report is not based on the County Councils adopted approach and that it should look solely at the capacity of schools within the respective Primary Planning Area, which in this case is Balderton;

On page 12, a commentary is given regarding the content of Table 6, which was provided by the County Council following a previous request for this information from Ben Hunter at EFM on 12th July. The report notes that there is no development in the system which directly impacts on the school local to this development which is John Hunt Primary School. As set out above, the assessment of impact and on capacity should be based on the whole planning area and not one individual school. By using this approach it can be seen for example that there are 58 places expected to be generated as a result of commitments between 2018-23. The County Council have used the information contained within table 6 to inform its assessment of school capacity which is set out in table 7 of the report. As a result it can be seen that, based on current projections there is insufficient capacity within the Balderton Primary Planning Area. It is therefore considered that the County Councils request for a primary school contribution of £1,148,656 (68 places x £16,892 per place) remains valid and justified.”

Additional Comments

XXXXXXXXXX

NSDC Planning Policy – “Flowserve Comments (19/00854/OUTM)

Please accept the following as my comments on the proposed redevelopment of the Flowserve site. The site is located within the Urban Boundary and the existing business would continue to operate from a reduced footprint. I’m therefore comfortable with the principle of development and loss of employment land - when considered against DM1 and Core Policy 6 respectively. The contribution towards housing land supply and the retention of an important local business would be significant benefits in support of the granting of consent. Accordingly my observations are restricted to those elements of the proposal which I retain some concern over.

Whilst all matters bar access are reserved for subsequent determination we are nevertheless being asked to grant consent for a maximum scale of development. Therefore you will need to be satisfied that an appropriate standard of design and layout could be likely achieved, and that the range of uses can be successfully integrated with one another.

Flood Risk

It is acknowledged that the preparatory works approved through 18/01235/OUTM would have the effect of removing the site from Flood Zones 2 and 3, and that these have been

separately deemed acceptable from a flood risk perspective (i.e. that risk is not increased elsewhere etc.). However the works will need to have been satisfactorily implemented in order for the land to be removed from flood risk, without doing so there would be the need for the sequential test (both in its broadest sense and at site level)to be passed. Whilst I accept there is an argument (as outlined in my pre-app response) in favour of accepting the wider test as satisfied I'm not sure whether the Flood Risk Assessment necessarily deals with this at site-level (I'm happy to be corrected on this).

Should the consented works remain incomplete and you conclude that you wish to recommend approval for this proposal, then I would suggest that consideration be given to the agreement of appropriate controls (via condition) to ensure that the necessary preparatory works have been implemented prior to the commencement of development. Or alternatively that appropriate phasing arrangements are put in place. I note that the Environment Agency is yet to respond to the proposal, so I would reserve the right to revisit this in light of their comments.

Beyond the above it will still be necessary for appropriate surface water management arrangements to be capable of being put in place in order to manage the scale of development proposed –I would defer to relevant stakeholders for advice on this.

Affordable Housing / Housing Mix

Inclusion of an appropriate mix of housing which reflects local need (in line with Core Policy 3) and the securing of affordable housing (Core Policy 1) contribute significantly to the creation of mixed and balanced communities, and so therefore sustainable development. Whilst the precise mix will be a matter reserved for subsequent determination that which has been indicatively proposed is weighted towards 2 and 3 bed units, with a smaller proportion of 4 bed dwelling types indicated. This broadly reflects the findings over market sector demand in the Newark Area, as set out in the Sub Area Report to the Housing Market & Needs Assessment (2014). As outlined at the pre-application stage I still consider that this could be improved further through inclusion of some 1 bed units – but appreciate this will be dependent upon its viability. Subject to detailed assessment of the viability case it would seem to me that the proposal would be capable of supporting an appropriate mix within the market element of the scheme.

As submitted the proposal is advanced on the basis that no affordable housing contribution would occur, due to viability concerns. Whilst I would not dispute that the site will have significant remediation costs associated with its development the lack of affordable housing is still of significant concern, particularly given my understanding that the previous consent supported a 10% contribution. Accordingly we would need to be satisfied, in line with CP1, that a robust viability case has been presented.

Developer Contributions

The case presented is one where the making of developer contributions would be unable to be withstood by the development. As with affordable housing the securing of such contributions is integral to the promotion of sustainable development, and in line with DM3

applications are expected to include appropriate infrastructure provision. Given the scale of development I would raise the absence of education and health contributions as being of particular potential concern, though would defer to input from relevant stakeholders for guidance over this.

Delivery of Land South of Newark

Given the proximity to Land South of Newark it is essential that the proposal is unlikely to affect delivery of the strategic site, bearing in mind its importance to the spatial strategy and that construction is underway. In this respect the objection from Urban and Civic, particularly in respect of highways matters is noted. We will therefore need to be content that the proposal is acceptable both in terms of its highways arrangements and impact on delivery of Land South of Newark.

Community Facilities / Open Space

The Sports and Social Club facilities would be covered by Spatial Policy 8 and I note that the Marketing Report suggests that these will remain unaffected. This appears confirmed by the indicative layout, which seems to indicate that no reduction in the scale of provision would occur. Accordingly there would be no physical loss to consider against SP8, although we will still need to be content that the facility can continue to operate as it had previously with no unacceptable detrimental impact from development occurring (I note the comments from stakeholders in this regard).

