

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 7th July 2015 at **2.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Minutes of the Planning Committee held on 9 th June 2015.	1 - 5
3. Declarations of Interest by Members and Officers	
4. Declaration of any Intentions to Record the Meeting	
<u>PART 1 - ITEMS FOR DECISION</u>	
5. Land at Highfields School, London Road, Balderton, Newark, NG24 3AL (14/01964/FULM) (Site Visit: 7th July @ 10.05am – 10.35am)	6 - 85
6. Kilvington, Nottinghamshire, NG13 9DB (14/02023/FULM) (Site Visit: 30th June @ 10.30am – 11.00am)	86 - 130

- | | | |
|-----|---|-----------|
| 7. | PA Freight Services Ltd, International Logistics Centre, Park House, Farndon Road, Newark (15/00292/FUL)
(Site Visit: 30th June @ 9.15am – 9.30am) | 131 - 141 |
| 8. | Regency Court, Victoria Street, Newark (15/00643/FUL)
(Site Visit: 30th June @ 9.40am – 9.45am) | 142 - 153 |
| 9. | Land off Warsop Lane, Rainworth (15/00523/RMAM)
(Site Visit: 7th July @ 9.25am – 9.35am) | 154 - 192 |
| 10. | Land off Warsop Lane, Rainworth (15/00522/FULM)
(Site Visit: 7th July @ 9.25am – 9.35am) | 193 - 223 |
| 11. | 32 Queen Street, Balderton, Newark. NG24 3NR (15/00835/FUL)
(Site Visit: 30th June @ 9.55am – 10.05am) | 224 - 230 |

PART 2 – ITEMS FOR INFORMATION

12(a) Appeals Lodged - *(There and none to report for this period)*

12(b) Appeals Determined 231

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

The following items contain exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

13. Enforcement Case No. 12/00400/ENF

NOTES:-

A Briefing Meeting will be held in Room G21 at 1.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 9th June 2015 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)
Councillor G.P.Hanley (Vice-Chairman)

Councillors: D.M. Batey, R.V. Blaney, Mrs C. Brooks, D.J. Clarke,
R.A. Crowe, M. Dobson, N.B. Mison, P.J. Rainbow,
Mrs S.E. Saddington, Mrs L.M.J. Tift and I. Walker,
B. Wells and Y. Woodhead.

ALSO IN ATTENANCE: Councillors: P.C. Duncan, K.F. Girling, Mrs S.M. Michael and
F.R.W. Taylor.

01. APOLOGIES FOR ABSENCE

There were no apologies for absence.

02. MINUTES – 5TH MAY 2015

AGREED that the Minutes of the meeting held on Tuesday, 5th May 2015 be approved as a correct record and signed by the Chairman.

03. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that the following Member declared an interest in the items shown below:

<u>Members</u>	<u>Agenda Item(s)</u>
Councillors D.R. Payne, I. Walker And B. Wells	Agenda Item No. 5 – Land to South East of Thorney (15/00215/FUL) Personal interest for the three Councillors, as the Director of the applicant was a member of the Trent Valley Drainage Board, of which the three Members were also members.

04. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording.

05. LAND TO SOUTH EAST OF THORNEY (15/00215/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a single three bladed 500kW wind turbine with a hub height of 50 metres, rotor diameter of 54 metres and a tip height of 77 metres.

Supplementary information from Thorney Parish Council was tabled to Members of

the Planning Committee, which was read by the Committee prior to the commencement of the meeting.

Councillor Mrs Greaves, representing Thorney Parish Council, spoke against the application in accordance with the Parish Council views, which were contained within the report.

Members considered the application and it was commented that the village of Thorney was a tranquil village and the second turbine could be refused on the grounds of heritage assets and cumulative effect. Other Members felt that there were no planning grounds for refusal, as the Nottinghamshire County Council landscape architect had no objection.

Concern was raised regarding the number of requests that had been made to the Council for this village and the cumulative effect that may have on the area. The Business Manager Development confirmed that there had been multiple screening requests received by the Council, the requests sought advice from the Council before a planning application was submitted. A planning application for additional turbines in the area would still need to be submitted and determined.

A Member sought clarification regarding the direct community benefit and how that could be achieved should the application be approved. The Business Manager Development confirmed that there was a National Industry approach where the company could agree to share the benefits of the electricity generated with the community. That would be a private agreement, which would not form part of a planning permission. If there was a resolution to approve Officers could put the Parish in contact with other Parish clerks who had explored this.

AGREED (with 8 votes for and 7 votes against) that full planning permission be approved subject to the conditions and reasons contained within the report.

06. FIELD REFERENCE NUMBER 6508, OSSINGTON ROAD, CARLTON-ON-TRENT (15/00324/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission to construct a 25MW solar photovoltaic farm with attendant equipment and infrastructure.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the following: 146 letters of support received on the same letter template, which was individually signed by residents predominantly from the Newark and Sherwood District area; the Agent; Network Rail; NCC Principal Flood Risk Management Officer; responses to objections on soil quality.

Councillor T. Cooper representing Carlton-on-Trent Parish Council spoke against the application in accordance with the Parish Council views, which were contained within the report.

Councillor Mrs S.M. Michael, local Ward Member for Sutton-on-Trent also spoke against the application and reiterated that both Carlton-on-Trent and Sutton-on-Trent Parish Councils had both submitted their objections regarding this application. It was commented that the application site would have an impact on St. Mary's Church and the landscape and ancient woodland. The fences, gates and substation would also have a cumulative impact. It was explained that both Parish Councils felt there would be a risk of flooding if approved. It was suggested that if the Committee were minded to approve, a flood risk process be fully implemented, planting of the eastern boundary be undertaken and mature trees be planted as soon as possible. The gaps in the roadside hedges be repaired and boundary hedges be maintained at three metres. That parking on site and field cleansing be strictly adhered to.

Members considered the application and it was commented that Nottinghamshire County Council as Flood Authority had not objected to this development. A Member also commented that on the site visit they had travelled through a landscape of pine trees not far from the proposed site, which had previously been the location of a power station. It was felt that the power station would have been more visible than the proposed solar photovoltaic farm. A Member also commented that the soil was not top grade soil and the same level of water would fall whether the solar farm was in situ or not, animals would still be able to graze under the panels.

AGREED (with 9 votes for and 6 votes against) that full planning permission be approved subject to the conditions and reasons contained within the report.

07. ABBAY CLOSE, MAY LODGE DRIVE, RUFFORD (15/00570/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission to replace the existing bungalow with a new detached property.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Agent.

Members considered the application and it was commented that when the original application came before the Planning Committee Members voted in accordance with Officer recommendation to refuse the application. An appeal was subsequently submitted by the applicant and the Council's decision was upheld. Members felt that this application was different from the original application with the removal of the two-storey wing and orangery, which reduced the massing of the building. The applicant had also reduced the height of the chimney's, in order to alleviate any conflict with the Abbey and maintain the hierarchy. This was considered to be a fine twenty first century building. Members requested that the permitted development rights be removed to prevent any further development on this site.

AGREED (with 13 votes for, 1 vote against and 1 abstention) that contrary to Officer recommendation, planning permission be approved subject to the following conditions and any other reasonable conditions delegated to the Business Manager Development in consultation with the Planning Committee Chairman and Vice-Chairman.

- (i) Time limited;
- (ii) Removal of Permitted Development Rights;
- (iii) Landscaping; and
- (iv) Ecology – if demolition had not been undertaken by October 2015 a new Ecology report be submitted.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	Against
D. Clarke	For
R.A. Crowe	For
Mrs M. Dobson	For
G.P. Handley	For
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	Abstained

08. THE HOLLIES, RAINWORTH, MANSFIELD (15/00708/FUL)

The application had been withdrawn from the agenda.

09. PA FREIGHT SERVICES LTD, INTERNATIONAL LOGISTICS CENTRE, PARK HOUSE, FARNDON ROAD, NEWARK (15/00292/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the erection of a new gantry crane on an existing industrial estate.

The Business Manager Development advised the Committee that the hours of use for the crane could be controlled as detailed within the report, although any restrictions on hours for the crane could be appealed. There were currently no restrictions of hours of operation for the business. The gantry crane on site however would be quieter than the movements associated with a forklift truck.

Councillor K.F. Girling, local Member for Newark Castle Ward spoke against the application on the following grounds. The crane was of substantial size and was bright yellow. The site was only partially fenced, the south side having no fence or screening. A considerable amount of investment had taken place in Newark for the Civil War Centre and historic events and concern was raised regarding the visual impact when approaching Newark from the South as the site looked like an industrial estate. The visual impact on the local residents was also raised. Local residents had also raised concerns regarding the operational hours. It was considered that forklift

trucks would need to be used to position the crane, which could generate noise. It was suggested that the Council help the business to secure a more suitable alternative site.

Members considered the application and it was commented that the Chief Executive and Leader of the Council had visited the site two years ago and were told at that time that the business lease would be terminated on the Swinderby site and the business was down sizing hence the relocation of the gantry crane. It had been suggested at that time that the Council would cooperative in securing a more suitable site on an industrial estate in another part of the district. Members felt that the operation on this site had grown and would be intensified. The noise from the forklift trucks being used to position the crane was also of concern. Concern was also raised regarding the occupants of No. 14 Willow Cottages as they appeared to be hemmed in. It was felt that the Council needed to assist the applicant to find a more suitable site. Other Members commented that there had been no objections from Newark Town Council, Farndon Parish Council or Nottinghamshire County Council as Highways Authority.

Members suggested that the application be deferred pending a site visit, as there were new Members on the Planning Committee that had not been to previous site visits.

(Councillor Mrs C. Brooks left during the consideration of this item.)

AGREED (with 11 votes for, 2 votes against and 1 abstention) that consideration of the application be deferred until the following meeting of the Planning Committee and that a site visit prior to determination be undertaken.

10. LOCAL DEVELOPMENT FRAMEWORK TASK GROUP

AGREED (unanimously) that Councillors D. Clarke, G.P. Handley and D.R. Payne be appointed to the Local Development Framework Task Group.

11. APPEALS LODGED

NOTED: that the report be noted.

12. APPEALS DETERMINED

NOTED: that the report be noted.

The meeting closed at 6.35pm.

Chairman

Application No:	14/01964/FULM
Proposal:	Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees.
Location:	Land At Highfields School, London Road, Balderton, Newark On Trent, NG24 3AL
Applicant:	Mr Andy Hailstone - Ben Bailey Homes
Registered:	3 November 2014 Target Date: 2 February 2015
	An Extension of Time to 8th April 15 previously agreed predicated on the date of signing the S.106.

The Site

The site comprises 5.4 hectares of land at Highfields School which is located on the north side of London Road Balderton. The site is within the Newark Urban Area. The site is relatively flat and comprises three interlinked parcels of land which wrap around the north and west side of the main school building. The first parcel land to the west is used as school playing fields and contains the schools main car parking area to the south adjacent to the vehicular access of London Road. The second parcel of land to the north of the main school building was previously used as a sports field but is no longer utilised (Bailey’s Field). A small portion of this parcel of land is private amenity space belonging to a single dwelling located off Barnby Road and forms part of the application site. The third parcel of land to the east forms part of the school’s amenity space.

Immediately to the west of the first parcel of land is a Local Wildlife Site containing a long-disused ballast pit containing open water. London Road bounds the southern edge of the site with the main school building to the east and allotments to the north. The rear of dwellings located along Barnby Road bound the north edge of the remaining parcels of land with a railway line located beyond Barnby Road itself. Immediately to the south of the third parcel of land are residential dwellings predominantly located off The Woodward’s and Glebe Park. Further allotments are located to the east.

The site contains a number of trees protected by Tree Preservation Order. These are located along the front of the site adjacent to the access along London Road, along the west boundary of the site adjacent to the Local Wildlife Site and to the east of the school building, adjacent to the sites boundary with No.s 27 and 29 London Road.

Relevant Planning History

14/SCR/00073 A Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 83 units (the same proposal as originally

submitted) and associated infrastructure, including the relocation of the existing school car park and sports pitches and the removal of 8 TPO trees.(14/01964/FULM). It was concluded that an EIA was not required.

12/00817/FULM Renewal of extant permission 08/02234/FULM for the demolition of existing nursery and sports hall, erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 13.09.2012. The 3 year time limit for implementing this application expires on 13.09.2015.

08/02234/FULM Demolition of existing nursery and sports hall. Erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 02.09.2009

The Proposal

Following amendments, full planning permission is now sought for residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a Multi-Use Games Area and the removal of 8 TPO trees. The original scheme sought permission for the erection of 80 dwellings but the scheme was amended following various concerns raised which are detailed in full within the appraisal section.

The proposed 91 dwellings would all be two-storey and would deliver a range of 1, 2, 3, 4, and 5 bedroom accommodation as detailed below.

Type	No. of Beds	No. of Plots
Apartment	2	6
Terrace	1	5
Semi-detached	2	12
Semi-detached	3	9
Detached	4	30
Detached	5	29

The apartments would be located adjacent to the London Road frontage and west of the vehicular access. An area of amenity space serving all of the proposed dwellings would be provided adjacent to the apartment block.

The sports pitches which include the provision of a Multi-Use Games Area (MUGA) would be located to the north of the main school building.

Access to the proposed dwellings would be achieved via the existing school access off London Road. This access then loops around the rear of the school grounds linking to a new school car park area containing 64 spaces located to the east of the main school building.

A total of 267 residential car parking spaces are proposed (101 of which are within garages).

A footpath connecting the site to Barnby Road to the north is proposed.

Revised plans have been received on the following dates:

- 22/12/14 – to include the provision of a MUGA and minor amendments to access to address comments made by the Highways Officer relating to the addition of traffic calming features and visibility splays.
- 03/02/15 – a reduction in the height of the proposed apartment block from 3 storeys to 2 storeys with a consequential reduction in overall dwelling numbers from 83 to 80 units.
- 13/03/15 – the position of the apartment block moved 1.5/2 metres to the north-west further away from trees T50 and T52.
- 29/04/15 – Revised layout to change the numbers of units proposed from 80 to 91 (including revised mix). Accompanying submissions included cross sections through the site and revised viability information, acoustic fence and ecology/access gated moved.
- 12/05/15 – amended house type plans and elevations.
- 22/05/15 – Revised layout (revision U) relates to Plot 43 being adjusted.

Despite there being 91 units proposed, it should be noted that the latter layouts refer to plots 1 to 6 (there are no plots 7, 8 or 9 as these related to the plots within the 2nd floor of the apartment block which were deleted) and plots 10- 94.

Supporting information submitted with the application stated that *‘the land deal associated with the development will enable the school to undertake a scheme of improvements works overall that will include aspects of sporting provision both indoor and out, including a new indoor sports hall facility which is proposed to be made available for public use outside of school hours’* as approved by planning application 12/00817/FULM. For the avoidance of doubt whilst this is clearly the stated intention there is no mechanism as part of this application to secure this.

A Flood Risk Assessment, Transport Assessment, Travel Plan (amended), Tree Survey, Archaeological Evaluation Report, Design and Access Statement, Planning Statement, Financial Viability Report (revised), Noise Assessment (revised), Drainage Strategy, Contaminated Land Report, Sustainability Statement, Building for Life Informal Assessment, Open Space Assessment, Ecological Assessment including Botanical and Reptile Surveys (updated) and Offsite Habitat Management Plan have been submitted with the application.

Departure/Public Advertisement Procedure

Occupiers of 83 neighbouring properties have been individually notified by letter. Sites notices have been displayed on site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 - Developer Contributions
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM10 - Pollution and Hazardous Materials
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
National Planning Practice Guidance (PPG) March 2014
Newark and Sherwood Affordable Housing SPD (June 2013)
Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
Housing Monitoring and 5 Year Land Supply Report (1st April 2013 - 31st March 2014)

Consultations

Cllr David Lloyd has called the application (comments are based on the original scheme of 80 dwellings) to Planning Committee if recommended for approval for the following reasons:

- Traffic impact - Would question that feasibility of this volume of traffic joining/exiting London Road at peak time - residents of both The Woodward's and The Glebe confirm that there are already difficulties. Furthermore, there would be a risk of traffic backing up onto the Principal Carriageway in addition to the increased risk of traffic on-site around the School. If, as the applicant suggests in order to mitigate the loss of sports provision, facilities on the site are to be used by 'outside groups', then this traffic issues are compounded. The parking provision on the site does not seem commensurate to properties of the size proposed.
- Sport and leisure provision - There is an evident loss of provision and the additional comments (since the original application) do not provide absolute assurance that community use can/will take place on the re-provision. The application infers that there is no requirement for commuted sums for/provision of open space enhancements. There is some suggestion that the new Barnby Road play area mitigates this with other suggested uses of existing provision so far from the site that it is incredible.
- Housing mix, type and density - The site would eliminate an apparent open break between Newark and Balderton which some feel is importance in retaining the character and open views which distinguish these settlements. The application is over-intensive and provides for little 'mix' in property type and ownership. The block of apartments in particular is inappropriate to the scale and type of housing on London Road (albeit the removal of a part-storey improves this) and seems to be a means of forcing in smaller units on a tight site. Thereafter, the provision for affordable housing is insufficient whether onsite or by commuted sum. The sheer scale, size and proximity of the overall development have a negative impact on residents of Glebe Park and The Woodward's.

- Biodiversity and landscape - There is some indication that SUDS will not work effectively on the soil type and that groundwater water dispersal impact is assessed as “moderate to significant”. There are high value trees on the site, some included with the TPO, many of which are mature and include oaks and yews. Some of these risk damage and felling to provide for a car park. It is noted that subsequent assessments have recommended some means of offering protection to *some* of these trees. It is unacceptable to remove so many mature native species and to recommend that they are replaced with native species that may grow more quickly, but are not of equivalent value. The site comprises a vital area for foraging and breeding of grass snakes and toads. It is not felt that sufficient remediation is proposed with regard to migration patterns in particular. Hedgerow corridors are welcome but wildlife are not renowned for interpreting road signs. It is not apparent from the application how archaeological finds would be protected and whether there is a need to undertake appropriate excavation.

Balderton Parish Council -

Comments received 12.05.15:

‘With reference to the additional information and amendments dated 29th April 2015, Members reiterate their previous objections which were made to this application, particularly as there are now 8 more units than the original plans.’

Comments received 11.02.15:

‘Members consider that the additional plans and information in no way change the previous decision to strongly object to the application. Can you advise what the ‘potential links’ are for please that are shown to the east of the site which borders the Balderton allotments off Glebe Park?’

Comments received 12.01.15:

‘Members considered that this amendment in no way changes the previous decision to strongly object to the application, and again asks if the proposals from Network Rail relating to the closure of the adjacent Barnby Road level crossing will be taken into account?’

Comments received 05.12.2014:

‘Members object with the following concerns:

1. Planning policies; Members consider it contravenes Policy SP8 (Protection of School Playing Fields). The ae is also designated as an ‘unsuitable site’ in the Allocations and Development Management Options Report (Oct 2011);
2. Emerging plans; have the planned routes from Network Rail for the Barnby Road level crossing closure been taken into account? The preferred route goes through much of the proposed site.
3. Highways issues; traffic generation from the site, vehicular access and safety so close to the bridge. A more suitable time for a survey would be 5-6pm, and particularly Friday afternoon.
4. Capacity and physical infrastructure; yet more impact on water and public drainage system. Balderton’s sewage works require substantial upgrading and flooding issues in the village are well acknowledged;

5. Deficiencies in social facilities; the existing village schools are already at capacity.'

Newark Town Council –

Comments received 26.02.2015 and 02.01.2015:

At the Town Council's Planning & Regeneration Committee meeting held on 25th February, 2015, Members Objected to the above application for the reasons previously given, these were:

- i) It will result in the loss of a 'green' space between Newark and Balderton.
- ii) The traffic impact assessment is poor and the Town Council does not accept the conclusions drawn from it.
- iii) The application will exacerbate traffic congestion on London Road in particular.
- iv) The application takes no account of Network Rails' proposals to amend the road layout at the rear of the site to effectively remove the current level crossing over the East Coast Mainline.
- v) It was noted that the Environment Agency do not agree with the application. The Town Council also considers that there are very real concerns about flooding on the site.
- vi) A total of 14 high value oak and yew trees will be lost to make way for a car park and they will not be replaced with appropriate replacements.
- vii) The site has some archaeological importance.
- viii) The proposed new footpath goes through Newark Town Council allotments, the loss of which is not acceptable. There is also no Section 106 funding being proposed for open space and play area.
- ix) There is insufficient Social Housing.
- x) The development is over intensive and will result in the housing being too dense for the site.
- xi) Concern that the development will have a further adverse impact on the local Toad population around the Barnby Road area.

Environment Agency –

Comments received 01.05.201:

I have no further comments to add to those contained in my letter dated 31 December 2014.

Comments received 31.12.2014:

The Environment Agency has no objection to the proposed development subject to imposition planning conditions relating to finished floor levels, the submission and approval of a surface water drainage scheme and the submission and approval for the removal of suspended solids from surface water during construction.

Comments received 19.11.2014:

It is acknowledged that infiltration is recommended as the preferred means of disposing surface water from the site, however, 2 surface water drainage strategies have been proposed, one which utilises infiltration as a means of disposing surface water from the site and one which does not. If the additional infiltration testing results confirm that infiltration is not a viable means of disposing surface water from the site, it is unclear how the proposed development will incorporate SuDS.

It is therefore unclear how soakaways and infiltration basins will be used if the permeability rates are poor. If it is a typing error and it is meant that an attenuation basin will be provided, it is unclear where a basin(s) will be located as the layout does not provide provisions for any above ground SuDS features and therefore we OBJECT to the grant of planning permission and recommend refusal on this basis.

Severn Trent Water – No objection subject to a condition requiring details of surface water and foul sewage disposal.

Natural England –

Comments received 11.05.2015:

‘The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.’

Comments received 14.11.2014:

The proposal is unlikely to affect any statutorily protected sites or landscapes. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. If the proposal site is on or adjacent to a Local Wildlife Site the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Historic England (formerly English Heritage) – On the basis of the information provided, they do not consider that it is necessary for this application to be notified to English Heritage.

Sport England –

Comments received 30.04.2015:

‘Sport England does not consider that the revised application alters the comments made in our previous response dated 30th March 2015. The request for conditions and our consultation response remains our position on this development.’

Comments received 30.03.2015:

Thank you for re-consulting Sport England with regard to the revised noise Assessment and the noise assessment submitted by the existing neighbour. You will be aware of the concerns raised in our email dated 11th March 2015. Notwithstanding the submission of noise assessments, Sport England remains concerned with regard to the previously raised issues around residential amenity and restrictions of the future use of the proposed playing field. However, our objection is lifted based upon the sporting benefits that the development could bring to the school and the community subject to the use of the sports facilities being secured for use by the school and the community.

Playing field use and amenity issues - Our earlier comments and the concerns raised under the separate noise assessment raised by the neighbour raise sufficient concerns that the usability of the playing fields will be severely limited given the close proximity of residential properties and roadways.

Sport England remains to be convinced that the introduction of an Artificial Grass Pitch would not give rise to objections which would limit the use of the facility to school time use only. However, if the local authority are content that the proposal would not lead to a noise issue which would limit the use to the facility, then the proposal would meet the requirements of our policy.

We would encourage some form of mechanism planning condition or agreement which secure the use of the sports facilities for the school and the community which is not challengeable by future residents and that future residents are fully aware of the use of the proposed facilities.

It is suggested that a community use agreement may be an appropriate way forward a suggested condition. The provision of a community use agreement would also help to address issues identified in the Playing Pitch Strategy, around local hockey and junior football requirements and also aid the continuation of established Rugby development links.

In conclusion and notwithstanding our concern with regard to residential amenity, on the basis of the existing facilities available and the proposed improvements as a result of the facilities proposed at the school Sport England accepts, that the replacement playing field area meets the requirements of exception E4 of our policy. The addition of an Artificial Grass Pitch is considered to meet the requirements of Exception E5 on the basis that community access can be secured to this facility. Securing community use thereby meeting identified issues raised in the PPS would be accepted as mitigation for the loss of Baileys Field.

If it is considered that community access cannot be secured then Sport England should be advised as we will wish to reconsider our position which may result in a formal objection to the proposal.'

Comments received 11.03.2015 in relation to Noise Assessment:

'It is noted that the study has been carried out on a 1 hour assessment, which is supported however our information suggests that Hockey is in fact worse in terms on noise rather than football. I have previously raised this point.

I assume that the noise measurement point is the yellow stars on the sound contour plan, I am not clear how this works and what would happen if you moved the measurement point to the opposite side of to the ends of the pitches, however our information suggests that noise levels are greater at the sides than behind the goal, however we understand that , The World Health Organisation's 'Guidelines for Community Noise' sets an optimum sound level target of 50 dB LAeq(1 hour) as the determining factor for an AGPs proximity to residential properties. Based on the assessment submitted parts of the propose properties and the existing property would be in excess of the 50 dB LAeq(1 hour) level based on the applicants submission.

However the applicants noise consultants advise:

'Previous noise monitoring carried out by RPS showed that noise levels during a typical fiveaside football game could reach 63dB LAeq, 1 hour when measured at the half way line. This level was measured directly adjacent to a five-a-side football pitch'

Our understanding is that a figure of 58 dB LAeq (1 hour) measured at a distance of 10 m from the sideline at the halfway line has been determined as representative for noise from an AGP. We do clearly have to bear in mind that the likely use of the facility will be school children, but there could be out of school hours older children and young adults could use the facility. Evidence suggests that as a rule of thumb, for level ground an AGP can be located within 40 m of residential dwellings or 70 m if there is a slight rise in ground levels.

I understand that the neighbour who has raised an objection is undertaking her own assessment.

It is our view that the submitted evidence suggests that there may be an issue, but it does not provide sufficient evidence to say with confidence that there would not be an issue.'

Comments received 16.02.2015 in relation to Noise Assessment:

1. I agree with your EHO colleague comments regarding multi event noise both on the AGP (artificial surface) and also Rugby.
2. Hockey is potentially the noisiest activity and this has not been assessed. The facility is intended as I understood to be designed for hockey use.
3. This is I would suggest a quiet area and therefore maintenance of a noise level below 50 dB LAeq,(T) the MUGA noise contour shows a number of proposed properties with the 52-56 figure and also an existing residential property shown to be within this zone from a measuring point to the north of the facility. And with regard to Rugby this presents a similar pattern for the proposed dwellings.
4. The back gardens suggested by the report would be at 55 dB(A) is the is the same measurement (noise level) as 55 dB LAeq,T? In any event both are over 50 and this is without multiple games or Hockey, it is my understanding that an increase of 5 dB is a doubling of sound energy.
5. World Health Organisation guidelines for residential development are typically calculated over a 16 hour daytime period. For an artificial grass pitch, a 16 hour assessment period may not truly reflect the noise impact as it takes into account times of use and non-use. We would suggest an appropriate assessment time period of one hour, LAeq(1 hour) as this is typically the time period for a community sports session on an AGP. It is not clear what the time (T) has been used in the RPS assessment.
6. We consider that from our measurement data a typical free-field noise level of 58 Db LAeq(1 hour) (peak time use) at a distance of 10 metres (m) from the side line at the halfway line has been determined as representative for noise from an AGP. RPS appear to be using a higher figure if the two measurements are comparable, but if the (T) is 16 hours, this will average out any peaks.

Clearly we have concerns that our original concerns with regard to residential amenity are real the proposed AGP may impact on an existing residential property. Our concerns regarding the impacts on the use of the playing field for the school and the wider community may result in the facilities not being used to their maximum or designed benefit or the ultimate concern that they are not able to be used at all.'

Comments received 14.01.2015:

'Sport England remains concerned with regard to the previously raised issues around residential amenity and restrictions of the future use of the proposed playing field. However, our objection is lifted based upon the sporting benefits that the development would bring to the school and the

community subject to the use of the sports facilities being secured for use by the school and the community.

As previously advised, the proposal results in the loss of an area of school playing field extending to approximately 0.9Ha. The proposal is to replace this area as part of the development with a similar area (extending to approximately 1.1Ha) the area currently contains a sports pitch (as explained used for Hockey) and a rugby football pitch (union). The pitches would be replaced under the proposed scheme.

It is understood that other existing or proposed sports facilities at the school are retained and the ability for the proposed facilities to be provided is not compromised by the proposals. The area in front of the school being retained for both football and cricket.

A number of areas of concern were raised and additional comments have been provided.

Loss of Bailey's Field - The applicants have now addressed the loss of Bailey's field in the light of the new playing pitch strategy adopted in October 2014. The conclusions made are accepted and Sport England considers that the loss of Baileys Field does not require mitigation on the basis of the Playing Pitch Strategy conclusions.

The addition of a Multi-Use Games Area - Artificial Grass pitch - In addition the school as part of the PPS assessment expressed a desire to investigate options to construct an Artificial Grass Pitch (AGP) (probably Hockey specific) at the site, indeed an enquiry was made to Sport England around potential funding and community use for this type of facility. The revised application now includes such a facility designed principally for Hockey use but also has the potential to be used for a number different sports at a junior school Level. The applicant has advised that the facility could be used by other junior schools and that Newark Hockey club has expressed an interest in some use of the facility. The PPS does advise that there is a demand for additional access to a sand based hockey facility in the area.

Unfortunately the applicants advise that given the proposed location it is not considered appropriate to provide sports lighting for facility, as this would potentially increase the pressure to control the use of the relocated facilities from the proposed residents. However, the provision of sports lighting would provide a facility which has greater value to the school and the wider community. It should be noted that research undertaken by Sport England has identified that noise from the use of AGP's for Hockey can create noise problems. It is recommended that the goal back boards and pitch perimeter boards are designed to minimise noise from ball impact.

Playing field use and amenity issues - Sport England remains concerned that the usability of the playing fields will be severely limited given the close proximity of residential properties and roadways. The addition of the AGP could, if not designed appropriately, make the noise issues worse. The position taken by the applicant is noted, in that, any new residents would be aware of the situation before buying a property and that the age of the children would minimise impact. The installation of AGP fencing and temporary catch fencing should help to minimise impact. Overall Sport England whilst remaining concerned can see the benefits to sport which could be achieved by the provision of improved facilities. We would encourage some form of mechanism planning condition or agreement which secure the use of the sports facilities for the school and the community which is not challengeable by future residents and that future residents are fully aware of the use of the proposed facilities.

It is suggested that a community use agreement may be an appropriate way forward which can be secured by condition. The provision of a community use agreement would also help to address issues identified in the Playing Pitch Strategy, around local hockey and junior football requirements and also aid the continuation of established Rugby development links.

In conclusion and notwithstanding our concern with regard to residential amenity, on the basis of the existing facilities available and the proposed improvements as a result of the facilities proposed at the school Sport England accepts, that the replacement playing field area meets the requirements of exception E4 of our policy. The addition of an Artificial Grass Pitch is considered to meet the requirements of Exception E5 on the basis that community access can be secured to this facility.

If it is considered that community access cannot be secured then Sport England should be advised as we will wish to reconsider our position which may result in a formal objection to the proposal.'

Comments received 28.11.2014:

'Sport England considers that the proposal raises a number of issues with regard to the loss of playing field the suitability of the proposed playing field arrangements and amendments. A holding objection is therefore submitted to allow further time to resolve those issues.

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England (see link below):

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

Essentially Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies:

- | | |
|----|--|
| E1 | An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport |
| E2 | The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches |
| E3 | The Development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch |
| E4 | Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility |
| E5 | The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field |

The application proposes the construction of 83 residential units at Highfields School. The proposal results in the loss of an area of school playing field extending to approximately 0.9Ha. The proposal is to replace this area as part of the development with a similar area (extending to

approximately 1.1Ha) the area currently contains a football pitch and a rugby football pitch (union). The pitches would be replaced under the proposed scheme.

It is understood that other existing or proposed sports facilities at the school are retained and the ability for the proposed facilities to be provided is not compromised by the proposals.

The proposal also involves the loss of a number of other parcels of land. The applicant advises that, 'the core central and eastern parts of the site are known locally as Bailey's Field and were formally owned by Nottinghamshire County Council (NCC). Many years ago the land comprised the playing fields and pitches of the former Magdalene School but have been redundant for at least the last fifteen years, with its access point cut off from public access and overgrown. In 2013 after a review of their physical assets, NCC sold the land to Highfield's School.

The submitted information including the Open Space Assessment indicates a number of council documents/strategies that have been used to inform the development. Including the NSDC Playing Pitch Strategy (2003) however prior to the submitted document being finalised and prior to the application being submitted your authority has adopted an updated Playing Pitch Strategy.

Notwithstanding the above, the former playing fields area, 'Bailey's Field' was not assessed as part of the 2014 Playing Pitch Review given the longstanding period without use. Highfield School did however form part of the assessment, it was noted that the school does not currently support community access to the existing playing fields nevertheless, the Rugby Football Union recognises the schools importance in developing rugby in the local area for school students. In addition the school as part of the PPS assessment expressed a desire to investigate options to construct an Artificial Grass Pitch (AGP) (probably Hockey specific) at the site, indeed an enquiry was made to Sport England around potential funding and community use for this type of facility.

Sport England is content therefore that the loss of Bailey's field to sport is not an issue in principle for us, given the length of time since it was used and that the need to reuse the site was not raised as an issue in order to meet an existing shortfall identified in the PPS. However, the last use of this site was as playing field and therefore mitigation for the loss should be secured in line with our playing fields policy. This may extend to a contribution to facilities offsite in order to help to secure an issue or action raised in the Playing Pitch Strategy as the contribution to sports facilities sits outside of the CIL charging schedule. Please note that this comment relates only to playing pitch provision and not the wider needs for recreation or open space requirements which is a separate matter for the authority to consider.

Further to the above a number of issues arise from the layout design as proposed. Whilst the quantity of replacement playing fields area is in excess of that currently being used by the school, Sport England is concerned that the usability of the playing fields will be severely limited given the close proximity of residential properties and roadways. This could lead to the potential for damage, loss of balls into residential properties, the need to trespass in order to retrieve those balls, amenity issues from noise and disturbance from sports activities taking place. The provision of catch fencing would not seem appropriate in such close proximity to residential properties. This could lead to the loss of or limitation in the use of the facilities. In addition the school has expressed a desire to investigate options for an AGP. If the AGP is to be located at the proposed playing field site this could lead to the loss of existing sports facilities as a hockey specific facility would only be usable for Football and limited Rugby training not matches. The installation of an AGP in this location would also raise further residential amenity issues, particularly if and in order to meet community needs the facility was to be floodlit, for evening and out of hours school use.

Sport England therefore submits a holding objection until such time as the abovementioned issues are addressed and information is submitted to enable further assessment of the issues raised.

The application should not be determined until Sport England is given the opportunity to consider the additional information requested or raise a formal statutory objection to the proposal if the information requested is not able to be provided or it is considered that proposals or mitigation is not agreed.'

Police Architectural Liaison Officer – With reference to the above planning application whilst the majority of the homes appear to be fairly traditional in layout, orientation and have on plot parking and private rear gardens, all of which I would support, however there are several areas of concern that I would like to raise:

Firstly the layout of the apartment's car park offers little or no natural surveillance from the apartment building, making the car parking area unsupervised by the residents and respective vehicle owners. To quote from *By Design Better places to live: Servicing dwellings from within the block* can improve the appearance of the streetscape in terms of car parking and refuse collection and enable residents to have access to the rear of gardens. However, these advantages need to be carefully balanced against other concerns. In particular without very careful attention to detailed design, rear parking courts can become hostile places; rear courtyard parking can reduce the area available for back gardens and the coming and going of cars can detract from the tranquillity of garden areas.

In addition the concept for placing parking spaces behind buildings has led to many schemes around the country being blighted by cars parked to the front of the house where there is no space designed to accommodate them.

I have concerns with this proposed car parking area, as it appears to be unsupervised the potential for vehicle crime for any vehicles parked within it, is raised and the opportunities for anti-social behaviour is also of concern, especially as this area is close to a school and will naturally attract young persons to the area.

In addition to the above I also have concerns regarding the proposed footpath linking the site to Barnby Road. This footpath/track is a narrow track linking allotments and small holdings, and is not currently used as a public footpath. My first question would be to ask why there appears to be a need to open up this trackway as a footpath, as there appears little need. The proposed exit onto Barnby Road exits into a mainly rural location with only a handful of homes, I am unsure as to the proposed requirement of this trackway for the future. If however the footpath is required, to help prevent crime and disorder the proposed footpath, Secured by Design recommends that footpaths should be wide enough for persons with prams/pushchairs or two persons on mobility scooters to pass each other, the width for this would be over 2m wide. The footpath should be well lit and as straight as possible.

Nottinghamshire County Council (Highways Authority) –

Comments received 29.05.2015:

NCC confirmed the Travel Plan is acceptable in relation to the revised scheme.

Comments received 19.05.2015 (revised 28.05.2015):

I refer to revised layout drawing no.BB211713.101.Rev.T.

This plan addresses earlier comments regarding the potential privately owned/maintained cul-de-sac, and is acceptable from a highways design perspective.

Other matters remain unchanged from my previous comments of 11 March 2015 i.e.:

1. It is currently understood that the footpath link to Barnby Road will remain privately owned/maintained.
2. An agreed strategy to deal with highway drainage has yet to be made, but will require resolution prior to any formal highway adoption agreement with the Highway Authority.
3. In line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £13,400 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - Provide real time display and bus stop clearway at bus stop NS0446 The Woodwards (London Road). Approx. cost £6,700.
 - Provide a real time display and bus stop clearway at bus stop NS0779 The Woodwards (London Road). Approx. cost £6,700.
4. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.

Notwithstanding the above & subject to a Section 106 Agreement covering points 3 & 4 above, I am inclined to offer no objection to the proposed scheme subject to conditions.

Comments received 11.03.2015:

The revised Travel Plan dated March 2015 is acceptable.

Comments received 11.03.2015:

I refer to drawing no.BB211713.101.M and email correspondence, most notably the one from RPS dated 9th March 2015 that responds to the comments I made on 12th February 2015

Outstanding matters to note are:

1. Some of the small cul-de-sacs do not meet the County Council design standards and are therefore likely to remain private. The applicant should note that for these streets the Advanced Payments Code in the Highways Act 1980 may be applied whereby under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code. *To avoid this payment, the developer should:*
 - Deposit a map with Nottinghamshire County Council under Section 31 (6) of the Highways Act 1980 identifying the access road that is to remain private.

- Erect road signs indicating that the access road is private and to maintain the signs thereafter for the life of the development.
 - Provide evidence that potential house purchasers are made aware of the status of the access road will mean to them in practice.
 - Provide evidence that suitable arrangements for the future maintenance of the access road have been made (for example, a unilateral undertaking by you under Section 106 of the Town and Country Planning Act to set up a maintenance company)
 - Clearly mark, by a concrete edging, studs, or similar, the boundary between the private road and the publicly-maintained highway.
2. The result of the consultation with the emergency services is awaited to consider the issue regarding the length of the cul-de-sac.
 3. I consider it a missed opportunity that a footpath is not proposed as a shortcut from the road in the vicinity of plot 83 to the London Road junction to encourage walking.
 4. It is currently understood that the footpath link to Barnby Road will remain privately owned/maintained.
 5. An agreed strategy to deal with highway drainage has yet to be made, but will require resolution prior to any formal highway adoption agreement with the Highway Authority.
 6. In line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £13,400 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - Provide real time display and bus stop clearway at bus stop NS0446 The Woodwards (London Road). Approx. cost £6,700.
 - Provide a real time display and bus stop clearway at bus stop NS0779 The Woodwards (London Road). Approx. cost £6,700.
 7. In addition, a Section 106 Agreement should include an agreed lorry routing arrangement (unless it is felt that this could be covered by a condition). A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.

Notwithstanding the above & subject to a Section 106 Agreement covering points 6 & 7 above, I am inclined to offer no objection to the proposed scheme subject to conditions relating to access construction, visibility splays, set back of garage doors, white lining scheme and surfacing.'

Comments received 01.12.2014:

'I refer to drawing no.BB211713 and the proposal to provide 83 new homes and alter the existing school access arrangements, and wish to make to following comments:

1. Consultation should be carried out with the emergency services to consider the issue over the length of the cul-de-sac and whether or not an emergency access is required.

2. Rather than have traffic that is related to the school and/or sports facilities passing by about 40 homes, it is recommended that perhaps access to the large car park be arranged from the school's front car park.
3. Due to the length of cul-de-sac and its meandering alignment it is recommended that consideration be given to providing a more direct *public* footpath to link the school pedestrian access with the adoptable road outside plot 83. Due to the considerable time/distance saving this route could offer pedestrians, there is the risk that people will find a route through this area regardless of whether or not a formal public facility is provided.
4. Justification for the number of car spaces to be provided by the school/sports facilities should be presented. Will the facilities be made available out of school hours for public/club use?
5. The review and revision of the white lining scheme on London Road to provide an improved right turn lane harbourage is welcomed.
6. The type of traffic calming features to be employed needs further clarification/consideration. Whilst I have previously suggested that road humps be avoided, I do not think that road narrowings on their own will be effective because of the low traffic flows and, consequently, the lack of conflicting movements that would slow traffic.
7. Depending on how traffic calming is dealt with, further consideration may be required to assess the forward visibility curve around the bend opposite the car park to apartments 1-9.
8. Similarly I reserve judgement on the appropriate visibility splay requirements of the school service access. Whilst other access visibility splays are also shown at 2.4m x 25m, in almost all cases greater splays will be available within the extent of the public highway.
9. An area around the first bend (o/s apartments 1-9) will be required to become part of the adoptable public highway in order to offer a forward visibility curve commensurate with 25mph. This area will need to be treated to avoid any obstruction above 250mm.
10. The alignment of the back edge of the adoptable highway should follow this curve to minimise the maintenance burden on the Highway Authority. This means that the footway should follow the line of the carriageway, rather than obliquely head towards the apartments 1-9.
11. Whilst they are fairly sharp bends, I would like to see forward visibility curve drawings to demonstrate safe stopping distances at the bends near plot 21-22, and plots 42/51.
12. I am concerned about turning movements into the car park outside plot 53. Further consideration and review is required to ensure that drivers turning right into the car park access can see, and be seen by, drivers approaching from the plots at the very end of the cul-de-sac. Perhaps confirmation of the forward sight distances may either justify the current arrangement or suggest that amendment is required.
13. Development occurs on both sides of the culs-de-sac at plots 22-29, 32-37 and 43-50. Therefore I would expect footways on each side of the road to replace the grassed service margins indicated.
14. The footway outside plots 17-21 should follow the line of the edge of carriageway. Small areas of grass verge within the public highway should be avoided for maintenance reasons.
15. It is unclear what the status of the footpath link to Barnby Road is/will be. Whilst this pedestrian link is a potential benefit more information is needed to suggest ownership, type of construction and future maintenance.
16. It should be pointed out that the very long grassed verge within the adoptable public highway, from the school service access to the pump station, will attract a commuted sum payment for future maintenance at the time of adoption.

17. The Travel Plan submission is still being assessed and a further response will be made in due course.

Whilst the principle of the development is largely acceptable (issue 1 above potentially being the most critical) I would wish the above matters to be considered and responded to prior to making a formal recommendation to approve or refuse this application.'

Nottinghamshire County Council (Archaeology) – 'The submitted archaeology details seem in line with the area and complexity of archaeology I am expecting to be uncovered here. There was archaeology in the majority of the evaluation trenches excavated, mostly dating late Iron Age/Romano-British, and looking absolutely typical of the kinds of sites we more commonly get in quarry sites on the Trent Floodplain. The archaeology in many of the trenches was complex, with multiple recuts of ditches and a degree of stratification which suggests long-lived settlement activity. From memory, no human remains were encountered, but the site will undoubtedly have them. The soils over archaeological levels were quite deep, 600mm or so, suggesting the site has been out of plough for a good while, and thereby increasing the potential for well-preserved archaeological deposits to contrast with sites on the arable areas of the Trent Floodplain which characteristically show significant truncation through plough damage. Finds of a range of periods were plentiful, so there will be finds specialists and potentially conservation costs. The depth of soils means that there will be some interesting logistical issues over soils movements, but they are not so deep that the development could easily avoid damaging archaeological levels.

Nothing of such significance was uncovered that would preclude development however, the County Council are therefore recommending imposition of the standard two part condition to allow for a scheme of archaeological investigation to be designed and thereafter appropriately implemented.'

Nottinghamshire County Council Lead Local Flood Risk Authority (LLFA) –

The LLFA have advised verbally that it would be possible to condition the requirements set out in their comments below.

Comments received 12/05/2015:

- 1 The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3rd party properties both adjacent and at distance from the proposed sites.
- 2 The site is not shown within an area indicated on contemporary records as susceptible to fluvial flooding.
- 3 The site is shown within an area indicated on contemporary records as susceptible to pluvial flooding.
- 4 The topography of the proposed site appears to be generally flat with a limited fall across the surface of the ground towards the north-west
- 5 BGS sheet 126 (Nottingham) shows sands and gravels of the Balderton deposit overlying mudstones of the Cropwell Bishop Series under the site therefore infiltration drainage maybe a possibility although there will be the possibility that saturation of the near-surface deposits will occur.
- 6 Results from the site investigations have been noted and seem to indicate a degree of variability within the ground to infiltration drainage. This should be investigated in further detail with a series of excavated trial pits and infiltration tests that are bespoke to the pattern

of dwellings and at an appropriate level bearing in mind the depth of piped drainage systems that will be conveying water to the soakaways.

- 7 If infiltration drainage is not feasible, the site would need to attenuate water to the greenfield run-off rate indicated in the Flood Risk Assessment (October 2014) of approximately 1.4 l/sec/ha. Calculations need to be provided to demonstrate that the system will accommodate all events upto a 100yr + 30% climate change severity with all attenuated water remaining within the site boundary. In practice we would expect a minimum throttled flow from a drainage system to be 5 l/sec to provide a reasonable level of serviceability.
- 8 A flood routing plan should be provided to show exceedance routes for the surface water drainage system. The flood routing plan should be based upon a detailed levels design for the site and clearly show the levels on the site and finished contours. It is important that all flood routing is directed within the site and towards the attenuation system rather than across the site boundaries at various points.
- 9 The information provided at the present time from the various documents and investigations indicates that the designers are aware of the need to manage the rainfall run-off although the full and final details of how this would be achieved are yet to be provided. In essence the reports contain advice for the designers to utilise however a final detailed construction-standard design has yet to be submitted to the LPA that clearly demonstrates how the houses and roads will drain.
- 10 It appears that infiltration drainage has been advocated for the dwellings but has not been confirmed as the actual disposal method. If the drainage enters the system within the highway then this will necessitate a Section 104 agreement for the surface water sewers to be pursued with Severn Trent Water rather than Nottinghamshire County Council as highway authority. Nottinghamshire County Council would nevertheless seek to ensure that surface water flooding risk was being managed appropriately.
- 11 The proposal to drain into a 3rd party pond is a reasonable approach however the highway & drainage authority would need confirmation that a legal agreement has been obtained with sufficient covenant to preserve the right of discharge in perpetuity. Riparian rights and responsibilities of downstream receiving watercourses also need to be clearly determined along with the ownership as the consequences of a lack of maintenance on these could result in the flooding of parts of the site or 3rd party properties.
- 12 The Flood & Water Management Act 2010 recognises the need for engineered management of the flooding risks from surface water and much work has been done by DEFRA, Lead Local Flood Authorities, the Environment Agency and many other organisations to consider the appropriate approaches to reducing the flooding risk to existing properties from existing pluvial & fluvial sources. In addition to this, the mitigation of any increase in flood risk arising from new development or redevelopment has been recognised as a priority for Local Planning Authorities and Lead Local Flood Authorities.
- 13 Nottinghamshire County Council as LLFA considers that the proposals for the development of the site could potentially increase the risk of flooding to 3rd party properties and local infrastructure therefore further work is necessary to enable a reasoned evaluation of the proposals to take place. Nottinghamshire County Council is also aware that the application is for full planning permission and that the discharge of all drainage conditions is sought. In this regard, it is imperative that further information is provided without further delay.
- 14 Further information required to support the determination of planning applications

- 14.1 Detailed site levels designs for the site(s) including the finished floor level of dwellings and adjacent roads. This information should be accompanied by a contour plan and a flood routing plan.
- 14.2 Detailed drainage layout including building plot drainage. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding.
- 14.3 All infiltration areas with supporting specification, calculations and construction details.
- 14.4 Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- 14.5 Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- 14.6 Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge.
- 14.7 All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

Nottinghamshire County Council (Landscape) –

Comments received 23/02/2014:

The additional hedge planting as shown on Layout Rev M is to be welcomed – the hedging proposed along the southern boundary of the development and northern school boundary is to be welcomed, as long as the hedges are protected by covenant to avoid over-zealous householders removing them at a later date. I also note that the proposed hedge along the school's northern boundary is outside the planning application boundary. If the establishment and future of the hedges/structure planting can be assured, I accept that they will compensate for the loss of established hedging and 'low-value' woodland. I would also recommend that a good proportion of trees and shrubs used for structure planting be derived from the species list for the East Nottinghamshire Sandlands.

Comments received 01.12.2014:

The site lies on the eastern edge of the Newark conurbation, and it falls within the East Sandlands 04 policy zone of the GNLCA, (although the immediate area is surrounded on three sides by development, making this a likely development target). This policy zone has a recommendation of Conserve and Create. The development site comprises grassland, playing fields and boundary hedgelines with stands of mature trees and dense shrubberies, and from the aerial photograph appears to be a remnant of former farmland, now subsumed and enclosed by non-agricultural uses e.g. allotments, education, playing fields. Policy actions for the area include the creation of new hedgerows, containment of new development within existing boundaries, and conservation

and enhancement of the tree cover. Two substantial sections of hedgerow cross the development site and the hedgerows forming the boundary with the school and other field boundaries clearly provide links to larger stands of woodland and trees.

It would have been useful to see the results of the tree survey in map form (they can only be found in tabular form); this would have demonstrated how far the site planning process was informed by any intention to retain as much of the existing hedgerows and trees as possible. As it is, the only graphic representation of the tree survey is on the Tree Protection Plan and although tree categories of retained trees are given in the key, no category information is given for trees destined for removal. A random cross-referencing exercise shows that at least some category B trees are being removed to accommodate the site layout. Whilst it is recognised that the access road would need to break through hedgelines to access other parts of the site, a layout with reduced or amended density could have ensured existing hedges were retained as garden boundaries or incorporated into public realm open space. It is also unclear why so much clearance is required on the northern boundary of the school.