Whilst the scale of development may prove to be acceptable in terms of its likely physical impact, the proposed arrangements for the future management of the facility, post-development, also have the potential to form part of our application of SP8 - particularly if these arrangements would potentially contribute towards a reduced level of access for users. I would therefore suggest that additional detail be sought over this matter. In addition has consideration been given to the gifting of the facility to the sports and social club? This is something which in my opinion should be seriously explored.

As I understand matters the extent of open space provision within the site is likely to fall below requirements, and there is a suggested inability to financially support off-site provision. The applicant has argued that a former spoil tip subject to Local Wildlife Site status should contribute towards the level of contribution that could be secured. Whilst the area would not be accessible to residents, given the danger from asbestos, the Developer Contributions SPD does highlight that areas of 'biodiversity value' can potentially contribute towards the types of open space we would accept as contributions. I would however suggest that some input be sought from internal colleagues on the specifics. Beyond this any under provision would need to be weighed in the balance (including how this affects the likely standard of design and layout).

Conclusion

Whilst the principle of development is acceptable and there are a range of notable benefits in support of the granting of consent I have nevertheless raised a number of concerns. I

would highlight the proposed approach to affordable housing, developer contributions and impact on delivery of Land South of Newark in particular. Without their satisfactory addressing I am currently unable to provide support for the positive determination of the application proposal.”

NSDC Parks and Amenities – “As a development of over 100 properties this scheme will need to make provision for 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. I note that the site plan includes 5 separate areas of public open space totalling 35,889m², however over half of this constitutes a sustainable drainage scheme (SUDS). Depending upon how the SUDS is laid out then it may be appropriate to consider all or some of it as POS however if it is a purely engineered drainage solution then this may not be appropriate.

Based on the required provision levels the scheme should include 5,184m² of children and young people’s playing space (324x18) however area 5 (which constitutes the LEAP) is only 1,956m² in area. None of the other 4 areas of open space are obviously suitable as playing space. Given the size of the development I feel that a Neighbourhood Equipped Area for Play is appropriate and this should include provision for older children and teenagers (further details of NEAPs can be found in the Fields in Trust publication ‘Planning and Design for Outdoor Sports and Play’).

I note that the Design and Access Statement includes a section on biodiversity which stresses that existing habitats will be protected and new ones introduced. Assuming that this is delivered on the ground, and ideally the SUDS will be made up of open water and swales with suitable aquatic planting, then this should deliver the required natural and semi-natural green spaces.

Whilst the existing Flowserve sports facilities are within the development site I agree with Sport England that the development will create additional sporting demand and that this should be met either by the provision of additional facilities on-site or by a financial contribution towards the provision/improvement and maintenance of off-site sporting facilities. Also in relation to the sports provision I would reiterate Sports England’s concerns over the proximity of new housing to the existing sports pitches (particularly along their eastern boundary) and the potential for disturbance associated with this.

Finally it can be argued that a scheme of this size should include the provision of allotments and I believe this should be seriously considered. If on-site provision is not considered to be possible then an off-site contribution towards allotment provision in Balderton should be provided”

NSDC Community Sports and Arts – “If this application is approved I would expect a full community facilities contribution in accordance with the current SPD Developer Contributions. Such contribution would be used to improve community infrastructure in the local area as may be deemed appropriate by the Local Authority.”

NCC Strategic Housing – “Please accept the following as my comments on the proposed redevelopment of the Flowserve site (19/00854/OUTM). I responded on the 26th November, 2018 to the pre-application consultation which currently stands in terms of type and tenure.

Affordable Housing Contribution

My understanding is that the 30% affordable housing provision sought on site at pre-application stage will not now be offered as the Council has accepted a ‘robust’ case for viability. I also acknowledge that there will also be no contribution in the form of a commuted sum payment in lieu of on-site delivery due to viability.

Notwithstanding the above provision the absence of S106 affordable housing should be of particular concern given the size, location and evidence of housing need of the proposal. To satisfy Core Policy 1, the Council should be seeking 97 affordable units on site out of the proposed 324. The type and tenure for affordable housing provision are detailed below:-

Affordable Housing	Rent (Affordable or Social)	Intermediate	Total
1 bed	16	-	16
2 bed	34	24	58
3 bed	8	15	23
4 bed	-	-	
	58	39	97

The Council’s evidence of need (DCA Housing Needs Sub-area Report 2014) identifies a demand for smaller units in the form of 234 x 1 bedroom, 458 x 2 bedroom and 150 x 3 bedroom homes. Newark is a desired location with 80% of concealed households forming and 61% of existing households moving intend to remain in the Newark Area. Given the scale of the development the absence of any affordable housing should be of particular concern to Committee.

Market Housing Proposal

The scheme, as presented, represents 100% market housing. The DCA survey identifies a demand for over 2,000 market dwellings (over a 5 year period) as detailed below:-

Property Size	Nos
1 Bedroom	79
2 Bedroom	722

3 Bedroom	863
4 Bedrooms	309
5 Bedrooms or more	171
Total	2144

The type proposed for the scheme can be considered as an appropriate mix that accords acceptably with evidence housing need, with the exception of one bedroom units. I see no reason why a small amount (6 units) could not be included to meet demand for people on lower incomes.

Type	No.	%
2 Bed Apartment	46	
2 Bed Terraced	127	
2 Bed Semi-Detached	18	
3 Bed Semi-Detached	102	
4 Bed Detached	31	
Total	324	

The lack of on-site delivery of affordable housing is of particular concern given the scale of development proposed. We need to be content that the absence of S106 affordable housing is acceptable, however I am currently unable to support the proposal for a scheme that does not address the affordable housing needs of the residents of the district.”