The ecological assessment also notes that the hedgerows on site are locally important, including being of importance to bats. However, although there is a chapter titled Mitigation, there are no conclusions or positive recommendations for the developer to take forward other than standard best practice. The masterplan shows a 2m 'corridor' sited along the northern boundary but it is unclear where this is specified or recommended; it is also unclear how this compensates for the established hedgerows being removed.

Consequently, NCC does not support this proposal in its current form; although the overall proposals are not unpleasing, the site layout appears to make little concession to the existing field pattern or conservation of existing hedgerows.

It is also suggested that a pedestrian shortcut might be accommodated to link the eastern half of the site with London Road.

Nottinghamshire County Council (Ecology) –

Comments received 07.05.2015

'The updated Reptile and Amphibian Mitigation Strategy (dated April 2015) has addressed several of my previous comments (email to Helen Marriott dated 23 March 2015). In particular:

- Details of the maintenance of short vegetation prior to site clearance are provided
- It is indicated that 'green corridors' around the site will be appropriately demarcated and will be the responsibility of a management company
- It is indicated that drop-kerbs and ACO-type kerbs will be installed throughout the development

In addition, the Planning Layout plan has been amended to include some extra planting in the southwest corner of the sports pitches, as was requested.

Should planning permission be granted, it must therefore proceed in accordance with these submitted details. In addition, conditions will also be required to cover the following:

- Some of the reptile and amphibian mitigation is predicated on enhancement works having been carried out to the Ballast Pit LWS to the west (i.e. to provide suitable habitat for accepting any reptiles or amphibians that are encountered during site clearance); these enhancement works, as outlined in Appendix 2 of the Reptile and Amphibian Mitigation Strategy, should therefore be completed prior to the commencement of development.
- Details relating to on-going management of the Ballast Pit LWS habitat enhancement area are rather brief, so it is requested that the submission of a detailed Habitat Management Plan for that area is secured within 6 months of development commencing.
- The submission of a short report confirming the successful implementation of the Reptile and Amphibian Mitigation Strategy.

It is stated that the applicant is entering into a legal agreement with the owners of the Ballast Pit LWS to pay a contribution to on-going management works in perpetuity. It is queried whether this requires a Section 106 agreement or other planning obligation.

In addition, further conditions should also be imposed, as outlined in the section of my email to Helen Marriot of 23 March 2015 entitled 'Additional matters', relating to other mitigation measures.'

Comments received 23.03.2015:

Impacts on reptiles - The site is known to support a small population of grass snakes, with both adults and juveniles recorded. Impacts on this species may occur as a result of a loss of habitat; killing during construction; killing during operation (e.g. through mortality as a result of pets and road deaths); and fragmentation of populations. A range of measures are proposed to mitigate against these impacts, as detailed in the Reptile and Amphibian Mitigation Strategy (ECUS, January 2015). These measures are considered to be broadly appropriate. In particular:

- With regards to site clearance, a Method Statement is detailed in Appendix 1 of the Reptile and Amphibian Mitigation Strategy. In addition to what is proposed, I would suggest that the Method Statement should indicate that mowing will take place in an east-west direction, and that it will be done progressively (i.e. in two stages, one to a height of c.150mm and the second, no less than 24 hours later, to a height of 50mm); this is to ensure that reptiles are not accidentally killed and have time to leave the area). In addition, a report should be submitted once clearance has taken place, confirming that the Method Statement was adhered to and detailing the numbers of any reptiles and amphibians that were encountered and where these were moved to. Therefore, a condition should be used to require the submission of an updated Method Statement that includes these two additional measures.
- A number of green corridors, comprising hedgerow planting and 'semi-native' structural planting, are proposed along the northern and southern site boundaries, the purpose of which is to maintain connectivity across the site. Whilst the principle of these is accepted, they are very narrow (2m). It is therefore vital that the additional measures proposed (such as the use of a covenant to safeguard the corridors into the future, ongoing management, and the use of fine-mesh fencing to prevent access by pets) are delivered; these must therefore be secured

through a condition, with further details submitted where relevant (e.g., management and fence detail).

- Drop-kerbs are proposed at two locations, where the corridors cross the roads. Additional information (ECUS letter dated 18th March) indicates that an amphibian underpass will be installed at one of these locations instead (where the road accesses the school carpark). Delivery of these should be secured through a condition, but see comments below in relation to amphibians.
- Off-site habitat management is outlined in a Management Table provided in Appendix 2 of the Reptile and Amphibian Mitigation Strategy. Whilst acceptable in principle, the details are somewhat vague – for example, the extent and duration of management works and ongoing maintenance is not specified. A more detailed Offsite Habitat Management Plan, addressing these issues, should therefore be secured through a condition, providing more detail and specifying the duration of management. I would suggest that this should make provision for a commuted sum to be provided to the landowner, to pay for ongoing periodic management into the future, given the permanent loss of existing habitat. This may, presumably, necessitate a Section 106 agreement or other legal agreement.

In addition to what is proposed in the Reptile and Amphibian Mitigation Strategy, the letter from ECUS dated 18th March indicates that an additional wildlife enhancement area will be created, as shown in the drawing which accompanies that letter; although moderately extensive, this area already supports trees and will therefore be shaded for much of the day, reducing its suitability for reptiles (but is better than nothing); the delivery of this area should be secured through a condition. It is also indicated that the proposed hedgerow around the sports pitches will be native (see below); this will necessitate the provision of an updated Landscape Strategy Plan/Layout Plan, via a condition.

Nevertheless, it should be noted that the proposals will result in the loss of an extensive area of habitat for reptiles (and amphibians), and it is uncertain in my mind whether impacts will be fully mitigated by the measures proposed.

Impacts on amphibians - Impacts on amphibians (in this case, primarily common toads) are similar to those for reptiles. I do, however, remain concerned that the magnitude of any impact on toads is not known, as no proper survey has been carried out, and ECUS appear to have missed the point in their letter dated 3rd February (my concern is not that the development will affect the known toad crossing on Barnby Road, but rather that the site itself may support a significant population of toads). It is therefore essential that mitigation measures are appropriate, and sufficiently secured, as detailed above in relation to reptiles.

However, it is my view that two areas of drop kerbs (as proposed) are not sufficient; a development in South Muskham (Dickenson Way/Manor House Drive) resulted in large numbers of toads continuing to use the area post-development (swapping fields for gardens), and attempting to migrate across the new site access road to an old gravel pit adjacent. Unfortunately, many of the toads couldn't climb up the kerbs and fell into the gully pots, where they died. This issue had to be addressed by retrofitting drop kerbs and improved gully gratings, at considerable

effort. In this case, given that the importance of the site for toads is unknown, and that they are known to breed in the adjacent ballast pit, a precautionary approach should be taken, whereby it is assumed that toads are present on the site in numbers, and that they will continue to use the site. Therefore, drop kerbs should be installed at regular intervals, and ACO-type wildlife kerbs (to allow amphibians to bypass gully gratings) and wildlife-friendly gully gratings/gully pots utilised. I note in ECUS's letter dated 3rd February that it is stated that "given the drainage solutions at this site, it is not feasible to incorporate offset or central gullies"; this may be the case, but I can see no reason why the measures above cannot be employed. I therefore request a condition requiring the submission of details to this effect. Only with these measures can I be satisfied that appropriate mitigation has been put in place; should the applicant refuse these measures, then it is my advice that a full suite of surveys will be required to demonstrate that toads are not present on the site in significant number, given their status as a Section 41 species (Species of Principal Importance).

Impacts on bats - Regarding potential impacts on roosting bats, ECUS's letter dated 6th February has confirmed that all trees on site to be removed as part of the proposals have negligible potential to support roosting bats, and I am therefore satisfied that this issue has been addressed.

Regarding bat activity (foraging/commuting), I remain concerned that no bat activity survey has been carried out, despite the proposed removal of a mature hedgerow which crosses the site and the known existence of bat roosts in the vicinity; I would normally expect bat activity surveys to be carried out in this sort of situation, and the absence of surveys does not represent good practice, as it means that decisions have to be made on conjecture. However, on the assumption that the mitigation measures proposed will be implemented at an early stage in the development (i.e. southern and northern corridors), and other details adhered to (e.g. use of three year old stock for hedgerow planting), then impacts may be mitigated, although there will inevitably be a lag period between the existing hedgerow being removed, and replacement planting becoming sufficiently established for it to be used by bats.

Additional matters - Regarding the proposed hedgerow planting (along the northern site boundary and around the sports pitches), a condition should be used to require the submission of a species mix, noting that such hedgerows should be hawthorn dominated (60-70% of mix), with three or four additional species used. This could be addressed through the submission of an updated Landscape Strategy Plan. Furthermore, planting stock must at least 3 years old, to ensure early establishment, as recommended in the Ecological Appraisal; again this should be secured through a condition.

I had also suggested additional enhancements, through the inclusion of integrated bat and bird (house sparrow, starling, swift) boxes within the fabric of a proportion of the new houses. No mention of this is made in any of ECUS's responses, and given that these are a simple way of maximising the biodiversity value of a development, I request that a condition is used to require the submission of details to this effect.

I would also request that the hedgerow/vegetation on the western side of the sports pitches is strengthened, including by additional planting to the south of the electricity substation; it should be noted that this incorporates awkward corners which would never practicably be used for sport.

The effect of this would be to guide reptiles and amphibians to the crossing point to the north. Again, this could be addressed through the submission of an updated Landscape Strategy Plan.

In addition, a range of general mitigation measures should be secured through a condition(s):

- The submission of a detailed lighting scheme, designed to be in accordance with the Bat Conservation Trust publication (June 2014), entitled “*Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting*”, to minimise impacts on foraging bats.
- The control on vegetation clearance during the bird nesting season (which runs from March to August inclusive).
- A resurvey of the site for badgers, immediately prior to the commencement of development (no more than 1 month in advance).
- The use of general construction safeguards, including good working methods to protect badgers and other mammals (as outlined in section 4.4.17 of the Ecological Appraisal).
- The submission of details to secure the protection of retained trees and hedgerows.
- The production of a landscape management plan, to guide the ongoing management of landscaped areas (particularly hedgerows and the additional wildlife enhancement area detailed in the ECUS dated 18th March).

Conclusion - In summary, I remain concerned about the net loss of habitat arising from this scheme, leading to impacts on reptiles and amphibians, and it is debatable whether sufficient mitigation will be delivered for these species. The same is true of bats; it should be noted that concerns could potentially have been allayed through the provision of more adequate survey work, which is missing in relation to amphibians and bats.

Comments received 01.12.2014:

The proposed development would not directly affect any locally or nationally designated nature conservation sites. One Local Wildlife Site (LWS) lies adjacent to the west boundary (Ballast Pit LWS 2/638), whilst a further 5 LWS's are within 1km of the application area. Indirect impacts on designated sites also appear unlikely.

The application is supported by an Ecological Assessment, dated January 2014, detailing surveys carried out in June 2013. In addition, the results of reptile and botanical surveys, carried out in September-October 2013, are presented in a separate Further Ecological Works report also dated January 2014. As such, the submitted information is up-to-date.

A Phase 1 Survey indicates that the site is comprised predominantly of grassland, extending to around 4.75ha. Of this, two fields are amenity grassland used for school sports provision and hence of low nature conservation value, whilst the other two, which extend to around 2.25ha in total (and which would be lost their entirety), consist of neutral grassland.

The fields are partially separated by hedgerows, with occasional trees, and two patches of scrub are also located on the site. It is evident that sections of hedgerow, a number of trees, and both areas of scrub would be lost to development. In addition, it also appears that established vegetation on the northern boundary of the main Highfields School would be lost to the

development, as shown on the Planning Layout plan, but this area is not referred to in the Ecological Assessment, and requires comment.

Surveys have confirmed the presence of grass snakes on the site, with both adults and juveniles recorded, the majority located towards the eastern end of the site. This is considered to represent a 'low' population. Grass snakes are a Species of Principal Importance for conservation in England under Section 41 of the Natural Environment and Rural Communities Act, and therefore their presence must be taken into account.

In addition, and whilst not specifically addressed in the Ecological Assessment, the area is known to be part of an annual migration of common toads towards the Ballast Pit LWS. Whilst numbers of migrating toads crossing Barnby Road, to the north, are monitored on an annual basis it is unknown to what degree toads utilise the existing grassland on the site. Like grass snakes, common toads, are also a Species of Principal Importance, and ideally the County Council would recommend that a further assessment of the use of the site by amphibians should be carried out, such as monitoring along the western edge of the site during the spring migration period to determine if, and how many, amphibians are moving off the development site.

It is unclear which trees have been inspected with regards to their potential to support roosting bats, given that it appears more trees are proposed for removal than is stated in the Ecological Appraisal. Clarification is therefore requested on this matter, with a plan showing which trees have been assessed. In the event that additional trees are earmarked for removal, then these should be assessed prior to the determination of the application.

No bat activity surveys have been carried out. Whilst it is stated that habitats on the may be of 'up to local importance' for foraging and commuting bats, the County Council are concerned that there is no evidence to support this assertion, especially given that proposals will result in the loss of a section of mature hedgerow and other established sections of linear vegetation, and that bat roosts are known to be present in the vicinity. Unless these features can be retained within the development (see below), it is therefore recommended that bat activity surveys are carried out to confirm that these features are of low significance.

No breeding bird survey was carried out at the site, and it is stated that 'no bird species were recorded using the site during fields surveys', which is surprising. It can, however, be expected that the site supports a range of common and widespread species, and may also support red and amber listed species of conservation concern.

It is concluded in the Further Ecological Works report that "the grassland habitat... is not considered to be of importance to nature conservation outwith the zone of immediate influence". Whilst it is accepted that the grassland is not botanically diverse, it is nevertheless relatively extensive in a local context, and supports/may support Species of Principal Importance (grass snake and common toad, see below) and proposals would result in the complete loss of this habitat. The only mitigation for this loss appears to be the recommendation that native or wildlife-attracting species are included within the landscaping scheme (see below, also). The County

Council are concerned that this is not substantive enough to mitigate against the loss of 2.25ha of neutral grassland subject to low-intensity/no management.

Approximately 100m of hedgerow on the eastern part of the site, plus areas of scrub, would be lost to the proposals. It is requested that the site layout is redesigned to retain this section of hedgerow (with limited severance acceptable for roads), and that the established vegetation along the northern boundary of the main Highfields School site is also retained, to provide a more substantive corridor across the site. An alternative to retaining the hedgerow would be to include a broad, grassed strip along the proposed northern boundary hedgerow or on the southern side of the eastern part of the site, to link to the adjacent allotments.

Whilst it is stated that the site supports only a 'low' population of grass snakes, it is also stated that the site is 'likely to make an important contribution to the locally available terrestrial habitat resource for grass snake', and that the fields also provide connectivity between the Ballast Pit LWS in the west and allotments in the east, so development therefore has the potential to sever this connectivity and fragment grass snake populations in the area, and may therefore effect the viability of grass snake populations at this locality.

In order to retain connectivity, it is proposed that a hedgerow would be planted along the northern boundary of the site, whilst habitat enhancements would be carried out to the Ballast Pit LWS, as outlined in the Offsite Habitat Management Plan, to benefit grass snakes. However, the County Council are concerned that neither is substantive enough to mitigate against such impacts, and that a more significant corridor is required across the site (see above, under 'Habitats'). In addition, the offsite habitat enhancements are on land outside the red line boundary, and is not clear whether the proposals can be achieved (i.e. whether the land is within the applicant's control), nor how long the enhancements would be maintained for.

Measures to avoid the killing of grass snakes are outlined in section 4.3.7-4.3.8 of the Further Ecological Works report. The County Council would be concerned about the clearance of vegetation across such an extensive area during the period when reptiles are active, and whether they can realistically be passively displaced, so request that the production of a detailed Reptile Mitigation Strategy is made a condition of any permission granted, and that a further condition is used to require that development does not take place during the period when reptiles are active (March to October).

Regarding common toads, it is stated that "should any common amphibians be found during site clearance, they should be carefully moved by gloved hand to an area away from works, such as around P1 or the allotments to the west". To ensure that common toads are not accidentally killed, it is recommended that measures to safeguard amphibians during site clearance are included in the reptile Mitigation Strategy requested above, which should include hand searching and destructive searches.

Should toads continue or come to use the new development site (i.e. gardens and areas of planting), there is a risk that they may be killed whilst trying to cross the main access road. It is

therefore requested that this is designed to be amphibian-friendly, with the use of drop kerbs, ACO-type wildlife kerbs (to allow amphibians to bypass gully gratings), and wildlife-friendly gully gratings/gully pots (e.g. with features to allow any amphibians which may fall in to escape). The submission of such details should be secured through a condition.

The submission of a detailed lighting scheme, designed to be in accordance with the Bat Conservation Trust publication (June 2014), entitled "*Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting*", should be secured through a condition, to minimise impacts on foraging bats.

In addition to those specific issues highlighted above, conditions should be used to cover the following:

- The control on vegetation clearance during the bird nesting season (which runs from March to August inclusive).
- A resurvey of the site for badgers, immediately prior to the commencement of development (no more than 1 month in advance).
- The use of general construction safeguards, including good working methods to protect badgers and other mammals (as outlined in section 4.4.17 of the Ecological Appraisal).
- The submission of details to secure the protection of retained trees and hedgerows.
- The inclusion of integrated bat and bird (house sparrow, starling) boxes within the fabric of a proportion of the new houses.
- The production of a detailed landscaping plan, which should seek to maximise the biodiversity value of the site through the enhancement and creation habitats and the use of native tree, shrub and grassland species appropriate to the local area and of native genetic origin. This should include details of hedgerow planting along the northern boundary, to be in accordance with the details contained in section 4.3.4 of the Further Ecological Works report.
- The production of a landscape management plan, to guide the ongoing management of landscaped areas.'

Nottinghamshire Wildlife Trust –

Comments received 11.05.2015:

Reptile and Amphibian Mitigation Strategy - The updated mitigation strategy is welcomed. We would advise that the methods within the strategy are set as a condition, with particular emphasis on the following sections:

- Ground clearance works should be undertaken under the supervision of an Ecologist. Clearance during the winter months is considered to be the easier option, due to a lack of hibernaculum features onsite.
- As previously suggested by Nottinghamshire County Council (NCC), it is recommended in section 2.1.5. of the updated Mitigation Strategy, that a letter is submitted to the LPA once clearance works have been completed. NCC also suggested that this letter should include the number of amphibians and reptiles encountered during the clearance works. We would also advise that this information is provided, so that the LPA are kept fully informed on ecological issues.

- It is stated in section 2.1.8. of the Mitigation Strategy that hedgerows are to be planted at an early stage, using three year old stock. As stated by NCC's comment (dated 23/03/15), we would also advise this to be set as a **condition**. This would reduce the time lag of onsite habitats becoming established.
- In addition to this, we agree with NCC's comments and we would also advise that enhancement works at the adjacent LWS, as outlined in Appendix 2 of the mitigation strategy, should be completed prior to construction works commencing. This is to allow habitat for any reptiles displaced during the construction works.
- We welcome the dropped kerbs and ACO type wildlife kerbs to be established throughout the site. Further information on where the kerbs are to be installed would assist in fully informing the LPA of the proposed mitigation.

Further to this, the extent and duration of the management at the adjacent LWS and proposed offsite habitat creation is still vague. Further information on this would again help the LPA to make a fully informed decision, and provide clarification on the requirements needed within any legal agreement. We would also advise that a report is submitted once the Reptile and Amphibian Mitigation Strategy has been successfully implemented.

Further Surveys

We note that the majority of NCC's comments have been addressed. However, you may still wish to consider further amphibian and/or bat surveys, as this will allow further information for the LPA on which to make an informed decision on the application. It is acknowledged within section 2.1.17 of the updated Mitigation Strategy that, "the resulting development will result in a net loss of foraging habitat for reptiles and amphibians".

Although the current proposed plans provide better mitigation than the original plans, there is still a level of uncertainty on how effective the proposed will be, without knowing the current extent of utilization of the site by foraging amphibians/bats. Additional surveys could clarify this and could provide a baseline if you wish to consider post development surveys. Further surveys would also be in line with Best Practice.

Additional Enhancements

As stated within our previous comments, we would still encourage additional areas of habitat onsite, in order to further reduce the net loss of onsite habitat and to strengthen the ecological connectivity. As previously suggested, you may wish to encourage a corridor to the west, particularly adjacent to the proposed apartments under current plans.

It was suggested within NCC's previous comments that bat boxes and bird boxes could also be installed. We would also encourage this as a form of enhancement.

Any ecological enhancements will meet paragraph 118 of the NPPF in which developments are encouraged to undertake opportunities to incorporate biodiversity.

Additional Requirements

Please refer to our previous comments regarding other ecological issues which should be addressed and conditions set, including breeding birds and badgers. We note that a sensitive lighting plan is yet to be submitted.'

Comments received 20.03.2015:

'We are generally satisfied that our previous concerns have been addressed, but wish to provide the following advice:

Additional Enhancement Area - We welcome the additional area of habitat offsetting proposed, and are satisfied with the management of this area outlined in the further response by ECUS. We accept that the wildlife pond has not been put forward because of health and safety concerns, and that the school was unable to provide any other areas for offsetting. The proposed management of this site should be included in a biodiversity management plan, which should be completed as a condition.

Buffer on Western Boundary - Whilst we appreciate that the western field within the proposed development site is currently amenity grassland, an additional corridor was suggested as housing and residential gardens will dominate the western edge, thereby increasing disturbance, and potentially creating barriers to the LWS. A corridor on this boundary would provide a buffer to the adjacent habitat/LWS, enhance the green infrastructure of the development and provide further onsite habitat creation. Therefore, an ecological corridor on this boundary is still considered to be an appropriate enhancement.

Native Hedgerow - We welcome the mixed native hedgerow around the sports pitch. In order for this to benefit wildlife, we suggest that it is cut once every two to three years in January/February, to allow wildlife the opportunity to utilise the winter berry crop. We would wish to see the proposed species mix included within the soft landscaping plan, and the proposed management of the hedgerow within the biodiversity management plan.

Northern and Southern Corridor – We welcome the proposals to remove the southern and northern ecological corridors from the residential gardens, and of the management outlined. We are satisfied with the clarification given regarding the wall within the south-eastern corridor and welcome the proposal for gaps under garden fencing to allow wildlife access. Again, the long term management of the corridors will need to be included within the biodiversity management plan. This should include the cutting of the hedgerow once every two to three years in January/February (although it is appreciated on the northern corridor, the southern side of the hedgerow may need to be cut more frequently to retain management access). Cutting should encourage the development of an 'A' shaped profile, to maximise density at the hedge base rather than hedge top. Each cut should be made higher than the last, to allow a small increase in height of each year. This will maximise the lifespan of the hedgerow.

Underpass and Dropped Kerbs – We greatly welcome the proposed underpass and hope the second underpass will be included. Some form of guidance for amphibians may be required into the underpass. Further to this, we would also hope for dropped kerbs (or if possible, an underpass) to be included on the eastern road, where the southern ecological corridor crosses from the playing fields to the west.

Bat Activity Surveys – At the end of the further response by ECUS, it is stated that, "I believe that this letter provides a full response to comments made on 04.03.15 and that we have now clearly addressed all previous concerns from NWT and Nottinghamshire County Council."

However, we note that within NCC's response (dated 01/12/2014), further amphibian and bat activity surveys were requested. Whilst we accept that a request for bat activity surveys was not

initially put forward by ourselves, we wish to take this opportunity to express that we would support such surveys. Although the northern and southern ecological corridors could provide some form of mitigation for foraging or commuting bats, activity surveys would provide further evidence to either support the statement within the ecological appraisal that the site provides limited foraging opportunity, and/or would clarify if the level of mitigation proposed will be adequate. Further surveys will also ensure that best practice guidelines have been followed, and provide more sufficient evidence of the potential ecological impacts of the proposed development.

In addition to this, we would wish to see a sensitive lighting plan provided. It is vital that the ecological corridors, offsite mitigation and the hedgerow around the sports field remain unlit. We strongly suggest that floodlighting is not installed on the sports field. Lighting should not exceed 200 lumens (150 watts) and lighting columns should not exceed 8m. Low-pressure sodium lamps (SOX) fitted with hoods are recommended and any security lighting should be on a timer setting and faced downwards. A corridor on the western boundary could also provide an additional unlit foraging/commuting resource for bats. Finally, we recommend as further enhancement that bat boxes are installed on retained mature trees. This could be within the additional habitat enhancement area within Highfields School.

To conclude, we welcome the further response from ECUS and are generally satisfied that our concerns have been addressed. Although there is the potential to include further ecological enhancements, and without further surveys it cannot be concluded that the proposed will provide "like for like" habitat, we are satisfied that the ecological mitigation proposed is more adequate than that within the original landscape plans, regarding reptiles and amphibians. Whilst we are satisfied that our initial comments have been addressed and that therefore our objection should, as a result, be withdrawn, we still wish for the concerns of NCC to be fully addressed. This is so that there is confidence in that any (locally significant) ecological impacts have been fully accounted for.'

Comments received 04.03.2015:

'From the map provided, I assume the purple outline is the proposed area for offsetting. This area is greatly welcomed. My only concern is from the outline provided, it appears to include a dense area of trees. As previously stated, it is hoped the additional offsetting will provide some area of foraging (grassland) habitat. I have included an outline (attached) as a suggestion, which could include an area of open habitat as well. I am pleased to hear that the school are enthused by the educational benefits the wildlife area could offer. May I suggest the inclusion of a wildlife pond within this area, which would benefit amphibians and provide further opportunities for educational purposes. The planting of wild flowers and a pond within this area could also provide an aesthetically pleasing environment for the school. If there is the opportunity to, I would also encourage the inclusion for the whole of the western boundary of the school adjacent to the proposed housing development to be included within the offsetting boundary. Again, this would have ecological, educational and aesthetic benefits.

A few other points which I hope the applicant will consider including into the plans:

- It is appreciated that the trees on the western boundary of the development will be retained. However, a buffer to the rear of these gardens and/or on the south western corner would benefit herptiles, as there is some concern that the only connectivity to the LWS is through a corner of the allotment plot.

- The beech hedgerow around the playing fields could be replaced with a species rich native hedgerow (and an area of wildflower planting). This would greatly benefit wildlife and would still be (perhaps more) aesthetically pleasing.
- Within our previous comments, we suggested kerbs designed to guide amphibians off of roads. It is hoped this will still be considered.

It is understood that the hedgerows within the garden areas and the southern boundary could be difficult to manage. Whilst the transfer deeds are appreciated, a buffer to these areas is still encouraged. Reptiles are sensitive to disturbance, and therefore, a buffer from the residential gardens would mitigate for this. Further clarification is yet to be provided on the method of providing gaps within the brick wall on the southern boundary, which could be a barrier.'

Comments received 19.02.2015:

'In regards to amphibians, it is difficult to determine what would be an adequate level of mitigation without further surveys. As toads are a priority species under the NERC 2006 Act and need to be considered during the planning process, I would encourage surveys to be undertaken. However, I understand from the planning portal website that the target date for determination has passed. I can provide you with the following advice on how the mitigation can be improved. From looking over the reptile survey again, it is noted that grass snakes were found throughout the site in rough grassland areas. This is why I think it would be important to re-create this habitat. Providing additional habitat offsite would be greatly welcomed. If the agent could provide an outline of the area where offsite mitigation could be created, this would be useful in determining the extent of the onsite mitigation needed. If this was the case, it may be possible to provide an area of (smaller) open space on the proposed development, with the current proposed connectivity (east and west) and connectivity to the adjacent new habitats off-site.

Following our earlier discussion, in regards to the wildlife corridors currently proposed on the northern and southern boundary of the development site, I wish to provide to following:

- As discussed, there is concern that the wall adjacent 27 could create a barrier, especially if gaps cannot be created because of the risk of damaging the structural integrity. Further information on the proposed gaps would be useful, to determine if they will be suitable for herpetofauna and/or if it will create any issues to the structure of the wall. I would encourage the southern boundary to be retained as grass snakes were found in this area during surveys, and it connects to the south eastern allotment site.
- It is not clear if the southern ecological corridor will be divided by the proposed residential gardens by fencing or other methods. It is strongly recommended that the ecological corridor does not form part of the garden and measures are installed to prevent management by residents. Again, as stated in NTW's previous comments, native species would be welcomed.
- The corridor on the north eastern boundary is still part of the proposed residential gardens. Although mesh fencing is proposed, residents have reported grass snakes becoming stuck in mesh fencing on the adjacent allotments. Therefore, it is advised that the hedgerows are not included as part of the gardens (This would also reduce the risk of disturbance).
- It is also advised that access to hedgerows and ecological corridors is made available for future management (although, I am uncertain who would manage the site post-development, and any management would have to be secured).

- As advised in the ECUS ecological report (section 4.4.18) connectivity can be enhanced for priority NERC species such as toads and hedgehogs by providing gaps under garden fences.

In addition to this, I wish to provide the following suggestions to improve onsite habitats:

- The connectivity to the allotment/LWS to the west of the site still appears limited. I would recommend an area of open space for mitigation being available on this boundary. The size of this will depend on the size of any additional offsite mitigation. The culvert where 4 to 5 houses to the south of the western allotment may be an appropriate location to consider, if mitigation can be incorporated in this area.
- Further connectivity and habitat creation throughout the site is still encouraged. It is noted that the hedgerow around the proposed playing field will consist of only beech. I would encourage this to be a native species hedgerow, sensitively managed for wildlife. Adjacent to the hedgerow along the boundary of the playing field, a strip of rough grassland (sown with a wildflower seedmix) could also be created. This would enhance connectivity, foraging habitat, replace native hedgerows which will be lost and increase the visual aesthetics of the development (to look more natural).
- Creation of pond(s) and/or habitat piles within open areas/offsite habitat would also be welcomed and are encouraged.

To conclude, I would suggest the following mitigation:

- Improvements to current habitat corridors proposed
- An area of open habitat onsite
- Additional offsite habitats
- Additional connectivity around proposed sports field (by enhancing already proposed hedgerow) and connectivity to offsite habitats
- Improvements to LWS, already proposed. Any further techniques to reduce disturbance to the site would be welcomed.
- Other comments provided in our previous response – such as kerbs designed for amphibians
- Management of habitats and LWS will need to be secured. I'd advise this is done prior to determination, so that any mitigation proposed is guaranteed.

We would also encourage the applicant to consider other mitigation measures within the ecological report and as previously stated, such as a sensitive lighting plan for bats, consideration of nesting birds during works (and installing bird boxes) and best working practice to prevent any potential harm to badgers or other wildlife by covering trenches during development.'

Comments received 13.02.2015:

'Loss and Fragmentation of Foraging Habitat -

Within the response by ECUS (dated 3rd February 2014) it is stated that land take of the onsite grassland habitat will not impede the crossing or fragment the movement corridor, but it is accepted that there will be a net loss of foraging habitat. The grassland within the proposed development site is recognised as being the only area of semi-natural habitat within an urban landscape, thus it should be emphasised that it is likely to be an important foraging resource for the local populations of toads and reptiles. Without adequate mitigation, the net-loss of the semi-natural habitat within the urban and managed landscape could result in the Local Wildlife Site (LWS) becoming unable to support the current herptile populations.

Under the revised proposals, we are still not convinced that the proposed offsetting and mitigation are sufficient to maintain the breeding toad population. The two proposed shrub/hedgerow corridors may provide connectivity, and the clearances provide basking habitat and hibernaculum for reptiles. However, there will still be a substantial loss in foraging habitat for both taxa, which will not be replaced under current plans. Further to this, the removal of shrub on the LWS is likely to result in a loss of sheltering and hibernating habitat for toads. Thus, apart from the sympathetic displacement from the grassland by directional mowing and the drop down kerbs, there does not appear to be mitigation for habitat loss for toads.

Whilst it is argued within ECUS's response that the site is at risk of scrub encroachment, it should not be ignored that the grassland was identified to be of low to moderate species richness. Within the immediate urban surroundings, this is likely to provide ecological value and the loss of the grassland habitat to development would be irreversible. Further to this, since the development of housing north of Barnby Road, there has been a decrease in the number of toads recorded during the crossing. A net loss of habitat may have been a major factor to the decline in amphibian numbers.

Corridors and Structured Planting -

The additional southern wildlife corridor is welcomed but there are the following issues:

- The wildlife corridor on the southern portion of the playing field appears to be outside of the redline development boundary. Therefore, it is uncertain if the management of this corridor can be guaranteed.
- It is not understood why the southern boundary is proposed to be planted with semi-native scrub. Whilst this may provide some value to migration and connectivity, it will be of less value than the semi-natural habitat and native species which will be lost. We would advise that native species are sought.
- The proposed drop kerbs to prevent herptiles becoming trapped in the road system are welcomed. Whilst it is appreciated that it may be unavoidable, there is still potential risk to herptiles as roads fragment the corridor. Further to this, drains may still present a risk, as it is not feasible to incorporate offset or central gullies. Amphibian friendly (wildlife kerbs) should be included through the development. These are available from suppliers such as ACO – see <http://www.legacy-habitat.co.uk/wildlife-kerb.html>. We suggest, if practical, that road drains are not installed within close vicinity of the drop down kerbs.

Local Wildlife Site -

Again, whilst the proposed offsetting and management to the adjacent LWS is appreciated, there are the following concerns:

- Strictly speaking, offsetting should replace the lost habitat and ecological value “like for like.” There is no evidence of this within the available documents. It is simply assumed that the management should provide some mitigation to the small population of grass snakes found during the reptile surveys and no evidence of mitigation for amphibians.
- The proposed management would require a S106 agreement to secure the works.

- In order to provide adequate offsetting, idealistically the management would have to last the lifetime of the development. We request that a detailed management plan is provided, including a timetable of works to be undertaken once the development is complete and in operation.
- At present, we are still uncertain if the proposed works on the LWS will provide adequate foraging habitat for herptiles, as it is simply proposed that areas will be cleared to provide basking areas and hibernacula.

To conclude, we appreciate the additional mitigation proposed, but are still concerned by the loss of foraging habitat and the impact this will have on the local herptile population. With the historical records available, particularly for toads, it is likely that the population is of local to county importance. As no formal amphibian surveys have been undertaken onsite or within the adjacent waterbodies as part of the application, it cannot be dismissed that the site is not of importance. Therefore, we wish to retain our objection.

Although Natural England has not objected to the development I note that Notts Wildlife Trust has on the grounds of the impact on amphibians and reptiles and I agree that on-site mitigation would be appropriate. In addition the removal of protected trees should be kept to a minimum and appropriate replacements should be provided.'

Comments received 28.11.2014:

'Amphibians and Reptiles -

Barnby Road (between the level crossing and Barnby Road Academy) is on the Department of Transport register of amphibian migratory crossings (Site ID 237). The register is held by froglife on behalf of DoT (see <http://www.froglife.org/what-we-do/toads-on-roads/tormap/>). NWT is aware of "toad crossings" which have taken place at Barnby Road since 1988. Toad crossings involve local people moving amphibians off and across busy roads during migration periods in spring and late summer. From the informal data recorded during the toad crossings at Barnby Road, there has been a noticeable decline in numbers, from 786 toads in 1997, to 310 in 2007. Numbers have subsequently declined further over the last 7 years, with a total of 101 toads recorded in spring 2014. It is suspected that the residential development north of Barnby Road, which was constructed in the earlier part of the millennium, may be the main contribution to the decline in the local toad population.

Toad numbers are in decline in the UK and as a result are a species of conservation concern and are listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. It is suspected that the toads crossing at Barnby Road in the spring are using the LWS to breed and are likely to be using the proposed development site to forage. The toad crossing records have also identified amphibians using the proposed development site as part of their migration route from the tree belt to the north east, adjacent the railway line and level crossing. The LWS has become increasingly isolated with the increase in urban developments around Balderton. Therefore, the grassland fields proposed for development could be an important remaining foraging and commuting resource for breeding toads in the local area.

Factors that have caused the decline in toads include; destruction of habitats, traffic mortality, raised road curbs (preventing migration of toads), gullies (toads falling into and becoming stuck in

drains) and habitat fragmentation. There is a likelihood that the proposed residential development will include all of these factors, and could result in a negative impact to the local toad population.

Further to this, it was identified during the reptile surveys undertaken as part of the ecological assessment, that a population of grass snake are present on-site. Grass snake are also a UKBAP species and a priority species within the NERC act. It is suspected that the grass snake could also be using the grassland fields of the proposed development site to forage. Amphibians are a food source to the grass snake, and therefore, mitigation for both amphibian and reptiles interlink.

It has been proposed with the ecological report that mitigation can be achieved by enhancing the adjacent LWS for grass snake and by creating a native hedgerow across the proposed development site. However, we feel this mitigation will be inadequate as there will still be an area of foraging habitat lost, increase fragmentation of habitats and an increased risk of mortality to amphibians and grass snakes due to road drains, raised curbs, traffic and cats. There is also the risk that the enhancement of the adjacent LWS may not be secured as it is of a different landownership to that of the applicant.

Therefore, we feel that if the proposed development was to be permitted, substantial on-site mitigation would be required in order to compensate for the loss of foraging and commuting habitat for amphibians and reptiles. SUDs, which have been requested by the Environment Agency in their response dated 19/11/14, could be enhanced to create suitable habitat for amphibians and reptiles. This should be done in a manner which is sensitive to migrating amphibians, as explain in the Design Manual for Roads and Bridges¹. Further to this, areas of long grassland should be provided to compensate for the lost grassland habitat. The areas of long grassland could be enhanced by planting a wildflower seed mix. Ideally, the on-site mitigation should be as close as possible to the LWS, with a migration corridor from west to east, in order to deter amphibians and reptiles from migrating across the proposed residential development (which could result in mortality). The on-site mitigation could be combined with the enhancement of the LWS. Further enhancement of the LWS could also include creating more suitable habitat within the ponds for amphibians, which would subsequently benefit reptiles.

Further to this, a current application regarding the East Coast Main Line Level Crossing Closure Programme on Barnby Road could result in an area of the allotment adjacent to the development site to be lost. This area was identified within the ecological report as an additional habitat for grass snake. The cumulative effect of the loss of the allotment and the grassland field could significantly impact the local toad and grass snake population.

Idealistically we would like to see the site fenced and translocation of reptiles (and amphibians) to be undertaken if works were to be granted, although it is understandable that this may not be feasible considering the size of the site. Therefore, we request that section 4.3.6. and 4.3.7. within the "Further Ecological Works: Botanical and Reptile Surveys" are set as conditions. Initial ground clearance works should take place between November to February, when reptiles and amphibians are least active, under the supervision of an ecologist.

Necessary Precautions -

If permission is to be granted, precautions listed in Section 4 of the ecological report should be undertaken and ideally be set as conditions. These include:

- Removal of vegetation and ground clearance works between September to February, outside of the bird breeding season. If work within the breeding season is unavoidable, then a competent ecologist should check for nesting birds. Written confirmation should be sent to the LPA of measures taken to ensure no nesting birds will be harmed.
- Trees and hedgerows should be retained where possible and protected during works in accordance with BS 5837:2012. Removal of any hedgerow should be replaced by native species of a local provenance.
- Work must stop immediately and an ecologist consulted if great crested newts are found on-site.
- Additional bat surveys are required for the removal of trees within field 6, as stated within the ecological report. In accordance with Natural England Standing Advice², this should be carried out **before** the application is considered, by a suitably qualified ecologist (licensed bat-worker).
- Best working practice is to be undertaken in regards to badgers. Any pits and trenches should be covered overnight, and/or a ramp provided in case any animals fall in.
- If hedgehogs are found during works, they should be moved to a place of safety and suitable habitat.

Further Enhancements -

It is stated within the National Planning Policy Framework that developments should minimise impacts to biodiversity and contribute to the enhancement of the natural world. Below are some suggestions which could contribute to the requirements of the NPPF:

- Any lighting associated with the development or during construction should be of low intensity and directed away from hedgerows, boundary habitats and the LWS.
- Further enhancement for hedgehogs could include habitat piles and maintaining connectivity by providing access under garden fences (see www.hedgehogstreet.org for more information).
- All shrub and tree species proposed within the landscape plan should be native and of a local provenance where possible.
- Bird and bat boxes could be installed on new buildings or retained trees. These should be placed on the perimeters of the development near to hedge/tree lines. Boxes should be situated facing different aspects and be at least 4m+ from the ground in order to prevent predation and/or vandalism.

To conclude, we object to the current proposals. A development of such intense housing is likely to have a negative impact on the local amphibian and reptiles. It is also likely to reduce the suitability of the LWS to these species. We request that substantial on-site mitigation is undertaken to maintain foraging and commuting habitat, and off-site mitigation secured if the development is to be granted permission.'

NHS England – No comments received.

Network Rail – Comments received 22.05.2015:

‘With reference to the protection of the railway, Network Rail has no objection in principle to the development.

We do note in the documentation provided several references to both Newark Northgate and Castle railway stations in the transport assessment/travel plan. Given the proximity of the development in relation to the railway it is considered that there may be impacts on these stations particularly in relation to cycling and car parking facilities. It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. This could include additional cycle storage and improvements to car parking arrangements. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run-off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Level Crossings

The site is near to the level crossing at Barnby Lane. The safety of the operational railway is our priority and we would have concerns with any development that would generate an increase in traffic over the level crossing. However, we note in this instance that the vehicular access to the development is to the south of the site on London Road and therefore unlikely to affect access over the crossing during and after the construction of the development. Should this situation change, we would expect that the developer contact Network Rail to inform us of the changes.

I would advise that in particular the drainage should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.’

NSDC (Parks and Amenities) – measures are required in the S106 to ensure off-site play space provision, the maintenance of the on-site amenity open space and the clause suggested by Sport England covering community access to the AGP/MUGA.

Comments received 23.12.2014:

‘This development comprises 80 houses and should thus make a contribution to public open space in the form of children’s playing space and amenity open space. In addition the development proposes the relocation of existing sports pitches. The landscape masterplan accompanying the application does not appear to include any children’s playing space and this open space element will thus need to be provided through the payment of an off-site commuted sum for the provision/improvement and maintenance of children’s playing space in the vicinity of the development. It is difficult to tell how much amenity open space is being provided on site but a development of 80 houses should provide 1,152 square metres and the development would appear to be deficient in this respect.

I note that the Open Space Assessment accompanying the application suggests that the new footpath link through to Barnby Road will provide access to Barnby Road Community Park however I am concerned that this will involve walking for 300m along Barnby Road and it should be confirmed that footpaths are in place along the whole length of the route to ensure that this can be done safely. A more appropriate way of reaching Barnby Road Community Park would be via the Sustrans multi-user route however an access onto this does not seem to be being provided as part of the development. Perhaps this is something that could be discussed with the applicant?

I note that the sports pitch provision is being increased from 0.9ha to 1.1ha however I share some of Sport England’s concerns over the location of the new pitches adjacent to residential dwellings and the potential for nuisance associated with this. It is not clear whether any sort of fencing is going to be erected between the pitches and the neighbouring properties but Figure 4 of the Open Space Assessment seems to show only a low (c1.2m) fence. I believe clarification should be sought on this as most school pitches are surrounded by 2.4m high security fences.

I note also that an AGP/MUGA may be located on part of the new sports pitches but that the applicant states that this will not be floodlit. This will significantly reduce its usability out of school hours and would seem to be a missed opportunity. Overall I share Sport England’s concerns about the proposed sports pitch provision and believe that further discussions are required.

NSDC Conservation –

Comments received 06.05.2015:

‘Thank you for consulting conservation upon the submission of revised plans.

I understand the new plans relating to layout and site sections refer to the new-build section of housing to the east of the site and not part of the site I consider to be most important for the setting of this non-designated heritage asset. As such I have no comments to make.’

Comments received 12.02.2015:

‘Looking at the revised plans the apartment block has kept the same overall form but has been dropped a storey. This has helped reduce the bulk and dominating effect of this structure. I appreciate the agents have not gone as far as dropping to single storey in places, but it has

nevertheless mitigated my concerns to a large extent. The apartment block will now look much more at home on London Road and does not compete in the same way with the principal building on the site. It will still of course be taller and more imposing than the lodge, but hopefully the separation distance and landscaping to the south east of the apartment block can help with this. I have further design comments in terms of striving for a high quality design – the apartment block is designed with the appearance of sash windows, and these will look much better if they are actually vertically sliding sashes rather than hinged casements; the roof materials imply some form of concrete material and would of course be better in slate; the ground floor sashes would also look more traditional if they had six panes in the top sash like the first floor windows.'

Comments received 11.12.2014:

'One of the main structures to get right on this site is the Apartment block, fronting London Road. This needs to be seen alongside the very attractive stone lodge building and should not compete or distract from Highfield House, which should remain as the main high status building. With this in mind I am disappointed to see a fairly solid and relatively grand three storey here. I do think this would be more successful if it was lower in height by at least a storey and ideally down to one storey adjacent to the access road. While I appreciate there has been some attempt to break the ridge and roof mass up, the overall mass remains a solid three storeys, presenting a building of challenging form and status. The Arts and Crafts form used a variety of roof heights and eaves height and could probably be used successfully here to help create a structure where the volume is broken up to respect the lodge and to sit back in status from the House.

The overall design of the other houses, with an Arts and Crafts feel, is not inappropriate, although they are quite tightly spaced with little gap between garage and adjacent house.

While the spire of St Marys is visible from the fields to the rear, this is an incidental view and not one designed as part of the grounds of the House. While the proposed houses will inevitably impact upon this view it is not a view currently enjoyed from the public realm or which contributes in any significant way to the setting of the Grade I listed church. I am not therefore concerned about the impact upon the setting of St Mary's church.'

NSDC Environmental Health Officer (Reactive) –

Comments received 26.05.2015:

'A noise barrier is to be provided as suggested and agreement on proposed hours of use has been achieved. I do not remember seeing details of the proposed barrier and await details.'

I have spoken informally to the EHO who has advised that such details can be controlled by condition. The EHO is aware of the proposed location of the acoustic barrier and from a noise perspective raises no concerns with this in principle.

Comments received 01.04.2015:

'Thank you for providing the additional information on this application. I have read the additional Noise report submitted by RPS which clarified the expected noise levels from the development. I have also read the noise report by ENS obo Mrs Neilson. In the latter report I note para 5.08 and would ask that RPS be invited to reconsider their finding on that basis.

Notwithstanding the response from RPS to the above I do think it would be wise to restrict hours of use of the facility, were any consent to be given. I would envisage a start time of no earlier than 09:00 and a finish time of 20:00 hr on Monday to Friday with a 17:00pm finish on a Weekend and bank Holiday.'

Comments received 25.02.2015:

'Using the model and colour shading provided, properties facing the MUGA and Rugby pitches seem to be on the orange colour. From the legend this would indicate noise levels of 56 to 60dB(A). Yet table 2 shows the calculations based on 56dB(A). I think these predicted levels need plotting exactly. Further table 2 appears to have a typographical error as it mentions external levels when I think they are predicting internal levels. I also note in table 2 that whilst there is attenuation for the façade of the building there is no account taken of reflection from the façade. I would also dispute the comment about windows being open on rare occasions. In the better weather it appears the norm for residents to have their windows open.

In respect of the comments from a neighbour, as I see it the model does appear to consider potential impact on their property. By the colouring used the exposure is predicted up to 56dB(A). I would request that the noise report is revised in line with my comments above and further detail is included in the report along with specific modelling carried out in relation to 27 London Road to clearly identify the scale of any predicted impact.'

Comments received 12.01.2015:

'I have looked at the scheme proposals and note the concerns of Sport England and NSDC Parks and Amenities. In respect of the sports pitches there are located in the centre of the proposed development surrounded by the proposed houses. It would be helpful to have an assessment of expected noise levels from the sports area. Were the application to proceed there would need to be some screening/ netting to prevent stray balls affecting nearby roads or properties and details of any lighting to be subject to approval by the LPA.'

NSDC Environmental Health Officer (Contaminated Land) – 'With reference to the above development, I have received a combined Phase 1 and Phase 2 Geotechnical and Geo-Environmental Site Investigation report submitted by the Eastwood and Partners acting on behalf of the developer. This includes an environmental screening report, an assessment of offsite contaminant sources, a brief history of the sites previous uses and a description of the site walkover. The intrusive site investigations provide clear characterisation of the contamination at the site, with subsequent analysis and risk assessment identifying that there are no significant issues with respect to contamination. Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed residential use.'

NSDC Strategic Housing –

Comments made 29.05.2015:

'Strategic Housing recognises that there may be circumstances where affordable housing (or other contributions) may make a scheme unviable for a developer. The Council's Affordable Housing Supplementary Planning Document (2013) allows viability concerns to be taken into account. However, economic viability is just one factor which has to be considered when determining whether or not there should be an affordable housing requirement provided or not.

With this in mind, we turn to the evidenced housing Need in the Newark area (as identified in the Housing Market and Needs Assessment 2014 – Sub area Report) which identifies that the Newark area has amongst the highest levels of housing need for smaller affordable homes (792 one and two bedroom homes).

In seeking to reduce the affordable housing contribution to nil, the developer will adversely affect the Council's affordable housing aspirations for the Newark area, particularly when other developers are meeting their affordable housing requirements on other sites in the area.

In order to achieve the Council's policy objectives I would suggest that we need to agree an appropriate level of contribution; otherwise the impact of the decision to provide no affordable housing is at the expense of the people on the council's housing register who so desperately need it.

I would suggest therefore that the overall benefit of securing affordable housing needs to be weighed against the loss of the affordable housing and in light of a negative decision a sensible review clause could be developed and considered.'

Previous comments made on original scheme:

The Council's current policy requirement for affordable housing on this site is 30% of the total site.

Tenure: The Council will seek a split of 60% social rent and 40% intermediate (S/O) affordable Housing

Type: There is a housing need for smaller units in the Newark Area and therefore 1 and 2 bedroom properties should form a large part of the affordable housing

The Council's current policy requires the affordable housing to be pepper potted across the site.

Overall the scheme should provide 24 units of affordable housing, providing 5 x 1 bed, 10 x 2 bed, 8 x 3 bed and 1 x 4 bed. There should be 14 for social rent and 10 for intermediate housing.

NSDC Planning Policy Officer –

Comments received 30.04.2015:

'In response to these amendments, the variation in mix in response to the Housing Market Needs assessment is welcomed and, subject to confirmation by Strategic Housing Officers, would satisfy Core Policy 3.

The additional ecological and viability work are also noted and subject to confirmation by the relevant consultee/specialist would satisfy Core Policies 12, DM7 and DM3 respectively.

Subject to satisfaction of the specific points set out in my response of 18/11/14 and those above, the proposal would be in conformity with the Development Plan and approval of the application would assist with the delivery of sustainable development and contribute to the Councils 5 year housing land supply.

Comments received 18.11.14:

As the site lies within the Urban Boundary of the Newark Urban Area, as defined on the Policies Map, the principle of residential development is facilitated by Policy DM1. That the site is not allocated for housing means that any dwellings delivered will be in excess of those currently included in the current AMR. This could give rise to proportionally higher developer contributions/CIL than anticipated and, district wide, will help to maintain the 5 year land supply and thereby provide protection from inappropriate development.

The proposal recognises the loss of playing fields to and seeks to address this through alternative provision as part of the proposed development. I am not familiar with the current use of the playing fields in terms of public use v school use, how this is reflected in the proposal and so defer to your and the relevant consultees consideration. In order to satisfy Spatial Policy 8 equal provision would need to be made or, lesser provision be mitigated for in some way.

In terms of housing mix, I note that since the Pre-application enquiry there have been some smaller dwellings introduced although there is still a dominance of 4 and 5 bedroom dwellings. I have not seen any justification for this mix within the submission. In order to satisfy Core Policy 3 this mix will need to satisfy local need, as advised by Strategic Housing Officers.

Dealing with developer contributions as a whole, the applicant contends that in order to be viable, the scheme can only pay CIL, and no other contributions. A viability appraisal accompanies the application and I defer to the relevant specialists for consideration of this as well. Should it be found that payment of developer contributions makes the proposal is unviable then Policy DM3 allows for this concession to be made.

Although I have not seen it explicitly stated it appears as if provision of public open and amenity space are included in the request for dispensation. There do not appear to be any areas shown on the layout plan unless there a shared arrangement with the school playing fields. I suggest that this is a need as well as a viability issue and the Parks & Amenities Manager should be consulted on the need aspect.

In order to satisfy Policy DM5 the proposal should demonstrate a high standard of design throughout and by association, a high standard of sustainable design in order to address Core Policy 9.

It appears as though Flood Risk Assessment of the site is more of a procedural matter due to the sites size than a practical matter due to its high flood risk. The EA's satisfaction with the submitted FRA will address criterion 9 of Policy DM5.

Adjoining the western extent of the site is the Ballast Pit SINC, which I note had been addressed in the submitted ecological report. Given the distance of the development from the SINC and consequent limited impact, I consider this level of assessment would satisfy Core Policy 12 and Policy DM7.

Subject to satisfaction of the specific points set out above the proposal would be in conformity with the Development Plan and approval of the application would assist with the delivery of sustainable development and contribute to the Councils 5 year housing land supply.

NSDC Access Officer – General observations.

Tree Officer - The use of a no-dig construction around tree group 87 where retained trees could be affected by the new access road to the car park is encouraged.

Comments received 14.01.2015:

The tree's public amenity value relates to their wider visibility. Government advice suggests that protected trees should normally be visible from a public place, such as a road or footpath, or be accessible by the public. Unfortunately little weight can be given to specific views from properties.

The plans indicate that much of Group 87 could be retained and it would be appropriate to seek additional information from the developer to identify which trees within the group will need to be removed or pruned. The use of a 'no-dig' construction as outlined in BS5837 could limit root damage which should allow those trees set back from the proposed access road to be retained, this construction technique is shown elsewhere on the car park and it wouldn't be unreasonable to use it here as well. Replacement planting adjacent to the property could also be considered to protect any specific views.

Comments received 12.01.2015:

'The application requires the removal of 5 individual trees and removal or partial removal of 3 groups of trees which are covered by the TPO. T38 and T40 are shown for removal due to their poor condition, both are suffering from bleeding canker and one tree has a cavity and the other shows signs of a deteriorating canopy, the removal of these trees would be considered good practice whether or not the development went ahead.

The other 3 individual trees which are protected, along with another tree not covered by the TPO, are required to be removed to allow the access road to be improved. T53 is located in a prominent location, but as it is located on the end of a linear row its removal will not affect the overall character of the road or open up a noticeable gap. T51 is set back from the road behind T53, but is still fairly prominent; T49 is set back further still and is screened from the road by a number of other trees. As the majority of trees along the access road are being retained I would suggest the removal of these trees is acceptable as it allows the wider site to be developed.

There are 3 groups of protected trees to the north east of the school which require removal or partial removal to allow the construction of the car park, these trees seem to offer less public amenity value than many of the trees on the site and there also seems to be potential to mitigate the loss by planting replacement trees at the edge of the playing field.

Overall I would suggest the layout takes into account the TPO and the level of tree removal required to implement the development is acceptable. The remainder of the trees shown for removal are not covered by the TPO and given their secluded location I wouldn't object. Arguably

group 21 could be retained as garden trees, but I wouldn't suggest they would warrant protection to ensure their retention.

One area of concern is the location of the apartment block, whilst it is located outside the adjacent trees' root protection areas, the building is very close to the canopy of the trees which are still relatively young. The adjacent trees are Beech, Horse Chestnut and Sycamore, all of which are potentially tall, wide spreading trees. The south west and south east aspects of the building will get very little direct sunlight throughout the day and as the trees mature there will be arguably justifiable pressure for pruning or even felling, this is likely to result in heavily pruned trees with little natural character or the loss of trees altogether. I would encourage the apartment block to be located further from the protected trees and to take into account their mature size.'

Representations from 22 local residents, neighbours and interested parties have been received (some of these local residents have submitted numerous letters). All of the comments are summarised below (including those in relation to the most recent amended plans):

Principle

- The Council has previously decided that this land is unallocated and not suitable for development;
- We believe a greater need exists for 2/4 bed houses than 4/5beds as proposed.
- The site is primarily greenfield land and development should be focussed on brownfield sites in the first instance;
- 30 % affordable houses should be provided;

Highways

- Network Rail proposals to replace the Barnby Crossing with a bridge which will increase traffic along Barnby Road; much of this will cut through to and from London Road which is already congested as rush hour;
- Need to ensure traffic manoeuvre priorities for the proposed school access road;
- The Transport assessment does not reflect accurately experience of traffic/congestion on London Road;
- One access to the site serving school and proposed houses is inadequate and dangerous. A further access road should be provided e.g. onto Barnby Road and or the Glebe to ease the traffic flow;
- The location of the access road has poor visibility over the bridge on London Road;
- Impact on safety of existing cycle paths;
- London Road regularly floods reducing the road by up to 50%;
- Concern that the proposed access point can function with such an intensification of uses;
- The location of the car parking area is somewhat contrived which would increase the likelihood of cars stopping and 'dropping off/picking up' at the access or along London Road;
- The school car park should have dedicated light goods, public carrier/disabled parking spaces;
- A secure cycle park should be provided.
- *Unsafe for both users of London Road and for the children who attend Highfields School.*
- *If it could be made into a "one way" system by entering from London Road and departing on Barnby Gate it would go a long way to solve traffic issues.*
- *The Co-op quoted in the Travel Plan has closed and will be replaced by Lidl – has this been assessed?*

- *Travel Plan does not take account of impacts and mitigations of community use of the proposed MUGA and sports pitches;*
- *London Road is busy – adding another feeder road without control will put great pressure and add danger for pedestrians crossing.*
- *School car park use for deliveries/unloading etc should to be controlled to between 7am and 5pm;*
- *Cumulative increase in traffic resulting from this development, Fernwood and the extra 2600 houses on the southern relief road development will cause chaos on London Road when they use it to gain access to Newark.*

Character

- The scheme fails to promote or reinforce local distinctiveness and the character of the area;
- The proposal is over-intensive and of a poor, cramped and regimented layout and design;
- The development is too dense;
- Timber fence along London Road boundary would be out of character with the street scene;
- The landscape character of the land would be forever modified;
- There is no precedence for a block of flats along the length of London Road, it being in the main residential houses.

Natural Environment

- How will ecology corridors be protected? The Agent should provide a specific written undertaking that it is to apply the same level of protection to the south-eastern boundary as proposed for the northern boundary. That is, to safeguard it through a restrictive covenant and mesh fencing with a suitable gauge will be installed to prevent homeowners removing the hedge and preventing domestic cats and dogs accessing the hedge bottom. The semi-native structured planting will grow through this mesh softening its appearance but preventing severe trimming back or removal.
- Gaps required in retained wall which abuts no. 27 London Rd for reptiles may have implications for the integrity of the wall;
- Impact on wildlife. Owls, bats, toads and snakes have been observed;
- Concerns that if site clearance is done during the winter months toads might be hibernating underground. Essential that people are at hand to ensure that no toads are harmed;
- Between the far end of the allotments, backing onto Highfields is a wall overgrown with ivy. Will this remain or be removed? Birds have nested in it and also the autumn flowering is of great importance to bees. It would be especially disastrous if a herbicide or similar chemical was to be used;
- As highlighted by the consultants, gaps under fencing etc are essential, these need to be maintained to allow wildlife access;
- Legal ownership of the eastern part of the Southern ecology corridor is unknown;
- Having a boundary brick wall, structural facade and access gate along this corridor who would one contact should the need arise?
- No provision for supervision or monitoring beyond year 1 which is inadequate;
- Treatments to wooden fencing have not been identified;
- An updated landscape strategy plan should be provided;
- Alternative boundary treatments options and locations should be considered.

Open Space

- The application provides a barely sufficient quantum of public open space and its location on the London Road frontage is inadequate and inappropriate. Less than half of the proposed dwellings would be located within a 5 minute walk/400m away.
- Open space should be better integrated into the development and could better separate new and existing properties to prevent amenity issues;
- The proposed sports pitches would be fully fenced off and would therefore not constitute residential land serving the proposed dwellings. Without any public open space, play areas and green amenity space, where are the new residents supposed to enjoy their leisure time?

Trees

- No. 27 London Road has a bedroom window looking onto G87, 5 TPO Yew Trees which have amenity value and provide partial screening to the proposed MUGA and sports pitches. It is not unclear what is accurately proposed for these trees. Privacy and screening for the bedroom window would be retained.
- The 8 TPO trees should remain;
- The proposed lime trees shown in the Landscape Strategy Plan would not be proposed as they secrete stick nectar which is a nuisance to wheelchair and pram users. Trees selected in proposed garden areas are not suitable.

Amenity

- Noise impact of proposed car parking area and MUGA on nearby dwellings;
- The submitted Noise Assessment is deficient as it does not measure current baseline background noise measurements or ambient noise levels’;
- Acoustic fencing along the east edge of the proposed car park should be proposed;
- As a result of their scale, massing, density and close proximity to existing dwellings, the proposed dwellings create an overbearing impact on the houses on Woodlands and Glebe Park.
- Inadequate separation distances;
- A lighting impact assessment should be required for any new lighting;
- Increased pollution from cars;
- Loss of privacy;
- Cars travelling to the school car park would be of detriment to the amenity of the future occupiers of these dwellings.
- How will the school car park be secured to prevent anti-social behavior?
- Rear first floor bedrooms of The Woodwards will be overshadowed and overlooked;
- Development will have an overbearing, unacceptable impact on the area;
- The privacy to The Woodwards will be impacted to an unacceptable level;
- Ongoing concerns regarding noise levels and lack of information on acoustic fencing;
- nothing has been done regarding the very close proximity of house 82 and 83, including their garages.

Other

- During construction, householders should be provided with internal/external window cleaning, car cleaning, carpet cleaning, wash down of exterior paintwork and interior ‘spring clean’.
- There is no security between the proposed car park and existing dwellings proposed with low iron railings currently along the garden border.

- There is an access door in the brickwall at 27 London Road adjacent Plot 82 and No. 33 Glebe Park with access into the site required for maintenance of a number of properties including the wall, hedge and gas flue.
- Are there sufficient school places, particularly primary?
- The existing sewer system is old and any additional demands may cause problems;
- There is an agreement in force between the Trustees of the Oliver Quibell Trust and Highfields School to let the field (to the rear of 27 London Road and 12 The Woodwards) for a period of 40 years for the purpose of extending the School's playing fields. This is one of the reasons we acquired the property No. 12 The Woodwards, being a property, enjoying great privacy and tranquility to its rear elevation. The field, referred to above, should now incorporate the new sports fields and NOT the new housing development.
- Concern that access will be denied to enable neighbours to cut their hedges and maintain fences, which they have done for the last 14 years. They now believe that it would be illegal for this to happen;
- Are there the local facilities required?
- Concerns regarding the impact on water pressure which is already low;
- Loss of property value;
- BT pole and equipment not shown on layout (within orchard – the proposed school parking area) which connects to adjacent property. No information has been provided regarding maintaining consistent telecommunication services for adjacent affected neighbour;
- Lack of information regarding the proposed lockable metal bar gate;
- MUGA should be subject to community use agreement;
- Conditions for a management scheme for the MUGA should be imposed as well as restricted operating hours;
- Conditions to control matters such as external lighting, amplified music etc.

Comments of Business Manager, Development

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The application site is located in Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy (adopted 2011). Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Sub Regional Centre provided that it is appropriate to the size and location of

the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Paragraphs 47 and 49 of the NPPF states that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

The principle of the development is considered acceptable and the delivery of housing is a significant material planning consideration. As at 1st April 2014 the District had a housing supply of 6.83 years. The Council has been assessing the 2014/15 position by gathering relevant information, which has now been completed. Whilst not yet formally published it is true to say that as of 2014/15 the Council cannot demonstrate a 5 year land supply against the adopted Core Strategy housing target (adopted pre-NPPF).

Members may be aware that the NPPF when published introduced a requirement to define housing targets by reference to Objectively Assessed Need (OAN) via collaborative working (the duty to cooperate) with neighbouring Authorities. This Authority, in collaboration with Ashfield and Mansfield District Council's has commissioned work on a Nottingham Outer Strategic Housing Market Assessment (SHMA), which is the vehicle from which an OAN is derived. The draft SHMA has identified an OAN figure of 454 dwellings per annum from 2013-2033. Whilst at an early stage of consultation it is clear that if this were to be the Council's housing target (which it is currently not) the Council would have a lower overall housing requirements and annual requirement and thus, in officers submission would achieve a 5 year supply. For the purposes of this application, at this time, I would suggest that Members note the absence of a 5 year supply based on delivery of currently adopted targets and weigh this very heavily in a planning balance.

Loss of Playing Fields

Spatial Policy 8 states that the provision of new and enhanced community and leisure facilities will be encouraged. The loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that the continued use is no longer feasible; sufficient alternative provision has been made and there is sufficient provision of such facilities in the area.

Sport England policy states that they will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies. One of these exceptions (E4), includes the playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility. Sport England recognises in their consultation response that the proposed scheme includes the replacement of c. 0.9Ha of existing pitch provision with a similar area that extends to a larger c. 1.1Ha, to include football, hockey and rugby (union) pitches. Amended plans were received 22.12.2014 incorporating a MUGA facility into the development (in place of a grass hockey pitch).

At present the grass hockey pitch is used by the school for school related hockey practice and matches. However, the proposed MUGA Type 5 surface would offer a more suitable surface for

hockey and would also be available to be used for a variety of other sports including among others football training, tennis and netball. Information submitted with the application states that *'the school are also looking to make the MUGA available for use by neighbouring primary schools that do not have a MUGA facility and will also offer the pitch to nearby hockey clubs such as Newark Hockey club, with the choice of surface having been derived from direct discussions with Hockey England'*.

Sport England remains concerned with regard the restrictions of the future use of the proposed playing field and MUGA due to the fact that it is not proposed that they would be lit at night. However, they raise no objection based upon the sporting benefits that the development would bring to the school and the community, subject to the use of the sports facilities being secured for use by the school and the community by a planning condition requiring a community use agreement. Sport England agrees that Bailey's field is not recognised as existing pitch stock as its use as a playing pitch was decommissioned over 15 years ago and as such; the development of it will not constitute a loss to the area that requires offsetting.

It is accepted that a replacement sports provision will be provided. Such provision should be conditioned such that it will secure community use. The applicants have made clear in negotiations that lighting of the provision will not be entertained. I concur with Sport England's views that this would potentially provide a facility which has greater value to the school and the wider community if an appropriate lighting had been achieved. However the desire to maximise community benefit from the facilities is a matter that needs to be carefully weighed against the issues relating to residential amenity given its proximity to dwellings. The proposal before the LPA for consideration must, in my view, carry less weight as a community benefit than lit provision. That does not mean however that the provision offered is unacceptable.

I am mindful of the conclusions of Sport England who have accepted that subject to a community use agreement and the resolution of outstanding amenity concerns, that the replacement playing field area would not result in the loss of a community facility as adequate compensatory mitigation is proposed. On balance, whilst the full community benefit of the replacement facility outside school hours will not be maximised due to the lack of provision of any lighting scheme (meaning the facility could only be used in daylight hours i.e. at weekends only by the community at certain times of the year) I must conclude especially in the absence of an objection for non-lit provision that a refusal for this reason alone would be difficult to sustain at appeal.

Housing Numbers, Density and Mix

Core Policy 3 states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need. The need to achieve a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities is also reflected in the NPPF. The Council has recently produced a Housing Market and Needs Assessment (2014) which makes clear that demand for smaller units is likely to increase and that the current market housing stock is dominated (80.3%) by 3+ bedroom properties. Evidence from the 2014 Housing Market and Needs Assessment also support the aims of this policy and indicates a need for 1 bed dwellings and a greater proportion of 2 and 3 bed dwellings. Indeed the Housing Market and Needs Assessment 2014 (which is an up to date evidence base) made clear that demand for smaller units is likely to increase and that this is set against market housing stock being dominated (80.3%) by 3+ bedroom properties.

The scheme as originally submitted proposed 80 units. However the type and mix of housing (as shown in the comparison table below) was heavily skewed towards detached 4 and 5 bed units with no on-site affordable housing delivery. This was of concern to Officers in that it would have failed to deliver an appropriate mix, leading to an unsustainable form of development.

After difficult and protracted negotiations, the developer has now amended the scheme in an attempt to improve the mix and overcome the concerns raised. The number of units has increased as a consequence of taking into account both the need to provide a better mix and the need for the scheme to remain viable (in the context of a reduction in developer contributions as detailed below). The amended scheme (which has been subject to a revised public consultation) now proposes 91 dwellings, with the mix as per the table below.

The table below compares the original and revised housing mix:

	Original Proposal No. of Market Dwellings Proposed	Original Proposal % Market Housing Proposed by Type	Revised Proposal No. of Market Dwellings Proposed	Revised Proposal % Market Housing Proposed by Type
1 bed terrace	-	-	5	5.4%
2 Bed Apartment	6	7.5	6	6.5%
2 bed semi	-	-	12	13.1%
3 bed semi	-	-	9	9.8%
3 bed detached	10	12.5	-	-
4 bed detached	32	40	30	32.9%
5 bed detached	32	40	29	31.8%
	80	100%	91	100%

As can be seen from the above table, the mix of units has improved with the introduction of smaller units and a reduction in the number of detached 4 and 5 bedroom units. Previously the scheme promoted was an almost entirely detached scheme (with the sole exception of apartment provision) whereas there is now the introduction of terrace and semi-detached dwellings. The revisions, in my view, address the concerns raised and I am now satisfied that the scheme does offer a more balanced mix in line with the needs of the area and national and local policy requirements.

The revised scheme represents a density of approaching 24 dwellings per hectare (when excluding the proposed sports pitch/school car park and access from the calculation). This is lower than the envisaged delivery suggested in the Core Strategy of 30 dwellings per hectare however this need not be fatal in itself subject to other considerations. Specifically there is a need on this site to provide adequate other land for sports provision and to deal with noise and amenity issues in terms of juxtaposition of uses in addition to consideration of the density and character of the adjacent housing development. Overall taking these matters into account I consider that the density and mix is now acceptable in line with CP3, the Housing Needs Survey and the NPPF.

Impact on Visual Amenity including the Character of the Area and Trees

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping with the effect of an application on the significance of a non-designated heritage asset taken into account in determining an application. Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Highfields School is within Highfields House, a large Victorian villa, set within landscaped grounds. The landscaped grounds associated with the House were not as large as the current school estate. Today the House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remained undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen on historic maps. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias lodge and is very much part of the character of this high status site.

Given that the majority of the proposed new housing is on land with no obvious landscape association with the House, the site could accommodate new housing in the areas shown without necessarily having an adverse impact upon the setting of Highfields House. The proposed car parking area is due to move from the front of the Hall (where it actually sits towards one side and is fairly low key in terms of impact) to the side elevation on the east. This is one of the most altered and degraded elevations of the site and as such the location of the proposed car park here would not be detrimental. Trees located to the east, south and west of the main school building would also screen views from public vantage points and mitigate visual impact. In light of amended plans received reducing the scale of the proposed apartment block from 3 storey to 2 storey, the Conservation Officer raises no objection to the proposal subject to conditions requiring design, tree protection and materials details.

The submitted Design and Access Statement advises that *'a strong emphasis on a cohesive high quality design has taken clues from the Victorian and Edwardian styles seen in the vicinity of the site. This has been embellished through the selection of materials, building details and form which include gable detailing with bargeboard overhangs, raked eaves, bay windows, fenestration treatments and styles'*.

Dwellings located to the south east of the site (The Glebe and The Woodwards) are very low density detached dwellings set in substantial gardens. Dwellings on the opposite side are predominately large semi-detached dwellings again with substantial gardens. Dwellings on Barnby Road are more mixed in nature and include a bungalow, a row of terraces and detached dwellings. As such, I do not consider the density of the proposed development to be out of character with the surrounding area. I also consider the design of the dwellings themselves are acceptable.

A Tree Protection Plan and Tree Report have been submitted with the application. The Tree Officer raises no objection to the proposed removal of trees identified subject to compliance with the

mitigation measures set out in the Tree Report and replacement tree planting (see full response in Consultations section above). The revised layout received 13.03.2015 has also been amended with regards to the location of the apartment block, which has been moved 1.5 / 2 metres northwest and so further away from trees T50 and T52 as recommended by the Tree Officer.

Overall, subject to conditions relating to tree protection, landscaping scheme, materials and boundary treatments it is considered that the proposed development would not harm the setting of Highfield House or the lodge and would be in keeping with the character of the area in accordance with the aims of the NPPF, Core Policy 9 and Policy DM5 of the DPD.

Impact on Highway Safety

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

A Transport Assessment (TA) has been submitted with the application which demonstrates that access to the site is safe and satisfactory. This concludes that the *'the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. It is, therefore, considered that the residual cumulative impact of the proposal will not be severe and, in accordance with Paragraph 32 of the NPPF, the development should not be prevented or refused on transport grounds'*. The proposed access is also considered to be adequate to serve both Highfields School. The County Highways Officer concurs with the results of the TA.

The central access road through the site would wrap around the rear of the main school building and link the dwellings and school car park to London Road. 64 school parking spaces and 267 residential car parking spaces including garages are proposed. Access to the school grounds at the front of the development would be controlled via a main set of gates. The school grounds would be fully enclosed to prevent shortcut access through to the rear of the residential development. The Highways Officer was keen to see a footpath here to encourage walking given the protracted access around the rear school building, however they have raised no objection to the proposal overall. This is subject to a Section 106 Agreement to include a contribution towards bus stop improvements and a lorry routing plan to ensure that extraneous traffic is kept out of Newark town centre (as included the Summary of Developer Contributions table below). As advised by the Highways Officer the emergency services have also been consulted and the Agent has confirmed that a response has been received from Nottinghamshire & City of Nottingham Fire which raises no notable issues. Planning conditions relating to access construction, visibility splays, set back of garage doors, white lining scheme and surfacing are also recommended.

I note that Network Rail raise no objection to the application albeit they have requested that consideration be given to railway improvements including cycle storage and car parking improvements at both Newark Castle and Northgate Station. I am not however convinced that these required improvements could be directly attributed to the development proposed and it is not therefore considered reasonable to secure such a provision/contribution in this instance.

NCC Highways Authority have confirmed that the amended Travel Plan (submitted 17.03.2015) is still acceptable taking into account the subsequent changes to housing numbers. It is not therefore considered that the proposed development would result in any parking or traffic problems subject to the approval of details reserved by condition in accordance with the requirements of Spatial Policy 7.

Impact on Flood Risk and Drainage

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

The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The submitted Flood Risk Assessment (FRA) also indicates that the site is at low risk from surface water flooding.

Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved. Equally the Environment Agency (EA) did not raise any objection subject to the imposition of conditions relating to floor levels, the removal of suspended solids from surface water run-off during construction works and the submission of a detailed surface water drainage scheme based on sustainable drainage principles to demonstrate that the surface water drainage systems are designed in accordance with SuDS standards. It should be noted that during the lifetime of the application NCC as Lead Flood Risk Authority has essentially taken over responsibility for managing flooding from local sources from the EA and have requested further information. I am satisfied that the further information requested can be required by condition.

Subject to appropriate conditions, it is not considered that the proposed development would unacceptably impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Extensive discussions and negotiation regarding the acceptability of proposed ecology mitigation measures have taken place between Notts Wildlife Trust and the Applicant. Toads currently use the site as a migratory route and grass snakes use the grassland for foraging. Mitigation is proposed in the form of enhancing the adjacent Local Wildlife Site and the creation of a school 'conservation' area within the school grounds to offset the loss of grassland, creating a native hedgerow across the proposed development site (a length of 315 metres would be planted to replace the 95 metres of hedgerow lost) and the creation of both a northern and southern wildlife corridor to enable both toads and reptiles to move through the site with less fragmentation.

Notts Wildlife Trust therefore raise no objection to the application subject to the provision of these mitigation measures. They have however noted the County's Ecologist's request for a more detailed bat activity survey to be undertaken to understand foraging behaviour and thus whether the levels of mitigation proposed are acceptable. Further Reptile and Amphibian Mitigation Strategies (Jan 2015 and April 2015), Bat Tree Inspection (Feb 2015) and further explanatory letters (by ECUS dated 3.2.15 and 18.3.15) were submitted by the Applicant in response to original concerns raised.

Further information provided latterly has comprised details of proposed mitigation following discussions with NWT and the County Ecologist which includes the retention of hedgerow, two wildlife corridors, dropped curbs and underpasses, off-site enhancements at the LWS and an additional wildlife area within the north-western corner of the school grounds. This additional information has addressed the County Ecologists initial concerns and subject to the development proceeding in line with the amendments and the mitigation measures put forward (to be secured by condition), there are no outstanding issues in this regard.

With respect to reptiles the two main areas of concern relate to the lack of appropriate physical mitigation (e.g. Regular crossing points) and maintenance. I consider the former issue can be controlled by a condition which explicitly seeks regular crossings being agreed as part of a wider mitigation strategy. The latter issue is one which Officers have also raised. The applicants are currently looking to provide this management and maintenance by a management company which can be secured as part of the S.106 Agreement.

With regards to toads, the County Ecologist originally stated that the magnitude of any impact on toads was not known as no proper survey has been carried out. However, they are satisfied that appropriate mitigation can be put in place subject to a fresh mitigation strategy being prepared, which has now come forward and is satisfactory.

Turning to bats it is accepted by ecologist advisors from both NCC and NWT that trees to be removed do not provide for roosting. However some concern remains regarding the lack of activity surveys for foraging. As set out in NCC Ecology comments above such surveys, whilst best practice are not required providing mitigation is both agreed and implemented early. A condition is recommended to this effect.

Future management and maintenance would need to be provided by an on-site management company (which would need to be secured by S.106 Agreement). Off-site mitigation includes mitigation proposed within the Local Wildlife Site and both the proposed school 'conservation' area and part of the southern wildlife corridor would be located outside of the red line boundary but within the school grounds. The Applicant has advised that a formal agreement is currently being drawn up with the owners of the LWS (Sustrans), consenting to the enhancement works.

Taking into account all ecological comments from consultees and interested parties, the additional information put forward by the applicant and subject to the imposition of conditions to secure appropriate mitigation, I consider that the proposal accords with Core Policy 12, DM5 and the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals

should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. There are several strands to amenity which are discussed by topic area below.

Noise/lighting issues relating to proposed MUGA/pitches/car park –

Sport England remains concerned that the usability of the playing fields will be severely limited due to it not being floodlit and given the proximity of residential dwellings and roadways. They have also identified that noise from the use of artificial grass pitches for Hockey can create noise problems. Although prospective residents that buy these plots will do so in the full knowledge that they will be living directly across from active pitches, a Noise Assessment was requested and subsequently submitted in support of the application which also deals with impacts upon existing neighbours. This concludes:

“Results from this assessment indicate that internal and external noise levels should typically comply with best practice guidance given in BS 8233:2014. A small exceedance of recommended internal noise levels has been predicted when windows in the most exposed plots are open for ventilation purposes. This small exceedance is considered acceptable, and somewhat unavoidable, given the requirement to improve sports pitch provision as part of the residential planning consent.”

It should also be noted that a concerned neighbour has also commissioned their own noise report, the findings of which generally concur with those contained within the Noise Report which accompanied the application.

Following comments raised by the Environmental Health Officer and Sport England, the submitted Noise Assessment has been further amended and plan revisions now include the addition of an acoustic fence in order to provide noise protection to No. 27 London Road, the nearest existing neighbour to the MUGA. This acoustic fence is shown to be provided near the source of the noise (i.e. within the compound of the MUGA) rather than adjacent to the noise receptor which is acceptable in terms of dealing with the noise, albeit I have some reservations regarding its appearance within an open area. Such concerns are not such to warrant refusal in an overall planning balance, especially given that the fence will not be visible in the wider public realm. For the avoidance of doubt the agent has clarified that this acoustic fence is likely to be a 2.4 m high ‘Jakoustic Plus Barrier’ which would adhere to the recommendations of the Noise Report. I am satisfied that the provision of this acoustic barrier could be controlled and secured through condition, which the Environment Health Officer has confirmed (verbally) would be an acceptable approach.

The proposed MUGA would include a 3–4 metre high twin bar boundary fence. Floodlights are not proposed and the Applicant advises that this is intentional in order to restrict use to daylight hours due to the proximity of the proposed dwellings. Whilst floodlighting would be desirable to maximise community benefit, this has to be balanced with potential impacts on amenity and any future lighting would need to be carefully designed to ensure no adverse amenity impact. It is therefore recommended that a condition be imposed to ensure that no flood lighting is erected without the prior approval of the LPA.

The Environmental Health Officer has also advised that the use of the MUGA and sports fields should be restricted to no earlier than 09.00 with a finish time of 20.00 on Mondays to Fridays and

17.00 at weekends and Bank/Public Holidays in the interests of residential amenity. The agent has confirmed agreement to these restrictions.

Sport England have also recommended that the goal back boards and pitch perimeter boards are designed to minimise noise from ball impact, a matter which I consider can be controlled through condition.

The proposed playing field/rugby pitch would be surrounded by a 1.5m high school boundary fence. Whilst the majority of the use of these pitches would be by primary school children (thereby limiting the distances and speeds balls and sporting equipment will be travelling), the applicant proposes a set of portable catch nets be put up (into prepared concrete sockets) to decrease the likelihood of stray balls. It is recommended that the details and use of the catch nets would be controlled by planning condition.

It is clear from the above that there will remain noise issues with some of the proposed units from the proposed MUGA in circumstances when windows are open. It is accepted that future occupants of the proposed dwellings would move into these properties with full knowledge of the proximity of the proposed MUGA and playing pitches. This does not in itself make such a situation acceptable albeit if taken alongside hours of use control, noise mitigation measures and importantly as part of a wider planning balance against the delivery of housing and sports provision I do not conclude that refusal on noise and disturbance is justified in this instance.

Loss of Privacy/Overbearing impacts -

A number of existing residential properties are located immediately to the north and south of the application site.

The separation gap between the rear/side of the proposed dwellings located off Barnby Road are considered to be sufficient so as not to give rise to any amenity issues. Grove Bungalow is the closest dwelling to the north of the site and there is a separation gap in excess of 20 metres proposed between the rear of this dwelling and the application site. The erection of two storey dwellings would increase overlooking towards the rear garden of this dwelling, however, I do not consider such levels would be unacceptable given the size of the garden and separation gaps proposed. I am also conscious that the owner of this property is one of the landowners of the application site (part of their existing garden forms part of the development site).

The boundary wall/fence of dwellings located along The Woodwards/Glebe Park/London Road form the southern edge of part of the application site. Due to the considerable size and separation distances between the majority of these dwellings, existing levels of overlooking are minimal. Thirteen dwellings (Plots 82-94) are proposed along the southern boundary. The rear garden of these dwellings vary between 6-10 metres in length (measured from the rear of any single storey projections) and with the positioning of the wildlife corridor in between, there would be a total separation gap of between 8-12 metres between the walled boundary and two storey rear elevations of the proposed dwellings. Whilst the majority of separation distances meet best practice guidelines (in addition to consideration of the numerous oblique angles present which restrict visibility), there are two elements of the proposed layout which are, in my view, on the cusp of acceptability. The issue is whether one or both of these issues would tip a balance to a refusal of planning permission; which is discussed further below.

Careful consideration has been given with regard to the relationships, in terms of both distances and height of the proposed dwellings from the immediate private amenity areas adjacent to the rear elevation of properties at No. 27 London Road, No.s 11a and 12 The Woodwards and No. 31 Glebe Park. The issue here is not a window to window relationship (on which there is extensive guidance/rules of thumb in making judgements) but rather the extent to which it is appropriate (in terms of numbers of windows, height of property, and distance) to allow a garden to be overlooked or rather be perceived to be overlooked. Essentially this is a matter of judgement. In accepting the principle of a site for residential development it must be accepted that housing could be sited to the rear of these units. However, it is clear that the scheme proposed would create a row of units that would rear aspect directly onto existing properties. Site cross sections showing marginal changes in levels and the separation distances between dwellings have now been provided to assist in making this judgement.

In the case of No. 27 London Road, the rear elevation of this dwelling immediately abuts the site boundary, albeit there are only high level roof lights that look north. However Plot 93 which would be sited due north of part of its garden, would be between 11-12m from the boundary. Therefore the new dwelling would have some ability to overlook part of the garden of No.27. That said, the garden for no. 27 is very substantial and the element of overlooking is a small part of its usable area overall. I consider that on this basis, this relationship is on balance acceptable.

Likewise, in the case of No.s 11a and 12 The Woodwards and No. 31 Glebe Park, Plots 84-88 would have the ability to overlook large parts of their garden areas. Again, these garden areas are considered to be substantial and thus a refusal on amenity grounds is difficult to conclude.

I note the distance from the proposed bedroom window within the rear elevation of plot 87 and the secondary bedroom window in the dwelling at 11a The Woodward is 16.07m (with the windows within the conservatory also clearly visible over the fenceline). As previously discussed at Committee this Authority does not have any rigid privacy distances that must be applied. However, many LPA's do work on a rule of thumb that a window to window relationship (on a level site) should secure 19-22m. In this case the window of 11a is secondary in nature, which arguably further reduces the weight one attaches to it. It is thus debatable as to the extent to which a privacy distance should be secured. My own view, bearing in mind the secondary nature of the window, is that 16.07m is pushing the limits of acceptability. However this needs to be considered alongside all other planning considerations.

The side elevation of Plot 82 is located 10 metres (at its closest point) to the rear/side elevation of No. 33 Glebe Park which contains a large bedroom window. The side elevation containing two bathroom windows are proposed in the side elevation of Plot 71 would directly face this window. Provided that these windows are obscure glazed and non-opening except over 1.7 metres above floor level it is not considered that this relationship would be unacceptable.

The separation between plots 84 and 83 north of No. 31 The Woodwards are c22m when considering only the two storey elements which I consider is acceptable.

Overall, the separation distance between windows on the proposed dwellings and windows/amenity space serving neighbouring dwellings to the south is not overly generous and in some cases I consider it is close to the minimum required to ensure an acceptable level of amenity is retained for these neighbouring properties. On balance, whilst on the cusp of acceptability, I consider the impact on the amenity of existing properties is satisfactory.

It is not proposed that the southern wildlife corridor would be planted with hedgerow. As such, is not envisaged that access points along the boundary wall would be permanently inhibited (albeit access rights into the application site are a civil matter between the relevant landowners in this instance).

Security Issues -

In relation to the concerns raised by the Police Architect, the Agent has responded as follows:

'In terms of the apartment block car park, I do not share the same concerns in relation to natural surveillance. The area proposed is quite open with wide ranging views from the main accessway, at a point in the layout that will have the highest volume of trips given it is adjacent to the main site access. As such, it will by definition enjoy natural supervision which is further strengthened by the natural surveillance afforded by the apartment block itself and the adjacent plots.'

With regards to the footpath, this is obviously necessitated by the need to provide a link to the adjacent POS on Barnby Road. The detail of the footpath is expected to be dealt with by way of condition and is to be designed to allow persons with prams/pushchairs or two persons on mobility scooters to pass each other.'

I concur with these views and do not consider that the design of proposal would give rise to any material security concerns.

The Police Architect and neighbours have also raised concerns over security of the school car park. This car park is essentially a replacement of the existing school car park albeit in a different location. It is not considered that the security issues associated with the car park would be materially different from those experienced by the car park in its existing location. In addition, the Agent has confirmed that this car park would have a barrier at its entrances (controlled by Mincom) to restrict access out of school and community use hours. In relation to concerns raised in relation to boundary treatments and the car park, it is recommended that a condition be imposed to ensure that further details are provided.

Summary -

Having carefully assessed the scheme I am satisfied that whilst on the cusp of acceptability with regards to separation distances and noise impacts, subject to conditions, the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwellings or dwellings adjacent to the application site and is in accordance with Policy DM5 of the DPD.

Impact on Archaeology

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

An Archaeological Evaluation Report has been submitted with the application. This confirms that 14 trenches were excavated on site with archaeology found in the majority of the evaluation trenches excavated, mostly dating late Iron Age/Romano-British. The County Archaeology Officer raises no objection to the application as the finds do not preclude development subject to a

condition requiring a scheme of archaeological investigation to be designed and thereafter appropriately implemented. An Archaeological Mitigation Strategy has subsequently been submitted and County comments on the acceptability of this are currently outstanding. Subject to conditions the proposal is therefore considered to raise no issues under Core Policy 14 and Policy DM9.

Viability of Development and Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth.

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

In this case there have been on-going negotiations with regard to viability. The applicants starting position was not to provide any on-site affordable housing (or the full financial housing contribution in lieu of) on the basis that the 30% level would render the development economically unviable. The Applicant undertook an initial viability appraisal. This concluded that in order to make the application viable, the scheme was not capable of providing 30% affordable housing and that a maximum financial contribution of £624,246 towards both CIL and S.106 contributions could be afforded (which in this case would not cover the full CIL costs which is a none negotiable element in any event). This maximum financial contribution of £624,246 was made predicated on the basis on the application being recommended for approval and being presented to an early Planning Committee for determination.

An independent viability assessment of the overall site was therefore been undertaken by the Council. As part of this process, the abnormal costs associated with the development and land values were challenged and independent cost surveyors were appointed by the Council. The abnormal costs initially submitted by the Applicant amounted to £2,781,927 with major costs attributed to services, drainage and archaeology. For example, it has been identified by the utility providers that the water and electrical infrastructure is insufficient to service the site, costs for reinforcement of the water and electrical mains along with the construction of a new substation required. Soakaways are also proposed for both plot and highways drainage as a way of incorporating SuDS features into the site as there is no SW sewer in the vicinity of the site to connect into which require increased land levels of approximately 700mm across the site.

Whilst some savings were identified by the independent cost surveyors, the results largely concurred with the applicant's surveyor that there were some very significant abnormal costs including:-

Archaeological Excavation and Investigation	£217,723
Site Landscaping, provision of sports pitches, fencing, parking	£255,000
Storm and Foul Drainage	£339,235
Services inc. water/electricity mains reinforcement, sub station	£144,950
Raising of foundations and roads for Drainage solution	£595,024

The total negotiated abnormal cost allowance is £1,950,000.

In March 2015 (prior to the amendment of the application to increase the number of units proposed overall), based on reduced abnormal costs and a more realistic land value, the independent viability appraisal concluded that the proposal was capable of providing partial provision of affordable housing and the full S.106 contributions (in addition to CIL). The Applicant had agreed to contribute £840,587 towards affordable housing and S.106 contributions (in addition to the full CIL costs). This figure had been accepted and is considered to be in full accordance with the outcome of the independent viability assessment.

However in direct response to the concerns raised by Officers regarding the inadequate housing mix, the scheme was amended and a revised viability assessment was undertaken and submitted on 27.04.2014. At this time the Applicant once again presented a case that the scheme was economically unviable and changes to the BCIS index in part (out of date figure had previously been used), upon which their costings were based, impacted even more detrimentally upon viability. This revised viability appraisal has been independently assessed and the expert view is that the development could not deliver the policy target of 30% provision of affordable housing. Even with no affordable housing the development demonstrates a negative viability based on standard profit return of 20% on Gross Development Value. A development with all the required developer contributions and CIL added would render the scheme unviable.

The Applicant now agreed to contribute £235,219 towards S.106 contributions on 26.05.2015 (in addition to the full CIL costs). This figure was accepted and is considered to be in accordance with the outcome of the independent viability assessment.

The policy starting point for developer contributions is set out below together with details of the developer offer previously presented and that now being promoted. It is important to note that the developer is seeking to offer a range of options in terms of how contributions could be split within a ceiling of their overall financial offer.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure in the first instance the provision of 30% on site affordable housing where the thresholds are met. In this case the Council's Housing officers have confirmed that they would expect that this site will achieve 30% affordable housing. Based on 91 dwellings this would amount to 27 affordable homes. Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership).

The applicant initially sought not to provide any on-site affordable housing nor the full affordable housing contributions on the basis that the level of contribution proposed would be unviable. Whilst a partial contribution (equating to 15% off site affordable housing provision) was later offered in March 2015, this offer has subsequently been withdrawn in light of the revised viability appraisal which has subsequently been accepted by the Council's independent viability expert.

I am mindful of the views of the Housing Officer who remains concerned that this would represent a shortfall in the policy requirement to the detriment of local affordable housing needs. However I am also mindful of Paragraph 176 of the NPPF which states that to make a development acceptable the options for keeping costs to a minimum should be fully explored so that development is not inhibited unnecessarily. Planning Practice Guidance states that where the viability of a development is in question, local planning authorities should look to be as flexible in

applying policy requirements wherever possible. Specifically in relation to affordable housing, the guidance also states that local planning authorities should be flexible in their requirements particularly when it does not relate to essential site specific items required to make a development acceptable in planning terms. Where affordable housing contributions are being sought, obligations should not prevent development from going forward.

Overall, the proposal falls short of the policy requirement to secure affordable housing provision. However the applicant, as they are entitled to do, has proven to the satisfaction of our independent advisor that not all contributions can be provided. It is for Members to ultimately weight (assuming the viability is agreed) the priorities for this site. It is my view in accepting viability considerations that nil affordable housing, whilst disappointing, is acceptable subject to other contributions detailed below being secured. This will ensure that development is not inhibited and will assist the delivery of a housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Community Facilities

The SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1181.25 per dwelling to be sought. Based on the original 80 dwellings, a contribution was required of £94,500 plus indexation (to 2013) which was initially part of the offer. The revised scheme of 91 dwellings would equate to a community facilities contribution of £107,493.75 plus indexation. The community facility contribution would have been used to support appropriate community projects in Balderton. However the revised viability appraisal indicates that scheme cannot support this contribution and the scheme falls short in this regard.

Education

Paragraph 72 of the NPPF states that *"the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement..."*

Nottinghamshire Country Council have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the need for primary places arising from the proposed development.

Based on the initial scheme an additional 17 primary places would be required and the LEA sought a contribution of £194,735 (17 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

The revised scheme would generate 19 additional primary school places which requires a developer contribution of £217,645. This offer has been met in full and in this regard the proposal accords with Policy DM3, the SPD and the NPPF subject to securing the funds through a S.106 Agreement.

Highways/Integrated Transport

In accordance with the SPD, the Highways Officer has confirmed that they require £13,400 towards the provision of a real time display and bus stop clearway at bus stops NS0446 and

NS0779 The Woodward (London Road). Both the original and revised offer allows for this payment and it is recommended that this full amount be secured as part of the S.106 Agreement in accordance with the requirements of the SPD.

Health

For developments of 65 dwellings or more that increase the strain of the health service, DM3 and the SPD allow for contributions to be sought (£950 per dwelling) where there is an identified need in the locality. However in this case, no response has been received from NHS England to justify any such request and consequently no provision is being sought.

Open Space

In accordance with the requirements of the SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the proposed plans include an area of amenity space adjacent to the proposed apartment block totaling 1,155m². The total open space provision was originally in excess of that required by the Council's Developer Contributions SPD (at 1,152m²) but with the additional dwellings included there is now a shortfall of 155.4m².

The SPD also requires all residents to live within 300m of an area of between 0.2Ha and 1Ha in size of natural or semi-natural green space. Approximately 50% of the dwellings would not be within 300 metres of the proposed area of green space and the proposal is not therefore considered to comply with the requirements of the SPD in this respect. A footpath link to Barnby Road is proposed which would provide closer access to the Barnby Road Community Park and LEAP play area (albeit this would also be more than 300 metres away).

None of the open space shown is specifically designed as children and young people's playing space and it would ordinarily be considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children's playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at (£903.22 per dwelling) plus £1004.50 per dwelling towards maintenance costs that would need to be agreed as part of any legal agreement. Originally this would have equated to a total contribution of £152,617.60 which was being met, but the revised scheme which would require a contribution of £173,602.52 cannot be afforded and the proposal is deficient in this regard.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need.

At an average of 2.4 persons per dwelling, originally this would have added 218 to the existing library's catchment area population. The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a standard stock figure of 1,532 items per 1,000 population. The County Council therefore originally sought a developer contribution for the additional stock that would be required to meet the needs of the 218 population that would be occupying the new dwellings. This was costed at £3,677 plus indexation. This figure has been revised given the revised scheme of 91 dwellings and the contribution now payable is £4,174 which forms part of the revised offer from the developer.

Summary of Developer Contributions and Conclusions on Viability

A summary of developer contributions/S.106 requirements in the table below. This summary is based on an option presented by the applicant and which reflects the Officer judgement as to the most appropriate contributions to secure against a backdrop of viability issues:

CONTRIBUTION	ORIGINAL AMOUNT OFFERED/DETAIL REQUIRED MARCH 2015 BASED ON 80 UNITS	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 91 UNITS	REVISED AMOUNT CURRENT COMMUTED SUM OFFER/DETAIL REQUIRED MAY 2015 BASED ON 91 UNITS* alternative options for proportionate split below
Affordable Housing	£381,658 off site affordable housing contribution which equates to the provision of 11.9 dwellings at £32,000 each (15% provision out of the 80 unit scheme overall).	30% on-site provision or £864,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district).	0% on-site provision and £0 financial contribution in lieu of.
Children's Play Area	The provision for children and young people is required at (£903.22 per dwelling) plus £1004.50 per dwelling towards maintenance costs = £152,617.60	The provision for children and young people is required at (£903.22 per dwelling) plus £1004.50 per dwelling towards maintenance costs = £173,602.52	No provision either on-site or by a financial contribution.
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £13,400	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £13,400	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £13,400
Education	£194,735 to provide 17 additional primary places (at £11,455 per place)	£217,645 to provide 19 additional primary places (at £11,455 per place)	£217,645 to provide 19 additional primary places (at £11,455 per place)
Community Facilities	£1,181.25 per dwelling = £94,500 plus indexation.	£1,181.25 per dwelling = £107,493.75 plus indexation.	No provision either on-site or by a financial contribution
Libraries	£3,677 plus indexation.	£4,174 plus indexation.	£4,174 plus indexation.
Off-site ecology mitigation on third party land	To secure provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the updated	See first column for requirement.	See first column for requirement.

	Reptile and Amphibian Mitigation Strategy (April 2015 by ECUS) which cannot be controlled by condition. Enhancement works should be completed prior to construction works commencing to allow habitat for any reptiles displaced during the construction works.		
Maintenance of on-site and off-site open space, ecology corridors and enhancement areas	<p>Maintenance of on-site open space and ecology corridors by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include:</p> <ul style="list-style-type: none"> a) description and evaluation of the features and species to be managed; b) ecological trends and constraints on site that may influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions; f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) personnel responsible for the implementation of the plan; h) monitoring and remedial/contingency measures triggered by monitoring. 	See first column for requirement.	See first column for requirement.
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement.	See first column for requirement.
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement.	See first column for requirement.
TOTAL	<p>£381,658 (off site affordable housing contribution) + £458,929.40 (all other financial S.106 contributions) = £840,587.40.</p> <p>(plus CIL)</p>	<p>30% on site affordable housing provision and £516,315 of developer contributions.</p> <p>(plus CIL)</p>	<p>No affordable housing provision and £235,219 of developer contributions.</p> <p>(plus CIL)</p>

--	--	--	--

The revised scheme comprises a developer offer of £235,219 towards developer contributions as detailed in the table above. It should be noted that the developer’s position is still that the scheme is unviable but they are willing to take a c1% reduction to their profit margin in order to move the scheme forward. The viability assessment which accompanied this revised offer has been appraised by a Council appointed consultant who has concluded that they agree with the figures presented. The offer made is therefore considered reasonable and appropriate in order to enable the scheme to go ahead.

Aside from affordable housing which is considered in detail above, the two other contributions which are not being met in full by this proposal relate to community facilities and public open space in the form of natural/semi-natural green space, amenity space (small shortfall) and children’s and young person’s play space.

I am mindful that there is only a small shortfall of amenity space associated with the development which I do not consider to be fatal to the scheme. Whilst the provision of children’s and young person’s play space and a financial contribution towards community facilities would have been the optimum, I do give some weight to the fact that there would be some community benefit from the provision of the MUGA. Furthermore given the viability issues have been satisfactorily demonstrated, I do not consider that these matters are so important as to prevent the development from coming forward. Overall, whilst the proposal falls short of the policy requirements, I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council’s five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

For the avoidance of doubt the applicant has presented alternative ways in which the S106 contributions could be split depending on Members priorities. These are detailed below:

Contribution	Existing Offer	Alt. Offer 1	Alt. Offer 2	Alt Offer 3
Highways/ Integrated Transport	£13,400	£13,400	£0	£0
Education	£217,645	£95,995.88	£0	£0
Libraries	£4,174	£1,841.01	£0	£0
Children's Play Area	£0	£76,570.23	£145,269.13	£0
Community Facilities	£0	£47,411.88	£89,949.87	£0
Affordable Housing	£0	£0	£0	£235,219
Total	£235,219	£235,219	£235,219	£235,219

Conclusion and Planning Balance

As a site located within Newark Urban Area, the principle of residential development on this site is considered acceptable. Equally the delivery of housing is a significant material planning consideration as is the contribution this site would make towards the Council's five year housing supply shortfall in accordance with the requirements of the NPPF and NPPG. Viability arguments have been tested and whilst not offering the full level of contributions normally expected, independent viability and QS advice has indicated that the offer negotiated is reasonable and the best that can be achieved at the time of determination. It is equally accepted that some community facilities will be secured (albeit the weighting attached to this would clearly be greater if lighting and thus year round provision were secured).

The application is not considered to result in any adverse impact upon highway safety, flood risk or drainage, archaeology or visual amenity subject to conditions. There are, however, a number of issues associated with this application which are considered to be more finely balanced. The site is tightly constrained and there have been considerable difficulties in getting a scheme to work because of competing issues such as securing adequate compensation for the loss of the school sports field yet also not achieving a scheme that would not impact to an unacceptable degree upon the amenity of both existing and proposed dwellings.

The number and mix of units has been amended during the course of the application such that it has now provided a more satisfactory mix of dwellings on site. Some privacy/distance relationships in terms of residential amenity are also considered to be on the cusp of acceptability. The amenity of residents in relation to noise has largely been addressed but would result in the provision of an acoustic fence which is unlikely to be visually pleasing. A fully satisfactory ecology mitigation plan has now been submitted to the satisfaction of ecology colleagues.

Consideration has been given to all comments from neighbours, interested parties and consultees. On balance I consider that the Applicant has done enough in each area to persuade me that the recommendation should be an approval. Subject to the controls mentioned within the body of this report, the requested conditions from consultees and a S106 Agreement being executed to secure the heads of terms within the table above, I consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations.

RECOMMENDATION

That full planning permission is granted subject to:

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to secure the heads of terms set out in the table contained within the Summary Developer Contributions section above.**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

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

BB.211713.101 Rev U Planning Layout
BB.211713.LOCB Site Location Plan Scale 1:2500
BB.211713.100D Housetype Plans and Elevations Pack
BB.211713.120 Fenwick Elevations
BB.211713.121 Fenwick Plans
BB.211713.132B Tetbury Elevations
BB.211713.133 Tetbury Plans
BB.211713.134B Durham Elevations
BB.211713.135 Durham Plans
BB.211713.138B Kirkham elevations
BB.211713.139 Kirkham Plans
BB.211713.140B Langham Elevations
BB.211713.141 Langham Plans
BB.211713.142B Oakham Elevations
BB.211713.143 Oakham Plans
BB.211713.146C Hartlebury Elevations
BB.211713.147C Hartlebury Plans
BB.211713.160A Cotham Elevations
BB.211713.161 Cotham Plans
BB.211713.162A Cotham Alt – Elevations
BB.211713.163 Cotham Alt Plans
BB.211713.164B Hartlebury Alt Elevations
BB.211713.165B Hartlebury Alt Plans
BB.211713.166B Kilmington Elevations
BB.211713.167B Kilmington Plans
BB.211713.170 Kilmington Semi Elevations
BB.211713.171 Kilmington Semi Plans
BB.211713.172 Coleford Semi Elevations
BB.211713.173 Coleford Semi Plans
BB.211713.148 Rev C Apartments - planning elevation – South East (Front)
BB.211713.149 Rev C Apartments - planning elevation – South West
BB.211713.150 Rev C Apartments - planning elevation – North West
BB.211713.151 Rev C Apartments - planning elevation – North East
BB.211713.152 Rev A Apartments - planning plans
BB.211713.153 Rev B Apartments - planning plans
BB.211713.168 Norbury elevations
BB.211713.169 Norbury – planning plans
BB.211713.155A Garage Single
BB.211713.156 Garage Double
BB.211713.158 Garage Quad
BB.211713.105A Plot Separation Distances
Tree Survey Report (by ECUS V09 March 2015)
L4630_01C Tree Survey Plan
L4630_02C Tree Constraints Plan
L4630_03E Tree Protection Plan
BB.211713.103 (MUGA Proposals)

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

Within three months of the commencement of development, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. A copy of the completed approved agreement shall be submitted to the Local Planning Authority prior to the occupation of any dwellings. The agreement shall describe facilities forming part of the development and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with the requirements of Sport England and Spatial Policy 8 of the Core Strategy.

04

The replacement sports pitches (including the MUGA) shown on drawing BB.211713.101 Rev U and detailed on drawing BB.211713.103 shall be provided on site and be made available for use prior to first residential occupation of the dwellings hereby approved and shall thereafter be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate and adequate compensatory sports pitch provision is provided in a timely manner in order to comply with SP8 and Sports England guidance, a material consideration.

05

Within six months of the commencement of development, a scheme for the provision of external lighting for the public realm has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development.

Reason: To safeguard the amenity of the area and in the interests of biodiversity in accordance with Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

06

The archaeological site work shall be undertaken in full accordance with the written scheme of archaeological investigation (Archaeological Mitigation Strategy by Pre-Construct Archaeological Services Ltd February 2015). No variation shall take place without prior written consent of the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Core Policy 14 and Policy DM9 of the DPD.

07

Notwithstanding the submitted details, no development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

08

No development shall be commenced until an implementation and phasing programme for the delivery of the mitigation measures set out in the updated Reptile and Amphibian Mitigation Strategy (April 2015 by ECUS Environmental Consultants) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of timescales for the submission of an outcome and findings report following the full implementation of the Reptile and Amphibian Mitigation Strategy and include details of the number of amphibians and reptiles encountered during the clearance works.

All works should then proceed in accordance with the approved Strategy and programme unless otherwise agreed in writing, by the Local Planning Authority.

The mitigation measures shall be fully implemented prior to occupation of any dwellings on site unless otherwise agreed in writing, by the local planning authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

09

The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out Ecological Report (Ecus Ltd, 2014), the Further Survey Report (Ecus Ltd, 2014) in relation to badgers, bats, birds and hedgehogs. For the avoidance of doubt, this shall include:

- The use of general construction safeguards, including good working methods to protect badgers and other mammals;
- Ground clearance works should be undertaken under the supervision of an Ecologist.

The mitigation measure shall be fully implemented prior to occupation of any dwellings on site and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

10

No building on site shall be occupied until details of bat and bird boxes and/or bricks have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks shall then be installed, prior to occupation of the dwellings hereby approved, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

11

Notwithstanding the submitted Tree Survey Report (by ECUS March 2015), prior to the commencement of the development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting indicated as to be retained and future management thereof shall be submitted to and be approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerows and trees (which are shown on the Planning Layout as being retained) and include identification of trees within a group which need to be removed or pruned. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity and visual amenity of the site in accordance with the aims of Core Policy 12 and 13 of the Newark and Sherwood Core Strategy (2011) of the DPD.

12

Any clearance works of vegetation or trees on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any located nests must then be identified and left undisturbed until the young have left the nest.

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

13

Notwithstanding the details submitted on the approved plans, within three months of the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- an implementation and phasing programme;
- details of existing trees and hedgerows, which are to be retained;
- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs, hedgerow and other plants, noting species, plant sizes, proposed numbers and

densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

- proposed finished ground levels or contours;
- means of enclosure;
- access control barriers;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

For the avoidance of doubt, hedgerow planting shall be undertaken in accordance with the Wildlife Corridors and Planting section of the updated Reptile and Amphibian Mitigation Strategy (April 2015 by ECUS Environmental Consultants).

Reason: In the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

14

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

15

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

16

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9.

17

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 2629/FRA v1.3 prepared by Weetwood Services Ltd in June 2014 and the following mitigation measure detailed within the FRA:

- Internal finished floor levels shall be set no lower than 200mm adjacent external ground levels.

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of the NPPF and the requirements of Core Policy 9.

18

Notwithstanding the submitted details, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the Greenfield runoff rates for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of the NPPF and the requirements of Core Policy 9.

19

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution during the construction phase in accordance with the aims of the NPPF and the requirements of Core Policy 9.

20

The access road off London Road hereby approved shall be laid out in accordance with drawing BB.211713.101.U and constructed in accordance with details to be first submitted and agreed in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of Highway safety and to ensure the access roads are constructed to adoptable standards in accordance with Spatial policy 7 and Policy DM5 of the DPD.

21

Areas within highway forward visibility splays around bends should be kept clear of any obstruction above 0.25 metres.

Reason: In the interests of highway safety in accordance with Spatial policy 7 and Policy DM5 of the DPD.

22

Garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To avoid vehicles overhanging the footway to the detriment of pedestrian safety in accordance with Spatial policy 7 and Policy DM5 of the DPD.

23

No part of the development hereby permitted shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Spatial policy 7 and Policy DM5 of the DPD.

24

No dwelling as part of the development hereby approved shall be occupied until its associated driveway has been surfaced in a hard bound material for a minimum distance of 2 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in accordance with Spatial policy 7 and Policy DM5 of the DPD.

25

The dwellings hereby approved shall not be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt, the timber fence indicated along the boundary of the site with London Road is not approved as part of this permission.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

26

Notwithstanding the submitted details, prior to the playing fields or MUGA being first brought into use the following details including design, height, treatment and colour of the boundary treatment and mitigation measures to reduce impacts shall first be submitted to and agreed in writing by the Local Planning Authority:

- details of all the boundary treatments enclosing the sports pitches/MUGA including types, height, design and materials;
- details of goal back boards and pitch perimeter boards designed to minimise noise from ball impact;
- acoustic fencing;
- details of ball catch fencing and/or nets.

The approved details shall be implemented prior to the first use of the pitches and MUGA and shall thereafter be retained in full unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

27

The MUGA and playing pitches hereby permitted shall not be floodlit or illuminated in any way, unless express planning permission has first been granted by the local planning authority.

Reason: In the interest of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

28

The sports pitches and MUGA on site shall only be used during the following hours:
0900 to 2000 on Mondays to Fridays inclusive
09.00 to 17.00 at weekends and bank/public holidays
and at no other times unless specifically approved by a separate planning permission.

Reason: In order to protect occupiers of nearby residential dwellings from unacceptable levels of noise in the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

29

Notwithstanding the submitted details, no development shall be started until full details (and samples as required) of the colour and type of all facing materials to be used for the residential units have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Core Policy 9 of the Newark and Sherwood Core Strategy DPD (2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

30

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development to Plot numbers 18, 21-22, 33, 35, 41-42, 48-50, 53-55, 64, 67, 69, 73, 75 and 82-94 under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: Additions etc to the roof of a dwellinghouse.

Class C: Other alterations to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in order to safeguard the amenity of neighbours and/or in the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

31

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development in respect of:

Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Unless consent has firstly be granted in the form of a separate planning permission.

For the avoidance of doubt, this relates to the whole site and all plots.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in order to safeguard the amenity of neighbours and/or in the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

32

No development shall be commenced in respect of the apartment block and plots 1-6, 10-18, 21-22, 33-35 and 44-48 in relation to the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity and in order to safeguard the special architectural or historical appearance of the main school building and lodge in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

33

The development shall be implemented in accordance with the approved Travel Plan (by Bryan G Hall Dated March 2015) unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel in accordance with the aims of the NPPF and Spatial Policy 7 of the Core Strategy.

34

The first floor window openings on the south facing first floor side elevation of Plot 82 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with Policy DM5 of the DPD.

Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised

03

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

04

Nottinghamshire County Council (Highways Authority) advise that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act or commission the County Council to carry out the work on your behalf. Please contact David Albans tel. 01623 520735 david.albans@nottscc.gov.uk for further details.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

05

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued.

			A	B	C	
Dev Types	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
Residential (C3)	13194.6	0	13194.6	£45	248	£669,326.07

CIL CHARGE = $\frac{\text{CIL Rate (B)} \times \text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)}}{220}$

(BCIS Tender Price Index at Date of Charging Schedule)

06

Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org

07

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc. rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

08

The applicant's attention is drawn to the advisory comments made by Network Rail in response to this application.

09

The applicant is advised that badgers are a protected species under the Protection of Badgers Act 1992. Any works carried out or interference in the area of a sett used by badgers or where the works or interference causes death or injury to the protected animal are illegal. For further information contact Natural England on:

Tel: 0115 929 1191

Email: eastmidlands@naturalengland.org.uk

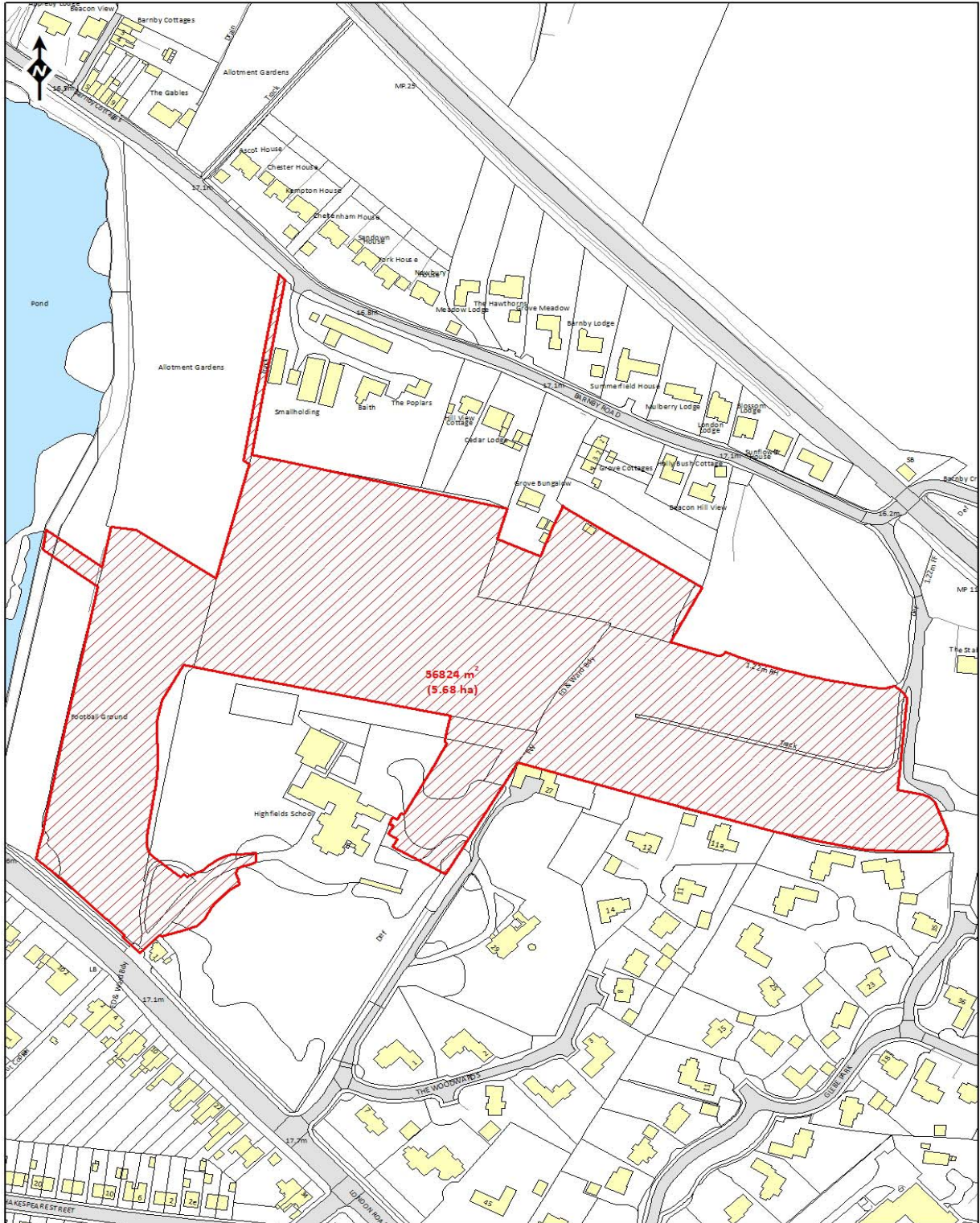
BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

K Cole
Deputy Chief Executive

Committee Plan - 14/01964/FULM



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	14/02023/FULM
Proposal:	Development of 34 self-catering holiday units, a 25-bed Inn building, Watersports building, Storehouse and Outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. Re-routing a public right of way.
Location:	Kilvington, Nottinghamshire, NG13 9PD
Applicant:	Bailly RBS and S & K Chan SIPPS
Registered:	09.01.2015 Target Date: 10.04.2015
	Extension of Time Agreed until 10.07.2015

The Site

The site is located within the open countryside close to the village of Kilvington. The site was previously mined for gypsum by open cast methods. Mining at this site ceased in 2006. The site is centred around a number of lakes. These lakes are of biological value and the site has been designated as a SINC (Site of Important Nature Conservation). Much of the land around the lakes has now been restored and is in use as agricultural land, woodland or grassland.

There are a number of public footpaths running through the site as well as a section of dismantled railway line which is now a noted wildlife corridor and has retained rights for use by Sustrans (Sustainable Transport.) Parts of the site (the lakes) are located within flood zone 3 with the areas immediately surrounding them within flood zones 2.

There are some existing buildings on the site, mostly centred around Glebe Farm. These include the farm house itself as well as various agricultural buildings, all of which are derelict. A further dwelling on the site Meadow Lea has now been demolished.

The Council's Landscape Character Assessment identifies the area as lying within the South Nottinghamshire Farmlands Policy Zone 03 'Alverton Village Farmlands'.

The site abuts the district boundary with the borough of Rushcliffe but the entire site itself is located within the district of Newark and Sherwood.

There are some residential properties close to the site, including within the villages of Kilvington and Alverton. The listed church in Staunton on the Vale is visible from the site. The C3 (Newark Road / Alverton Road) classified road abuts the eastern boundary of the site. The site is currently served by seven existing entrances from the surrounding public highways.

Relevant Planning History

1682309 24.06.1982 Decision by County Council Approve. 500 tonne gypsum silo.

1679777 18.08.1982 Decision by County Council Approve. Extension of gypsum workings.

1682824 05.11.1982 Decision by County Council Approve. 200 tonne gypsum silo.

01/00452/CMM 15.10.2001 Decision by County Council Approve. Variation of condition 2 of permission CMA/970802 and condition 11 of permission CMA/991200 for phasing of extraction and relocation of fixed plant

01/01950/CMM 16.06.2003 Decision by County Council Approve. Extraction of Gypsum from beneath the railway line and restoration.

04/01210/CMM 27.05.2004 No Objection. Restoration details in respect of condition 52 of planning permission 01/00452/CMM.

05/02812/CMM 31.03.2009 Decision by County Council Approve. Variation of condition 3 of planning permission 01/01950/CMM for an extension of time.

05/02813/CMA 30.03.2009 Decision by County Council Approve. Variation of condition 3 of planning permission 01/00452 for an extension of time

10/01728/FUL 04.02.2011 Application Permitted. Demolition of existing vacant dwelling (authorised use) and erect replacement dwelling. (Resubmission) (Meadow Lea).

12/00057/FUL 20.03.2012 Application Permitted. Erection of a replacement dwelling. (Glebe Farm).

12/00852/CMA 23.01.2013 Decision by County Council Approve. Variation of condition 51 of planning permission 3/05/02813/CMA.

14/SCR/00045 01.10.2014 Environmental Impact Assessment (EIA) not required. Holiday units, inn building, water sports building, trails, footpaths and solar farm.

The Proposal

The proposal seeks full planning permission for a development of 34 self-catering holiday units, a 25-bed Inn building, watersports building, storehouse and outfitters, a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. The application also involves the re-routing a public right of way. The proposed holiday use would be open all year round.

Inn Building

A 25 bedroom inn building is proposed to be built on the existing site of Glebe Farm. The buildings at Glebe Farm would be demolished to make way for the new inn building. The inn has a novel operational concept which allows bedrooms to be reconfigured in order to create flexible apartments of varying sizes. The maximum occupancy level of the inn building is 50 people. A small café is proposed at the inn development, which would be open to overnight guests as well as daytime visitors including local residents. A small swimming pool is planned, open to paying guests as well as for use by the local community. At the rear of the inn and in a separate building there is a small conference space which would accommodate up to 50 attendees.

The building is of a contemporary design. It has a curved roof giving a single storey scale when viewed from the roadside and is clearly two-storey within the site facing the lake. Materials proposed are timber cladding, large sections of glazing and a grass roof.

Lodges

34 holiday lodges are proposed to be situated around the north east and western sides of the largest lake (Lake 1).

The mix of beds is as follows:-

13 x 2 Beds

12 x 3 Beds

6 x 4 Beds

3 x 6 Beds

This gives a maximum occupancy level of 208 people.

The lodges are predominantly single storey, with some one-and-a-half storey lodges proposed. Materials proposed are timber cladding, glazing and grass roofs.

Water Sports Building

The water sports facility building is proposed to be situated at the southern end of the most eastern lake (Lake 2). It is proposed that Lake 2 will offer water-based activities. Facilities at the building include changing rooms, a boat and equipment store, changing rooms, a conference room and a café.

The building has been designed to cater for maximum user groups of up to 30. The building is to be of inclusive design with easy access to the first floor via an accessible ramp as well as providing an internal lift. Disabled changing rooms are also proposed.

Materials proposed are gabions, timber cladding, glazing and a grass roof.

Existing Lakes

The development is located around three existing lakes. The largest of the lakes (Lake 1) will be retained and enhanced to feature solely as a wildlife reserve. Lake 2 will be designated as a water sports lakes for non-motorised crafts (other than the necessary safety crafts). Lake 3 will be designated as a 'family lake' with picnic areas and play areas around.

Other Proposals

There would be areas of formal landscaping to help screen car parking and paths to access the units. Other areas would be left to regenerate further with sensitive planting schemes implemented to add to the screening and green infrastructure of the site. The area to the east of the site in particular will be largely undeveloped, in the interests of nature conservation.

It is proposed to divert part of Alverton and Kilvington public footpath FP3 from the route alongside the C3 to a line running in a more or less northerly direction to meet the lakeside

footpath. Other public rights of way through the site will remain unaffected by the development. Private footways are also proposed within the development which will also be made available to local residents.

Departure/Public Advertisement Procedure

102 neighbours have been notified directly by letter. A site notice has been posted and an advertisement placed in the local press.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Spatial Policy 9 – Selecting Appropriate Sites for Allocation
Core Policy 6 – Shaping our Employment Profile
Core Policy 7 – Tourism Development
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations and Development Management Document DPD (adopted July 2013)

Policy DM4 – Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Please Note: All policies listed above can be found in full on the Council's website.

Other Material Considerations

National Planning Policy Framework
Planning Practice Guidance
Newark and Sherwood District Council Landscape Character Assessment

Consultations

Alverton and Kilvington Parish Meeting;- Object on the grounds of;-

1. The scale of proposed development will completely dominate the two small villages of Alverton and Kilvington and is therefore wholly inappropriate.
2. The proposed development is not in the main built-up area of the village, plus Kilvington and Alverton do not have local services, or provide suitable access.
3. The proposed development is a ribbon development and contravenes Government Planning Policy Statement 21 and N&SDC Spatial Policy 3.
4. The proposed development contravenes Spatial Policy 3 because it will have a detrimental impact on the character of the location and its landscape setting.
5. The development will have detrimental impacts on the amenity of local residents, thus impacting negatively on their lives (including highway safety).
6. The proposed Water Sports Centre contravenes Spatial Policy 9 and the National Planning Policy Framework, because of the detrimental impact the proposed development has on Heritage Assets.
7. The proposed built structures do not complement the existing built and landscape environment
8. The proposed development is detrimental to the extensive wildlife on the site and the commercial benefits do not outweigh the need to safeguard the ecology.
9. A tourist development of this size is inappropriate in this location and considered detrimental to the local community.
10. While the application claims to address a supposed problem of social isolation, it does not. Only we, the residents, can be the judge of whether such a problem exists and we say there is no such problem.

Additional comments to amended plans re-iterate previous objections, although they acknowledge the improved visibility at the watersports centre access point and the re-location of the inn car park away from Walnut Cottage.

Staunton Parish Meeting;- Object. If the following changes were made then the Parish Council is likely to withdraw its objection;- The proposed overnight capacity of the holiday village should be reduced by at least 25 percent, the dangerous double bends on the highway at Kilvington need to be straightened out or otherwise improved, a 30mph speed limit should be imposed between Staunton and Kilvington, the proposed water sports centre must remain for non-powered water sports.

Flawborough Parish Meeting;- Object on the grounds of;- impact on quality of life of nearby residents particularly from night time lighting and noise, extra traffic particularly taking onto account the dangerous bend, impact of construction and operation on the nature reserve, the numbers staying in the holiday park would double the number of the inhabitants of Kilvington, Alverton and Flawborough.

Long Bennington Parish Council;- Raise concerns over increased traffic through their village. If approved, they would like a condition for access routes not to be published to go through Long Bennington.

NSDC Conservation;- The proposal has not been submitted with any heritage impact assessment. However, given the low overall height of the proposals I think the impacts are likely to be restricted to the closest settlements. I am content that my own understanding of the assets in this area, combined with my understanding of the nature of the impact, will in this case suffice and I do not think we need to request any additional information (in response to English Heritage comments). To conclude, the likely impact of this proposal upon the setting of heritage assets is likely to be limited. Key to this will be low overall height, a good pallet of natural materials, the avoidance of large areas of reflective materials and increased green landscaping on the east of the application site.

A detailed assessment of heritage assets by settlement is contained within the main body of the report.

NSDC Environmental Health Noise;- No major concerns provided that the proposed water sports are non-powered vessels (other than the necessary safety craft).

NSDC Environmental Health Contamination;- Use standard contamination condition. If a biomass burner is included then the applicant is required to complete a standard form and return it to Environmental health to assess the potential environmental impacts.

NSDC Equalities Officer;- Provides comments regarding inclusive access.

NCC Highways;- No objection subject to conditions (conditions are detailed in the recommendation section as conditions 28 to 33 inclusive). Satisfied with the parking provision figures. Visibility splays are in accordance with agreed standards. Satisfied with the traffic generation figures presented - this is mainly because there is likely to be little effect on peak hour flows. Therefore, congestion/capacity issues are not a concern. Happy to consider a traffic calming 'gateway' and a scheme could be devised at a later stage subject to a condition (see Condition 33). A revised Travel Plan statement has been submitted and was approved by the County Council's Travel Planning team.

NCC Rights of Way/Countryside Access Team- The developer is proposing to divert part of Alverton and Kilvington FP3. This will require a diversion order made under the Town and Country Planning Act. The new route should be a minimum of 2 metres wide. A short section of Kilvington FP5 near Lake 3 will also need a minor diversion so that the Definitive Map and the path walked on the ground coincide. The developer is proposing a short additional public footpath to link from Alverton FP3 to Alverton Lane by the private car park which will be a useful addition to the network.

All the public footpaths on site should be clearly signed so the public can distinguish them from the other paths intended for visitors only. The footpaths at the moment have a natural surface which is sufficient of for the current level of use, but if it is considered that use will increase substantially I would not object to a natural stone surface being laid on relevant parts of the public paths.

NCC Planning;- No objection in terms of strategic planning policy, minerals and waste, strategic transport,

NCC wishes to draw the developers attention to the S106 agreement at the site and the aftercare requirements relating to the former gypsum mining at the site.

NCC Nature Conservation have now withdrawn their previous objection.

Environment Agency;- Originally raised concerns that in this area, they did not hold modelled flood levels, 20 year (functional) or 100 year outlines to help inform the application. Therefore, for the proposal to be made safe and to be set at an appropriate level, the applicant was required to undertake further hydraulic investigation / modelling to ascertain the likely areas of inundation or to set the water sports centre on a high spot to help safeguard its future use, whilst allowing access for waterside activities.

Following the submission of further investigations, as detailed above, the EA withdrew their objection stating that the proposed lodges and inn buildings are located in Flood Zone 1, and the watersports building is located within Flood Zones 2 and 1 with part of the footprint set within an area identified as being at flood risk in a 1 in 100 year plus climate change event. The objection was withdrawn on the basis that a condition be imposed which is shown in the recommendation section as Condition 22.

NCC as Lead Flood Risk Authority – Make a number of detailed observations regarding flood risk from the development and the need to confirm and clarify how surface water would be managed on site. Further specific detail is required from an experienced & competent drainage designer of how surface water flows will be managed on the developed site including water attenuation discharges, the mitigation of any increase in flood risk arising from new development, detailed site levels designs for the site including a contour plan and a flood routing plan, detailed drainage layout including building drainage, all infiltration areas with supporting specification, calculations and construction details, attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms, full specification & general arrangement drawings for inlet/outlet structures and flow control structures. Later confirmed that these could be dealt with by way of a planning condition.

Highways England;- No objection. The proposed development is not expected to have a material impact on the closest strategic route, the A1.

Natural England;-

Wildlife and Countryside Act – No objection. This application is in close proximity to Muston Meadows, Orston Plaster Pits, Grantham Canal, Allington Meadows Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Due to the distance of the application site from the SSSIs we consider it unlikely the SSSIs will be impacted.

The LPA should consider the other possible impacts resulting from this proposal on the following: local sites (biodiversity and geodiversity), local landscape character, local or national biodiversity priority habitats and species. We recommend the LPA seek further information from the appropriate bodies (which may include the local records centre, local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Protected Species – Use Standing Advice.

Green Infrastructure - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision and therefore we are pleased that green infrastructure forms a strong focus of this scheme which aims to deliver biodiversity gains, landscape enhancement, recreation and sustainability benefits.

Landscape Character - In the Trent and Belvoir Vales NCA measures to enhance the woodland and hedgerow network through the planting of small woodlands, tree belts, hedgerow trees and new hedgerows are considered particularly beneficial to landscape character, habitat connectivity and a range of ecosystem services, including the regulation of soil erosion, water quality and flow.

Biodiversity Enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Nottinghamshire Wildlife Trust;-

Comments on amended plans

“It is appreciated that the applicant has taken on board many of our comments in revising the overall Landscape Masterplan for the site. As requested, a larger proportion of the site would be left relatively undisturbed with planting generally complementing the existing situation on site. Provision of the ‘Habitat Retained, Created and Lost Approximate Areas’ plan enables a clearer assessment of the overall impact of the proposal in relation to existing site conditions.”

NWT provide comments / suggestions regarding the proposed species but consider that these can be secured by way of a planning condition. Provide advice regarding the importation of subsoil.

“Provision of a Biodiversity Management Plan for the site, detailing prescriptions for establishment and ongoing management and monitoring of new and retained habitats has been discussed with the applicant and we would wish to see this secured by way of condition.”

Notts Biological and Geological Records Centre;- Do not express opinions on planning matters.

Fisher German on behalf of the Government Pipelines and Storage System (GPSS);- Revised comments state that they wish to withdraw their previous objection due to consultation with the applicant’s agent who has satisfied their concerns about tree planting and restricted access to their client’s pipeline and assured them that they will co-operate with any requirements to gain consents under Section 16 of the Land Powers (Defence) Act 1958.

Heritage England- The former Kilvington quarry site is located immediately adjacent to the nationally important scheduled monument of Kilvington medieval settlement and part of an open field system, 400m south west of Staunton Hall (SM 29997; NHLE 1020647) and in proximity to a series of listed buildings, including the Grade II* listed Staunton Hall (NHLE 1302335) and the Grade II* listed Church of St Mary (NHLE 1045995) also in Staunton-in-the-Vale.

We note that the application does not include an assessment of the potential impact on any designated heritage assets. We therefore recommend that your authority ensures that you have received from the applicant sufficient information for you to understand the significance of the heritage assets that may be affected by the proposals and the contribution of their setting to that significance, since you will need to take this into account when considering the impact of the

proposal on these heritage asset in order to avoid or minimise conflict between their conservation and any aspect of the proposal as part of your determination.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Nottinghamshire Ramblers;- Latest comments;-- *“I appreciate the way in which the Rights of Way have been redesigned around the site. I am also glad that the footpath running along the north of the site (Flawborough FP7 / Kilvington FP6) has been preserved as it links the village of Staunton at Riverside Cottages to the disused railway line. It is likely that Sus Trans will eventually wish to extend their cycle track southwards from its current finishing location at Cotham. East-west links to and from this track are important. We are prepared to support the extinguishment of Kilvington FP3 around the derelict farm.”*

Internal Drainage Board;- No objection following the submission of further information.

Severn Trent Water;- Recommend standard drainage condition (see condition no. 24).

Staunton Montessori School;- Our main concerns are around traffic and road traffic accidents involving children at the nearby school in Staunton, which has 170 children on roll. We are concerned that tourists will use the road through Staunton from the A1 to access the development. Also the double bends in Kilvington aren't suitable for increased traffic. If the traffic issues are solved we have no other objections.

Experience Nottinghamshire;- Support. The development offers a high quality sustainable tourism project that has the potential to provide wide reaching economic benefits for the visitor economy of Newark and Nottinghamshire. The proposal has a year round appeal which will work alongside other tourism initiatives to promote the area. The proposal enhances the self-catering accommodation offer in the south of Newark and Sherwood and as such is to be welcomed.

Country Land and Business Association (CLA);- Support the application. The CLA represents 32,000 members in England and Wales, and is the leading authority on the rural economy. This is a modern and sustainable tourism facility incorporating recreation facilities and a range of high quality tourist accommodation. Tourism contributes around £1.55 billion per annum to the economy of Nottinghamshire; 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimated to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and additional third party activity providers together with the fifteen new employment posts will be worth in total £975,000 per annum to the local economy of Nottinghamshire. The NPPF recognises the importance of tourism and leisure to the viability of the rural economy. Local Authorities are encouraged to support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. The development of this site and the plans to diversify into the niche market of water sports and sustainable tourism provision will enable this business to make a vital contribution into the local economy.

Business Manager, National Civil War Museum;- The proposal of tourist accommodation within the local area is supported by us, subject to the statutory consultees views regarding questions over which we have no view. The development seeks to provide accommodation and a nature and

leisure based series of activities which will encourage local and sub-regional visiting to tourist / leisure attractions such as ourselves. This has the potential to increase visitor numbers and for us to see a direct positive economic benefit.

Neighbours / Interested Parties;-

56 letters of objection have been received including from a local Councillor from a neighbouring authority, 4 letters of support (some with conditions) and 1 letter providing neutral comments.

Concerns raised are;-

Principle

- Large development in the Open Countryside
- Building on agricultural land
- Contrary to planning policy

Visual Amenity

- The scale of the development is too large and dwarfs the small villages of Alverton and Kilvington
- The proposed development changes the character of the landscape setting
- The development will connect the two villages and create ribbon development
- The proposed chalets are large, ugly and do not reflect the local rural architecture
- Significant infrastructure is required within the site
- Inappropriate siting of inn
- A small extension to a barn conversion was refused on design grounds in the nearby village, is this site different?

Residential Amenity

- Noise and disturbance
- Pollution and litter
- Light pollution – the nearby villages have no street lighting
- Loss of privacy
- Loss of view from properties, memorial garden and surrounding areas
- Alverton, Kilvington, Staunton and Flawborough are only small villages and an influx of so many people on the scale planned will have a serious impact on how residents live
- Residents have already had to put up with several years of mining and disruption
- The nearby villages have no local services to support this development
- The applicant speaks of rural isolation. The residents of Alverton and Kilvington do not feel isolated and enjoy the fact that the local villages currently have no / limited local facilities

Ecology

- The direct loss of wildlife habitat and human disturbance
- The original agreement as part of the restoration of the site was to preserve and protect wildlife.
- It has taken 10 years of restoration to attract wildlife back to the site.
- This proposal would discourage the large amount of birdlife and reptiles that visits the site.
- The existing wild flowers at the site are unlikely to survive the impacts from increased walkers / tourists
- With the right environmental management and protection this site could prove invaluable for local flora, fauna and wildlife

- The site is a designated biological SINC

Highway Safety

- The proposed development will generate excessive car traffic from out of area.
- This road is already hazardous with a number of blind bends and already used by a number of HGVs
- There is little to do on-site so visitors will go off site which will cause further traffic
- Understand that the nearby landfill site is nearing exhaustion and is now being capped. This is likely to result in traffic reduction through the village. This development will make traffic worse again.
- The development will attract traffic during weekends when the roads are currently quieter as the nearby businesses do not operate.
- Quality of current roads – collapsing edges and damaged surfaces. This is dangerous for bikes.
- Traffic calming measures should be put in place
- Have traffic assessments been carried out correctly?

Heritage

- The large, modern Water Sports Centre will have a negative visual impact on the heritage asset of Staunton Church

Public Rights of Way / Cycle Routes

- The development will impact on PRow and Sustrans within the site
- The former railway track which passes through the site should be maintained as a potential cycling route from Newark to Bottesford. The developers should consider supporting the works required to upgrade the former railway line from the site to the end of the current cycle route at Cotham.

Site Operation

- The operator Natural Retreats actively sells property outright at some of its other sites. As this site is planned to be open 52 weeks a year if any/all of the properties were sold what is to stop it becoming a residential housing estate and the "Inn" becoming a block of flats?
- If the venture was to fail how difficult would it be to obtain a change of use and it becoming a housing estate/flats?

Application Process

- Insufficient details have been provided as regards the Camping Mini Gems and the Heating plant proposed under the old railway bridge. (These have now been removed from the scheme).
- It is unclear whether parts of the site are within Rushcliffe Borough Council.
- The application should not have been submitted in the lead up to Christmas when neighbouring objectors are otherwise occupied.

Other

- Concerns regarding economic viability of project. Do not want the development to be unfinished or downgraded.

- The plan of the Water Sports Centre show a substantial building with proportion and capacity totally disproportionate in size to the very small area of adjacent water. How is a club building of that size going to be economic with such a limited 'water sport 'offer?
- The grazing of livestock undertaken by some local residents will not be compatible with the increased number of visitors in the area.
- Understood that as the site was reclaimed and possibly liable to substance that it could not be built on.
- It is only because of the applicant's neglect that the existing buildings on site are derelict.
- Lakes are extremely deep and unsafe for bathing
- It is important that a focus on enhancing the local community is adhered to by the operating company and developers and that restrictions on the long term size of this development are put in place at the beginning.
- Safety of family with an unaccountable transient population.
- Issues with sewage
- Lead to believe that once this site had been mined it would be a wildlife site and used by walkers
- Developers insist that as they have bought the land they will get permission for something at some time.
- The agent's response to some consultees is not appropriate
- Who will pay for all the extra demands of Newark and Sherwood District Council?
- The applicants may have been riding motor bikes at the site and shooting birds
- You have allowed 5 huge chicken sheds a few hundred metres from the village of Alverton, we agreed to a 60 acre solar farm on the outskirts of the village, you allow dangerously huge lorries to thunder past our doors. It feels as though you are intent on destroying the communities of Alverton and Kilvington and driving us all out. Please do not continue with this destruction of our way of life and our community.
- If allowed, do not dare put up Council Tax in the area

Reasons for support are:-

- The considerate development of this site and the ability of local residents to make use of the newly created facilities and pathways, will enhance the local area.
- The proposed development and facilities will enhance the area sympathetically with the wildlife ecosystems which have formed on the site.
- This development will aid the growth of the local economy creating work and increased customers for local businesses.
- The location of the inn avoids the blind bend issue of current farm access and prevents vehicles waiting / turning directly outside existing residential properties, with associated noise.
- The pre-application submission showed proposals for solar panels. Our objections were taken into account by the applicants and this field is now allocated to animal grazing, which is most acceptable.
- The proposed holiday-dwellings seem very in keeping with the surrounding countryside.
- Their family and their own quality of life will be enhanced by this development.

Other comments

- Would like the proposal to connect to the existing cycle network

Comments of the Business Manager, Development

Having regard to the provisions of all relevant planning policies, the nature of the proposed development and the consultation responses received, there are a range of issues which need to be considered in the determination of this application.

Principle of Development and Policy Context

The site is located outside of the main built-up areas of the villages of Alverton and Kilvington and as such is located within the open countryside. For clarity, I take the view that the criteria contained in Spatial Policy 3: Rural Areas (SP3) do not apply to this site because of its open countryside location. The only part of SP3 that is relevant is the end paragraph of the policy which states that;-

“Development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as Agriculture and Forestry. Consideration will also be given to the re-use of rural buildings of architectural merit. The Allocations and Development Management DPD will set out policies to deal with such applications.”

Local planning policies DM8: Development in the Open Countryside (DM8) and Core Policy 7: Tourism Development (CP7) are the most relevant to this application.

At a national level, paragraph 28 of the NPPF states that local plans should;-

“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”

Criterion 12 of DM8 is specific to tourist accommodation in the open countryside and states that;-

“Tourist accommodation will be supported where it is necessary to meet identified tourism needs, it constitutes appropriate rural diversification, including the conversion of existing buildings, and can support local employment, community services and infrastructure. Accommodation that is related and proportionate to existing tourist attractions will also be supported.”

This proposal is not solely for tourist accommodation as it also involves watersports facilities centred around the existing lakes as well as a café, swimming pool and nature trails which will be open to the local community as well as over-night tourists. As such criteria 11 of DM8 (Visitor Based Tourism Development) and criteria 9 (Community and Leisure Facilities) are also somewhat relevant.

Criterion 11 of DM8 states that;-

“In accordance with the aims of Core Policy 7, attractions and facilities that can demonstrate the need for a rural location in order to meet identified need, constitute appropriate rural diversification or can support local employment, community services and infrastructure will be supported. Proposals for new tourist attractions and the expansion of existing attractions that are based upon site specific heritage or natural environment characteristics will also be supported.”

Criterion 9 of DM8 states that;-

“Community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements. In accordance with Spatial Policy 8, proposals will be required to demonstrate they meet the needs of communities and in particular any deficiencies in current provision. Associated built development should be restrained to the minimum necessary to sustain the use.”

Core Policy 7 relates to tourism development in the District in general and is not specific to the open countryside. However, it does state that outside of town centres, development should meet identified tourism needs.

Therefore both national and local planning policy allows for tourism development in the open countryside where there is both an identified tourism need in the area and also where the need for a rural location can be demonstrated. This is discussed in more detail below.

Need

This section of the report will first look at whether there is an identified tourism need in this part of the district. It will then assess whether a rural location is needed for this development.

As part of the application submission, the applicant was asked to demonstrate that there is an identified tourism need in this part of the district. A detailed supporting statement has been submitted by the applicant taking tourism data from documents available on public websites such as Experience Nottinghamshire and Newark and Sherwood Tourist Information Centre.

Tourism contributes approximately £1.55 billion per annum to the county of Nottinghamshire with the district of Newark & Sherwood contributing a value of £206 million. The vast majority of this is provided by day visitors, which account for 90.4% of the volume of visitors to the area. There are only 113 providers of overnight accommodation countywide and according to ‘Experience Nottinghamshire’, Nottinghamshire’s increase in overnight visitors is in contrast to the national trend, with national overnight stays down by - 2.42%.

According to ‘Experience Nottinghamshire’ each overnight visitor is worth nearly 5 times more than day visitors and the corporate and commercial overnight visits to the county, excluding Nottingham City, are worth 7 times more. The 20.33 million day visitors to Nottinghamshire (excluding Nottingham City) are worth £687m, an average of £33.79 per visitor, compared to the 2.12 million overnight visitors who are worth £335 million, an average of £157.58 per visitor.

Center Parcs (a similar type of tourism offer but on a much larger scale) accounts for a significant proportion of bed spaces representing a third of the beds available in the self-catering segment in the district. However, the location of Center Parcs and the vast majority of other tourist accommodation lead to a disproportionate concentration in the north of the county. South of Newark the provision of accommodation is sparse with a heavy reliance on B&Bs. Of the 74 holiday accommodation offerings provided by ‘Newark & Sherwood Tourist Information Centre,’ 8 establishments, which is only 11% of the overall provision can be found south of Newark with a heavier concentration to the north of the district and around the Sherwood Forest area.

In support of the arguments above, Experience Nottinghamshire has written a letter in support of the scheme which is summarised earlier in this report. The letter specifically states that, in their opinion, the proposal enhances the self-catering accommodation offer in the south of Newark and Sherwood and as such is to be welcomed.

I find this persuasive and in my view the information submitted demonstrates a need for increased tourist accommodation in the district, particularly in the areas south of Newark. I turn now to whether a rural location is needed for this development.

Information taken from Sport England's sports market segmentation tool demonstrates that there is an above national average demand for participation in watersports in Newark and Sherwood. The district of Newark & Sherwood is two hours from the nearest coastline. The applicant considers that this makes Newark & Sherwood, and in particular Kilvington Lakes, a prime location for inland watersports as one of the few rural destinations within the county with the capacity to support such an activity. The participation rate for watersports activities such as this is at an all-time high with 3.5 million people. The non-motorised watersports of canoeing and kayaking have the largest participation with 1.5 million people. The applicant considers that an important part of this increase, is the involvement of 'casual participants' who are more likely to try their hand at watersports whilst on a holiday break.

There is currently few watersport offerings in the district of Newark & Sherwood with a high concentration of tourism being drawn towards the National Watersports Centre near Nottingham City Centre and Center Parcs Sherwood Forest which has the restriction of only being open to guests.

Natural Retreats requires a rural waterbased setting situated around water for the purpose of implementing watersports in the area. Natural Retreats operates sites in areas of outstanding natural beauty which are based away from built up urban areas. This can only be achieved in an open countryside location. The development can only be sited in this specific location due to its dependency on the use of the lakes. For these, reasons it is considered that an open countryside location is required.

Appropriateness of Site and Sustainability Issues

The site has previously been developed as it was mined for gypsum by open cast methods. Mining at this site ceased in 2006 and the site has been restored. The site has recently been used for the grazing of some livestock.

The requirement for an open countryside location for this proposal has been demonstrated and is discussed above. It follows that this type of use does not lend itself to a town centre location and consequently the sequential approach to site selection is not appropriate. Indeed one of the core planning principles of the NPPF should '*promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)*'. In my view the proposal would meet the aims of this core principle and is appropriate in this location.

Having assessed the Agricultural Land Classification (ALC) map for the whole district I am mindful that the majority of the district is classed as being Grade 3 in terms of its quality of soil. This site is also classed as being Grade 3. It is acknowledged that this level of agricultural grading has the potential to allow for crops to grow, although no crops are currently being grown on site. However, the instances where the land is classed as lower quality (Grade 4 specifically, there appears to be no Grade 5 land within the District) is small in extent and restricted to the Trent Valley which is subject to constraints in terms of Flood Risk.

Some agricultural use will remain as part of the site and is proposed to remain for the grazing of livestock. It is possible that the agricultural land classification could have changed since the last

land assessment and could be slightly higher. However, for the above reasons, I do not consider this to be sufficient reason to warrant a refusal. As such, the use of agricultural land for this development is considered to be acceptable.

It is acknowledged that given the rural location of the site would mean that visitors to the site would be mostly be reliant on the use of their cars to get to and from the site. Even if public transport was more widely assessable here, it would be unlikely to attract users given the nature of the site and its intended offer. However the scale of the development is considered to be appropriate (impacts on highways are discussed later in this report) and the increased use of the private car is considered to be off-set by the wider advantages to the economy.

In conclusion I consider that the principle of this type of development of this scale in this location is acceptable and in line with policies DM8 and CP7 of the Development Plan and the NPPF a material consideration.

Visual Impact

This section of the report will consider the visual impact of the proposal including the impact on the open character of the countryside, the impact on landscape, scale and form, the design of the buildings and lighting.

Much of the site will be left undeveloped with areas of existing and proposed grassland, woodland, planting and paths as well as fields for the grazing of cattle and sheep. Other areas are proposed to be low density development such as board walks and play areas. The lakes are proposed to remain. Proposed buildings on site consist of 34 lodges, an inn building and a watersports building.

At the request of the County Council Landscape Officer a full Landscape and Visual Study was submitted by the applicant in support of this application. This draws on information from both the National Character Map of England and the Newark and Sherwood Landscape Character Assessment (LCA). The text below is a summary from the submitted study.

The LCA provides a detailed contextual appraisal of the landscape of the site and its setting. The landscape encompassing Kilvington and its setting is defined as being almost entirely within the South Nottinghamshire Farmlands Policy Zone 10 (Alverton Village Farmlands) (SNPZ10). The site lies adjacent to SNPZ08 (Cotham Village Farmlands) to the north and a very small portion of the west parts of the site overlap into SNPZ06 (Aslockton Village Farmlands) within the Rushcliffe's area to the west.

SNPZ10 identifies that sensitive restoration has been undertaken on the site including woodland planting. The landscape action for the Policy Zone is one of conservation, which reinforcement and new planting, careful development, and continued restoration of the site for nature conservation and recreation seeks to deliver.

SNPZ06 has some evidence of landscape fragmentation, a 'moderate' landscape condition, and character strength described as strong. The retention of existing habitats and implementation of landscape enhancements within the proposals on site seek to strengthen the character and landscape of the site, and meet the strategy for conservation and enhancement within the Policy Zone.

Views of the site are primarily focussed at short distance to the east along Newark / Alverton Road, and along footpaths within the site. Receptors comprise road users and a number of

residents in close proximity to the site, as well as footpath users within the site. There will be limited visibility from properties within nearby settlements due to topography, intervening vegetation and buildings, and orientation. Views from the east will primarily focus on the hedgerow boundary in the foreground, with limited opportunities into the site around the main site access, proposed Inn building and at the Watersports centre entrance. The majority of existing views within and across the site from public rights of way will in general remain open in nature, where not already subject to planting.

Beyond the boundary, views towards the site are screened primarily by the level landform and successive vegetation. Views are confined to fleeting opportunities from relative higher ground where vegetation permits.

With the proposals including well-planned lodges and site buildings (such as the inn, conference facilities and the watersports centre), sensitive landscaping, comprehensive ecological mitigation and habitat creation, the proposals would be successfully assimilated into the existing landscape, and provide both landscape and ecological enhancements and reinforcement. The resultant landscape and visual effects will be contained and will include longer term benefits through the continued sensitive restoration and enhancement of the site, and the application of a long term ecological and landscape management regime.

The Landscape Officer has assessed this study and has commented that;-

“Whilst it is apparent that the water sports centre will be visible from the road for a short distance, the impact is not significant enough to warrant concern. The County Council does not, therefore, wish to raise any objections to the proposal from a landscape perspective.”

I turn now to the individual designs of the proposed buildings. The scale of the total lodge development is small in relation to the site as a whole. The total built area of all 34 lodges comprises 5,685m² which represents approximately 0.6% of the total area of the site. The height of each unit has been kept as low to the ground as possible and in the single curve type present in zones A and C are partially sunk into the ground. Where the siting and topography is more forgiving, the building design has been allowed to grow out of the landscape into a one and a half storey design with the earth at the rear of the building creating a single-storey effect. This not only acts as a screening aid, but also helps assimilate the building into the landscape further aided by the use of natural materials such as timber cladding and turf roofs.

It is considered that the design of both the inn building and the watersports building have been vastly improved through pre-application discussions. The existing farmhouse and farmbuildings at Glebe Farm are proposed to be demolished to make way for the inn building which is located in its place. The table below is taken from the applicant’s Design and Access Statement and shows that the proposed inn building is significantly smaller in footprint, volume and height than the buildings it is replacing.

	Existing buildings	Proposed inn	Difference in size Vs existing
Footprint	1,585 m2	1,274 m2	Reduced by 311m2
Gross Volume	6,353 m3	1,845 m3	Reduced by 4,508 m3

Ridge Height	36.12m AOD	33 m AOD	Lower by 3.12 m
---------------------	------------	----------	-----------------

The curved grass roof of the Inn building make it less prominent within the street-scene and it fits into the sloping site, making the building appear relatively small from the road side. Large areas of glazing also make the building appear more transparent and add design features. Natural materials such as timber cladding and a grass roof help the building to blend into its countryside surroundings.

The total built area of the Watersports building is 840m² which represents approximately 0.1% of the total area of the site. The applicant states that the scale of the Watersports building is primarily derived from the demand for the appropriate amount of functional, serviceable space required for operating a successful facility of this kind. The facilities have been developed in accordance with advice from the Royal Yachting Association who recommend a combination of classrooms; wet and dry changing rooms; indoor and outdoor storage; eating and social areas. The material used on the ground floor will be natural stone gabion. In contrast, the upper floor has been designed to appear lightweight and transparent.

The Parish Meeting of Flawborough along with local residents have raised concerns regarding the visual impact of lighting from the development on the surrounding countryside. I have been informed that the villages of Alverton and Kilvington do not have street lighting.

These concerns were relayed to the applicant who has responded that a sensitive wayfinding lighting scheme with low level down lighting will be implemented along the pathways to minimise impact on the surrounding area and resident wildlife. I consider that full details of such a scheme could and should be controlled by way of a condition should planning permission be granted.

Concerns were also raised regarding artificial lighting being emitted from the buildings on site, some of which contain relatively large areas of glazing. However the majority of the lodges will not be prominent from public areas due to their siting, low level design and the existing and proposed landscaping at the site. The watersports centre will be visible from the road. However, due to its nature this will not remain open late into the limiting when the building will be lit. The applicant has agreed to a condition restricting the opening hours of this building and this is shown in condition 36 of the recommendation sheet.

It should be noted that the Environmental Health Officer has raised no objections to the lighting from a residential amenity / lighting glare point of view. However, I appreciate that the general thrust of the local residents / neighbour concerns regarding lighting relate more to the visual impact on the countryside rather than the impact on neighbouring amenity.

The Parish Meeting of Alverton and Kilvington and local residents alike have also raised concerns that the proposal will lead to a “ribbon development” effectively joining the two villages of Alverton and Kilvington together. They quote from Planning Policy Statement 21, Sustainable Development in the Countryside which stated that;-

“Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.”

However, no weight can be given to PPS21 as this has now been superseded by the NPPF. The NPPF contains no policies specifically regarding ribbon development. In any case, I disagree that the development would visually join the two villages together. The development is on the opposite side of the road to the existing development in Kilvington. Furthermore, the majority of the proposed buildings will not be prominent from public areas due to their siting, low level design and existing and proposed landscaping at the site. In addition, the site will remain mostly open with only a relatively small part of the site containing any buildings.

The proposal therefore accords with policies CP9, CP13 and DM5 of the Development Plan in this regard and the Landscape Character Appraisal and the NPPF, which are material considerations.

Heritage

Heritage England has raised no objection to the proposal and has advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. They advise that the Council should ensure that it has received from the applicant sufficient information to understand the significance of the heritage assets that may be affected by the proposals and the contribution of their setting to that significance, since the Authority will need to take this into account when considering the impact of the proposal on these heritage asset in order to avoid or minimise conflict.

In response to Heritage England's comments, the Council's Conservation Officer has stated that:-

"the proposal has not been submitted with any heritage impact assessment. However, given the low overall height of the proposals I think the impacts are likely to be restricted to the closest settlements. I am content that my own understanding of the assets in this area, combined with my understanding of the nature of the impact, will in this case suffice and I do not think we need to request any additional information."

This development has the potential to impact upon the setting of Listed Buildings at Staunton-in-the-Vale, Kilvington and Flawborough. In addition there is a Scheduled Ancient Monument between Kilvington and Staunton which is a medieval settlement and open field system.

There are a number of Grade II listed farms and former farms in this area. All have been assessed individually and it is considered that their orientation, position in a settlement and/or nature of the asset means that the proposed development is unlikely to have any meaningful impact upon their setting. The more landmark and higher status listed buildings command a wider setting and are more vulnerable to alteration within their setting. The Council's Conservation Officer has conducted a detailed assessment of the proposal by village below.

Staunton in the Vale

Staunton Hall is a Grade II listed country house dating back to the C16. This is an impressive building and forms a complex with the Grade II listed lodge, C17 former cottage and Grade II listed gate piers and urns. It also faces and has a close physical relationship with the Grade II* listed parish church (St Mary's) which dates back to the C14. The building is strongly orientated east to west, with the primary frontages enjoying a northern and southern aspect. The southern aspect may take in some of the development in its periphery, especially as both the Hall and church sit on higher land, which falls away to the west giving views towards the site. However, views of the development site from the grounds of the Hall are limited by small changes in topography as well as a tall garden wall and orchard to the west, which screens most of the site from the formal*

grounds. Possibly views may be afforded from upper windows. While there is a garden folly with a commanding view towards the application site this is actually a modern C20 structure.

Staunton church also enjoys a relatively elevated position and does have views back down to the lakes. While the lakes are not specifically important to its setting, they contribute to the rural setting of this parish church. Keeping a sense of undeveloped greenery here will be important.

The proposed structures are very horizontal in their orientation so will not stand proud as new landmark structures. Effort has also been made to use green grass roofs and natural materials, like the stone gabions of the watersports centre, which is the closest structure. It is considered that these designs, combined with the additional planting proposed, will largely screen these structures from view from both Staunton Hall and the church. Landscaping along the eastern boundary could be further increased, however, precise details of landscaping can be secured by way of a planning condition should planning permission be granted.

It is important that the new structures here avoid being highly reflective as this will draw attention to them despite their low scale. The watersports centre in particular has a large bank of glazing to the east, ie facing the Staunton Complex. This could be mitigated by low reflection glass which could be secured through a planning condition should planning permission be granted.

Overall it is considered that these new structures can be accommodated into this area without overly intensifying it and the overall effect will still be primarily rural and undeveloped, which is the positive contribution this land makes to the setting of the Staunton complex. The proposals will not create any new landmark structures and will be low lying and of natural materials. They will not compete with these structures in the landscape and can be accommodated in a landscape already dotted with modern structures.

Kilvington

Kilvington similarly has listed farmsteads but again their orientation and position relative to other structures means that their inter-visibility with the application site will be very limited.

Kilvington Church is a Victorian rebuild of an earlier church and is Grade II listed. It is surprisingly hard to spot, having a low tower and being set well back from the road. It is on higher land but the greenery around the graveyard again means that only highly reflective parts of the proposals are likely to be glimpsed from the church or its grounds. Given the mitigating factors listed above I do not think there will be any appreciable impact upon this heritage asset.

The Scheduled Ancient Monument at Kilvington is a former medieval settlement and part of an open field system, 400m south west of Staunton Hall. The SAM would retain its visual links to Kilvington and Staunton and as long as the proposed development remains predominantly horizontal and low impact in terms of use of natural materials etc, it is considered that the impact upon its setting will be quite limited.

Flawborough

This village is outside the district of Newark and Sherwood within the borough of Rushcliffe. No detailed comments have been provided by Rushcliffe Borough Council. However, this village contains a Grade II listed Victorian Church and a Grade II listed farmhouse, the setting of which could potentially be affected by the proposal. The farmhouse is separated from the proposal site by some distance, as well as being on the far side of the village, with intervening buildings and road. Therefore the likely impact is negligible. The church is similarly separated by distance and

intervening buildings and again it is considered that the likely impact is negligible. According to Rushcliffe's website Flawborough is not a conservation area.

For the reasons given above, it is considered that the likely impact of this proposal upon the setting of heritage assets is likely to be limited and for the purposes of the NPPF amounts to 'less than substantial harm', which can be weighed against public benefits. Key to this will be low overall height, a good pallet of natural materials, the avoidance of large areas of reflective materials and increased green landscaping on the east of the application site all of which can be adequately controlled by conditions.

The proposal accords with policies CP14 and DM9 of the Development Plan and the NPPF, which is a material consideration.

Impact on Neighbouring Amenity

The application has attracted a significant amount of public interest and the impact of the proposal on the amenity of neighbouring residents, as well as residents in outlying villages, requires careful consideration.

Many residents have raised concerns that the surrounding villages are only small settlements and an influx of so many people of the scale planned will have a serious impact on how residents live. I do not consider that the application can be refused for this general reason relating to the sheer number of people close to the villages, particularly as the numbers of people will be dispersed over a large area. However, I do consider that the more specific impacts relating to the volume of people on the small villages require careful assessment.

With regards to noise and disturbance, the EHO has assessed this application but has raised no objection from a noise point of view stating;-

"No major concerns provided that the proposed water sports are non-powered vessels (other than the necessary safety craft)."

The applicant has confirmed that this is the case and I am satisfied that this can be controlled by way of a planning condition.

Turning now to loss of privacy; the distance between the nearest proposed building and the nearest existing residential properties is in excess of 40 metres. This is considered sufficient to not cause significant overlooking issues. Furthermore, the residential holiday units (both the lodges and within the inn) are screened from the site. The majority of existing residential buildings are separated from the site by the public highway. The Cottage is a non-associated residential building that immediately joins the site, with no intervening highway. However, the area of land that it is closest to is proposed to be used for grazing. This land was originally proposed to be used as a solar farm but the applicants amended this, I believe, following issues raised through pre-application community consultation.

Issues of lighting have been discussed in the visual impact section of this report. The applicant has stated that a sensitive wayfinding lighting scheme with low level down lighting will be implemented along the pathways to minimise impact on the surrounding area and resident wildlife. I consider that full details of such a scheme should be controlled by way of a condition should planning permission be granted. The EHO has not objected to the proposal on the grounds of lighting.

I do not see why litter should be a particular issue associated with the development and consider that this will be managed by the applicants as part of the day to day running of the site.

Loss of views is not a material planning consideration.

Some neighbours have commented that the nearby villages have no local services to support this development. Kilvington has a church but there does not appear to be other local facilities. If approved, the applicant and County Council will enter into a Section 278 agreement for the applicant to contribute towards improved public transport facilities within the area, which it is hoped would encourage those persons on holiday would utilise once at site. The County Council's Partnership and Funding Officer has requested that a condition be attached to the grant of any planning permission stating that the works must take place prior to the site opening to guests and employees. Some new local services such as a café would also be provided on site.

The proposal therefore accords with policy DM5 of the development plan in this regard.

Landscaping and Ecology

The site was previously used to mine gypsum although the site has now been significantly restored. Kilvington Lakes is designated as a Local Wildlife Site (5/376), based on its botanical and ornithological interest; parts would also qualify separately due to the known presence of grizzled skipper. The site is therefore of at least county-level importance for its wildlife, and is now well-established as a prime birdwatching site in Nottinghamshire, supporting breeding, wintering and passage birds.

Natural England has raised no objection to the application. Both Nottinghamshire Wildlife Trust and the County Ecologist initially raised concerns with the application and sought amendments to the proposal. These amendments have now been received and both NWT and the County Ecologist are satisfied with the amendments, subject to conditions. These are discussed in further detail below.

Wildlife and Countryside Act

This application is in close proximity to Muston Meadows, Orston Plaster Pits, Grantham Canal and Allington Meadows Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified. Natural England has advised the LPA that this SSSI does not represent a constraint in determining this application and due to the distance of the application site from the SSSIs Natural England consider it unlikely the SSSIs will be impacted. I agree with this assessment.

Green Infrastructure

Natural England has commented that green infrastructure forms a strong focus of this scheme which aims to deliver biodiversity gains, landscape enhancement, recreation and sustainability benefits. Again I concur with this assessment.

Habitats

In the Trent and Belvoir Vales National Character Area (NCA) measures to enhance the woodland and hedgerow network through the planting of small woodlands, tree belts, hedgerow trees and new hedgerows are considered particularly beneficial to landscape character, habitat connectivity and a range of ecosystem services, including the regulation of soil erosion, water quality and flow.

Hedgerows – Further details with regards to the length of hedgerow to be lost and the length and location of replacement planting were initially requested by NWT. This has now been clarified and is considered acceptable.

Grassland – Further details on the grassland habitats, were initially requested by both NWT and the County Ecologist including details of the area of grassland to be directly affected by the built development (i.e. the footprint of the lodges and new paths, picnic areas etc.), the area which would be lost to ‘screening planting’, the area to be seeded as ‘amenity grass’ and the area retained and enhanced through seeding. Concerns were initially raised by NWT there were relatively few areas of grassland within the masterplan which would be free from disturbance. The applicants have amended the proposals in response to this and parts of the site, including the area of existing grassland and woodland to the west of Lake 1 is to be left undisturbed. This is now considered to be acceptable.

Woodland - The plantation woodland areas on site, in particular the semi-mature area to the north, provide a diversity of habitat. These areas are proposed to be retained and enhanced as part of the development.

Open water - There are three main lakes on the site, identified as being Local BAP habitats and Habitats of Principal Importance (NERC Act 2006) and are considered to be of county importance. The lakes also form part of the LWS designation.

Lake 1 – It is noted that it is proposed to develop the lake margins through re-profiling and planting, to incorporate new islands and tern rafts and to further detail the proposed enhancements. Concerns were initially raised by NWT that the proposed lodges to the north and north east of Lake 1 would be in close proximity to the water’s edge and also encroach onto the spit which protrudes into the lake. This is a potentially important feature for birds and NWT requested a larger buffer area implemented to the lodges. NWT also suggested that access to the area protruding into the west side of the lake could be restricted if the proposed path and camping pods were removed and that this would provide an undisturbed area of lakeside habitat. The revised scheme has now removed the development initially proposed to the west side of Lake 1, in line with these comments.

Lake 2 – Further details were initially requested by NWT regarding the use of this lake for watersports, including confirmation as to whether a motorised safety boat would be in operation and how the applicant proposes to ensure that breeding birds are not disturbed. This was clarified and is considered acceptable.

Lake 3 – This lake is proposed to be used for swimming from a beach at the southern end. Further details were requested by NWT of proposed measures to protect breeding birds. This was clarified and is considered acceptable.

Fauna

Badgers – No evidence of badger activity on site has been recorded during any of the survey work. However, as previous records of badger setts are known in proximity to the site, it is recommended that an updated ecological walkover survey is carried out prior to any development commencing. This requirement could be conditioned, should the application be approved.

Great crested newts – Habitat Suitability Index (HIS) assessments were carried out on all suitable waterbodies during 2013, with further detailed surveys of 4 ponds considered possibly containing suitable aquatic habitat for GCNs. NWT are satisfied with the survey methodology and note that

no GCN were found, although smooth newt and toad were recorded. NWT consider that GCN do not pose a constraint to the development.

Bats – NWT is generally satisfied with the surveys submitted regarding bats, including methodology, building assessments, transect survey and static monitoring. Evidence of a minimum of eight species of bat using the site for foraging was recorded, however no evidence of bat roosts were discovered.

NWT initially raised concerns that it was not entirely clear whether the trees identified as TN1 and TN3 in the submitted report are to be affected by the development. NWT recommended that if they are impacted, then further emergence and re-entry survey work will be required during the active season for bats. The applicant has confirmed that one of these trees has already blown down and that the other one is dead. A visual inspection has been carried out on this tree and there are no signs of bats.

The use of low level lighting is supported from an ecology point of view. Low level directional lighting should avoid vegetated areas and wildlife corridors such as hedgerows to minimise impact on nocturnal species, including bats. Precise details of lighting can be dealt with by way of a planning condition should permission be granted.

An updated survey of the Glebe Farm buildings confirms no or negligible bat roosting opportunities. NWT is satisfied that further survey work is not required at this time. Should works not commence within 12 months, NWT recommend an updated survey prior to any demolition works. This can be dealt with by way of a planning condition. Demolition of the buildings will be constrained by the bird breeding season – works should not be carried out between 1st March and 31st August unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist and written evidence of this search has been provided to the LPA. Again, this could be dealt with by way of a planning condition.

Installation of bat boxes is proposed for woodland areas on reaching maturity. NWT initially recommended that there is an opportunity to make more immediate biodiversity enhancements through the incorporation of bat boxes/bricks/tubes into the design of the new buildings. This can be controlled by way of a planning condition.

Breeding birds - A total of 73 species of bird were recorded during the breeding bird surveys in 2013, with 41 species either protected, appearing on the RSPB BoCC as declining (red or amber lists), or identified as priority species for nature conservation under S41 of the NERC Act 2006. The site is considered to support a notable assemblage of birds during the breeding season, further supported by the results of the desktop study. Overall, the report notes that the site would qualify for avian SINC (now known as LWS) status on a number of criteria. The majority of habitats on site were considered to provide potential nesting and foraging opportunity for birds, in particular the grassland, lakes, hedgerows and scrub.

The submitted bird reports consider the potential impact of the development on breeding birds and proposes some mitigation in Sections 5.12-5.24. The report highlights the vulnerability of waders and wildfowl to disturbance impacts, both during construction and also operation of the development. NWT initially raised concerns that the current proposals do not go far enough in minimising disturbance through localising the siting of lodges, restricting access to parts of the site and retaining areas which will be free from recreational disturbance at all times. NWT initially suggested that further consideration be given to the proposed site layout, with potential revisions including, for example, further access restrictions and a decrease in the number of lodges around

Lake 1, increased areas of undisturbed grassland and further creation and/or enhancement of Local BAP Priority Habitats such as wet grassland, calcareous grassland and neutral grassland. As stated previously, all proposed development (including camping pods and footpaths) to the west of Lake 1 has been removed from the proposals, leaving an area of undisturbed grassland and woodland. Additional planting is proposed between the lodges and the lake to minimise disturbance.

Two areas are proposed on the Masterplan for Little ringed plover and the Breeding Bird Report confirms that the area to the south of Lake 3 is considered perfectly suitable for this species. NWT initially raised concerns that the proposal for recreational activity in these areas would likely lead to disturbance of a Schedule 1 protected species and sought further comment on how this would be avoided. A clarification was sought and NWT are now happy with the proposed amendments.

Wintering birds - Four wintering bird surveys were carried out in 2013/14 to standard methodology, with 68 species recorded. 39 of these species are either protected, appear on the RSPB BoCC as declining (red or amber lists), or are identified as priority species for nature conservation under S41 of the NERC Act 2006. The report considers that, in combination with the desktop study data, the evidence shows that the site supports a wide range of wading bird and waterfowl species, some of which are classified as uncommon to rare as wintering species within Nottinghamshire. As for breeding birds, the report notes that the site would qualify for avian SINC (now known as LWS) status on a number of criteria based on wintering birds.

Some impact assessment of 11 species of birds considered potentially vulnerable is given in Table 7 of the submitted report and NWT generally concur that, subject to implementation of the proposed mitigation, residual impacts could be minimised. However, NWT initially raised concerns that the impact on skylark was not able to be mitigated. NWT requested further clarity on this matter and that the proposed mitigation for lapwing should also include increased areas of open, undisturbed grassland around the lake edges. A further 27 species were also considered possibly vulnerable to impacts associated with the site proposals and further information was requested, including an impact assessment of these species. Further clarification was submitted as well as amendments to remove the development from the east of Lake 1, as previously described.

Reptiles - Reptile survey work was carried out during 2013, with no evidence of reptiles discovered. The surveys did not encompass peak survey months of April and May, however the final survey was in the peak survey month of September and from the map provided, coverage of the key potential areas of the site appears to be fairly comprehensive. It is considered that impact on reptiles is considered unlikely, particularly given that the majority of potential habitat areas are to be retained.

Grizzled skipper - This butterfly is one of the key species for which the site is designated, being a Local BAP Priority Species for Nottinghamshire and a NERC Act 2006 Species of Principal Importance. It is encouraged that habitat creation and enhancements are proposed along the length of the disused railway line through the site. The County Ecologist initially raised concerns that the proposed trackway over the dis-used railway line was very wide, suggesting the removal of the majority of the semi-improved grassland on the trackbed. The revised masterplan now shows this to be much narrower in satisfaction of these concerns.

Riparian mammals - Suitable habitats for otter and water vole are identified as being restricted largely to the north of the site, in close proximity to the River Devon. Following further investigation works, no otters were found in this area, although some otter mess was found. As a

precaution the position of a boardwalk in this area has been amended so that it is further away from potential otter habitat.

Timing of works

Both NWT and the County Ecologist have stated that disturbance is likely to occur at the site during the construction period but that impacts could potentially be reduced by undertaking construction works at certain times of the year. The applicants have agreed to a condition requiring a phasing plan to be agreed prior to development commencing.

Biodiversity Management Plan

A Biodiversity Management Plan will be required to guide the ongoing management of retained and created habitats. This can be controlled by way of a planning condition.

Importation of subsoil

Reference is made in the Landscape Masterplan Document to the importation of subsoils onto areas where grass establishment has been slow. The use of subsoil is acceptable, provided that it could be ensured that such subsoils were sufficiently low nutrient and of an appropriate pH. To encourage the development of species-rich grassland, the status of available phosphorous in the soils will be critical, and phosphorous in the subsoils must be 'Low' (Index 0 or 1, <16mg/l); this would need to be controlled through a condition.

Summary

Standing advice has been applied to the proposals and the impacts are found to be acceptable. There are considered to be no significant adverse impacts that would warrant a reason for refusal and indeed the proposal offers some ecological enhancements to the site overall. To summarise, the initial concerns of all ecology consultees have been adequately addressed and neither Natural England, Nottinghamshire Wildlife Trust nor the County Ecologist have raised objections to any of the amended proposals subject to the attachment of planning conditions which are detailed in full in the recommendation sheet at the end of this report. I therefore conclude that the proposal accords with policies CP12 and DM7 of the Development Plan in this regard.

Highway Issues

Local Parish Meetings, a number of neighbouring residents as well as third party groups have raised concerns regarding highway safety (these are summarised earlier in the report). Both Highways England and NCC Highway Authority have been consulted on the proposal but have raised no objection, subject to conditions.

The Highway Authority is satisfied with the parking provision figures meaning that there should be no need for vehicles associated with the development to park outside of the site. 51 parking spaces are provided for the lodges and are located outside of each lodge. This is almost 1 space per 2 bedrooms. 47 parking spaces plus 10 overflow spaces have been provided for the inn building and associated development. This is 1 space per bedroom plus an additional 22 spaces to serve any conferences, the café and staff as well as 10 overflow spaces. Parking to serve the inn is located almost immediately to the south-west of the inn building. 35 car parking spaces are proposed to serve the watersports building as well as 4 mini bus parking spaces and 5 staff parking spaces. Parking to serve the watersports building is located almost immediately to the east of the watersports centre.

The visibility splays proposed are in accordance with agreed standards. In order to achieve the required visibility splays small areas of boundary hedgerow are proposed to be removed with re-planting proposed to the rear of the visibility splays. This is assessed earlier in this report as part of the landscape and ecology issues but is considered to be acceptable.

The Highway Authority is satisfied with the traffic generation figures presented. This is mainly because there is likely to be little effect on peak hour flows. Therefore, congestion and capacity issues are not a concern. The company do not operate set “change-over days” for guests arriving and departing and therefore traffic should be spread more evenly throughout the week. Watersports activities at the lake are spread throughout the day and therefore any traffic from day visitors should also be spread throughout the day.

The Highway Authority has recommended that a traffic calming “gateway” scheme on the C3 be secured by way of a planning condition and that no part of the development be brought into use until such a scheme has been implemented. Other conditions recommended by the Highway Authority are included in the recommendation sheet below.

A Travel Plan has also been submitted in support of the planning application. This includes measures such as alternative transport methods being promoted to guests such as walking, cycling and the use of public transport, the operation of site mini buses as well as car sharing facilities for staff.

A neighbouring parish council has asked for a condition to be attached to the grant of any planning permission that access routes not to be published to go through their village. However, the Highway Authority has not requested this be done for highway safety reasons. If approved traffic associated with the development would be able to use any of the nearby public highways.

For the reasons stated above, it is considered that the proposal will not have a significant detrimental impact on highway safety and that the proposal accords with the aims and objectives of Policies SP7, CP6, CP7, CP9 and DM5 of the Development Plan in this regard.

Rights of Way

The applicant is proposing to divert a public right of way, Kilvington Footpath 3. At present this runs along the south-east boundary of the site and around the Glebe Farm buildings. It is proposed to divert this footpath so that it runs from Alverton FP3 in a generally northern direction to link into an existing footpath to the north.

A short section of Kilvington Footpath 5, near Lake 3, has also been included in the diversion order so that the Definitive Map and the path walked on the ground coincide. No alterations will take place on site but the incorrect Definitive Map will be corrected.

The applicant has submitted a formal diversion order made under the Town and Country Planning Act which has been assessed by the Council’s Solicitors. This will require signing prior to any development commencing on site. The applicant is aware of this and the Council’s Solicitor has requested that this be included as an informative on any grant of planning permission. No development will be able to be carried out on site until the works required by the order have been completed in full.

Neither the NCC Rights of Way Officer (NCC ROW) nor the Ramblers Association have objected to these proposals. NCC ROW has stated that;-

“the new route should be a minimum of 2 metres wide. All the public footpaths on site should be clearly signed so the public can distinguish them from the other paths intended for visitors only. The footpaths at the moment have a natural surface which is sufficient for the current level of use, but if it is considered that use will increase substantially I would not object to a natural stone surface being laid on relevant parts of the public paths.”

These details are included in the order.

Flood Risk and Drainage

When the application was originally submitted, the most up to date Environment Agency flood maps showed the southern part of the site to be located within flood zone 1 with parts of the north of the site being located in flood zones 2 and 3. However, the Environment Agency raised concerns that in this area, they did not hold modelled flood levels, 20 year (functional) or 100 year outlines to help inform the application. Therefore, for the proposal to be made safe and to be set at an appropriate level, the applicant was required to undertake further hydraulic investigation / modelling to ascertain the likely areas of inundation or to set the water sports centre on a high spot to help safeguard its future use, whilst allowing access for waterside activities.

The applicant carried out the further modelling works requested. To the north of the site, this now only shows the lake itself as being located in flood zone 3 with the majority of the watersports centre being located within flood zone 1, with the front part (closest to the lake) being located in flood zone 2.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ‘Sequential Test.’ It is considered that the proposal meets the Sequential Test. As explained earlier in the report, the nature of the development is a tourist facility centred around watersports. By its nature, this has to be located around lakes. Due to their nature, lakes are located within flood zones. With regards to the buildings themselves, the majority of these are located within flood zone 1. All of the buildings that contain sleeping accommodation are located within flood zone 1. It is only the watersports centre that is partially located outside of flood zone 1, the front part of the watersports building, closest to the lake is located within flood zone 2.

The applicant has explained that the building has to be on the shores of the lake to fulfil its role as a watersports hub. Water-based recreation is classed as ‘water-compatible development’ in flood vulnerability terms. Taking these factors into account I therefore conclude that there are no other suitable sites within the district within flood zone 1 that would be suitable for this type of development and the proposal passes the Exception Test as required by the NPPF.

NCC as Lead Flood Risk Authority have provided representations (late in the application process) setting out that further work needs to be undertaken in order to ensure the site is safe and that third parties do not suffer as a result of the development. It has been agreed that the details are such that they can be subject to conditions and are not critical to the decision itself. The requirements for additional flood risk and surface water management are shown in condition 9.

In light of the further evidence, the Environment Agency has removed their previous objection to the proposals, subject to the inclusion of planning conditions regarding no raising of ground levels in flood zones 2 and 3, details of a surface water disposal system, an emergency plan during a flood event and finished floor levels. These conditions are shown in the recommendation section as condition 22. Subject to these being imposed the proposal would accord with policies CP9 and DM5 of the Development Plan and the NPPF which is a material consideration.

Archaeology

As stated in the heritage section of this report earlier, there is a Scheduled Ancient Monument in close proximity to the site. The County Council Archaeology team has been consulted on the application with regards to the likelihood of physical archaeological remains extending beyond this point and into the application site, however, no formal comments have been received.

As a precaution, given the close proximity of the SAM, I recommend that a condition be added to the grant of any planning permission ensuring that a methodology for architectural works be agreed with the LPA prior to development commencing on site.

Economic and other benefits

The proposed development will bring a number of economic benefits to the surrounding area both during the construction phase and once operational.

The applicant's supporting statement sets out that during the construction phase contractors and sub-contractors will be drawn from Newark and Sherwood wherever possible and Nottinghamshire as required. Approximately 225 people will be involved in the development phase of this project.

Once operational, it is anticipated that the development will employ 15 full time members of staff. The applicants have stated that they will seek to employ locally, which would bring some localised benefits.

The development would also provide wider economic benefits locally. The Country Land and Business Association (CLA) support this application and provide the following figures:-

"Tourism contributes around £1.55 billion per annum to the economy of Nottinghamshire; 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimated to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and additional third party activity providers together with the fifteen new employment posts will be worth in total £975,000 per annum to the local economy of Nottinghamshire."

The development also offers education benefits. The applicant states that Natural Retreats and the owners would be able to offer the site as an amenity for school trips, research programmes and as an educational base for wildlife enthusiasts.

The applicant also believes that the development will improve community facilities, although I do note that there has been both local opposition and support to the proposal.

Residents in the local community will be granted access to key facilities within the proposed scheme. In addition to the use of the public footpaths around the site, the local community will be afforded access to the network of private cycle trails and footpaths along with the family areas to be created as part of the proposal. They will also have access to the gymnasium and swimming pool as well as the café and food and beverage offerings on site. These will be managed by way of a membership card system. The local communities will also be able to utilise the meeting and

conference spaces proposed at reduced rates in addition to usage of the watersports facilities on the same basis.

There are to be two new bird hides as part of the proposal which will be operated in conjunction with local birdwatchers clubs.

Pipeline

The Government Pipelines and Storage System (GPSS) have confirmed that one of their pipelines used to run through the site but has now been diverted. The majority of the pipeline is now located outside of the site with a small part being located towards the north-west corner of the site. No built development is proposed in close proximity to this pipeline and, following consultation with the GPSS, the applicant has confirmed that there will be no tree planting which will impact on the pipeline or restrict access to it. The GPSS has no objection to this.

Operations

Local residents have raised concerns that the site may not operate as a holiday use but that the lodges may be used as primary residences. This is an important issue. As explained earlier in this report, planning policies allow for some tourist development in the open countryside. However, planning policies for new residential development in the open countryside are much stricter.

Planning conditions can be used to restrict the use of the new buildings to holiday accommodation only. This was discussed with the applicants who have agreed to conditions stating that the properties can only be occupied for holiday use only, that a register of occupiers is maintained which shall be made available to the LPA for inspection at any time and that the units cannot be the primary residence of any of the occupants. This means that no person can reside at the site for half of the year or more.

The applicant is reluctant to restrict the time period that a single guest can reside at the site for to less than 6 months. The applicant states that there are a number of reasons for this but overall any further restriction will impede the commercial viability of the proposed development and restrict the economic benefits this proposal will generate.

They state that Natural Retreats regularly have guests staying with them for extended periods of holiday ranging from a few weeks to a few months. This can be due to the amount of vacation time they have at their disposal or for reasons such as house move or renovations in their primary residences. They state that promoting holidays in settings such as Kilvington will allow Natural Retreats to promote the wider area and encourage guests to visit the region. Due to the large number of attractions in the area this can lead to extended stays for guests wanting to experience all of these features.

They state that a restriction in the duration a guest can stay on holiday sits directly against the underlying rationale for the creation of a high quality leisure destination and will also directly reduce the potential economic benefits the proposal is set to generate. This will be felt by all levels of the supply chain the proposal intends to utilize including being able to offer full time employment rather than just seasonal jobs.

I am satisfied that the conditions imposed will only allow units on the site to be used for holiday and short term uses and not for primary residences. I am satisfied that the condition requiring the applicants to maintain a register of occupiers which shall be made available to the LPA for

inspection at any time means that the holiday use is easy to monitor and enforce against if needs be.

Other Issues

The site location plan shows some areas of land highlighted in blue. This land is not within the district of Newark and Sherwood but is in the borough of Rushcliffe. Amended plans have been submitted to show that no physical development is proposed to take place in the land edged in blue which would fall under the jurisdiction of Rushcliffe Borough Council (RBC). RBC has been consulted on the application but has not sent a formal consultation response.

Nottinghamshire County Council has advised that the disused railway line that bisects the site was mined and restored under planning permission ref. 3/05/02812/CMM which was determined by NCC. This planning permission is subject to a Section 106 legal agreement securing the long term management of the re-created habitat for the Grizzled Skipper Butterfly for a period of 10 years following completion. The requirements of the Section 106 agreement remain until 2022. The applicants have been made aware of this and state that they will talk to NCC if planning permission is approved. NCC has not objected to the application and I do not consider that this warrants a reason for refusal as the grant of planning permission does not override any legal requirements at the site.

The majority of neighbour comments have been addressed throughout this report. Concerns have been raised regarding the economic viability of the project. The applicant was made aware of these comments and replied that they would not be investing in the site if they did not consider the proposal to be viable. There is no policy obligation for the developer to submit any viability figures. Concerns have also been raised regarding pollution. Whilst the proposal may emit some pollution, some sustainable measures are also incorporated such as grass roofs. A condition has also been requested by the EA and LFRA for the applicant to investigate the use of Sustainable Drainage Systems (SuDS) at the site.

Balancing Exercise and Conclusion

I consider that the principle of this type of development, of this scale and in this location is acceptable in terms of the policy context. The visual and landscape impacts are considered to be acceptable. The very limited harm to heritage assets has been assessed as being *less than substantial* and is able to be weighed in the balance with public benefits. I do not consider there would be any significant adverse impacts to residential amenity, ecology, highway or flood risk that cannot be resolved by way of condition.

It is noted that four local Parish Meetings/Councils and local residents alike have raised objections and concerns to the scheme. I also note that the applicant has sought to resolve some of these before submission and during the application process. Having assessed carefully the concerns raised, those concerns that are material planning considerations are not substantiated by any of the professional consultees and would not warrant reasons for refusal in my view.

The proposed development will bring a number of economic benefits to the surrounding area both during the construction phase and once operational including 225 people at construction phase and 15 posts once operational, bringing localised benefits. I give weight to the comments made by the Country Land and Business Association (CLA) who sum the benefits up succinctly:

“Tourism contributes around £1.55 billion per annum to the economy of Nottinghamshire; 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a

positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimated to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and additional third party activity providers together with the fifteen new employment posts will be worth in total £975,000 per annum to the local economy of Nottinghamshire.”

I find these summarised benefits, together with increased educational benefits, the introduction of new, modestly scaled community benefits (such as café, access to watersport facilities, recreational lake etc) persuasive and that any limited harm the development may bring about would be outweighed by the wider public benefits. Overall I consider that the proposal complies with relevant planning policy and is acceptable.

RECOMMENDATION

That planning permission is granted subject to the following conditions:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

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

Amended site location plan 6397-L-03 Rev C

Amended Masterplan 6397-L-01 Rev S

Drawing no. S2014002-001 entitled 2 Bed Residence Proposed Plans

Drawing no. S2014002-002 entitled 4 Bed Residence Proposed Plans

Drawing no. S2014002-003 entitled 6 Bed Residence Proposed Plans

Drawing no. S2014002-004 entitled 2 Bed Residence Proposed Plans

Drawing no. S2014002-005 entitled 3 Bed Residence Proposed Plans

Drawing no. S2014002-006 entitled 4 Bed Residence Proposed Plans

Drawing no. S2014002-007 entitled 6 Bed Residence Proposed Plans

Drawing no. S2014002-008 entitled 2 Bed Residence Proposed Plans

Drawing no. S2014002-009 entitled 3 Bed Residence Proposed Plans

Drawing no. S2014002-010 entitled 4 Bed Residence Proposed Plans

Drawing no. S2014002-012 entitled Changing Facilities Proposed Plans

Drawing no. S2014002-401 entitled 25 Bed Inn Proposed Ground Floor Plans

Drawing no. S2014002-402 entitled 25 Bed Inn Proposed First Floor Plans

Drawing no. S2014002-403 entitled 25 Bed Inn Proposed Elevations

Drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan

Photographs received 17.02.2015 showing existing buildings to be demolished

Drawing no. S2014002-501 entitled Water Sports Centre Proposed Floor Plans

Drawing no. S2014002-502 entitled Water Sports Centre Proposed Elevations

unless otherwise agree in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until a Phasing Plan has been submitted to and agreed in writing by the local planning authority. Thereafter works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

04

No trees, shrubs or hedges within the site which are shown as being retained on the approved masterplan 6397-L-01 Rev S shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and nature conservation.

05

No development shall be commenced on any phase, pursuant to condition 3, until the trees and hedges shown to be retained in the approved masterplan 6397-L-01 Rev S have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at the outer extremity of the root protection area or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;

- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crown spread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

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

06

The existing hedge along the eastern boundary shown to be retained on drawing no. 6397-L-01 Rev S shall be retained at a minimum height of 1 metre for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of visual amenity.

07

Notwithstanding the provisions of Condition 6 above, the additional hedgerow planting to the eastern boundary, as shown on plan 6397-L-01 Rev S shall be retained at a minimum height of 1 metre for the lifetime of the development. Any trees/shrubs within the hedgerow which, at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and landscape character to ensure that appropriate screening is maintained.

08

No development shall be commenced in any phase, pursuant to condition 3, until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings respectively have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

09

No development shall be commenced until the following drainage details have been submitted to and approved in writing by the LPA. Thereafter development must be carried out in accordance with the approved details;-

1. Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. If possible, the site should be designed to retain all surface water flows within the site and route these to an attenuation pond.
2. Detailed drainage layout including building drainage. This is to include a fully referenced

network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding.

3. All infiltration areas with supporting specification, calculations and construction details.

4. Attenuation pond / tank details including volumetric calculations, geotechnical and slope stability calculations as appropriate, specification of materials used to construct any berms.

5. Full specification and general arrangement drawings for inlet / outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood / failure of the infrastructure.

Reason: To ensure satisfactory drainage at the site and reduce the risk of flooding.

10

Prior to the new Inn building hereby approved being first brought into use, all existing buildings at Glebe Farm shown on drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan and in the photographs received 17.02.2015 shall be demolished and removed from the site.

Reason: In the interests of visual and residential amenity.

11

No development shall be commenced in any phase, pursuant to condition 3, until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and in the interests of nature conservation.

12

No part of the proposed watersports building shall be commenced until precise details of low reflection glazing to be used on the watersports building have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

13

There shall be no motorised water sports vessels operating at the site other than one safety craft.

Reason: In the interests of residential amenity.

14

No development shall be commenced in any phase, pursuant to condition 3, until a full schedule of external facing materials for all buildings on site (samples shall be submitted upon request) have been submitted to and approved in writing by the local planning authority. Development shall

thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

15

No development shall be commenced until a Biodiversity Management Plan to guide the ongoing management of retained and created habitats at the site has been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

16

No development shall be commenced until details of any imported subsoil to the site have been submitted to and approved in writing by the local planning authority. This shall include precise areas where subsoil will be used as well as precise details of subsoil character. Subsoil specifications should be as follows: a pH of less than 6.5; a soil phosphorous concentration of below 25ppm (index 2 or below), and ideally below 15ppm (index 1 or below).

Reason: In the interests of maintaining and enhancing biodiversity.

17

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;

- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

18

No development shall be commenced until a written methodology for archaeological works at the site has been submitted to and agreed in writing by the local planning authority. Thereafter works shall be carried out in accordance with the approved details.

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

19

Notwithstanding the provisions of Part C, Class C3 “Dwelling Houses” of the Schedule of the Town and Country Planning (Use Classes) Order 2005, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

Reason: The development is located within the countryside where new residential development would not normally be permitted.

20

The site operator shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time, and a copy of the register shall be supplied to the local planning authority at the end of each calendar year.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

21

The properties hereby permitted for use as holiday accommodation shall not be occupied by the same person or persons for a total period exceeding 6 months in any calendar year.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

22

The development hereby permitted shall not be commenced until such time as a design scheme to address the flood risk matters listed below has been submitted to, and approved in writing by, the local planning authority.

1. Ensure no raising of ground levels in areas of Flood Zones 2 and 3.
2. Provide design details of an appropriate surface water disposal system, based on SuDS techniques.
3. Provide an appropriate access and egress emergency plan to ensure that all users of the facility can be safe during a flood event.
4. Ensure finished floor levels are set no lower than 17.50m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1. To prevent any increase in flood risk by the prevention of loss of floodplain storage or blockage of flood flow routes.
2. To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

3. To ensure the safety of all users of the facilities.
4. To reduce the risk of flooding to the proposed development and future users.

23

No development shall be commenced until details of how clean and foul water will be separated with details of how foul water will be treated if the effluent cannot go to a local Severn Trent Water via sewer. The approved details shall be implemented in full.

Reason: To ensure satisfactory drainage at the site.

24

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

25

The development hereby permitted shall not be open to guests or employees until a scheme for improvements to local bus stops has been submitted to and approved in writing by the local planning authority and thereafter implemented in full.

Reason: To promote sustainable travel.

26

Notwithstanding the approved plans, no development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

an implementation and phasing programme.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, artwork, refuse or other storage units, signs, etc.)

Reason: In the interests of visual amenity and biodiversity.

27

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

28

No part of the development in any phase, pursuant to condition 3, shall be brought into use until all vehicular accesses from the public highway are surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary. The surfaced accesses shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

29

No part of the development in any phase, pursuant to condition 3, shall be commenced until details of the vehicular accesses have been submitted to and approved in writing by the LPA, showing widths, radii and construction detail and thereafter constructed in accordance with the approved details prior to the development being brought into use.

Reason: In the interests of highway safety.

30

No part of the development in any phase, pursuant to condition 3, shall be brought into use until visibility splays of 2.4m x 160m are provided in both directions at both vehicular accesses, with the exception of the splay to the south west of the northern access which can be 2.4m x 120m, in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

31

No part of the development hereby permitted shall be brought into use until the parking areas for each respective phase have been provided in accordance with the approved masterplan 6397-L-01 Rev S.

Reason: In order to reduce the possibility of the proposed development leading to on-street parking in the area to the detriment of other road users and highway safety.

32

No development shall be commenced until details of the measures to control access from the footpath onto the nearby shoreline and lake (particularly in relation to dogs) along the southern shore of Lake 1 have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details prior to the

development being brought into use.

Reason: In the interests of maintaining and enhancing biodiversity.

33

No part of the development hereby permitted shall be brought into use until a 'gateway' traffic calming scheme on the C3 has been implemented in accordance with a scheme to be first submitted to and approved in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of highway safety.

34

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. measures to prevent the deposit of debris upon the adjacent public highway.

Reason: In the interests of residential amenity.

35

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

36

The water sports centre shall not be open to guests or members of the public outside of the following hours;-

07:00 – 23:00 Monday – Sunday

Reason: To minimise light pollution in the interests of visual amenity.

37

No development shall be commenced until precise details of new bat and bird boxes have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details prior to the site being occupied.

Reason: In the interests of maintaining and enhancing biodiversity.

38

No development shall be commenced until an updated badger ecological walkover survey, including mitigation measures where necessary, has been submitted to and agreed in writing by the local planning authority. Thereafter development shall be commenced in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

39

No development comprising the demolition of the existing farm buildings at Glebe Farm shall be commenced until an updated bat survey, including mitigation measures where necessary, has been submitted to and agreed in writing by the local planning authority. Thereafter development shall be commenced in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

40

No demolition of the buildings or works to hedgerows shall be carried out during the bird breeding season (1st March to 31st August) unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the local planning authority prior to any demolition of buildings or works to hedgerows being carried out. If nests are found no demolition of building works or works to hedgerows shall be carried out until the young have flown the nests.

Reason: In the interests of maintaining and enhancing biodiversity.

41

This permission relates to development on the site shown edged in red on the approved site location plan only.

Reason: To define the permission, for the avoidance of doubt.

Informatives

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

With regards to condition 26 (landscaping), please note the following advice:-

- In the Woodland Mix W1 – General Mix; Core Mix and Woodland Mix W2 – Damp Soils/Lakeside; Core Mix, one of the species listed is beech (*Fagus sylvatica*), which is not native to this area; This should be removed
- In the Woodland Mix W1 – General Mix, Edge Mix, it is requested that hawthorn (*Crataegus monogyna*) is increased to 35%, hazel (*Corylus avellana*) reduced to 20%, and wild cherry (*Prunus avium*) reduced to 5%, to give a more naturalistic composition.
- In the Woodland Mix W2 – Damp Soils/Lakeside; Core Mix, it is requested that some of the larger growing species (namely alder, *Alnus glutinosa* and oak, *Quercus robur*) are avoided in lakeside locations.
- In the Woodland Mix W2 – Damp Soils/Lakeside; Edge Mix, it is requested that hawthorn (*Crataegus monogyna*) is used instead of wild cherry (*Prunus avium*).
- Depending on existing soil type, it may be possible to further enhance the meadow mixes proposed to increase the variety of habitat around the site.
- The shrub planting on the western bank of Lake 1 should be removed.

04

Prior to quarrying at the site, the Internal Drainage Board maintained a watercourse through the site. Whilst the watercourse is no longer in place, flows from Alverton still enter the site and discharge into the lakes. The applicant is advised that this drainage route must be protected and flows on the watercourse must be maintained in perpetuity.

05

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

06

In order to implement this permission, some public footpaths requiring diverting. The applicant is aware that the works set out in the Public Footpath Diversion Order require implementing prior to any other development commencing on site.

07

With regards to condition 9 (drainage details), all calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word / excel / autocad etc. All documents should be referenced with a unique identifier – drawing number, document number / revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

08

With regards to conditions 25 and 33, these will be secured with the Highway Authority through a Section 278 Legal Agreement.

09

With regards to condition 27, stock-proof fencing may be a solution.

10

All the public footpaths on site should be clearly signed so the public can distinguish them from the other paths intended for visitors only.

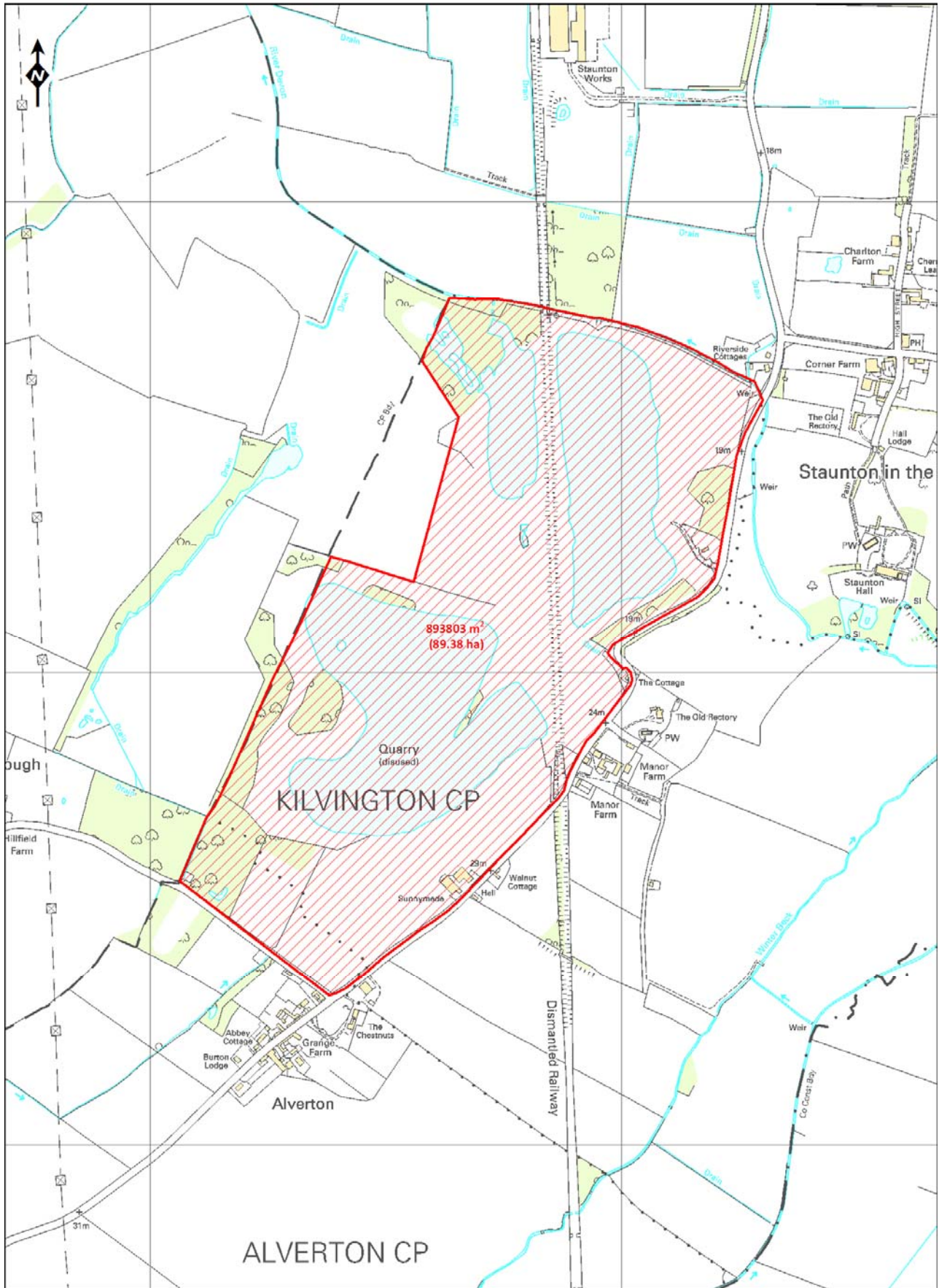
BACKGROUND PAPERS

Application case file.

For further information, please contact Claire Turton on 01636 655893

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

K Cole
Deputy Chief Executive



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/00292/FUL	
Proposal:	Erection of new gantry crane on an existing industrial estate	
Location:	PA Freight Services Ltd, International Logistics Centre, Park House, Farndon Road, Newark	
Applicant:	Andrew Morris of PA Freight	
Registered:	09 March 2015	Target Date: 04 May 2015

Update for 7 JULY COMMITTEE

Members will recall that this item was deferred in order to allow a site visit given the new membership of the Planning Committee.

Update for 9 JUNE COMMITTEE

Members may recall that this application was deferred at the May meeting in order to allow Officers to negotiate further with the applicant on appropriate hours of operation for the crane. Further details were also requested on existing site operations.

The site which forms the basis of this application has an established employment use, with the earliest decision on record dating back to 1993 when change of use of former gardens to a yard was granted consent (93/51036/FUL). It is understood that the existing site has been occupied by the current owners PA Freight since 1996 with use of the site as a freight depot.

Having reviewed the planning history it is clear that development has taken place on the site in recent years, including for new warehousing and portacabins. However upon review of aerial photography it is clear to see that the site boundaries defined by the high screening hedging have not been altered and as such development on the site has not expanded beyond the defined boundaries. There is suggestion that activity on the site has intensified. Why this may have happened to some degree there is no evidence before the Authority that such intensification has taken place, has done so within the last 10 years (from an enforcement/immunity perspective), or represents a material change of use requiring planning permission.

Members may remember that the determination of the application was deferred from the May committee meeting so that officers could negotiate more stringent hours of operation of the proposed gantry crane and to investigate alleged noise complainants.

Confirmation has been provided from colleagues in Environmental Health that based upon records held since 2007, 3 noise complaints were received in 2008 and 2011. All complaints were investigated and noise diaries provided to the complainee's. However, no diaries were returned to Environmental Health and as such the complaints were closed without further action being

taken. This instance of complaints does not suggest a significant intensification in usage nor ongoing amenity issues nearby.

Discussions have been entered into regarding the further reduction in the hours of operation of the proposed crane and the applicant has provided the following comments. "The crane would enable PA Freight to move larger containers and therefore require less vehicular movements in the yard of the smaller tele handlers and fork lift trucks, which in the majority run on gas and are relatively noisy in their operation and have audible reversing warning features. The crane as seen by Officers and a colleague from Environmental Health is relatively silent in its operation, being driven by electric motors. As such the proposed gantry crane would result in the creation of less noise on site through the reduction in use of the noisier telehandlers and fork lift trucks to the benefit of the surrounding area. Further restriction in hours of use of the crane is considered by the applicants to be unreasonable and unnecessary and counter productive."

As Members will be aware the use on this site is historical and there remain no restrictive hours of use. This application seeks the provision and use of a crane. One cannot, as part of this submission, seek to retrospectively regularise the operations on the site. In terms of the crane itself I am satisfied, as is my Environmental Health colleagues, that the crane and its use will not unacceptably affect amenity levels. Indeed the proposed crane would result in a reduction of movements through enabling fewer, larger containers to be handled to the benefit of the surrounding area.

RECOMMENDATION

That full planning permission is approved subject to the conditions below, including the revised hours of operation previously agreed by the applicant.

The Site

The application site relates to an existing logistics, warehousing and distribution centre, occupied by PA Freight. PA Freight are a specialist packing and freight company who organise the safe shipping and transport of abnormal loads across the world.

The existing site is occupied by a diverse range of buildings, comprising warehousing, a Nissan hut, stores, workshops, porta cabins and offices with parking for approximately 20 vehicles. Adjacent to this is a concrete surfaced handling yard for the freight. The buildings are all contained within a secured compound and generally well screened by mature conifer trees and fencing. Access is taken along an 80 metre private drive from Fosse Road, which is located immediately adjacent to a property known as 'Camahieu' at Farndon Road.

To the east, a strip of land (which appears to be a yard used for HGV parking and annotated on the plans as being owned by Mr Walmsley) separates the site from the rear gardens of residential development on Farndon Road. To the north is a vacant brown field site, and to the east are the grounds to a substantial detached dwelling 'Cranleigh Park' at 153a Farndon Road adjoining open countryside. The premises are bounded on all sides by a mixture of mature hedging and tree planting.

Land to the south-west of the existing premises, within the application site, forms part of an agricultural field, which itself borders the River Devon to the west and Fosse Road to the east. The new infrastructure in connection with the dualling of the A46 trunk road is now in place and

includes an upgraded roundabout to the south-west. Construction of the new access to serve PA Freight by the Highways Agency has taken place.

The existing premises sit within Newark Parish and within the town envelope, whilst the adjoining field is located within the open countryside. The Farndon Open Break as designated by the Newark and Sherwood Local Plan is situated immediately to the south and east of the development site. Additionally, the site as a whole is designated as being within Flood Zones 2 & 3.

Relevant Planning History

There is long-established history of commercial uses occupying the site. Charles Lawrence (UK Ltd) formerly occupied the site which relocated to Newark's industrial estate around 1996 when PA Freight took over the site. The following applications are of interest:

82/1046 – Erect house (to become known as Cranleigh Park) on land rear of 153a Farndon Road, also within the Open Break. Approved 1st June 1983, subject to conditions linking the house to the adjacent business Charles Lawrence (UK) Ltd.

88/1459- Planning permission was granted for the refurbishment and extension to stores and staff facilities on 9th January 1989.

90/1427 – Planning permission was granted for the erection of a new storage shed, oil and general store on 12th February 1991.

93/51036/FUL - Planning permission was granted for a change of use of former gardens (strip of land at Cranleigh Park) to yard on 15th November 1993.

94/51039/TEM – Temporary consent was granted for portacabins on 29th September 1994.

96/51057/FUL – Approval for the erection of a storage shed was granted on 24th February 2007.

96/51049/FUL – Permission was granted on 29th October 1996 to allow the continuation of the use of the dwelling 'Cranleigh Park' without compliance with Conditions 2 and 3 of 82/1046 which linked the house to the adjacent business.

02/01147/FUL – Full planning permission was granted on 16th September 2002 for a new access drive off Old Fosse Road to serve a private dwelling known as Cranleigh Park and PA Freight. Having viewed aerial photographs from 2005, this appears to have been implemented and is known as Sproaks Lane.

02/02656/OUT - Outline permission was granted on 3rd April 2003 for proposed new offices and lecture theatre and new warehouse facilities.

03/02978/FULM – Full planning permission was refused for a new logistics training centre, warehousing and offices together with related car and lorry parks and landscaping on 17th June 2004. An appeal was lodged but ultimately withdrawn following announcement by the Highways Agency of the A46 Road Improvement Scheme which made the scheme unworkable.

05/02621/FUL – Full planning permission was granted retrospectively to allow the increase height of a warehouse on 19th January 2006.

07/00848/FUL – Full planning permission was granted retrospectively for the widening of an existing road and the provision of a turning area and temporary parking area for commercial vehicles on 15th August 2007. Condition 1 required that there would be no parking of vehicles on the site between the hours of 1830 and 0800. Whilst the description indicated the parking would be temporary there is no mechanism (such as a condition) within the decision notice to time limit this parking and as such this can lawfully continue in perpetuity.

11/SCR/00014 – A screening opinion (under the Environmental Impact Assessment Regulations) was sought for the development (re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles. Redevelopment of site involving demolition of some existing buildings and construction of 3 no. new commercial buildings) and it is the LPA's opinion that an EIA is required in this instance.

11/01300/OUTM – Re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles. Redevelopment of site involving demolition of some existing buildings and construction of 3 no. new commercial buildings. Appearance and details of new buildings will be a reserved matter. Still pending determination.

The Proposal

Full planning permission is sought for the erection of a gantry crane. The crane has a degree of permanence and hence constitutes development needing permission. This crane is C15m wide by C31.5m in length and is just over 9m high and would be located within the freight yards adjacent to an existing warehouse and close to the boundary with no. 14 Willow Cottages to the north. The crane is currently in operation at PA Freight Services Swinderby site and will be transferred to the Newark site to handle larger equipment.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile`
- Core Policy 9 -Sustainable Design
- NAP1 – Newark Urban Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – No objection

Farndon Parish Council – No objection

NCC Highways Authority – The proposal is not expected to have a significant impact on the public highway, therefore, there are no highway objections to this application.

Highways Agency - No objection

Environment Agency – We note that this application is located within flood zone 3, and hence is in a high flood risk location. It is usual for such applications to be supported by a flood risk assessment FRA. We note the comments in the email from Mr Rodgers on behalf of the applicant, but having reviewed the 2011 FRA to which he refers we consider that the FRA is out of date and not relevant to this application. We would recommend therefore that a FRA appropriate to the scale and nature of the proposal is submitted in support of the application, using the matters indicated in the email as a framework for the submission. If this can be submitted within the consultation period then we will be happy to carry out a further review before responding formally. Should this not be possible then we would have to **OBJECT** to the application on the basis of an inadequate FRA.

At the time of writing this report discussions are on-going between the agent and the Environment Agency. The agent is confident that given the diminutive footprint of the proposed crane that the objection raised by the EA shall be withdrawn.

Environmental Health – Having heard the crane in operation and visited the cranes proposed installation location, subject to a condition ensuring the crane is correctly installed and maintained I have no objection.

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

- The site is not an existing industrial site
- The site is situated within a floodzone
- Existing HGV traffic causes damage to the neighbouring property and boundary treatment and would be increased by the proposed development
- The existing security lighting is damaging to surrounding residential properties
- The crane will result in the presence of more slow moving traffic entering the site to the detriment of highway safety
- The site is a haulage yard and is not commercial land as indicated in the application
- The creeping intensification of the site is inappropriate in a residential location
- The crane will tower over surrounding residential properties
- The crane would be highly visible and detract from views when entering the historic town of Newark
- The submitted site location plan is considered to be incorrect and land shown as within the blue line should not be

- It is not believed that the original Sui Generis permission for the site was ever intended to lead to the expansion of the yard into the Farndon Open Break and flood plain as the lorry park has done, the permission was for the site itself to be the area for the parking of lorries and not the creeping intensification of activities within the site, pushing the parking of lorries out into the open countryside

Comments of the Business Manager

The application has been called to committee at the request of Councillor Payne, who has raised concerns regarding the scale and height of the proposed crane and its perceived impact on neighbouring properties and visual impact on the entry into Newark.

Principle

Core Policy 6 of the Core Strategy states that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range of employment opportunities by amongst other things:

‘providing most growth, including new employment development, at the Sub-Regional Centre of Newark, and that of a lesser scale directed to our Service Centres and Principal Villages, to match their size, role and regeneration needs. Providing a range of suitable sites in these location that will enable employment levels to be maintained and increased, by meeting the modern requirement of different business sectors and types.’

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The Core Strategy is explicit in identifying that the Newark Urban Area is the Sub-Regional Centre for the District which will form the focus for further development and growth over the identified plan period. The Allocations and Development Management DPD identifies the development site as being within the Newark Urban Area where Area Policy NAP 1 is considered to be particularly relevant. NAP 1 states that the District Council will work with its partners, developers and service providers to promote the Newark Urban Area as the main focus for residential, commercial and leisure activity within the district.

The site is also situated adjacent to land allocated as Open Breaks. Policy NUA/OB/1 of the Development Management DPD states that ‘within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for built development’ However, notwithstanding the above, the development site is not situated upon land defined as Open Breaks. The proposed crane would be sited within the boundaries of the existing yard, which has an established employment use (occupied by PAF since 1996) for use as a freight depot.

The principle of further development on the proposed site is considered to be acceptable subject to the consideration of the proposed developments perceived visual impact, impact upon flood risk, perceived amenity impact, perceived impact upon highway safety and perceived economic impact.

Visual Impact

The site is situated approximately 100m to the east of Farndon Road and with the exception of the entrance views into the site are relatively limited. The site is laid out with a carpark to the south west with associated office building to the east of this. The yard area with associated buildings extends to the north and west of the main office building. Of particular note is the storage building on the northern boundary of the site which has a ridge height of approximately 9.2m. The entire site is screened from view by the presence of an approximately 10m high Leylandii hedge which marks the northern, eastern and western boundaries to the site.

It is proposed to site a gantry crane on the north western boundary of the site to the west of the storage building. The crane would have a width of 31.5m a depth of 15m and an overall height of 9.05m. The crane is currently in operation at the companies Swinderby site and the finish of the crane has been viewed by officers. The crane has a grey gantry frame with the travelling crane coloured a powder coated yellow.

Consideration of the perceived impact of the crane on the surrounding areas needs to be had. The closest residential property to the proposed cranes location would be 14 Willow Cottages, which forms part of a collection of sheltered bungalows for the elderly. It is considered that given the overall height of the crane at 9.05m and the approximate height of the dense Leylandii hedging which marks the boundary of the site at 10m it is not considered that views of the crane shall be possible beyond the development site.

The comments regarding the impact of the crane on views as people enter Newark via Farndon Road are noted; however given the cranes siting approximately 100m to the east of the road and the existing 10m high boundary screening it is considered highly unlikely that the structure will be visible beyond the development site. A condition is recommended to be added to any forthcoming permission for the boundary hedging to be retained at a minimum height of 9.5m, in the interests of the visual amenity of the surrounding area.

Flood Risk

The site is designated as being situated within Flood Zones 2 & 3 according to Environment Agency Flood Zone Mapping and lies within the floodplain of the River Trent and River Devon. The development site is in the majority surfaced with concrete with surface water draining into a network of ditches and culverts.

The proposed crane would be open sided and is constructed of steel i-beam legs on spreader plates. It is proposed that the legs of the crane would be bolted directly into the existing reinforced concrete surface without the need for a foundation.

The comments from the Environment Agency are noted and it is understood that the agent is in on-going discussions with the Environment Agency regarding their stance on the application. The agent expects that the objection lodged by the Environment Agency shall be removed on the basis that the proposed installation would not dramatically alter the sites surface water absorption. Given the diminutive footprint of the proposed crane and that the site is at present hard surfaced

with concrete, officers share the opinion of the agent and do not envisage that the installation of the proposed crane would detrimentally alter the surface water absorption of the site.

Residential Amenity

The sheltered elderly housing of Willow Cottages situated to the north of the site are the closest residential properties to the proposed development. Further afield the property known as 'Camahieu' situated to the south west of the development on Farndon Road would be approximately 80m from the cranes proposed location.

At present the Farndon Road site for PA Freight handles a variety of packing crates and containers of varying sizes. The logistics of managing these containers is currently undertaken by the existing smaller crane situated in the building to the east of the proposed gantry crane, fork lift trucks and telehandlers. Upon undertaking a visit to the site it was apparent that the site was an active shipping yard with vehicles frequently in operation moving materials around the yard. In addition to the noise created by vehicles moving around the yard, background noise of the nearby A46 was clearly audible. As such it was clear that the site is an operational shipping yard and a background noise level exists generated by existing operations.

The agent has commented that the siting of the proposed crane on the site would reduce the current number of vehicular movements on the site, given that a smaller number of larger containers could be managed as opposed to the current higher volume of smaller containers. This it is considered could result in a reduction of existing background noise levels to the benefit of surrounding residential properties.

Officers and Environmental Health colleagues have witnessed the proposed gantry crane whilst in operation at the companies Swinderby site. The crane is operated by electric motors and notwithstanding the noise generated by these motors was relatively quiet in its operation. No objection to the proposed installation has been received from the Environmental Health Officer; subject to the imposition of a maintenance condition to ensure the crane operates as viewed on site.

Highway Impacts

The comments from neighbours regarding highway safety are noted, however it is not considered that the proposed installation would result in a greater volume of traffic. The agent has commented that the installation of the crane would result in the sites ability to handle larger containers thus resulting in fewer vehicular movements. Nottinghamshire County Council Highways Authority and the Highways Agency have both offered no objection to the proposed development.

Economic Impacts

The proposed crane is to be re-sited from the companies existing Swinderby site, which is to be closed with current operations absorbed by the Farndon Road site. Should the application for planning permission be refused, the jobs (approximately 10) currently provided at the Swinderby site would be lost. The proposed development site which forms the basis of this application, is situated within the Urban Centre of Newark where in accordance with Area Policy NAP 1 and Core Policy 6 of the Core Strategy employment shall be promoted. As such in the interests of job retention, it is considered that the proposed development would result in a positive economic

outcome through the retention of jobs and allow a local business to prosper, to the benefit of the District.

Balance and Conclusions

The proposed crane would be sited within an operational shipping yard and within the existing boundaries of said site, as defined by approximately 10m Leylandii hedging. The re-location of the crane from PA Freights Swinderby site will ensure up to 10 existing jobs are retained. The existing boundary vegetation would screen the crane from view from neighbouring properties and users of Farndon Road. The crane would result in no greater noise disturbance level than that which currently exists on the site. The surface water absorption of the site is not considered to be significantly altered through the installation of the crane due to the modest foot print of the installed crane and the lack of any foundation.

The proposed development is considered to accord with Spatial Policy 7, Core Policies 6 & 9 and Area Policy 1 of the Newark and Sherwood Core Strategy. In addition with policies DM1, DM5 and DM12 of the adopted Development Management DPD.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

Conditions

1. The development hereby permitted shall not begin later than three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference
 - Block plan as proposed Dwg No 2
 - Plans and elevations as proposed Dwg No 3unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

3. The hedging along the northern, eastern and western boundaries shall be retained at a minimum height of 9.5 metres for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of residential and visual amenity

4. The use hereby permitted shall not take place outside the following:-
Monday – Saturdays 6am to 8pm
Sundays, Public or Bank Holidays 9am to 4pm
Reason: In the interests of residential amenity

Notes to Applicant

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

Application case file.

For further information, please contact James Mountain on ext 5841

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00292/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/00643/FUL
Proposal:	Erection of Two Bedroom Bungalow
Location:	Regency Court, 5 Victoria Street, Newark on Trent, Nottinghamshire
Applicant:	Kevin Templeman, Oak Tree Homes Ltd
Registered:	17 April 2015 Target Date: 12 June 2015
	Extension of Time Agreed until 9th July 2015

The Site

The site is located to the rear of No. 5 Victoria Street, Newark and comprises land within the curtilage of this property.

No. 5 Victoria Street itself is a three-storey Grade II listed building, and is half of a listed pair of Georgian houses (with number 7 Victoria Street) dating back to c1840. This has a 20th century two storey rear wing projecting back into the site set slightly lower than the main house which stands at just over 12m in height to ridge in the street-scene.

The house is converted into five flats. The application site comprises a grassed garden area of approximately 10.2m wide by 14.0m that is currently used as communal garden for the tenants. The garden has a substantial warehouse and garage buildings on its north-west and south-east sides. A 1200mm high brick wall runs along the south-west boundary. A pair of mature trees are located close to the south-eastern boundary.

The site is located in an area with mixed uses. The adjacent former Methodist church is converted to flats. On the opposite site of the road is a former Victorian clothing factory currently vacant. A large garage is located to the north-east, whilst a large single storey warehouse building is located to the south which forms the boundary with the car park for the nearby B&M Bargains and Co-op Convenience Store.

The site is accessible on foot from Victoria Street via an entrance lobby and passageway to the north-east of the host dwelling.

The site is located within the Newark Conservation Area.

Relevant Planning History

No relevant planning history.

The Proposal

Planning permission is sought for the erection of a two bed bungalow on land to the rear of No. 5 Victoria Street. The dwelling would have an L shaped footprint and would measure a maximum of 9.7m long by 7.7m wide (providing a total internal floor area of 43m²), with a maximum height of 4.25m (2.4m eaves height). The proposed materials are red brick, whilst the tiles would be grey slate. A small area of residential curtilage would be provided as an internal courtyard to the north-west. Existing trees would be retained to the south of the new building between it and the adjacent warehouses.

Departure/Public Advertisement Procedure

Occupiers of seventeen properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
NAP1: Newark Urban Area
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – Object to this application for the following reasons:

- It is over intensification of the site
- There will be a loss of amenities to the current flats
- There will be no natural light
- Traffic/parking impact

NCC Highways Authority – There are no parking facilities provided for this development, however, as the application site is located within close proximity of Newark town centre, with adequate public transport and public car parks nearby, there are no highway objections to this proposal.

Historic England – The application should be determined in accordance with national and local guidance, on the basis of Newark and Sherwood specialist conservation advice.

Conservation Officer - No objection. Detailed comments are contained within the appraisal section below.

NSDC Waste Management – Unable to comment unless provided with further information.

NSDC Access and Equalities Officer – It is recommended that the developer be advised to consider inclusive access and facilities for all, with particular reference to disabled people. To this end, Lifetime Homes Standards, BS 9266:2013 'Design of accessible and adaptable general needs housing – Code of Practice' as well as Approved Document M of the Building Regulations – Sections 6 to 10, contain useful guidance. In particular, level or carefully designed ramped approach to, into and around the dwelling should be carefully considered to facilitate easy access and manoeuvre. Generous doorways, a carefully designed layout, accessible switches and sockets and suitable sanitary and WC provision etc. are important considerations. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access from the edge of the site to the bungalow. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features. It is recommended that a separate enquiry be made regarding Building Regulations Approval

NSDC Environmental Health – This application is for a new residential dwelling adjacent to a vehicle maintenance and repair garage. This is a potentially contaminative use and there is the potential for contaminants to have migrated from this site to the development site. I would request that the following advice is issued to the applicant. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

One representation has been received from an interested party/neighbour stating that they agree with the Town Councils concerns.

Comments of the Business Manager

Principle of the Proposed Development

The site is located within the main urban area of Newark and, as such, it is in a location that is considered sustainable for new housing development. As such there is no objection to the principle of the development, provided it complies with the other policies within the Development Plan. A discussion on the main issues follows.

Impact upon the Character and Appearance of the Area (including Heritage Assessment)

The site constitutes backland development although is not dissimilar to other forms of mews type of development seen in town centers. In accordance with Policy DM5, proposals that create backland development should only be approved where they would be in-keeping with the general character and existing density of the area and would not set a precedent for similar forms of development in the area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act sets out the aim of preserving the setting of listed building. This is also embedded in Policies CP14 and DM9 of the Development Plan which seek to ensure that proposals affecting heritage assets (such as the setting of listed buildings and Conservation Areas) will be expected to secure continued protection or enhancements. Development which fails to preserve the setting of designated heritage assets is not sustainable development in the context of paragraphs 7, 131, 132 and 137 of the NPPF.

With regard to the setting of the listed building the Conservation Officer comments as follows:

“While some of the detail has been altered the houses were clearly a relatively smart Georgian property, expressing architectural detail of the day. To the rear the property is more typically lower status, being the working side of the property, with a range of outshots and less emphasis on formal architecture. The rear gardens are relatively modest and back onto single storey former malthouses as well as modern additions like the Co-op to one side a raised wall associated with the chapel on the other side. The overall setting is urban, relatively high density, utilitarian and quite altered by modern developments. The gardens are not shown on maps as having any significant features, like an orchard for example, and certainly now are simple enclosed spaces which are not particularly significant to the setting of these listed buildings.

Despite the apparent formality of the front elevation these were not houses enjoying a large or high status garden or setting and I could quite imagine the rear land being built upon with outhouses or alternatively with modest cottages forming a yard type development, very typical in Newark at this age.

Given the limited contribution that the rear setting makes to the significance of these heritage assets, the common nature of yard developments historically, as well as the altered nature of the rear setting, I have no in-principle objection to some form of backland development here.

Typically development to the rear of these long narrow plots would themselves have been long and narrow, and to a certain extent this is shown in the proposed planform, although weakened by the right angle return. However, I do not believe that the form of the building, which is modest in scale and appearance, is harmful to the setting of the listed building, given my understanding of the significance of the setting here. I also note the use of appropriate materials, simple but traditional windows and a verge detail.

On balance, I do not think this development would harm the setting of the Grade II listed building and would preserve the character and appearance of the conservation area, as such I have no objection.”

I agree with this summary. Indeed, in terms of the impact of this form of development upon the character and appearance of the Conservation Area, this type of backland development is fairly typical of town centre mews development seen elsewhere in the town.

The design of the proposed dwelling is simple and fairly unremarkable in its design. However the single storey nature of the dwelling would not be readily visible in the public realm (sitting lower and behind existing trees when viewed from the adjacent B&M/Co-op car park) and thus its impact upon the Conservation Area is considered to be neutral. It is apparent that some development has taken place on the adjacent sites, including the development of a garage and the formation of an area of hard standing. Taking all of this into account, whilst the proposal is backland development, it is not considered that it would be inappropriate or out of keeping in this location nor would it adversely impact upon the character and appearance of the Newark Conservation Area or the setting of the listed building. The proposal therefore accords with policies CP9, CP14, DM5 and DM9 of the Development Plan.

Impacts upon Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The proposal would provide a modest area of residential curtilage for the new bungalow (c30m² courtyard) and, given that the proposal is for a 2 bedroom dwelling, it is considered that this is commensurate in size. In terms of outlook for the residents of the bungalow, a number of windows are proposed along each elevation. Windows serving the bathroom and the kitchen would be on the elevation facing close to a brick wall. However the living room French windows/doors would face onto the private courtyard area and due south towards retained trees, providing a more attractive outlook with access to natural light. A bedroom window would be located just over 5m from the boundary with No. 7 Victoria Street. However given that this is at ground floor level, I do not consider that this would give rise to unacceptable overlooking impacts.

In developing the site, three of the flats within the main house would lose access to the communal external garden. Two of the flats have private garden areas would remain unaffected (the garden to flat 1 would retain c16m² and flat 2 would retain c35m² of garden). Whilst I note the Town Council's concerns that the existing occupiers would experience a loss of amenity, given the nature of flats particularly at upper floor levels, I do not consider that not having any external space should be fatal to the planning application.

On balance it is therefore considered that the proposed development would result in a satisfactory level of residential amenity for both the occupants of the proposed development and the occupants of the existing flats.

Highway and Parking Impacts

Spatial Policy 7 provides that developments should minimise the need for travel, provide safe convenient and attractive accesses for all including the elderly and disabled, provide appropriate and effective parking provision and ensure that the traffic generated does not exacerbate existing on-street parking problems nor materially increase other traffic problems. This is echoed in Policy DM5.

In this case no vehicular access or off-street car parking would be provided. Access would be pedestrian only via an entrance lobby and passageway leading from Victoria Street. I note the Town Council have raised a concern regarding the traffic and parking impacts. However I also note

that the County Council's Highways Authority raise no objection to this approach given its location on the edge of the town centre.

This scheme is not dissimilar to other mews development in the town and there is nothing in policy that requires that a *vehicular* access must be provided. Implicitly any occupiers or visitors would need to park in public car parks nearby or on-street. Victoria Street itself is subject to parking restrictions (double yellow lines) although there are some parallel parking bays along the northern side, further along the street that operate on a first come first served basis. Occupiers would be well aware of the parking position before occupying the proposed dwelling.

Equally there are no requirements through the planning system to provide an emergency access to the site. Given the site is located close to the town centre, with adequate public transport and public car parks nearby it is deemed to be a sustainable development whereby the provision of off-street parking is not essential to the scheme. For these reasons it is considered that the proposal would accord with SP7 and DM5 in terms of highway and parking impacts.

Density and Housing Mix Considerations

It is noted that the Town Council are concerned that the development represents an over-intensification of the site. Whilst I understand these concerns, one has to consider any planning harm that would arise from the development proceeding. This proposal would introduce a 6th dwelling within the curtilage of the house representing a density of c65 dwellings per hectare. High densities are expected and encouraged by Core Policy 3 and this site is in a sustainable location within close walking distance to the town centre. The built form of the dwelling would fit into the available space and views of it would be extremely limited from the public realm. I therefore can find no harm upon which it would be reasonable to refuse the application. Furthermore the dwelling would introduce a smaller two bedroom dwelling suitable for disabled persons which would contribute to providing a better mix of dwellings in line with the district's housing needs, set out in Core Policy 3.

Impact on Trees

There are two substantial trees within the site curtilage which are protected by virtue of being located within the Conservation Area. No tree survey has been submitted with the application and any impacts have therefore been a matter of judgement for Officers to consider. These trees are located to the rear boundary of the property close to the warehouse building and are attractive in the public realm as they provide some greenery and relief to an otherwise built dominated area. These trees would be retained as part of the proposal with their canopies likely to sit higher than the single storey roof slope. I am broadly satisfied that the trees can be retained without damage (subject to tree protection) and that impacts of the trees upon future occupiers would be acceptable.

Other Matters

Your Environmental Health Officer has recommended the applicant is made aware of potential contamination from the adjacent garage. It is recommended an informative is added to any permission to reflect this.

It should be noted that the access and equality officer has recommended that the developer be advised to consider inclusive access and facilities for all, with particular reference to disabled

people.

Waste management have requested details of bin storage and it is recommended that this is dealt with via condition.

Conclusion and Balance

In conclusion, the proposal is considered to be acceptable in principle and would not harm the setting of the listed building nor the character or appearance of the Conservation Area. It would not have any significant adverse effects arising from the level of development on the site, would meet the needs of privacy and not present neighbouring properties with any significant adverse impacts, provide a satisfactory standard of living for both existing and future occupants, not create traffic or parking problems nor adversely impact upon existing trees. The scheme would create a dwelling which would help to meet the district Council's housing 5 year land supply and the need for smaller houses suitable for the elderly and disabled population in a highly sustainable location. For these reasons the proposal is considered to be in accordance with the Development Plan and a recommendation for approval is made.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, references 21/27/2012 (Bungalow Plans and Elevations), 20/27/2012 (Site Plan) and unreferenced Location Plan received 17/04/2015 unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of the external facing materials (sample to be provided upon request) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area and the setting of the listed building.

04

The dwelling hereby approved shall be not be occupied until bin storage facilities have been provided in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

05

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Access ramp (section through may be required)

Reason: In order to preserve or enhance the character and appearance of the conservation area.

06

No development shall be commenced until the trees shown to be retained on drawing number 20/27/2012 (Site Plan) have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

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

07

The dwelling hereby approved shall not be first occupied until the boundary treatments as indicated on drawing number 20/27/2012 (Site Plan) have been implemented on site. The boundary treatments shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class C: The painting of the exterior of any building.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) given its constrained location within the grounds of a listed building within the conservation area and in the interests of residential amenity.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

An advisory booklet is available – “Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated”. This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link: <http://www.newarksherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - “The Protection of workers and the general public during the development of contaminated land”.

03

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

04

Trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site, you may require the prior consent in writing of Newark and Sherwood District Council and are advised to contact the Development Control Service of the Council on 01636 650000 to discuss the matter.

05

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council’s Waste Management Section entitled ‘Guidance for New Development – Waste Storage and Collection’ which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

06

The applicant’s attention is drawn to the comments of the Council’s Access and Equalities Officer.

07

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

The proposed development has been assessed and it is the Council’s view that **CIL IS PAYABLE** on the development hereby approved as is detailed below. Please note that this is Draft CIL Calculation and that a final version will not be issued until all pre-commencement conditions are discharged and this will be contained within the CIL Regulation 65 Liability Notice which will be issued once these conditions are discharged. As such this figure may be subject to change to take account of indexation at that time.

			A	B	C	
Dev Types	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
Residential (C3)	43	0	43	£45	248	£2,181.27

Notes:

As a Reasonable Authority we calculated this CIL liability figure utilising the following formula which is set out in Regulation 40 of the CIL Regulations

$$\text{CIL Rate (B)} \times \text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)} \\ 220 \text{ (BCIS Tender Price Index at Date of Charging Schedule)}$$

CIL payments are indexed in line with the "All-in Tender Price Index of Construction costs" produced by the Building Cost Information Service which is a measure of building costs inflation. The figure for (C) in the above calculation is based on the figure for 1st November of the preceding year. Therefore an application granted in 2013 would use that for 1st November 2012. Where the BCIS information says that the level of indexation is a forecast the District Council refer to the most upto date confirmed figure.

As a Reasonable Authority the Council have calculated the amount of CIL payable based on the information about the level of new floorspace to be created contained within the planning application form that was submitted to the District Council

Your attention is drawn to the attached **CIL Liability Notice** which confirms the amount of CIL payable. It should be noted that it is the responsibility of the person(s) who will pay the charge to serve an 'Assumption of Liability Notice' on the Council prior to the commencement of development. If this does not occur under Regulation 80, the Council may impose a £50 surcharge on each person liable to pay CIL.

You may request a review of the chargeable amount set out within the Liability Notice however this must be done within 28 days from the date of which it is issued.

$$\text{CIL Rate (B)} \times \text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)} \\ 220 \text{ (BCIS Tender Price Index at Date of Charging Schedule)}$$

BACKGROUND PAPERS

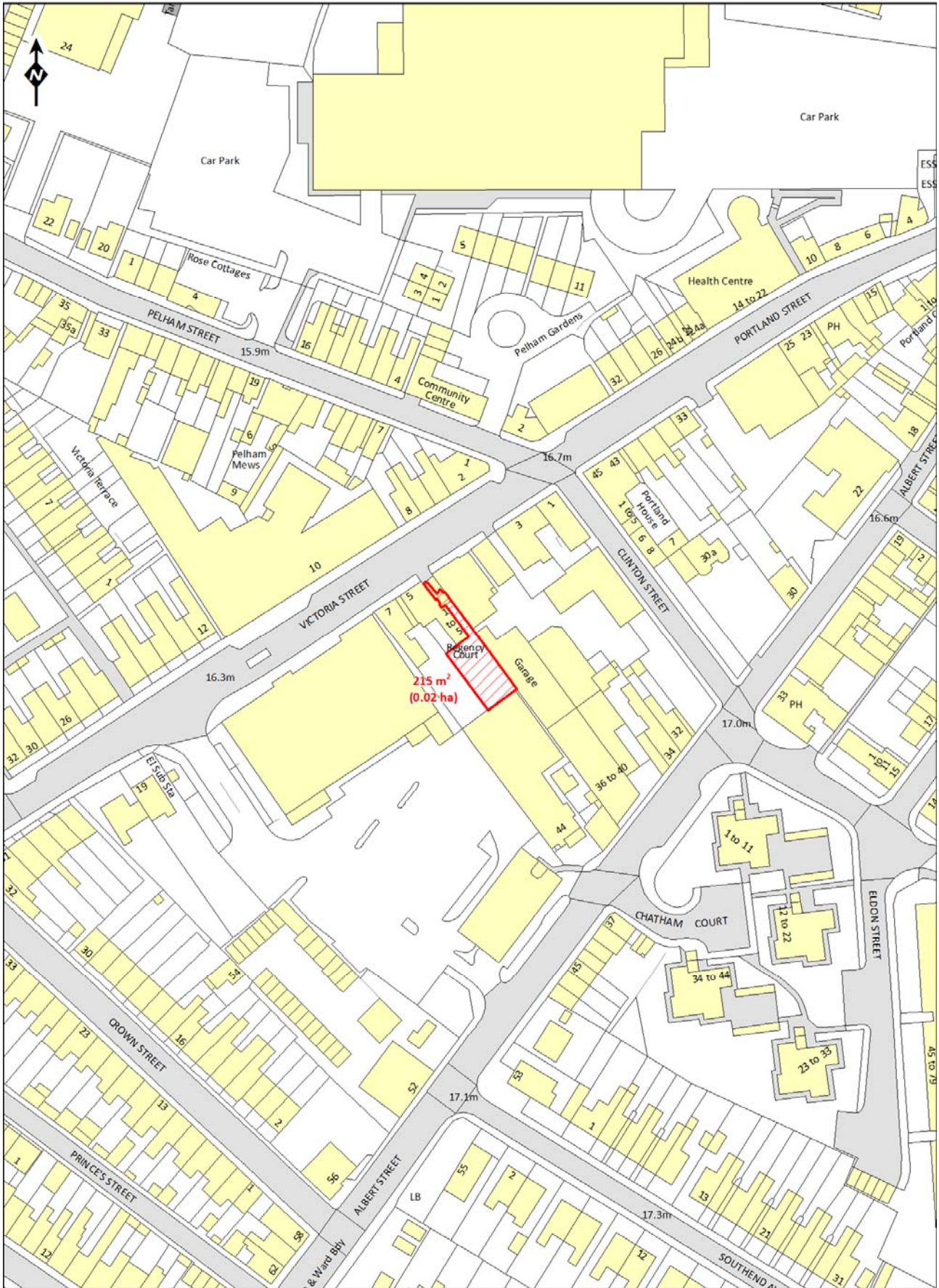
Application case file.

For further information, please contact Clare Walker on Ext 5834

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 15/00643/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/00523/RMAM		
Proposal:	Reserved Matters Application following Outline Approval Ref 13/01256/OUTM - Residential development of up to 130 dwellings with associated access		
Location:	Land off Warsop Lane, Rainworth		
Applicant:	Taylor Wimpey UK Limited		
Registered:	26.03.2015	Target Date:	25.06.2015
Extension of time: Agreed in principle			

The Site and Surroundings

The site comprises an agricultural field measuring approximately 5.93 hectares located to the east of the B6020, Warsop Lane and forms approximately half of an allocated site for residential purposes, with the remainder of the allocation located immediately to the east. The site is roughly rectangular in shape and lies to the southern edge of Rainworth. Residential properties and a public house are located to the north of the site, whilst a primary and secondary school are located to the northwest (on the opposite side of Warsop Lane). St George's Catholic Church is situated adjacent to the southern boundary of the site and a bus stop exists to the front of the church. Agricultural fields surround the site to the south and west, with sporadic detached dwellings/farms interspersed. The site is bounded by hedgerow to the boundary with Warsop Lane.

The application site itself is within the settlement of Rainworth although land to the south and west forms part of the Nottinghamshire-Derby Green Belt.

Relevant Planning History

13/SCR/00016 In July 2013, a screening opinion was sought (under the Environmental Impact Assessment Regulations) for a residential development of up to 140 residential units with associated access, public open space and landscaping. The Local Planning Authority issued a response confirming that an EIA would not be required in this instance.

13/01256/OUTM Outline planning permission was granted on 30th January 2014 for residential development of the site for up to 130 dwellings.

15/00522/FULM The Local Planning Authority is currently considering a separate planning application seeking full planning permission for residential development of 30 additional dwellings within the existing site boundary of Outline Permission 13/01256/OUTM.

The Proposal

This application seeks approval for the reserved matters relating to the existing outline planning permission ref.13/01256/OUTM for up to 130 dwellings. The detailed matters being sought are namely appearance, landscaping, layout and scale.

A proposed layout plan has been submitted showing a total of 160 dwellings, however 30 of these dwellings are located centrally on the site extending between a proposed L.E.A.P. and the eastern boundary. These 30 dwellings do not form part of the reserved matters application and are being considered under the separate application for an additional 30 dwellings, planning application ref.15/00522/FULM.

The 130 dwellings being considered under this reserved matters application include a mix of 2, 3 and 4 bedroomed properties. The dwellings are set within plots with front and rear amenity space with rear gardens measuring a minimum of 8.5m in depth.

Floor plans and elevations have been submitted which show a range of two and two-and-a-half storey houses and one bungalow. A street scene plan has been submitted to give some context of how the proposed dwellings would relate to each other and a materials dispersion plan has also been provided showing three brick types to be dispersed in groups through the development and feature properties on corner plots and at the site entrance to be finished in full height cream render. Four tile types are proposed, a mix of black, red, brown and slate grey, again to be dispersed in groups throughout the development. Other materials include white PVC-U window frames, fascias and soffits, black rainwater goods and stone cills. Front doors are proposed in various colours. Many of the properties would also be served by garages and plans have been provided showing garage depths of 6.43m. To the rear, garden boundary treatments would largely consist of 1.8m high close boarded fencing. 2.0m high fencing with trellis is proposed to those properties where rear amenity space abuts the main public realm.

The proposed layout indicates the position of the proposed 20 affordable housing units (to meet the requirement in the S106 Agreement previously secured) with 9 of these located centrally and the remaining 11 located towards the south eastern corner of the site.

The main access road is positioned as per the outline approval with a single point of access just north of the central point of the boundary of the site on Warsop Lane. The access branches off to create two distinct spine roads which would sit parallel to the northern and southern boundaries. Several cul de sacs are proposed off the main access roads.

The proposed public open space includes a centrally located L.E.A.P. and further open space abutting the northern boundary and extending to the eastern boundary. The northern area of open space includes a 'footpath/cycle link/emergency access' through to Rochester Road. The two main areas of open space are linked by the estate road and a green footpath link between some of the proposed properties. Further amenity space is provided in the form of green space and a foot/cycle path adjacent to the southern landscaped buffer. To the western boundary with Warsop Lane, the landscape plans submitted show sections of the existing boundary hedge to be retained and small areas of incidental soft landscaping adjacent to this. 1.1m high bow top metal railings are proposed to the perimeter of the L.E.A.P. and 1.1m high timber post and rail fencing is proposed to the boundary of the northern public open space where it abuts the highway.

To the southern boundary the landscaped buffer approved at the outline stage is shown to be retained and revised landscape plans have been submitted providing detail on the proposed planting mix which includes native screen woodland planting and wildflower meadow areas.

A wider concept master plan has been submitted as part of the Design and Access Statement setting out the broad location for development for the whole of the allocated site which includes land to the east of the application site. This illustrates how the proposed position of the public open space to the northern boundary could link into existing areas of recreation on Preston Road, (which may provide an opportunity for biodiversity enhancement through the provision of Suitable Alternative Natural Green Space (SANGS) – see appraisal section of this report under ‘Ecology’).

The site (excluding the land proposed for an additional 30 dwellings) shows 130 units at a density of 22 dwellings per hectare or 41 dwellings per hectare once site specific requirements for public open space, landscape buffers and highway requirements are factored in.

The planning application is also accompanied by an Arboricultural Method Statement, Tree Survey, Constraints and Protection Plans, technical drawings relating to the proposed highway works and construction details along with Traffic Regulation Order proposals, a Proposed Foul and Surface Water Drainage Plan, Proposed Bird and Bat Box Locations, a Reptile Survey and Reptile Habitat Enhancement Plan, a Construction Environmental Management Plan, an Engineering Layout including proposed finished floor levels, Design and Access Statement, Residential Travel Plan, Transport Assessment and a Revised Flood Risk Assessment.

Departure/Public Advertisement Procedure

Occupiers of 16 neighbouring properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy Ra/Ho/2 Rainworth - Housing Site 2
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy

- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance (on-line resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013).

Consultations

Rainworth Parish Council – Object to the proposal.

The Parish Council considered this matter in detail at its special meeting on 16th April 2015.

Rainworth Parish Council voted to recommend rejection of the application

The Council was surprised that this application applied only to half of the SPD site Ra/Ho/2. It had previously made its recommendation of acceptance to the Outline planning application based on the assumption that the 130 dwellings referred to represent the whole of the site when in fact it referred to only about approx. 50% of the site area.

Based on the total dwellings proposed under the SPD for the whole site this particular element of the site should hold no more than 95 dwellings any more than this will result in over intensive development of the portion of the site.

If, per chance, the other half of the development also proposes a similar level of intensification then it may contain approximately some 150 similar dwellings and the Council feels that this total would bring the number of dwellings on the SPD site to 280 as opposed to the 190 as recommended in the SPD report.

- 1) It is some three years since the local infrastructure was considered and since then there have been seen to be additional pressures on the local primary schools that were not foreseen at the time.
- 2) It is well know that children of secondary school age are being bussed out of Rainworth for school as Joseph Whitaker cannot cope with local demand.
- 3) The Warsop Lane Health Centre is currently grossly overloaded with long delays in getting routine appointments, and no-one can be sure what the effect of the “merger” with the Sherwood Medical Practice (Clipstone and Farnsfield) will have not to mention the additional load being planned for the Health Centre in the event that the Hillside practice is also merged into this facility.
- 4) Severn Trent have done considerable drainage and flooding works on Southwell Road and

Warsop Lane but the problems of foul flooding are still occurring at the junction of Southwell Road and Warsop Lane. An additional 280 dwellings would exasperate this current unacceptable position.

If the total projected housing of 280 dwellings were to proceed this could potentially result in approx 560 extra motor vehicles and the Council feels that the proposed access as covered in the outline planning would be totally inadequate and that parking on site would also be insufficient. The Outline permission for 130 dwellings considered only the vehicular access for those. The DPD identified that any secondary access should not be via existing estate roads to the north and east. There was no other access onto Warsop Lane proposed and so the totality of the whole site should be considered at this time and not wait until the second phase of construction is considered. The proposed entrance/exit on Warsop Lane is very close to the brow of the hill and concerns were raised regarding the lack of visibility to those wishing to exit from the development.

The 30mph speed limit signs in situ at present need to be re-located further up Warsop Lane towards Blidworth to avoid a sudden speed limit drop close to the proposed entrance/exit of the site.

NSDC Housing – No comments received.

NSDC Waste – The bin collection points on the revised plans are acceptable and there are therefore no issues with waste management. It will be prudent to ensure that all prospective residents are advised about collection arrangements if they are affected by these arrangements.

NSDC Planning Policy – Comments contained within the appraisal below.

Notts County Council (Planning Policy) – Make reference to the National Planning Context which is incorporated into the appraisal within this report.

Comments have also been provided in respect of the County Planning Context and can be summarised as follows:

Waste

In terms of the Nottinghamshire Waste Core Strategy (December 2013), there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding the existing waste management facilities (as per Policy WCS10).

As a large development the County Council would be keen to see the best practice of waste management for the development. 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.'

Minerals

The site does not lie within a Mineral Safeguarding and Consultation Area and as such the mineral safeguarding policy set out in the emerging Minerals Local Plan does not need to be considered. The County Council therefore does not wish to raise any objections to the proposal from a minerals perspective.

Strategic Planning Issues

Strategic Highways

The County Council do not have Strategic highways objections to the proposed development. The detailed comments of the Highway Authority have been provided separately and are summarised below.

Travel and Transport

Bus Service Support

The Council has conducted an initial assessment of this site in the context of the local public transport network.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

Infrastructure

The Council reserves the right to consider appropriate enhancements to bus stop infrastructure in the vicinity of the development. Further information about specific enhancements can be discussed with the developer by direct contact with Transport & Travel Services.

The Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

Nottinghamshire County Council requests that the proposed new bus stop locations and accessibility isochrones meeting 6Cs design guidelines are marked on all relevant plans going forward. The Council specification for bus stop facilities includes real time departure displays and raised kerbs and should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

The provision of detailed bus stop locations will mean this information is in the public domain for comment from adjacent properties / prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.

Further information can be supplied through developer contact with Transport & Travel Services upon receipt of the full planning application.

Landscape and Visual Impact

No assessment of the Landscape and Visual Impact of the proposals appears to have been submitted either at outline application or as part of the current applications. The development should be assessed based on current best practice as given in the Guidelines for Landscape and Visual Impact Assessment, 3rd edition (Landscape Institute and Institute of Environmental Management and Assessment 2013). The need to maintain visual separation between Rainworth and Blidworth make the visual impact of the development when viewed from the south particularly significant and a visual impact assessment may inform the required mitigation measures.

Landscape Character

The site south of Rainworth is designated part of the Sherwood National Character Area (NCA 49) and under the Newark and Sherwood Landscape Character Assessment it is designated 'Blidworth and Rainworth Wooded Estatelands', covered by Policy Zone SPZ18. Identified threats to the landscape character of the zone include ".....residential expansion of Rainworth....." and any development in the area should seek to minimise such a threat.

A landscape Strategy of Conserve and Create has been applied to this zone. The proposed development must take account of the recommended landscape actions which include:

- "Create and reinforce field boundaries and hedgerows where these have become degraded or lost"
- "Create small deciduous woodlands where appropriate"
- "Create small scale woodland/ tree planting to soften new development, preferably in advance of development."

These actions are directly applicable to the scheme and the Landscape Proposals plans are considered with these actions in mind.

Buffer Landscaping

Policy Ra/Ho/2 (Rainworth –housing site 2) of the Newark and Sherwood Allocations and Development Management DPD requires

".....the provision of strategic buffer landscaping to the south and west of the site to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of development on the Green Belt"

Although native tree and shrub planting is proposed along the southern boundary, in sections this is very limited; for an approx 75m of the boundary, only infill planting to the hedge and 5 specimen trees are designated to supplement the existing vegetation. This will not provide an adequate softening of the new development, particularly in winter months. Additional planting, and as a probable pre-requisite, additional space, is required along this southern boundary. It is noted that the width of southern landscape strip has been reduced from typically 15-20m wide in the outline planning submission (drawing KS02 Illustrative Layout) to typically 12-14m wide in the current plans (drawing TWY034-01/020). The provision of this adequate buffer planting should not be compromised in order to accommodate the additional 30 dwellings which form application Ref: 15/00522/FULM.

Planting Proposals

Landscape Proposals drawings 1 & 2 (ref 15-08-03 and 15-08-04) give detailed proposals for the planting works across the site. These are generally acceptable with the following points to be noted:

- Species – within the immediate residential area of the development the ornamental species selected are suitable. For the boundaries and landscape buffer, the species selected should concur

with those listed in the N and S Landscape Character Guidelines for the Sherwood Character Area. To this end it is recommended that *Carpinus betula*, *Sorbus aria*, *Viburnum opulus* and *Acer platanoides* in these zones are replaced with species more synonymous with the Sherwood Character Area.

- Tree planting locations – there is a dearth of proposed tree planting in the eastern portion of the site: additional tree planting should be introduced here in the interests of visual amenity.
- Buffer planting to the southern boundary – see comments above.
- Maintenance- duration of the maintenance as proposed should be clarified.

Existing Tree Protection

Comprehensive tree protection measures have been proposed for the development to ensure that the existing trees and hedgerows to be retained are not damaged. Whilst this is supported, the developer must ensure that these measures are put into place at the absolute start of development. Layout of service runs and proposed trenching must be informed by the tree protection requirements of the site. It is noted that a 'ground protection' tree protection area is given for the southern side of the trees along the southern boundary of The Archer PH, but that buildings (garage to plots 1/2 and another building of unknown function) are proposed within this area. Conflicts such as this should be checked for and addressed to ensure the tree protection measures are not 'lip service' only.

L.E.A.P. access

The scheme indicates two access points to the LEAP but these are close together and both on the southern side of the space. In addition, for those approaching the LEAP on foot from the NE, the footway narrows down to approx. 1m wide south of plot 69 and running beside the open space, which creates safety concerns for children accessing the play area. This footway should be widened and/ or an additional gateway provided to the north to facilitate safe access.

In summary, the Landscape and Reclamation Team do not support either of the current applications (15/00523/RMAM and 15/00522/FULM) due to the lack of information on landscape and visual impact of the development and the inadequate buffer zone to the south of the site.

Rights of Way

This is clearly intended as an open space for residents, rather than a footpath/cycleway, and certainly has benefits in terms of health, green space etc. The shown path does not link directly onto any existing definitive rights of way or public open spaces, so therefore it would not be of benefit to NCC to adopt this path. There are also future maintenance issues for the area, greater than those of a path surface alone, with grassed areas and trees to manage. Despite not being of benefit for NCC to adopt, it will certainly enhance the site for future residents and add greatly to the area of open space available on site.

Looking to the future, this path may well link onto other open spaces if the adjacent land is developed, and if this were the case, there is potentially a further link to nearby NCC managed green spaces (the woodland you mentioned) and existing NCC rights of way.

The County Council's Landscape Officer provided the following comments on the revised landscape plans:

The County Council are happy to rely on the advice of Nottinghamshire Wildlife Trust regarding mitigation for any lizards on the site.

In the County's previous response they noted –

- The applicant had not carried out an LVIA or landscape appraisal – this still appears to be the case
- Tree species shown on the landscape plan were not in line with the recommendations for this part of the county – these have not been changed
- Entrances to the LEAP were on the same side – this has been changed although the layout on the latest landscape plan does not entirely tally with the layout on the latest uploaded site plan
- Lack of buffer to southern boundary – the grassed area has now been replaced with native woodland mix (planting at 1 mc/s?). Whilst this is welcomed for the area between the path and the boundary, the Landscape Officer is not convinced this is a practical solution between the path and the estate to the north, as some of the beds taper in width. Depending on the maintenance regime and whether the shrubs are planted in bare earth or grass, they anticipate this could be rather unsightly in the future. They would suggest removing the woodland to the north of the path, and shifting the path over towards the north so the southern bed is wide enough to be effective on its own.

On the basis of the above they do not support the revised proposals.

Notts County Council (Archaeology) – No comments received.

Natural England – 'Natural England has previously commented on this proposal and made comments to the authority in our letter dated 21/11/2013 for application 13/01256/OUTM (our Ref 98619)

The advice provided in our previous response applies equally to this reserved matters although we made no objection to the original proposal.'

Natural England's comments on the outline application can be summarised as follows:

No objection – no conditions requested

The application is in close proximity to Rainworth Lakes SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England therefore advise that this SSSI does not represent a constraint in determining this application.

Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and Natural England recommend that the LPA seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application.

Natural England notes that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, Natural England's advice is that the proposed development would be unlikely to affect any European Protected Species. This advice is based on the information currently available and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

With regards to Biodiversity enhancements, Natural England consider that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, Natural England draws the LPA's attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Natural England have also considered the revised plans and have raised no further issues.

Parks and Amenities – Confirmed that the maintenance contributions secured would cover the maintenance of the path through the proposed southern buffer.

The only other comment made in respect of the Reserved Matters application related to the design of the play area. A detailed layout is shown on drawing number 15-08-03 however the site development plan (dwg no TWY034-02 A) shows a completely different, and much less detailed, layout. Requested confirmation of the proposed layout.

Community, Sports and Arts Development – No objection to this proposal. The issue of community facilities contribution was addressed at the outline stage and is referenced in the Section 106 Agreement.

Notts County Council (Education) – No comments received in respect of the reserved matters application.

In considering the outline planning application the County Council confirmed there was sufficient space to accommodate the projected number of additional primary aged pupils. Secondary School provision in the District is addressed through the Community Infrastructure Levy.

Environmental Health – No comments received.

Nottinghamshire Wildlife Trust – The Trust have reviewed the documents available and wish to provide the following comments:

Reptiles

A holding objection was placed by NWT under application 13/01256/OUTM in regards to further information of reptiles. It was agreed that translocation surveys, as suggested in the Phase 2 Ecological Assessment by Landscape Science Consultancy (July 2012), would be suitable, but a receptor site was yet to be secured.

The Trust note that further surveys undertaken by Delta-Simons found a small population of common lizard. As a result of this, the following methodology was suggested in section 5.2.1 of the Reptile Survey (March 2015):

“Since reptiles hibernate over-winter and are considered to most likely be within off-Site woodland and scrub, or mammal burrows beneath on-Site hedgerows, as there is no other suitable habitat for hibernation on-Site, the grassland should be mown and scrub cut back during the winter (November-mid-March) before the development is due to commence; and By maintaining a shorter grassland sward height (maximum 15 cm) and managing scrub and bracken to maintain it at a low level until construction works commence in each area of the Site, it will discourage any reptiles from returning to the Site until the development is complete.”

The following is also stated in condition 15 of 13/01256/OUTM:

“Before development is commenced in any phase the results of a dedicated reptile survey in respect of that phase shall be submitted to and approved by the District Council. Should reptiles be found, mitigation on site or details of a local receptor site shall be set out in the report. Once approved the development shall be completed in accordance with the approved reptile report and the other recommendations within paragraphs 6.3.2 and 6.3.3 of the Ecological Assessment (November 2011) submitted as part of this application”

The Trust’s concern is that by cutting the vegetation onsite, this will create open ground suitable for basking reptiles. Since suitable (foraging and hibernaculum) habitat for the species was identified immediately adjacent to the (east of the) site, there may be the risk that reptiles will move from these areas offsite, to the mown areas onsite to bask. Therefore, the Trust would suggest that translocation should still be the preferred option, as this will guarantee that reptiles will not be on the site during works. The Trust wish to emphasise that reptiles are protected under the Wildlife and Countryside Act 1981, in which it is an offence to deliberately or recklessly kill or injure. Insufficient mitigation to prevent injury or death to reptiles during works could be considered as reckless.

Furthermore, it is generally advised that surveys should be undertaken between March to October, with April, May and September being the optimal time for survey. The surveys undertaken by Delta-Simmons were undertaken in October only. From the information provided, the conditions for the surveys were suitable, and a small population of lizards found. The total number of lizards found was less than previous surveys undertaken by Landscape Science Consultancy in 2012, however, this could be a result of the surveys being undertaken only in October, and therefore, it should be assumed that a small population of common lizard are still present onsite.

As a result, reptiles should be suitably mitigated for as stated in condition 15, and should be a material consideration during the decision process. Common lizards are not actually common in Nottinghamshire and have declined dramatically over many decades. They are now quite scarce and predominantly found only on the Sherwood sandlands, in the few areas not affected by intensive agriculture and commercial forestry.

Mitigation

Within the ecological reports by Landscape Science Consultancy (November 2011 & July 2012) under application 13/01256/OUTM, it was noted that the western, southern and eastern hedgerows and field margins provide ecological value. Both David-Simmons and Landscape Science Consultancy found common lizard to be within the eastern hedgerow (in which suitable habitat lays adjacent offsite).

Within David-Simmons response it is stated that:

“We recommend that the boundary hedgerow sections on the western and southern boundaries are improved with supplementary planting, as this was recommended in the 2011 ecology report, and that a buffer strip of grassland is included on the inside of them, that is infrequently managed. Along the northern aspect hedgerow should at least be retained/ enhanced along the northern edge of the open space. Therefore, there will be connectivity for wildlife, and habitat for birds and reptiles, where feasible.

A landscaping plan of the proposals will be included with the planning application. However, within the landscaping plan the WT requested a buffer along the eastern boundary to maintain an ecological corridor to Tipping Wood. This is not feasible in the medium- long term and, therefore, we do not recommend that this is included since there is the potential to develop the land to the east, as was noted by NWT.”

Whilst the Trust welcome the improvements of the western and southern boundary hedgerows and wildflower planting, the Trust still wish to suggest a buffer on the eastern boundary. This will allow connectivity to the habitats created within the open space to the north of the site, and retain the hedgerow and adjacent vegetation for common lizard. This is particularly important if the adjacent site, where there is considered to be suitable habitat for common lizard, is to be developed, as the eastern buffer would contribute to retained habitat and connectivity between the two proposed developments. Further to this, as reptiles are sensitive to disturbance, current landscape plans within the proposed SANGs could be considered limited value to common lizard. An eastern corridor could mitigate for this factor by providing further undisturbed habitat onsite. Also, suitable management of the eastern boundary could retain mature habitat corridors for other species from the urban boundaries of Rainworth to the surrounding countryside, and further enhance the green infrastructure of the site.

This will also fulfil the following within paragraph 109 of the National Planning Policy Framework by “minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” and paragraph 118 in which, “opportunities to incorporate biodiversity in and around developments should be encouraged.”

Further to this, it is advised that retained hedgerows are not included within proposed residential gardens, as this can result in over-management and deterioration of the ecological values of the hedgerows. As the hedgerows were determined to be of ecological value and connectivity within the ecological reports, we therefore advise that the hedgerows are adequately retained and a buffer provided.

SANGS

The Trust note that the following has been provided in current landscape plans under this application, as suggested in response to NWT’s previous comments under 13/01256/OUTM:

“ Relocation of the proposed area of public open space to the northern boundary of the site to link through to further open space on the remaining portion of the allocated housing site when that comes forward and to sit adjacent to the existing Preston Road Recreation Ground. This will provide a more comprehensive area of Public Open Space and provide residents including dog walkers with a more useable and accessible recreation space adjacent to their homes”

Within these open areas, the Trust welcome the native wildflower and woodland planting, which could provide ecological enhancements within the landscape scheme. The Trust also welcome the enhancements to the hedgerows and the proposed management at 3m.

The following hedgerow management methods would be most beneficial to wildlife:

- Cutting in January and February will allow wildlife the opportunity to utilise the winter berry crop, and will not disturb nesting birds.
- Cutting should encourage the development of an 'A' shaped profile, to maximise density at the hedge base rather than hedge top.
- Where possible, cutting using a reciprocating blade-type cutter, rather than a flail would be most beneficial to the hedge structure.
- Each cut should be made higher to allow a small increase in height of each year. This will maximise the lifespan of the hedgerow on site.

ppSPA & leaflet information

The Trust wish to highlight the following from Delta-Simmon’s response:

“In response to the leaflet that was produced by Delta-Simons at the request of the NWT to inform new residents of the proposed development of the potential recreational impacts upon nightjar and woodlark at Rainworth Heath, the NWT are concerned that our advice that dog walks in the SSSI and LNR should be avoided after dusk during spring and summer is inadequate, and rather they suggest that dog walks within the SSSI and LNR are avoided during peak nesting season in May and June. Alternatively they suggest that keeping dogs on leads and not straying from footpaths would be sufficient to avoid detrimental effects to ground nesting birds (to an extent).

Whilst Delta-Simons will update the leaflet accordingly to stress that dogs should be kept on short leads within the SSSI, it would seem unreasonable to recommend that residents of the proposed 160 new properties within Rainworth should all avoid walks on the SSSI in May and June when the rest of the general public are free to visit.”

Within NWT’s previous response under application PREAPP/00301/14, it was suggested that alternative open areas to walk dogs were considered during the summer months. This was to suggest that residents are made aware and mindful of the impacts of recreational disturbance. However, the Trust agree that it should be sufficient to advise new residents to keep dogs on a short lead at all times during the nightjar and woodlark breeding season (February to August inclusive), and to refrain from straying off of the paths.

Bird & Bat Boxes

The Trust welcome the proposed bat and bird boxes. Bat boxes on the southern boundary would also be beneficial, as this would be adjacent to the wider countryside and potential foraging habitat. Both bat and bird boxes should be installed at 4m or above to avoid predation and/or vandalism. Bird boxes should only be orientated to the south if within a shaded area.

Drainage

As stated in Delta-Simmons response, Natural England raised awareness to the sensitivity of the nearby SSSIs to changes in water quality and flow. It is essential that this is adequately considered during the planning process, and included within the constructive management plan.

Following the provision of revised landscape plans and additional information relating to proposed reptile habitat, Nottinghamshire Wildlife Trust provided further comments which can be summarised as follows:

The Trust have reviewed the additional documents available, particularly the revised landscape plans and reptile mitigation plan. (The Trust also refer to their response under 15/00522/FULM which is likely to cross reference with their response to the reserved matters application).

Reptiles

The Trust greatly welcome the area of reptile habitat proposed within the open space on the north eastern corner and believe this to be an improvement on the previous landscape design. It is hoped that the proposed onsite mitigation will retain the small population of common lizard found during the surveys. The Trust are generally satisfied with the proposals, but strongly advise a management plan, which should include the creation of the habitat and the long-term after care. This is to ensure that the proposed mitigation remains suitable to sustain the lizard population throughout the lifetime of the development. Ideally, the Trust advise that at least an indicative version of this is made available before considering the application. The plan can then be finalised and subsequently implemented as a condition. The Trust would also expect to see a S106 agreement to secure the long-term management.

The Trust expressed their concerns within their previous response regarding the proposed reptile mitigation methodology during site clearances. Following provision of a Reptile method statement the Trust confirmed that they would still suggest a capture and release technique as the preferred precautionary measure. However, it is accepted that a detailed method statement for the chosen technique of strategic exclusion has been provided, and the Trust are generally satisfied with the

information provided. The Trust understand that the population onsite was considered to be small and that the Site does not provide ideal hibernation habitat. Therefore, the Trust would strongly advise that a condition is set for the method statement to be followed during works, and for site workers to be given a “tool box talk.” The Trust would advise for vegetation to be cleared in stages rather than a single large scale removal in order to allow reptiles sufficient opportunity to move offsite. Any clearance works undertaken during March to October must be undertaken under the supervision of an ecologist.

Mitigation/Landscape Design

The Trust also greatly welcome the proposed habitat creation and management and are satisfied with the information provided. Further information on the planting of grassland seed mixes may be relevant within any landscape design and management/aftercare proposals for the Site. The proposed management should be set as a condition and secured accordingly through a S106 agreement if required. The Trust advise that this management lasts the lifetime of the development (generally long-term refers to 30 years, the Trust note in the mitigation strategy submitted this is up to 25 years).

The Trust note that there will be public access into the ecological mitigation areas, with information boards for the site. Whilst this is welcomed, and they would encourage residents to engage with natural open spaces, the Trust would also suggest the applicant considers a post and rail fence adjacent to the footpath, to discourage disturbance to the habitats. The Trust do, however, welcome the post and rail fence separating the ecological mitigation from the amenity areas, providing some form of division from the amenity open space.

The Trust also welcome the proposal to create the onsite habitat at the earliest opportunity to allow the habitat to become established. We would advise that machinery or equipment is not stored in this area during works.

Notts County Council (Ecology) – Landscaping has the potential to deliver enhancements for biodiversity, through the use of native, locally-appropriate species, especially around the site boundaries and in areas of greenspace. To this end, it is recommended that the submitted plans are amended to address the following points:

1. In the Native Shrub Mix, the proportions of Dogwood and Hawthorn should be swapped, to ensure a more naturalistic native shrub mix (i.e. at least 25% Hawthorn).
2. Beech, Hornbeam, Norway Maple and Whitebeam should be removed from boundary areas (i.e. southern/western boundaries) and ideally greenspace areas. It is suggested that Pedunculate Oak, Field Maple and Wild Cherry (and possibly also Small-leaved Lime) would be suitable replacements.
3. The recommendations made in the Reptile Survey report relating to the provision of hibernaculae (see section 5.2.2) should be incorporated.

Severn Trent Water – No comments received.

Environmental Services (Contaminated Land) – No observations from a contaminated land perspective.

Police Architectural Liaison – No comments received.

NHS Nottinghamshire – No comments received.

Notts County Council (Highways) – Refers to the latest planning layout drawing TWY034-02E which they consider to be generally acceptable; addressing earlier issues raised informally. However, concern has been raised about the delivery of the ‘allocated housing’ development to the east of this site if the proposed roads are not constructed and adopted as public highway up to the land ownership boundary. This is not a highway concern, but may compromise the ability to deliver the housing allocation to meet LDF targets. In a similar fashion, clarification is still sought that the emergency link footpath/cycle path will be delivered since it is understood that the red site boundary and land ownership boundary do not match, leaving a small strip along the northern site boundary at Rochester Road.

The Transport Assessment has been checked and found to be robust and acceptable.

Likewise, Travel Plan revision C is also approved for implementation.

Attention is drawn to Condition 10 of the outline permission and the need to satisfy this condition by providing off-site highway improvements prior to occupation of any dwelling.

The footpath running along the south side of the development will not be adopted as public highway and therefore a suitable management/maintenance arrangement should be agreed by the LPA and implemented.

If the matters raised in the first paragraph of the Highway comments above are satisfactorily addressed, then conditions are suggested as follows:

- to ensure drives, parking and turning areas are surfaced in a hard bound material for a minimum of 2.0m behind the highway boundary,
- that any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres,
- that details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved,
- that the emergency link footpath/cyclepath connecting with Rochester Road shall be constructed and open for use prior to the occupation of the 100th dwelling; and
- that the access driveway/parking area serving any dwelling is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway prior to its first occupation.

The Highway Officer has also confirmed that a condition would not be required for a barrier to the footpath/cycle path/emergency link as a ‘barrier’/restriction would be built in to their S38 Agreement. Furthermore the Highway Officer has confirmed that further to his County Planning colleagues reference to bus stop contributions, this is not something they will be pursuing in this instance.

Access and Equalities Officer – Building Regulations approval will be required.

Community Safety Co-Ordinator – No comments received.

The Environment Agency – Placed a holding objection in the absence of an acceptable Flood Risk Assessment (FRA).

In particular, the submitted FRA failed to appropriately manage the increased surface water runoff from site. The EA support the proposal to utilise infiltration as a means of managing the increased surface water runoff from the site, however, the half drain down time (which exceeds 7 days) far exceeds the maximum allowable half drain down time of 24 hours or 1440 minutes. The EA advised that their objection could be overcome through submission of an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase flood risk elsewhere and where possible reduces flood risk overall.

A revised FRA has been submitted and at the time of writing this report I am awaiting the further comments of the EA.

Lead Local Flood Risk Authority – At the time of writing this report I am awaiting comments on the revised FRA.

Neighbours/interested parties – Two letters have been received from a third party with the second representing their updated position following the provision of revised plans relating to the access and its extent in relation to the eastern boundary. The third party raises concern that the revised plan and annotation is not sufficient to guarantee a ransom strip will not exist in the future and that they believe road adoption should be secured completely up to the site boundary to ensure the remainder of the housing allocation is not compromised. The third party has suggested a condition be attached to any planning permission requiring that the road access points to the eastern boundary are constructed as far as physically and practically possible up to the boundary and any remaining land up to the actual boundary and for the width of the constructed highway is included within the highway adoption agreement.

Comments of the Business Manager Development

Principle of Development

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

Paragraphs 47 and 49 of the NPPF states that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

The principle of the development is considered acceptable and the delivery of housing is a significant material planning consideration. As at 1st April 2014 the District had a housing supply of 6.83 years. The Council has been assessing the 2014/15 position by gathering relevant information, which has now been completed. Whilst not yet formally published it is true to say that as of 2014/15 the Council cannot demonstrate a 5 year land supply against the adopted Core

Strategy housing target (adopted pre-NPPF).

Members may be aware that the NPPF when published introduced a requirement to define housing targets by reference to Objectively Assessed Need (OAN) via collaborative working (the duty to cooperate) with neighbouring Authorities. This Authority, in collaboration with Ashfield and Mansfield District Council's has commissioned work on a Nottingham Outer Strategic Housing Market Assessment (SHMA), which is the vehicle from which an OAN is derived. The draft SHMA has identified an OAN figure of 454 dwellings per annum from 2013-2033. Whilst at an early stage of consultation it is clear that if this were to be the Council's housing target (which it is currently not) the Council would have a lower overall housing requirements and annual requirement and thus, in officers submission, would achieve a 5 year supply. For the purposes of this application, at this time, I would suggest that Members note the absence of a 5 year supply based on delivery of currently adopted targets and weigh this very heavily in a planning balance.

The proposal site is located in Rainworth, a Service Centre, allocated for development in the Core Strategy (adopted 2011) under Spatial Policy 1 and Spatial Policy 2 which confirms that the allocated scale of housing growth in Rainworth over the plan period (to 2016), is 15% of Service Centre growth. This equates to 425 dwellings over the plan period.

The site forms part of Rainworth Housing Site 2 as identified in Policy Ra/Ho/2 of the Allocations and Development Management DPD (adopted July 2013). The DPD confirms the site as one of the two sites allocated for housing development in Rainworth. The Policy sets out that the wider site is allocated for residential development providing around 190 dwellings with associated public open space. **The principle of residential development for up to 130 dwellings on this portion of the allocated site has already been approved under planning permission ref.13/01265/OUTM.**

Policy Ra/Ho/2 sets out a detailed approach for the bringing forward of the site. This policy informed consideration of the outline planning application and remains a material consideration in the consideration of this reserved matters application. This policy requires the;

- Preparation of a comprehensive Master Plan for the whole of the site setting out the broad location for development and the phasing of new development;
- Management of the sites gateway location;
- Provision of strategic buffer landscaping to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact on the Green Belt ;
- Assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary;
- Provision of the sites main access point from Warsop Lane with any secondary point not being via the existing estate roads to the north and east;
- Positive management of surface water;
- Incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities;
- Developer funded improvements to the public foul sewer system and wastewater treatment works to ensure there is sufficient capacity to meet the needs of the development;
- Investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary; and
- Investigation of potential archaeology and the securing of any necessary post-determination mitigation measures.

Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 refers to development within sites allocated in the ADMDPD being supported for the intended use provided that they comply with the relevant Core and Development Management policies relating to site specific issues.

The principle of development on this site has been established through the granting of outline planning permission. It is however important that the detail of the proposal is able to satisfy the relevant aspects of the District's development plan with the addressing of the requirements of the site allocations policy particularly important in this respect.

Density, Mix and Affordability

Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. An appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

Core Policy 1 requires affordable housing provision in the Newark Urban Area on sites of 10 or more dwellings or which have a site area of 0.4ha or above, with the Core Policy setting out that a level of 30% will be sought. In doing so however consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought reflects a 60% social rented and 40% intermediate mix.

The application concerns only part of the allocation Ra/Ho/2 and a key aspect in the consideration of the outline planning application was whether the proposal would inhibit the full delivery of the allocated site. It remains crucial, that the allocated site is brought forward in a coherent and comprehensive manner. This issue becomes even more prevalent in the consideration of this reserved matters application as the proposed 130 dwellings and associated infrastructure would not occupy all of the land on this portion of the allocated site. Land is shown to be set aside for an additional 30 dwellings being considered under the concurrent application also before Members on this Committee agenda. Whilst the principle and detail of the proposed additional dwellings is not a determining factor under this reserved matters application, it is important to consider the impact of the condensed layout for 130 dwellings on density and whether the density and housing mix put forward meets the above policy requirements. The impact of the condensed layout on the character and appearance of the area is considered later in this report.

The applicant has provided a masterplan as part of the Design and Access Statement submitted in accordance with the requirements of the site allocation policy. The layout plan submitted as part of the application also shows that whilst the proposed 130 dwellings have been condensed on to a reduced area of the application site when compared with the outline consent, the layout would still incorporate public open space and the provision of strategic landscaped buffers to the south and western boundaries with the aim of addressing the site's gateway location and provision of strategic landscape buffering to the south and west of the site. The area of public open space and likely effectiveness of the landscaped buffers is considered later in this report, however for the purposes of considering the density of the development, it is acknowledged that condensing the development onto a smaller proportion of the site has not prevented provision of these features.

Density

The principle of up to 130 dwellings on the eastern portion of the allocated site has been established through the granting of outline planning permission under planning application ref.13/01256/OUTM. Therefore the main consideration in respect to consideration of density for this reserved matters application is whether condensing these dwellings onto a smaller proportion of the site still results in a density which meets the requirements in the Core Strategy and does not preclude development of the wider site allocation coming forward. The ability to provide additional dwellings on the site is considered in report for the separate application under planning ref.15/00522/FULM.

The table below (fig.1) sets out the number of dwellings anticipated over the wider site which was allocated as part of the Allocations and Development Management DPD and informed by the Strategic Housing Land Availability Assessment (SHLAA). The table also includes the two sites considered as part of the SHLAA process that were eventually adopted as Rainworth Housing Site 2 (Policy Ra/Ho/2). 'SHLAA Site 1' related to the land being considered as part of this application but also included the land occupied by the neighbouring Public House. The table also indicates the density of development envisaged under the outline planning permission and the density of development on the condensed area proposed under the current application:

Fig.1

Site	Area – in hectares (Ha)	No. of dwellings	Anticipated Density – dwellings per hectare (dph)
SHLAA Site 1 – Western portion of Rainworth Housing Site 2 including existing PH		131	
SHLAA Site 2 – Eastern Portion of Rainworth Housing Site 2		105	
Policy Ra/Ho/2 Rainworth Housing Site 2	10.93Ha	Around 190	18dph
13/01256/OUTM – Land off Warsop Lane	5.93Ha net / 4.12Ha without site specific constraints (including open space (1.13Ha) and anticipated road infrastructure (0.68Ha)	Up to 130	22dph / 32dph
15/00523/RMAM – Land of Warsop Lane	5.93 net / 3.2Ha without land forming part of 15/00522/FULM (0.69Ha) and open space / landscaped buffers (1.118Ha) and highways (i.e. roads, footpaths and	130 dwellings	22dph / 41dph

	verges that are adoptable (0.93Ha)		
--	---------------------------------------	--	--

The table shown as figure 1 indicates that 130 dwellings condensed on a smaller proportion of the eastern portion of the site allocation would equate to 41 dwellings per hectare (the impact of an additional 30 dwellings on the density of this half of the site allocation is being considered separately under planning ref.15/00522/FULM). This meets the requirements of Core Policy 3 which requires development densities to be no lower than an average of 30 dwellings per hectare net. If the density is based on the net area of the site, a development of 130 dwellings would equate to a density of 22 dwellings per hectare. Where development densities are below 30 dwellings per hectare net individual site circumstances need to be taken into account.

The housing allocation required a design that addresses the sites gateway location and manages the transition into the main built up area including the provision of strategic buffer landscaping to the south and west of the site to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of development on the Green Belt. The reduction in anticipated number of dwellings for the wider site between the SHLAA process and the wider site being allocated can be attributed to the fact that the Council erred on the side of caution bearing in mind the landscape buffer that would need to be provided and housing mix and areas of open space were unknown. The increase to 41 dwellings per hectare when compared with 32 dwellings per hectare on the outline permission is no doubt exaggerated now that more precise details of highway infrastructure can be given, there is an increase in open space provision and the parcel of land being considered under planning application no.15/00522/FULM has also been excluded from the calculation. However, the density of the development at 22dph where the wider site is taken into consideration, does indicate that there may be scope for a more efficient use of the land.

Housing Mix and Affordability

The proposed plans show the proposed development would include a mix of house types (12no. 2 bedroomed houses (including 1no. bungalow), 89no. 3 bedroomed houses and 29no. 4 bedroomed houses). This would meet the requirements of Core Policy 3 of the Core Strategy in that it would provide a range of house types with a weighting towards 2 and 3 bedroomed properties. The provision of a bungalow amongst the 2 bedroomed dwellings further enhances the mix to meet the requirement for smaller homes. I consider that such a mix would contribute towards meeting the needs of different groups including the needs of families, the elderly population or people with disabilities.

I am mindful that in considering the outline application Strategic Housing requested that any affordable housing on the site should be a mix of 1, 2 and 3 bed properties. The viability issues on the site were considered as part of the outline planning consent and this was reflected in the level of contributions secured in the Section 106 Agreement associated with the planning permission. It was established at the time that the site could only realistically achieve 15% on site provision for affordable housing. I note that the proposed dwellings do not include any 1 bedroomed properties in this instance, however this is consistent with the fact that a lesser proportion of affordable units has been secured in this instance due to the impact this would have on viability. Overall, I am satisfied that the indicative house mix would still be in keeping with the character of the area and would meet the overall objectives of Core Policy 3.

On balance, I am satisfied that condensing the previously established 130 dwellings onto a smaller

proportion of the eastern half of the site allocation will result in a more effective and efficient use of the land. The previous outline planning permission accepted that 130 dwellings on this land would not preclude the development of the other half of the site allocation. Once constraints are factored in the proposed density would meet the density requirements of Core Policy 3. However, the acceptability of the condensed layout is also subject to the impact it has on the other considerations set out in the remainder of this report.

Design/ Character of the Area

The predominant house type in the surrounding area comprises 2-storey dwellinghouses. The general height of new housing will be 2-storey with 42no. of the dwellings being 2.5-storey and 1no. dwelling being a bungalow. The housing allocation policy (Ra/Ho/2) states that the housing development should have an 'appropriate design which addresses the site's gateway location and manages the transition into the main built up area'. The development predominantly consists of buildings that are no higher than 2-storeys particularly to the outer edges of the development. From a design perspective (amenity is considered later in this report) I consider there is scope for the proposed 2.5 storey dwellings and the position and design of these buildings is such that they will be integrated so as not to dominate the overall character of the site and will help to provide legibility particularly where they are situated close to the site entrance.

The mix of house types proposed includes L-shaped properties to some corner locations. Several properties at key focal points across the development are also shown to be finished in full height cream render with Grovebury Breckland Black roof tiles to further enhance legibility across the site. The majority of the proposed dwellings would have gabled roofs which would ensure a consistent style across the site and would also reflect the design of existing dwellings adjoining the site.

Plot 18 which is located close to the boundary with properties on Eaton Close has been designed to include a hipped roof where it faces the boundary with these properties, and whilst different to the majority of roofs on the proposed development is discreetly positioned in the north western corner of the site. The proposed bungalow which is also located close to the boundary with existing properties on Eaton Close is of a modest scale measuring a maximum 4.4m in height. I am satisfied that this will add variety to this corner of the site whilst retaining features including a gabled roof and materials to match neighbouring properties on the development which will aid its visual integration into the scheme. The provision of this property will also add to the housing mix as considered above.

The provision of landscape buffer zones to both the western and southern boundaries of the site complies with the requirements of the housing allocation policy. As with the illustrative plan considered at the outline stage, the landscape buffer would not be as wide as indicated on the Proposals Map within the DPD. At the outline stage the proposed southern buffer was shown to equate to an area of 0.56 hectares. Now that precise details of property curtilages and road layouts has been accounted for, the proposed buffer has been reduced to an area totalling 0.32 hectares. Similarly the western buffer has been reduced from 0.11 hectares to 0.078 hectares. I note the comments made by the County Council with regards to the reduction in depth to the landscaped buffer and their questioning whether it is still likely to provide a buffer sufficient to aid the transition into the Green Belt. The applicant has provided revised landscape plans following the County Council's original comments which seek to address some of the issues raised as well as those raised by ecology consultees. The revised plans indicate native species included within the

proposed planting schedule including larger areas of woodland planting, where previously wildflower meadow areas were proposed, along the southern landscape buffer.

Whilst the width of the proposed southern buffer has been reduced in some areas compared with that envisaged at the outline stage, I am still satisfied that following the amendments to the landscape plans, a substantial buffer will still be provided facilitating the physical and visual break between Rainworth and Blidworth and helping to minimise the impact on the adjacent Green Belt. Similarly whilst the western buffer has reduced, the buffers broaden where they meet to the south western corner adjacent to Warsop Lane, which will be the most prominent viewpoint in the public realm as people enter Rainworth. Planting species across the site have also been reviewed including the replacement of non-native species and additional tree planting is to be provided towards the eastern boundary of the site.

A tree survey has been submitted as part of the reserved matters application. Existing planting largely relates to the perimeter of the site and particular consideration needs to be given to the removal of hedgerow to the western boundary of the site with Warsop Lane to facilitate the provision of the access being considered as part of this application. The Tree Survey outlines the existing trees and hedgerows on the site and the possible impact the proposed development may have on them. I note that comprehensive tree protection measures have been submitted to ensure existing trees and hedgerows to be retained are not damaged. I note the points made by the County Council in their consultation response regarding layout of service runs and proposed trenching must be informed by the tree protection requirements of the site and that a 'ground protection' tree protection area is given for the southern side of the trees along the southern boundary of The Archer PH, but that buildings (garage to plots 1/2 and another building of unknown function) are proposed within this area. I note that these buildings only slightly stray into the ground protection area and that there are no other such conflicts on the site. The applicant has also confirmed that two phase protection measures have been allowed for in this location as per the Arboricultural Method Statement submitted. Condition 14 of the outline permission requires the development to be carried out in accordance with any approved Arboricultural Method Statement and any reserved matters permission can refer to the tree protection plans and arboricultural method statement submitted amongst the approved plans and documents. It is noted that the arboriculture statement provided includes that the tree protection measures detailed are installed prior to commencement of development and with regards to the provision of underground services, particular care will be taken in the routing and installation of services with any excavations adjacent to root protection areas to be excavated using hand tools or compressed air soil displacement and installation of service routes using trenchless solutions such as microtunnelling.

At the time of writing, final details of a landscape management plan are awaited and an update can be provided to Planning Committee as to whether any further conditions are required to secure appropriate maintenance of soft landscaped areas. Provided conditions secure provision and maintenance of the landscaping details submitted, I am satisfied that the details will be sufficient to ensure the landscape scheme is appropriate and also enhances biodiversity on the site in accordance with the aims of Core Policy 12 and Policy DM7.

The Parks and Amenities officer has raised no concerns with regards to the location and size of public open space which includes a L.E.A.P. in a relatively central position and further amenity space to the northern boundary and to the southern landscaped buffer both of which incorporate footpaths. Following the receipt of revised plans the L.E.A.P. on the landscape plan is now more closely aligned with the indicative L.E.A.P. layout on the site layout plans and the revised plans also

show footpaths in to the L.E.A.P. from the north and south to cover the point raised in the County Council's consultation response. I consider that the provision of open space on the site and how they are integrated into the development helps to realise a suitable level of SANGS on the site. The Council will ultimately be responsible for the maintenance of these areas as well as the footpath through the southern buffer. The northern area of open space could also link through to an extension to the Preston Road facilities should the western portion of the site allocation come forward, providing a single more comprehensive area of open space having potential leisure and ecological benefits.

I am mindful that the condensed layout of the proposal results in an area of surplus land within the eastern portion of the site allocation and this land is proposed to be developed for an additional 30 dwellings under planning application no.15/00522/FULM. Consideration needs to be given to the possibility that planning permission is not forthcoming on this surplus land, and the impact this would have on the appearance of the scheme and relationship with the character of the area. I note that the land in question is centrally located away from the wider site boundaries and sits between the proposed area of public open space where the proposed L.E.A.P. is located and the boundary with the eastern portion of the site allocation. I do not consider it would not be reasonable to attach conditions requiring works to be undertaken to this land as it would not be unusual for part of a development site to remain undeveloped. However, in such circumstances the developer would need to consider where there is likely to be an impact on the marketability of the wider site and whether they would need to take steps to maintain the site.

Overall, I consider the design of the development fulfils the requirements of Policy Ra/Ho/2 and meets the requirements of the NPPF including that it will optimise the potential of the site to accommodate development through the condensed footprint.

Impact on the Wider Landscape

The site lies on the southern outskirts of the village on land which is undulating with the highest area of ground occurring along the western and southern boundaries. There is a notable dip in the north-central part of the site from which the land rises again towards the boundary with land at Woodpecker Drive.

As noted in the County Council's comments, the site south of Rainworth is designated as part of the Sherwood National Character Area (NCA 49) and under the Newark and Sherwood Landscape Character Assessment it is designated 'Blidworth and Rainworth Wooded Estate lands', covered by Policy Zone SPZ18. Identified threats to the landscape character of the zone include ".....residential expansion of Rainworth....." and any development in the area should seek to minimise such a threat.

A landscape strategy of Conserve and Create has been applied to this zone. The proposed development must take account of the recommended landscape actions which include:

- "Create and reinforce field boundaries and hedgerows where these have become degraded or lost"
- "Create small deciduous woodlands where appropriate"
- "Create small scale woodland/ tree planting to soften new development, preferably in advance of development."

Whilst a LVIA has not been submitted as part of the application, I am mindful that the principal of the development has already been accepted and the plans submitted and consultation responses received, provide sufficient detail to be able to make an assessment of the proposals against the relevant policies and the Newark and Sherwood Landscape Character Assessment. As identified above, the proposals include retention of existing hedgerows where practicable and landscape buffers are proposed to the southern and western boundaries. The revised landscape plans have sought to address some of the issues raised in initial consultation responses from the County Council and ecology consultees. The revised plans indicate native species are to be used as set out in the planting schedule including larger areas of woodland planting where previously wildflower meadow areas were proposed along the southern landscape buffer. Whilst the proposed footpath would dissect the woodland planting, I am satisfied that the proposed buffer will be sufficient to soften the appearance of the development and help transition into the Green Belt. The position of the path within the southern buffer and the tree species mix suggested by the County Council's landscape officer has been taken into consideration by the applicant in the latest layout and landscape proposals and any further comments received on this matter will be provided to Members at Committee. Hedgerows to the western and eastern boundaries are also shown to be reinforced where retained.

The scale of the development which is primarily 2 storey will also help to minimise the impact of the development on the wider landscape.

I am satisfied that the scale and design of dwellings and the associated soft landscaping within the landscaped buffers and areas of public open space including the planting species proposed meets the aims of the landscape strategy for the area and will help to assimilate the development into the wider landscape in accordance with Core Policy 13.

Amenity

Policy DM5 of the ADM DPD requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The submitted layout shows minimum interface distances between proposed dwellings ranging between 18.0 m and 26.5 m although the majority of properties have a distance in the region of 20.0m between neighbouring rear elevations. Whilst I consider that these distances are not particularly generous, I am satisfied that they are close to what is typically considered acceptable and would offer a suitable level of amenity for future occupiers.

The nearest existing neighbouring properties are located to the north of the application site at Eaton Close and Rochester Road. I note that the proposal includes the following details with the aim of reducing any impact on neighbouring amenity:

- Plot 18 is angled to prevent any direct overlooking of rear gardens and has a hipped roof to reduce the scale and bulk of the proposal close to the boundary.
- Plot 19 is a bungalow with no rooms within the roof space and this will ensure there are no undue overlooking impacts on the dwellings at no.14 and no.16 Eaton Close.
- The remaining proposed properties along the northern boundary are such that there is sufficient distance and angle between neighbouring properties to prevent any undue impact on neighbouring amenity.

Following discussions with the applicant, a revised engineering plan has also been submitted showing finished floor levels to the dwellings adjacent to the northern boundary of the site to be in the region of 0.5m lower than existing levels. I consider this will further reduce any impact on neighbouring amenity.

Policy DM5 also requires private amenity space to be proportionate and appropriate to the development it is intended to serve. I am satisfied that the amount of rear amenity space to each of the proposed properties is acceptable. I note that a small number of the proposed gardens are irregular in shape, in particular at Plot 34 which is almost triangular. However, I am satisfied that in the overall context of the development this is acceptable.

Whilst I consider the level of amenity afforded by the development for existing and future occupants to be acceptable, I consider it would be reasonable and necessary to remove permitted development rights for extensions to the dwellings to ensure a suitable level of amenity is retained.

Overall, I am satisfied that the proposed plans accord with the objectives of Policy DM5.

Highway Matters

Policy Ra/Ho/2 requires that the principal access to the site be provided off Warsop Lane and the access details were approved as part of the outline planning permission. This included consideration as to whether the access arrangements would preclude the full development of the allocated site at a later date and the Highway Authority confirmed at the time that subject to specific dimensions the single main access proposed onto Warsop Lane would be acceptable to serve up to approximately 240 dwellings. A development of 130 dwellings would therefore still leave scope for the rear portion of the site to be developed for approximately 110 dwellings which was considered at the time would help to avoid the scenario where an approval on this part of the site would prevent the remainder of the allocated site coming forward at a later date. Whether additional dwellings can be accommodated on this portion of the site without prejudicing the development of the eastern portion of the allocation is being considered separately under Planning Application ref.15/00522/FULM.

This application includes full details of the internal estate roads and parking arrangements and the Highway Authority have been consulted on these reserved matters.

I note that the Highway Authority have requested that as a minimum the roads should be adopted up to the boundary leading into the remainder of the housing allocation to the east so as not to prevent the remainder of the site coming forward at a later date. This issue has also been raised by a third party. The applicant has advised that they do not own a narrow strip of land (approximately 0.5m in depth) adjacent to the eastern boundary of the site and that they have taken the road as far as is practicable up to their boundary. The layout plan has also been updated to show the end of the two proposed roads leading up to the eastern boundary adjusted so that they align with the applicant's legal boundary position. I am satisfied therefore that the layout of the access leaves scope for the roads to continue through to the eastern portion of the allocated site. The plans have also been amended to include a notation stating 'Future road link' following a request from the Highway Authority. Neither the applicant nor the Council has control of the ransom strip and this is an issue that would need to be resolved between the land owner in question and any potential developer of the remainder of the allocated site.

Prior to their final formal comments contained within this report, the Highway Officer raised concerns in relation to the proposed parking court serving plots 47 – 50 and asked whether a better design solution could be found. The applicant has advised that they have considered reconfiguration of this part of the development to remove the requirement for a parking court but have been unable to produce a solution. In order to improve surveillance of this area and thereby make it more attractive for residents to utilise the parking court, through negotiation with the applicant the submitted plans have been amended to incorporate brick walls with railings to the upper sections on all plots that share a boundary with the parking court. This will allow for better views through to the parking court for residents. Brick walls and railings are also considered to be a better design solution than fence panels to the boundaries with the parking court, which would be quicker to deteriorate and would be managed/replaced differently by the various property owners. Furthermore, pedestrian accesses have been included to the rear entrances of these four properties for convenience which are relatively legible and would hopefully encourage the use of the spaces. On balance, whilst this design solution is not ideal, as this is the only parking court in the scheme and serves only four properties, I am satisfied that in the context of the overall development, the provision of the parking court will not be so detrimental to the character of the area or highway safety so as to warrant a refusal on these grounds.

The Highway Authority have also confirmed that the latest version of the Travel Plan submitted (Revision C) is acceptable.

During consideration of the application, I received enquiries relating to land ownership where the proposed 'Footpath / Cycle Link / Emergency Link' through the proposed public open space to the north of the site meets the boundary with Rochester Road. The suggestion was made that the verge at the head of Rochester Road was in private ownership. The Highway Authority have since confirmed that the land in question is within their ownership and therefore this would not preclude the provision of the proposed link on to Rochester Road. There is a separate narrow ransom strip to the northern boundary in the ownership of the original vendor of the application site, however, the applicant has confirmed that the original vendor will sign any S38 Agreement with the County Council to deliver the 'Footpath / Cycle Link / Emergency Link'. With regards to the control of use of this link, the Highway Authority have confirmed that a condition requiring details of a suitable barrier to restrict use of the link to pedestrians and cyclists only other than in the case of emergency is not required as they will ensure such restriction is built into the S38 Agreement design.

With regards to the Parish Council's suggestion of a requirement to relocate speed signs, the Outline Planning Permission includes various requirements for highway works to be undertaken and this includes Condition 12 which requires off site traffic management works comprising of extending the 30 mph speed restriction on Warsop Lane. The Highway Authority have raised no further concerns with regards to parking and access and I am satisfied that their suggested conditions could be attached to any decision.

I also note the Highway Officer has confirmed that a bus stop contribution is not being pursued in this instance.

With regards to the collection of waste, the submitted plans have been updated to include bin collection points and the Council's Waste Collection team have confirmed that these details are acceptable.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy Ra/Ho/2 in being suitable to serve the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Ecology

Sherwood Special Protection Area (SPA)

In considering the outline planning application, it was acknowledged that the substantial population of Nightjar and Woodlark in the Sherwood Forest area might justify its classification as a Special Protection Area ('SPA') under the EU Birds Directive, or at least its identification as a potential SPA ('pSPA'). At the time the Nottinghamshire Wildlife Trust agreed with the Screening Assessment submitted, in that there would be no direct habitat impact and that with regards to the Indirect Effects set out in the Screening Assessment, the Trust agreed the site was too far away for cat predation to have a significant impact on nightjar or woodlark (although they will predate the lizards).

The Trust advised that any increase in recreational pressure can cause an indirect impact on ground nesting birds e.g. from dogs and that any increase in numbers of people would also lead to more disturbance generally. The Trust recommended that the development needed to provide Suitable Alternative Natural Green Space (SANGS) to demonstrate that the design of the scheme could reduce the likelihood of increased recreational pressure at Rainworth Heath/Rufford and Blidworth.

The following mitigation measures were agreed:

- Provision of 0.43ha of Public Open Space in addition to a landscape buffer is proposed to be provided within the development. This would link through to further Public Open Space (taking the total P.O.S. on the housing allocation to approximately 1.69Ha) on the eastern portion of the allocated site when that comes forward and would sit alongside the existing Preston Road recreation ground.
- The revised wider concept plan submitted showed Public Open Space of a size and position (alongside the existing Preston Road recreation ground) which would allow for provision for dog walkers within the open space to reduce the likelihood of dog walkers seeking to use the prospective Sherwood Forest Area pSPA.
- A condition for the provision of information to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. This could form part of the 'welcome pack' to first occupants following legal completion and remain with the property in the event of a change of ownership in the future.
- A SANGS contribution of £30,000 to be used for the provision of Suitable Accessible Natural Green Space in accordance with the Natural England Advice Note 110711 within the west of the Newark and Sherwood District.

The above provisions are carried forward as part of the existing application in that Public Open Space totalling 0.72Ha (0.44Ha to the north eastern corner of the site/0.28Ha centrally located with a L.E.A.P.) is shown on the application site. The masterplan submitted continues to show how the proposed open space would link through to further public space on the eastern portion of the allocated site, a sample information leaflet for new residents has been provided and the SANGS contribution for the site remains in place. Added recreation benefits within the proposed

scheme include a footpath to be provided through the southern landscape buffer as well as a green link between the two areas of public open space. I note Nottinghamshire Wildlife Trust and Natural England raise no objections in this regard and I am satisfied that the measures being incorporated into the detailed scheme submitted as part of this reserved matters application will help to ensure that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Other Ecology Matters

In relation to site specific ecology matters I note the Nottinghamshire Wildlife Trust is now generally satisfied with the habitat creation plan, planting mix and the reptile mitigation proposals submitted. The applicant has also advised the landscape details will be amended to ensure that the hedgerow to the eastern boundary is outside residential curtilages. I am still awaiting details of the Landscape Management Plan for the site which should cover this point as well as long term maintenance. I also note the additional comments received from the County Council's Landscape Officer, particularly those relating to the position of the footpath within the southern buffer and the species mix. The applicant is currently considering these points and an update can be provided at the Planning Committee meeting. Subject to final confirmation of these details being provided, and these being considered acceptable, a suitable condition could be attached to any planning permission requiring the open space areas and landscape buffers to be maintained in accordance with the final plan. Ultimately it will be the Council who is responsible for the long term maintenance of these areas through the Section 106 Agreement attached to the outline permission.

Vegetation clearance during the bird breeding season has been controlled by way of a condition on the outline permission. Detail of bird/bat boxes have been submitted and have been welcomed by the Wildlife Trust. Any permission could reference these amongst the approved plans with Condition 16 on the outline permission requiring the development to be completed in accordance with any approved bat/bird box details.

I am satisfied that the details submitted as part of this application will help to increase biodiversity and enhance wildlife corridors in accordance with Core Policy 12 and Policies DM5 and DM12.

With regards to Natural England's recommendation that enhanced green infrastructure (GI) provision is considered as part of the development I note the indicative plans show the provision of the landscaped buffer and that this would incorporate pedestrian and cycle links.

I note that Natural England have considered the site's close proximity to Rainworth Lakes SSSI and that they are satisfied that the proposals will not damage or destroy the interest features for which the site has been notified.

Archaeology

Policy Ra/Ho/2 states that the development will be subject to 'the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application.'

The outline planning permission on the site included a condition requiring a geophysical investigation to be undertaken before development commences with any necessary mitigation measures to be undertaken. A report has been submitted as part of this reserved matters application and this was also provided at the pre-application stage. The County Council's

Archaeologist was consulted at the time and confirmed the Geophysical technique had clearly worked in that it indicated the remains of ploughing activity, but no other features were visible. Therefore the County's Archaeologist had no further comments or recommendations to offer on this site.

Given the above, I am satisfied that the development of this site raises no archaeological issues requiring further consideration under Core Policy 14 and Policy DM9.

Flooding/Drainage

In order to meet the requirements of the housing allocation policy, the application needs to address the following:

- The positive management of surface water through the design and layout of the development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *"necessary mitigation as part of the development or through off site measures where necessary."* Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

The site is not located within Flood Zone 2 or 3 however as it exceeds 1ha in size, a Flood Risk Assessment has been submitted with the planning application. Following receipt of the Environment Agency's holding objection, a revised Flood Risk Assessment and Drainage Strategy has been submitted and at the time of writing this report, I am awaiting the further comments of the Environment Agency and the Lead Local Flood Risk Authority. I have also received no comments from Severn Trent Water at the time of writing. An update on any responses from these consultees will be provided verbally at the Planning Committee meeting.

Consideration has also been given to drainage of the wider allocated site and the applicant has advised that in terms of storm drainage, the application site drains entirely to soakaways (highways and private water) and no allowance has been made to drain the retained land. The applicant considers that the remainder of the allocated site would need to provide it's own soakaways (assuming the ground conditions are the same as the application site) or design another approved drainage system in due course. The applicant considers it is logical to assume that ground conditions on both sites are the same due to their proximity, but they cannot be totally sure as they have not investigated the retained land. Regarding foul water the application site would drain into the existing system in Rochester Road, which they advise that they have confirmed can take their flows. The retained land may use their system in the future, but they would need to establish with the Water Authority that sufficient capacity exists in the foul system down stream from the connection point to cater for their flows. Alternatively they would need to establish a different point of connection.

Subject to an acceptable foul and surface water drainage system for the site being agreed between the applicant and the above consultees, the proposals will meet the policy requirements set out above.

Coal Mining

The housing allocation policy for the site states that the development will be subject to ‘the investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures.’ The Cultural Heritage Appraisal submitted with the outline application sets out the mining history of the area although no reports relating to the investigation of potential impacts arising from former coal mining activities were submitted at the time. However, correspondence with the Coal Authority was provided which confirmed the application site was located within the Coal Mining Development Low Risk Area. As such, The Coal Authority advised that they would not expect coal mining legacy issues to require specific consideration during the determination of the application, and a Coal Mining Risk Assessment was not necessary. A standard informative was attached to the outline planning permission drawing the applicant’s attention to the fact that the proposed development lies within a coal mining area and that account should be taken of any coal mining hazards to stability in their proposals.

Land Contamination

The site has been in longstanding agricultural use and I note that Environmental Health raised no observations from a contaminated land perspective. A condition was attached to the outline planning permission requiring the site to be monitored and assessment undertaken, including mitigation should contaminants be found during development in accordance with Policy DM10.

Phasing

The conditions on the outline planning permission included reference to submission of details by phase and this was built in to the planning permission at the request of the applicant at that time. Condition 2 of planning permission 13/01256/OUTM required submission of a phasing plan. The current applicant has confirmed in writing that the intention is to carry out the development in a single phase. Should planning permission be forthcoming, I therefore consider it reasonable to include a condition stating that for the purposes of Condition 2 of the outline permission, phasing relates to a single phase and any outstanding conditions referring to phase shall be discharged prior to commencement of the development.

Developer Contributions

Policy DM3 relates to ‘Developer Contributions and Planning Obligations’ and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability assessment for the site was undertaken during consideration of the outline planning application and the following contributions were agreed as being the maximum level of contributions under which a viable scheme for up to 130 dwellings on the site could be delivered:

Contribution	Formula (if required)	Anticipated contribution	Monitoring Contribution	Monitoring Contributions Notes
<ul style="list-style-type: none"> Affordable housing (affordable rental and shared ownership) 	30%	15% on site and £322,198 towards off site affordable housing	Physical Provision £264 Financial Contribution £240	Based on 4 site visits
<ul style="list-style-type: none"> Off-site financial contribution to sports pitches in the locality 	£719 per dwelling for provision/improvement and £636 per dwelling for maintenance(Therefore £1,355 per dwelling)	£176,150	Physical Provision £264 Financial Contribution £240	Based on 4 site visits
<ul style="list-style-type: none"> POS On site and formula for shortfall of full amount on site 	<p>IF ALL PHYSICALLY ON SITE:</p> <ul style="list-style-type: none"> Childrens Play Space 20 sm/unit (2600 sq m total for 130 units) Amenity Open Space 15 sm/unit (1950 sq m total for 130 units) <p>TOTAL 4550 SM (LAYOUT PROVIDED PROVIDES 4300 SM which is shortfall of 250SM) However the revised wider concept plan indicates that across the whole of the allocation 1.71Ha of landscape buffer amenity open space would be provided.</p> <p>IF ALL ON SITE WOULD ALSO BE THE FOLLOWING MAINTENANCE CONTRIBUTIONS</p> <ul style="list-style-type: none"> £909 maintenance 	<p>ON SITE PHYSICAL PROVISION TO INCLUDE PLAY EQUIPMENT</p> <p>£146,120</p>	<p>Physical Provision £396</p> <p>Financial Contribution £240</p>	This is based on 6 site visits / reviews

	for Children Play Space per dwelling (TOTAL OF £118,170 IF 130 UNITS) <ul style="list-style-type: none"> • £215 maintenance for Amenity Open Space (TOTAL OF £27950 IF 130 UNITS) TOTAL of £1124 per unit for maintenance of all open space			
<ul style="list-style-type: none"> • Off-site financial contribution to community facilities in the locality 	£1424.37 per dwelling	£185,168	Financial Contribution £240	
<ul style="list-style-type: none"> • SANGS 	Provision in the West of the District	£30,000	Financial Contribution £240	
TOTAL	£861,760			

The outline planning permission included a Section 106 Agreement securing the above contributions. I note the comments of the Parish Council relating to the potential impact on local infrastructure, namely schools and the health centre, however the County Council's Education team and the Health Authority were consulted on the outline application and this reserved matters application and no requests for contributions have been received.

CIL

The site is situated within the Mansfield Fringe Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

Conclusion

Following the sites allocation through the Local Development Framework and the outline planning permission in place, the principle of development in this location is not contested. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matters for consideration under this reserved matters application is the level of compliance achieved with the policy requirements of Policy Ra/Ho/2 and the other core strategy and development plan policies taking into account the proposal to develop 130 dwellings on a condensed footprint within the application site.

Subject to resolution of drainage of the site through the receipt of favourable consultation responses from the relevant consultees, the proposals demonstrate that 130 dwellings could be

achieved on a condensed area within the application site whilst still complying with the Council's adopted policies which seek to ensure high quality sustainable development is delivered in the District. Furthermore, it has previously been accepted that development at this level can be accommodated with a single point of access without preventing development of the wider allocated site at a similar level.

For all these reasons a recommendation of approval is made.

RECOMMENDATION

Approve, subject to the following conditions:

01

The development hereby permitted shall begin not later than two years from the date of this decision notice.

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

02

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

- Proposed layout plan drawing no.TWY034-02 Rev F
- House Type Planning Drawings March 2015 (including the garage drawings contained within) updated with revised elevations for house type PT36 (previous drawing substituted for drawing no.PT36/6/PL2 Rev A) and revised floor plans for house type PT41 (previous drawing substituted for PT41/6/PL1).
- Materials Dispersion Plan drawing no.TWY034-07 Rev A
- Engineering Layout drawing no.TWY034/501 Rev A
- Tree Survey dated 23rd January 2015, Tree Survey Plan 15-08-01, Tree Constraints Plan 15-08-02, Tree Protection Plan 15-08-05 and Arboricultural Method Statement ref.1508/DP/AMS001 dated 11.03.2015
- Landscape Proposals 1 of 2 drawing no.15-08-03 Rev E
- Landscape Proposals 2 of 2 drawing no.15-08-04 Rev E
- Proposed bird and bat box locations drawing dated 13th March 2015
- Construction Environmental Management Plan drawing no.TWY034-10
- Reptile Habitat Enhancement Plan dated 8th June 2015
- Residential Travel Plan Rev C dated 20.05.2015
- Report on fluxgate gradiometer survey October 2014
- Delta Simons Woodlark and Nightjar Information Leaflet received 26th June 2015

unless otherwise agree in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in the interest of residential amenity.

04

Before the development is commenced a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include time periods for implementation, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens, cultivation and other operations associated with plant and grass establishment, maintenance schedules for the areas of public open space and the southern and western landscape buffers as well as minimum heights for the hedgerows to the eastern and western boundary. The management plan shall also include provision for the eastern boundary hedge to be retained outside residential curtilages. Once the landscape management plan is approved in writing the approved landscaping shall be completed in accordance with the approved timescales, or such longer period as may be agreed in writing by the local planning authority. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development conserves and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

05

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

06

Any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres.

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

07

Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

08

The emergency link footpath/cyclepath shown on the approved layout plan connecting with Rochester Road shall be constructed and open for use prior to the occupation of the 100th dwelling.

Reason: To promote sustainable travel and provide adequate access.

09

No dwelling forming part of the development hereby permitted shall be occupied until its associated access driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

010

For the purposes of Condition 2 of the outline planning permission 13/01256, the email dated 24th June 2015 confirmed that the details submitted as part of this reserved matters application are to be carried out in a single phase and therefore any outstanding details required to be submitted by phase to discharge conditions on 13/01256/OUTM shall be discharged prior to commencement of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

011

The rear boundary treatments (on plots 89, 90, 94, 95 and 96) abutting the parking court, which serves plots 46 -50 on the wider site as shown on the approved plans, shall be retained as a brick wall to a maximum height of 1.5 metres with 300mm high metal railings over at all times.

Reason: In the interests of visual amenity and to ensure a suitable level of natural surveillance in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

012

Before development commences the Delta Simons Common Lizard *Zootoca vivipara* Mitigation and Compensation Strategy dated June 2015 shall be updated and submitted to the Local Planning Authority for approval. The updated Strategy shall include a tool box talk for site workers, details as to the methodology for vegetation clearance and whether this will be done in stages to allow reptiles an opportunity to move off site, that any clearance works undertaken between March and October are done so under the supervision of a suitably qualified ecologist, clarification of the lifespan of the future management regime and consideration of any other features to discourage disturbance to habitats. Once approved in writing by the Local Planning Authority through consultation with the Nottinghamshire Wildlife Trust, the development shall be completed and maintained fully in accordance with the agreed updated Mitigation and Compensation Strategy.

Reason: In the interests of ensuring appropriate ecological mitigation is incorporated into the development in accordance with the objectives of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Policy DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

Informatives

01

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

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

02

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

03

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

04

This permission effectively discharges conditions 1, 2, 3, 4, 5, 8, 13, 14, 16, 18 and 20 of the outline planning permission (13/01256/OUTM) subject to the development being completed in accordance with the approved details.

BACKGROUND PAPERS

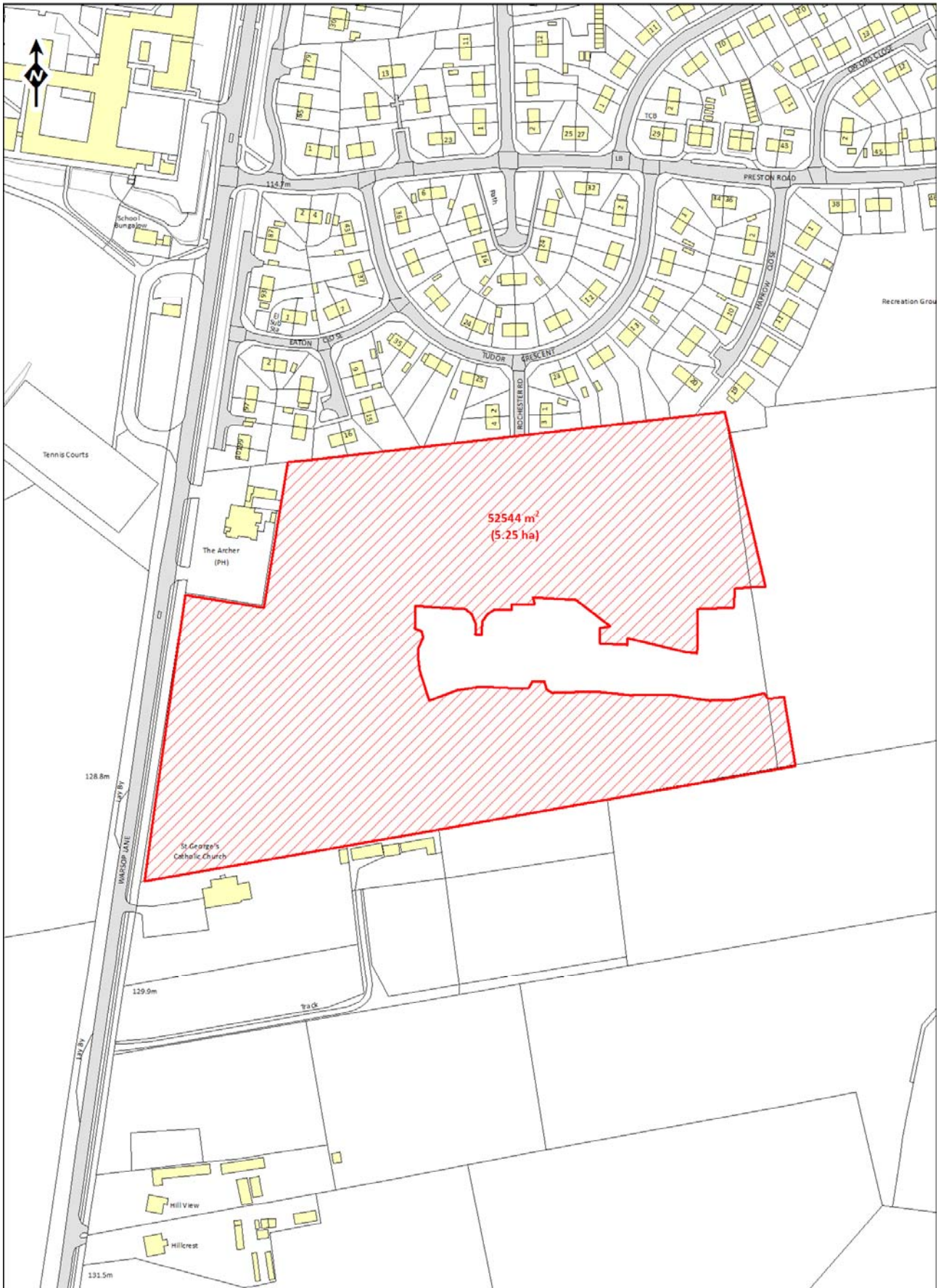
Application case file.

For further information, please contact Martin Russell on 01636 655837

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00523/RMAM



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/00522/FULM		
Proposal:	Residential Development of 30 additional dwellings within the existing site boundary of Outline Permission 13/01256/OUTM		
Location:	Land off Warsop Lane, Rainworth		
Applicant:	Taylor Wimpey UK Limited		
Registered:	26.03.2015	Target Date:	25.06.2015
Extension of time:	Agreed in principle		

The Site and Surroundings

The site comprises part of an agricultural field measuring approximately 5.93 hectares which has outline planning permission for up to 130 dwellings (planning application no.13/01256/OUTM). The parcel of land within the field subject to consideration in this application is irregular in shape and measures 0.69 hectares. The wider site is located to the east of the B6020, Warsop Lane and forms approximately half of an allocated site for residential purposes, with the remainder of the allocation located immediately to the east. The wider site is roughly rectangular in shape and lies to the southern edge of Rainworth. Residential properties and a public house are located to the north of the wider site, whilst a primary and secondary school are located to the northwest (on the opposite side of Warsop Lane). St George's Catholic Church is situated adjacent to the southern boundary of the wider site and a bus stop exists to the front of the church. Agricultural fields surround the site to the south and west, with sporadic detached dwellings/farms interspersed. The wider site is bounded by hedgerow to the boundary with Warsop Lane.

The application site itself is within the settlement of Rainworth although land to the south and west forms part of the Nottinghamshire-Derby Green Belt.

Relevant Planning History

13/SCR/00016 In July 2013, a screening opinion was sought (under the Environmental Impact Assessment Regulations) for a residential development of up to 140 residential units with associated access, public open space and landscaping. The Local Planning Authority issued a response confirming that an EIA would not be required in this instance.

13/01256/OUTM Outline planning permission was granted on 30th January 2014 for residential development of the site for up to 130 dwellings.

15/00523/RMAM The Council is currently considering a separate reserved matters planning application following Outline approval 13/01256/OUTM for residential development of up to 130 dwellings with associated access.

The Proposal

For background information, the separate reserved matters application being considered under planning application no. 15/00523/RMAM shows the layout of 130 dwellings on a condensed area within the site leaving a parcel of land measuring 0.69 hectares.

This newly condensed scheme would leave a surplus parcel of land centrally located within the previously approved site that is situated between a proposed area of public open space containing a L.E.A.P. and the eastern boundary of the site. It is on this parcel of land where full planning permission is now sought for an additional 30 dwellings (above the previous maximum permitted 130 dwellings) to be erected. For absolute clarity, the two applications together would bring the scheme to 160 dwellings on this part of the site allocation.

As this relates to a full planning application, full details of access, appearance, landscaping, layout and scale have been provided for the additional 30 dwellings.

The additional dwellings include a mix of 2, 3 and 4 bedroomed properties. The dwellings are set within plots with front and rear amenity space with rear gardens measuring a minimum 8.5m in depth.

Floor plans and elevations have been submitted which show a range of two and two-and-a-half storey houses. A street scene plan has been submitted to give some context of how the proposed dwellings would relate to each other and a materials dispersion plan has also been provided showing three brick types to be dispersed in groups through the wider development including the parcel of land in this application. It features properties on corner plots adjacent to the public open space which are to be finished in full height cream render, consistent with feature properties elsewhere on the wider site. Four roof tile types are proposed, a mix of black, red, brown and slate grey, again to be dispersed in groups throughout the wider development. Other materials include white PVC-U window frames, fascias and soffits, black rainwater goods and stone cills. Front doors are proposed in various colours. 9no. of the properties in this area would also be served by garages and plans have been provided showing garage depths of 6.43m. To rear garden boundary treatments would largely consist of 1.8m high close boarded fencing. 2.0m high fencing with trellis is proposed to those properties where rear amenity space abuts the main public realm. Plot nos. 89 – 90 and 94 – 96 have rear boundaries adjoining a parking court on the wider development site and these properties would have brick rear boundaries with railings.

The proposed layout shows 5 of the additional 30 dwellings would be affordable house types and the position of these units is indicated as being towards the eastern boundary of the site but centrally located within the context of the wider site.

The additional dwellings proposed would be accessed via the main access road for the wider site with some of the proposed properties fronting this road and others accessed via a cul-de-sac of this road.

The application site would be developed at a density of 42 dwellings per hectare and this is considered in detail later in this report.

The planning application is also accompanied by the range of supporting information also submitted under planning application no. 15/00523/RMAM including an Arboricultural Method Statement, Tree Survey, Constraints and Protection Plans, technical drawings relating to the

proposed highway works and construction details along with Traffic Regulation Order proposals, a Proposed Foul and Surface Water Drainage Plan, Proposed Bird and Bat Box Locations, a Reptile Survey and Reptile Habitat Enhancement Plan, a Construction Environmental Management Plan, an Engineering Layout including proposed finished floor levels, Design and Access Statement, Residential Travel Plan, Transport Assessment and a Revised Flood Risk Assessment.

Departure/Public Advertisement Procedure

Occupiers of 16 neighbouring properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy Ra/Ho/2 Rainworth - Housing Site 2
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance (on-line resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013).

Consultations

Rainworth Parish Council – Object to the proposal mainly for the reasons set out within their response to application no. 15/00523/RMAM which are set out in that report. If a further 30 dwellings were then to be allowed then the site would be even more over intensified as there would then be 160 dwellings on an area capable of sustaining only approximately 95 dwellings on this application and there could also be a potential loss of open space allocation for the site.

NSDC Housing – No comments received.

NSDC Waste – The bin collection points on the revised plans are acceptable and there are therefore no issues with waste management. It will be prudent to ensure that all prospective residents are advised about collection arrangements if they are affected by these arrangements.

NSDC Planning Policy – Comments contained within the appraisal below.

Notts County Council (Planning Policy) – Comments received related to the issues being considered under the reserved matters application for the wider site but made reference to the National Planning Context which is incorporated into the appraisal within this report.

Notts County Council (Archaeology) – No comments received.

Natural England – Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs).

Parks and Amenities – For the additional 30 dwellings would be seeking the following:

Amenity green spaces – additional 432m² of on-site open space plus maintenance contribution of

£8,264.10 (plus indexation from 2013)

Provision for children and young people – additional 540m² of on-site open space plus maintenance contribution of £30,135 (plus indexation) or off-site contribution of £27,096.60 (plus indexation)

Outdoor sports facilities – additional off-site provision contribution of £21,561 (plus indexation) and maintenance contribution of £33,549 (plus indexation)

Community, Sports and Arts Development – No objection to the proposed development but it will require a contribution towards Community Facilities in the Rainworth area as per the current SPD at £1,181.25 per dwelling anchored at December 2013 plus indexation as appropriate at the point of payment. Furthermore the contribution should be allocated to community facility infrastructure improvements at Rainworth Village Hall.

Notts County Council (Education) – The proposed development of 30 dwellings would yield an additional 6 primary and 5 secondary places. Based on current pupil projections, the additional primary and secondary places can be accommodated in existing schools. The County Council will therefore not be seeking an education contribution on the above proposed development at Warsop Lane Rainworth.

Environmental Health – No comments received.

Nottinghamshire Wildlife Trust – The Trust wish to provide the following observations:

ppSPA & SANGS

As discussed within their previous comments under application 13/01256/OUTM, the Trust's concerns were regarding the indirect impacts of the residential development to the possible potential Special Protection Area (ppSPA) within the Sherwood area for nightjar and woodlark. In regards to an additional 30 houses, with the average population per a household at 2.3, this would increase the population by an additional 69 residents (however, this number could be greater at full capacity).

Therefore, suitable SANGS and other mitigation will need to be available, should the application receive permission. It is stated within Delta-Simmons response that,

“The potential direct and indirect impacts upon nightjar and woodlark, when considered both individually and cumulatively, are considered to have a negligible, and therefore non-significant. Therefore, specific mitigation measures/avoidance measures are not considered necessary.”

Whilst the Trust appreciate that 30 houses in itself may not cause significant impacts, the additional housing along with application 15/00522/FULM and other applications within the ppSPA, will contribute to a further increase in population. Therefore, the Trust would suggest that precautionary measures are still worthwhile. As a result, the additional 30 houses should not compromise the open spaces proposed under 15/00522/FULM. Further to this, the Trust would encourage any additional area of open space onsite for new residents (as previously suggested 12ha/1000 individuals) and/or additional forms of mitigation (such as contribution to offsite management and/or providing educational information). This point is further emphasised as the Trust wish to remind, that whether or not an SPA is designated, Local Authorities must comply

with Article 4(4) of the Birds Directive to “prevent deterioration or pollution of habitats” used by Annex 1 birds, even where outside protected areas.

Further Comments

The Trust would also wish to provide the following comments, in response to Delta-Simmons:

“Nightjar and woodcock are known to occur on Rainworth Heath, to the north of Rainworth, which to access would involve walking up Warsop Lane and crossing the A617, covering a total distance of approximately 1.5 km to reach the heathland. Much of the walk would be through the dense residential housing of Rainworth village to reach the heathland and, therefore, it is anticipated that the majority of dog walkers from the Site would favour the area immediately surrounding it for daily dog walks, including Tippings Wood LNR within 400 m to the south-west of the Site which is promoted on the Nottinghamshire County Council website for recreational use, and also features a car park. With well-marked routes, there is the opportunity to enjoy it whilst ensuring sensitive habitats are not disturbed.....There is not anticipated to be any damage to breeding or feeding habitat at Rainworth Heath if any of the residents of the proposed development who visit the site follow signage and remain on well-marked routes, as would be anticipated.”

This is agreed to an extent, however, the LPA should be mindful that even when information boards and signs are provided, individuals do not always stay to the paths or keep dogs on leads (for example, unauthorised vehicles are currently a major issue to nature conservation areas within Nottinghamshire). Further to this, it is accepted in David-Simmon’s response that residents are likely to travel by car to other open sites within the area (at weekends). Hence the need for a 5Km buffer for the ppSPA. Therefore, there is the likelihood that new residents may visit Rainworth Heath for recreational purposes. Even if individuals remain on the well-marked paths, it should not be ignored that there may be an increase in footfall on the SSSI, which could be increased further by the additional 30 houses. Again, this should be a material consideration, and further emphasises the need to provide adequate SANGS and mitigation wherever possible.

It is also stated that:

“Cats are known to cover a radius of no more than 400m from their home, and therefore, there would be no risk to the nightjar and woodlark population from them.”

This is accepted. However, Tipping Wood LNR is within 400m of the proposed development. There is the opportunity with any information leaflets given to new residents, to advise to fix a quick-release collar with a bell onto cats. This has been found to reduce a cat’s ability to catch prey by 30%.

Following the provision of revised landscape plans and additional information relating to proposed reptile habitat, Nottinghamshire Wildlife Trust provided further comments which are being addressed under the reserved matters application (ref.15/00523/RMAM) but can be summarised as follows:

Southern Buffer

The Trust note in a response from the applicant that there is reference to a reduction in the size of the southern buffer, and a suggestion to increase planting in this area. Within the revised landscape proposal, the Trust note an increase in shrub planting. The Trust welcome the proposed planting with native species, as this is likely to provide some ecological value for a range of species. However, an

increase in the density of shrub within this area is likely to reduce the suitability of the habitat for reptiles. The Trust wish to encourage the applicant to consider the inclusion of rough grassland, in order to maintain connectivity and provide habitat for reptile species throughout the site.

Management

The Trust also note within the applicant's letter a reference to future management under a S106 agreement. The Trust would expect to see a proposed long-term biodiversity management plan for the site, preferably prior to determination of the application (as mentioned in our response under application 15/00523/RMAM in regards to the reptile mitigation areas) and for this plan to subsequently be undertaken during and after construction works.

Reptile Mitigation

A reptile mitigation plan has been provided under 15/00523/RMAM. This includes hedgerow, scrub and rough grassland areas in the north-eastern open space. The Trust note on the revised landscape plan provided, that this area includes shrub species, but does not appear to include the sections of hedgerows suggested in the reptile mitigation plan to reduce impacts of disturbance.

Invasive Species

The Trust note *Cotoneaster horizontalis* is included within the landscape plan. This species was added to Schedule 9, Part 2 of the Wildlife and Countryside Act 1981 in 2010. As stated under Section 14(2) of the Act, it is an offence to plant or cause the growth in the wild of any plant listed under Schedule 9. Therefore, the Trust would expect to see this species removed from the landscape design.

Notts County Council (Ecology) – Landscaping has the potential to deliver enhancements for biodiversity, through the use of native, locally-appropriate species, especially around the site boundaries and in areas of greenspace. To this end, it is recommended that the submitted plans are amended to address the following points:

1. In the Native Shrub Mix, the proportions of Dogwood and Hawthorn should be swapped, to ensure a more naturalistic native shrub mix (i.e. at least 25% Hawthorn).
2. Beech, Hornbeam, Norway Maple and Whitebeam should be removed from boundary areas (i.e. southern/western boundaries) and ideally greenspace areas. It is suggested that Pedunculate Oak, Field Maple and Wild Cherry (and possibly also Small-leaved Lime) would be suitable replacements.
3. The recommendations made in the Reptile Survey report relating to the provision of hibernaculae (see section 5.2.2) should be incorporated.

Severn Trent Water – No objection to the proposal subject to the inclusion of the following condition:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

Environmental Services (Contaminated Land) – No observations from a contaminated land perspective.

Police Architectural Liaison – No comments received.

NHS Nottinghamshire – No comments received.

Notts County Council (Highways) – Refers to the latest planning layout drawing TWY034-01E which is generally acceptable; addressing earlier issues raised informally.

The red line site boundary does not meet up with the existing public highway at Warsop Lane. Therefore access to this application site is reliant upon delivery of the scheme put forward under planning application 15/00523/RMAM (or a similar scheme brought forward in the future to comply the outline permission 13/01256/OUTM). Normally the red line boundary would be drawn up to the public highway boundary but this has not occurred in this case. The Planning Authority should therefore satisfy itself that access to this application site is secured; perhaps through legal agreement, tying the applications together or by some other means.

Similarly there is a red line boundary issue at one of the cul-de-sac at the eastern end of the site where half the width of the road is subject to application 15/00523/RMAM and the other half subject to this application. Again, delivery of the whole width of road should be sought.

In a repeat of comments made on application 15/00523/RMAM, concern has been raised about the delivery of the 'allocated housing' development to the east of this site if the proposed roads are not constructed and adopted as public highway up to the land ownership boundary. This is not a highway concern, but may compromise the ability to deliver the housing allocation to meet LDF targets.

The Transport Assessment has been checked and found to be robust and acceptable.

Likewise, Travel Plan revision C is also approved for implementation.

Attention is drawn to Condition 10 of the outline permission and the need to satisfy this condition by providing off-site highway improvements prior to occupation of any dwelling.

If the matters raised in the Highway comments above are satisfactorily addressed, then conditions are suggested as follows:

- to ensure drives, parking and turning areas are surfaced in a hard bound material for a minimum of 2.0m behind the highway boundary,
- that any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres,
- that details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved,

- that the access driveway/parking area serving any dwelling is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway prior to its first occupation.
 - No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking areas shall then be maintained in such hard bound material for the life of the development.
Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
 - Any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened / closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.
 - Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
 - No dwelling forming part of the development hereby permitted shall be occupied until its associated access driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on.

Access and Equalities Officer – Building Regulations approval will be required.

Community Safety Co-Ordinator – No comments received.

The Environment Agency – Following the provision of the revised flood risk assessment, the Environment Agency confirmed that they had no objection to the proposed development, subject to the imposition of a planning condition relating to surface water drainage.

Lead Local Flood Risk Authority – At the time of writing this report I am awaiting comments on the revised FRA.

Neighbours/interested parties – No comments received in respect of the details being considered under this application.

Comments of the Business Manager Development

Principle of Development

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

Paragraphs 47 and 49 of the NPPF states that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

The principle of the development is considered acceptable and the delivery of housing is a significant material planning consideration. As at 1st April 2014 the District had a housing supply of 6.83 years. The Council has been assessing the 2014/15 position by gathering relevant information, which has now been completed. Whilst not yet formally published it is true to say that as of 2014/15 the Council cannot demonstrate a 5 year land supply against the adopted Core Strategy housing target (adopted pre-NPPF).

Members may be aware that the NPPF when published introduced a requirement to define housing targets by reference to Objectively Assessed Need (OAN) via collaborative working (the duty to cooperate) with neighbouring Authorities. This Authority, in collaboration with Ashfield and Mansfield District Council's has commissioned work on a Nottingham Outer Strategic Housing Market Assessment (SHMA), which is the vehicle from which an OAN is derived. The draft SHMA has identified an OAN figure of 454 dwellings per annum from 2013-2033. Whilst at an early stage of consultation it is clear that if this were to be the Council's housing target (which it is currently not) the Council would have a lower overall housing requirements and annual requirement and thus, in officers submission, would achieve a 5 year supply. For the purposes of this application, at this time, I would suggest that Members note the absence of a 5 year supply based on delivery of currently adopted targets and weigh this very heavily in a planning balance.

The proposal site is located in Rainworth, a Service Centre, allocated for development in the Core Strategy (adopted 2011) under Spatial Policy 1 and Spatial Policy 2 which confirms that the allocated scale of housing growth in Rainworth over the plan period (to 2016), is 15% of Service Centre growth. This equates to 425 dwellings over the plan period.

The site forms part of Rainworth Housing Site 2 as identified in Policy Ra/Ho/2 of the Allocations and Development Management DPD (adopted July 2013). The DPD confirms the site as one of the two sites allocated for housing development in Rainworth. The Policy sets out that the wider site is allocated for residential development providing around 190 dwellings with associated public open space. The principle of residential development for up to 130 dwellings on the western portion (roughly half) of the allocated site has already been approved under planning permission

ref.13/01265/OUTM.

Policy Ra/Ho/2 sets out a detailed approach for the bringing forward of the site. This policy informed the consideration of the outline planning application and remains a material consideration in the consideration of full planning application. This policy requires the;

- Preparation of a comprehensive Master Plan for the whole of the site setting out the broad location for development and the phasing of new development;
- Management of the sites gateway location;
- Provision of strategic buffer landscaping to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact on the Green Belt ;
- Assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary;
- Provision of the sites main access point from Warsop Lane with any secondary point not being via the existing estate roads to the north and east;
- Positive management of surface water;
- Incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities;
- Developer funded improvements to the public foul sewer system and wastewater treatment works to ensure there is sufficient capacity to meet the needs of the development;
- Investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary; and
- Investigation of potential archaeology and the securing of any necessary post-determination mitigation measures.

Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 refers to development within sites allocated in the ADMDPD being supported for the intended use provided that they comply with the relevant Core and Development Management policies relating to site specific issues.

Through the sites inclusion as part of the allocation Ra/Ho/2 the principle of development in this location has already been established and the site has already been accepted as being suitable for up to 130 dwellings through the granting of outline planning permission on the western half of the allocated site. The principle of further residential development is acceptable in this location predicated on other considerations such as whether a further 30 dwellings would result in a comprehensive development which accords with the relevant aspects of the District's development plan (including the requirements of the site allocations policy set out above) and provided it doesn't preclude the future development of the remainder of the allocated site from coming forward. Other such considerations are considered in detail below.

Density, Mix and Affordability

Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. An appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

Core Policy 1 requires affordable housing provision in the Newark Urban Area on sites of 10 or more dwellings or which have a site area of 0.4ha or above, with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought reflects a 60% social rented and 40% intermediate mix.

The application concerns only part of the allocation Ra/Ho/2 and a key aspect in the consideration of the previous outline planning application was whether the proposal would inhibit the full delivery of the allocated site. It remains crucial, that the allocated site is brought forward in a coherent and comprehensive manner. This issue becomes even more prevalent in the consideration of this application as the proposed additional 30 dwellings would result in an overall development of 160 dwellings on the western half of the site allocation and consequently more of the overall anticipated housing numbers originally envisaged (190) of the total allocation when factoring in infrastructure including those to meet highway and drainage requirements.

The applicant has provided a masterplan as part of the Design and Access Statement submitted in accordance with the requirements of the site allocation policy. The layout plan submitted as part of the application also shows the infrastructure to be provided on the remainder of the western half of the allocated site including public open space and the provision of strategic landscaped buffers to the south and western boundaries with the aim of addressing the site's gateway location and provision of strategic landscape buffering to the south and west of the site.

Density

The highway authority has previously confirmed when considering the outline planning application that they are satisfied that a single point of access, subject to specifications on width, would be suitable for a total quantum of development for the wider allocated site of circa 240 dwellings. This would represent a relatively high level of development for the site when compared with the numbers envisaged in the site allocation (around 190 dwellings in total). However, this was considered in detail by the outline application for the western half of the allocated site (ref.13/01256/OUTM), and it was considered at the time that development of the whole allocated site at approximately 240 dwellings could be achieved whilst still delivering a high quality sustainable development in compliance with the Council's adopted policies.

In summary, when the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation, it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development the Inspector made it clear that this was a matter for the planning application process; the test of soundness was satisfying the targets of the Core Strategy.

In the case of Ra/Ho/2 the sites gateway location, adjacency to the green belt and the resulting need for strategic landscape buffering were all important site characteristics which informed the setting of a notional capacity of around 190 dwellings across the allocated site. In considering the outline planning application for a proposed broad level of development of up to 130 dwellings, a key consideration was whether this would present a constraint to the full delivery of the

allocation, policy requirements being met across the allocation or that it would be likely to give rise to unacceptable local environmental, highway or amenity impacts.

Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. As explained above, the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to provide and maintain a 5 year land supply and thereby provide protection from inappropriate development.

Given development of the allocated site at this level has already been established, the consideration here therefore is whether distribution of this development with a higher proportion of development (160 dwellings should the additional 30 dwellings proposed be granted planning permission) on the eastern half of the site, would in any way prejudice the future development of the remainder of the allocated site.

160 dwellings on this half of the allocated site would in theory leave scope for a further 80 dwellings to be provided on the eastern half of the allocated site assuming that access could only be provided off Warsop Lane. If an alternative vehicular access was to be considered in the future this could potentially allow more dwellings on the other part of the allocated site but that would currently be contrary to RA/Ho/2 which provides that the main entrance should be via Warsop Road and secondary accesses should not be via existing estate roads to the north and east.

The master plan provided within the Design and Access Statement submitted indicates that 80 dwellings could be provided on the western half of the allocated site at a density of 30 dwellings per hectare once associated infrastructure and open space has been provided. The plan shows the continuation of the southern landscaped buffer and a higher proportion of public open space than indicated on the eastern portion, however, I am mindful that this would be consistent with the requirement under Policy Ra/Ho/2 for the incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities.

Whilst the proposals would mean the density of development on the western half of the allocated site would be significantly less than that on the eastern half, development at that density would still meet the density requirements set out in the Core Strategy and in my view would ensure that an effective and efficient use of allocated land is achieved now whether or not development of the western half of the site comes forward in the future. The plans submitted under the reserved matters application also show the main access roads to continue towards the boundary of the western portion of the allocation, providing scope for these roads to be extended to form a loop should the remainder of the allocated site be developed in the future.

The table below (fig.1) shows the impact of the proposal on the density of the western portion of the allocated site showing the previously approved density (planning ref.13/01256/FUL), the density of the site being considered under planning application 15/00523/RMAM and the overall density once the additional dwellings proposed under this application are factored in:

Fig.1

Site	Area – in hectares (Ha)	No. of dwellings	Anticipated Density – dwellings per hectare (dph)
13/01256/OUTM – Land off Warsop Lane	5.93Ha net / 4.12Ha without site specific constraints (including open space and anticipated road infrastructure)	Up to 130	22dph / 32dph
15/00523/RMAM – Land off Warsop Lane	5.93 net / 3.2Ha without land forming part of 15/00522/FULM (0.69Ha) and open space / landscaped buffers (1.118Ha) and highways (i.e. roads, footpaths and verges that are adoptable (0.93Ha)	130 dwellings	22dph / 41dph
15/00522/FULM – Land off Warsop Lane	5.93 net / 3.882Ha without open space / landscaped buffers (1.118Ha) and highways (i.e. roads, footpaths and verges that are adoptable (0.93Ha)	160 dwellings	27dph / 42dph

The table shown as figure 1 indicates that 160 dwellings on the western half of the allocated site would result in an increase in density when compared with the density calculation for the reserved matters application which excluded the parcel of land under consideration in this application. The density of the proposal where site constraints are factored in would still meet the requirements of Core Policy 3 which requires development densities to be no lower than an average of 30 dwellings per hectare net.

If the density is based on the net area of the site, a development of 160 dwellings would equate to a density of 27 dwellings per hectare which is closer to the requirement in Core Policy 3 than the existing outline planning permission. Where development densities are below 30 dwellings per hectare net individual site circumstances need to be taken into account. The housing allocation required a design that addresses the sites gateway location and manages the transition into the main built up area including the provision of strategic buffer landscaping to the south and west of the site to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of development on the Green Belt. These features are still being provided as part of the scheme being considered under planning application no.15/00523/RMAM and the adequacy of the buffers are considered in the report for that application.

Housing Mix and Affordability

The proposed plans show the proposed development would be similar to that under consideration under the reserved matters application for the wider site and would include a mix of house types (3no. 2 bedroomed houses, 26no. 3 bedroomed houses and 1no. 4 bedroomed house). This would meet the requirements of Core Policy 3 of the Core Strategy in that it would provide a range of house types with a weighting towards 2 and 3 bedroomed properties.

I am mindful that in considering the outline application Strategic Housing requested that any affordable housing on the site should be a mix of 1, 2 and 3 bed properties. The affordable housing indicated on the application site equates to 5 units (3 x two-bedroomed properties and 2 x three-bedroomed properties). This equates to 15% of the additional dwellings under consideration and would reflect the percentage of affordable housing secured on the wider site under the S106 Agreement relating to the previous outline planning permission. Whilst viability issues on the site were considered as part of the outline planning permission and it was established at the time that the site could only realistically achieve 15% on site provision for affordable housing, a new viability assessment has been submitted as part of this latest application to consider the current circumstances and whether a higher or lower percentage of affordable housing and other developer contributions could be achieved.

The Council's Viability Consultant has reviewed the applicant's viability assessment and has taken into account the other developer contribution requests received during consultation on this application (which are set out in detail under the Developer Contributions section of this report). The Viability consultant has confirmed that realistically the site could deliver 3 affordable dwellings out of the 30 additional dwellings proposed which equates to a 10% of the additional dwellings and therefore lower than the 15% secured on the remainder of this half of the allocated site. Notwithstanding this, the applicant has agreed to retain their original offer of 5 affordable units which will ensure affordable units are provided at a consistent level across the site. I consider this to be an added benefit to the provision of affordable housing in the area should planning permission be forthcoming for the additional dwellings.

As with the wider site, I note that the proposed dwellings do not include any 1 bedroomed properties in this instance, however this is consistent with the fact that a lesser proportion of affordable units would be secured in this instance due to the impact this would have on viability. Overall, I am satisfied that the indicative house mix would still be in keeping with the character of the area and would meet the overall objectives of Core Policy 3.

On balance, I am satisfied that increasing the density on the eastern half of the site allocation will result in a more effective and efficient use of the land and would not preclude the development of the other half of the site allocation. Once constraints are factored in the proposed density would meet the density requirements of Core Policy 3. An appropriate level of affordable units will also be secured as part of any planning permission in accordance with the aims of Core Policy 1.

Design/ Character of the Area/Landscape

Policy DM5 sets out the Design criteria for proposals and includes that new development should reflect the local distinctiveness of the District's landscape and character of built form.

The predominant house type in the surrounding area comprises 2-storey dwellinghouses. The general height of new housing will be 2-storey with 6 no. of the additional dwellings proposed

being 2.5-storey. The housing allocation policy (Ra/Ho/2) states that the housing development should have an 'appropriate design which addresses the site's gateway location and manages the transition into the main built up area'. The application site is located in a central position within the wider site and would therefore be set away from the north, west and southern boundaries assisting its integration into the wider landscape.

The mix of house types proposed includes L-shaped properties to some corner locations. Properties at key focal points close to the open space/L.E.A.P. on the wider site are also shown to be finished in full height cream render with Grovebury Breckland Black roof tiles to further enhance legibility. The majority of the proposed dwellings would have gabled roofs which would ensure a consistent style across the wider site.

Rainworth is designated as part of the Sherwood National Character Area (NCA 49) and under the Newark and Sherwood Landscape Character Assessment it is designated 'Blidworth and Rainworth Wooded Estatelands', covered by Policy Zone SPZ18. Identified threats to the landscape character of the zone include ".....residential expansion of Rainworth....." and any development in the area should seek to minimise such a threat. The impact on the wider setting is mainly being considered under the details submitted for planning application no.15/00523/RMAM as that application includes consideration of the proposed areas of public open space, the landscape buffers to the western and southern boundaries, and the majority of the dwellings located to the perimeter of the site.

The landscape scheme on the portion of the site being considered under this application includes 3no. trees to be planted within this part of the site, including towards the eastern boundary. Planting schemes for the gardens serving the proposed properties have also been provided. Existing hedgerows are shown to be retained to the eastern boundary and the applicant has confirmed that this will lie outside the proposed residential boundaries. At the time of writing final details of a landscape management plan are awaited and an update can be provided to Planning Committee as to whether any further conditions are required to secure appropriate maintenance. Provided conditions secure provision and maintenance of the landscaping details submitted, I am satisfied that the details will be sufficient to ensure the landscape scheme is appropriate and also enhances biodiversity on the site in accordance with the aims of Core Policy 12 and Policy DM7.

The Parks and Amenities Officer has requested 432m² of amenity open space and 540m² of space for children and young people. The submitted plans for the wider site (being considered under planning application no.15/00523/RMAM) make provision for this additional space on the overall layout and I am satisfied therefore that the additional space proposed could be integrated into the wider scheme should planning permission be forthcoming on both applications before Members.

Overall, from a design perspective I am satisfied the proposed dwellings would reflect the design approach for the wider site being considered under planning application no.15/00523/RMAM and would assist in fulfilling the requirements of Policy Ra/Ho/2 as well as the requirement in the NPPF for proposals to optimise the potential of the site to accommodate development. The scale of the development which is primarily 2 storey and its central location within the wider site will also help to minimise the impact of the development on the wider landscape in accordance with Policies DM5 and Core Policy 13.

Amenity

Policy DM5 of the ADM DPD requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The dwellings on this part of the wider site will only share boundaries with other properties on the new development. The submitted layout shows minimum interface distances between proposed dwellings ranging between 18.0 m and 26.5 m between neighbouring rear elevations. Whilst I consider that these distances are not particularly generous, I am satisfied that they are close to what is typically considered acceptable and would offer a suitable level of amenity for future occupiers.

Policy DM5 also requires private amenity space to be proportionate and appropriate to the development it is intended to serve. I am satisfied that the amount of rear amenity space to each of the proposed properties is acceptable.

Whilst I consider the level of amenity afforded by the development for future occupants is acceptable, I consider it would be reasonable and necessary to remove permitted development rights for extensions to the dwellings to ensure a suitable level of amenity is retained.

Overall, I am satisfied that the proposed plans accord with the objectives of Policy DM5.

Highway Matters

Policy Ra/Ho/2 requires that the principal access to the site be provided off Warsop Lane and the point of access details were approved as part of the outline planning permission. This included consideration as to whether the access arrangements would preclude the full development of the allocated site at a later date and the Highway Authority confirmed at the time that subject to specific dimensions the single main access proposed onto Warsop Lane would be acceptable to serve up to approximately 240 dwellings. A development of 160 dwellings would therefore still leave scope for the rear portion of the site to be developed for approximately 80 dwellings and the impact on the delivery of development on the full allocated site is considered under the section relating to density above.

17 no. of the properties under consideration in this application would be served off the main access roads the details of which are being considered under planning application no.15/00523/RMAM. The remaining 13 no. dwellings being considered here are accessed via 2no. cul-de-sacs. Technical drawings relating to the proposed roads have been considered as part of this application.

The Highway Authority have raised no specific concerns relating to the 30 dwellings under consideration in this application subject to a series of conditions being attached and there being provision to ensure the development is delivered as a comprehensive scheme. I consider that any legal agreement could cover this issue, requiring the spine roads shown on the approved plans to be completed in their entirety before any of the additional dwellings being considered under this application are first occupied.

With regards to the collection of waste, the submitted plans have been updated to include bin collection points and the Council's Waste Collection team have confirmed that these details are acceptable.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy Ra/Ho/2 in being suitable to serve the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Ecology

Sherwood Special Protection Area (SPA)

In considering the outline planning application, it was acknowledged that the substantial population of Nightjar and Woodlark in the Sherwood Forest area might justify its classification as an Special Protection Area ('SPA') under the EU Birds Directive, or at least its identification as a potential SPA ('pSPA'). At the time the Nottinghamshire Wildlife Trust agreed with the Screening Assessment submitted, in that there would be no direct habitat impact and that with regards to the Indirect Effects set out in the Screening Assessment, the Trust agreed the site was too far away for cat predation to have a significant impact on nightjar or woodlark (although they will predate the lizards).

The Trust advised that any increase in recreational pressure can cause an indirect impact on ground nesting birds e.g. from dogs and that any increase in numbers of people would also lead to more disturbance generally. The Trust recommended that the development needed to provide Suitable Alternative Natural Green Space (SANGS) to demonstrate that the design of the scheme could reduce the likelihood of increased recreational pressure at Rainworth Heath/Rufford and Blidworth.

The following mitigation measures were agreed:

- Provision of 0.43ha of Public Open Space in addition to a landscape buffer is proposed to be provided within the development. This would link through to further Public Open Space (taking the total P.O.S. on the housing allocation to approximately 1.69Ha) on the eastern portion of the allocated site when that comes forward and would sit alongside the existing Preston Road recreation ground.
- The revised wider concept plan submitted showed Public Open Space of a size and position (alongside the existing Preston Road recreation ground) which would allow for provision for dog walkers within the open space to reduce the likelihood of dog walkers seeking to use the prospective Sherwood Forest Area sSPA.
- A condition for the provision of information to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. This could form part of the 'welcome pack' to first occupants following legal completion and remain with the property in the event of a change of ownership in the future.
- A SANGS contribution of £30,000 to be used for the provision of Suitable Accessible Natural Green Space in accordance with the Natural England Advice Note 110711 within the west of the Newark and Sherwood District.

The above provisions are carried forward as part of the reserved matters application for the wider site in that Public Open Space totalling 0.72Ha (0.44Ha to the north eastern corner of the site/0.28Ha centrally located with a L.E.A.P.) is shown on the application site. This increase in

public open space will help to reflect the need for additional SANGS to cater for the additional population in the 30 dwellings proposed. The masterplan submitted continues to show how the proposed open space would link through to further public space on the eastern portion of the allocated site, a sample information leaflet for new residents has been provided and a SANGS contribution for the wider site remains in place. Added recreation benefits within the proposed wider scheme include a footpath to be provided through the southern landscape buffer as well as a green link between the two areas of public open space. I note Nottinghamshire Wildlife Trust and Natural England raise no objections in this regard and I am satisfied that the measures being incorporated into the detailed scheme submitted as part of this reserved matters application will help to ensure that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Other Ecology Matters

The majority of ecology matters raised by statutory consultees are being addressed and considered as part of the reserved matters application for the wider site which offers the main opportunities for biodiversity enhancement and ecological mitigation measures through the areas of open space, and landscaped buffers and the proposed the bird/bat boxes. A condition could be attached to any consent requiring the proposed protection measures for the existing hedge to the eastern boundary to be put in place before the development commences and for the proposed landscaping including new trees to be provided before the dwellings on this part of the site are first occupied.

I am therefore satisfied that the sites location within a comprehensive development which includes landscape features incorporating biodiversity enhancement and ecological mitigation means that the objectives of Core Policy 12 and Policy DM7 will be appropriately addressed.

Archaeology

Policy Ra/Ho/2 states that the development will be subject to ‘the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application.’

The outline planning permission for the wider site included a condition requiring a geophysical investigation to be undertaken before development commences with any necessary mitigation measures to be undertaken. A report has been submitted as part of this application and this was also provided at the pre-application stage. The County Council’s Archaeologist was consulted at the time and confirmed the Geophysical technique had clearly worked in that it indicated the remains of ploughing activity, but no other features were visible. Therefore the County’s Archaeologist had no further comments or recommendations to offer on this site.

Given the above, I am satisfied that the development of this site raises no archaeological issues requiring further consideration under Core Policy 14 and Policy DM9.

Flooding/Drainage

In order to meet the requirements of the housing allocation policy, the application needs to address the following:

- The positive management of surface water through the design and layout of the development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include “necessary mitigation as part of the development or through off site measures where necessary.” Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

The site is not located within Flood Zone 2 or 3 however as it is situated within a wider site exceeding 1ha in size, a Flood Risk Assessment has been submitted with the planning application. Following receipt of the Environment Agency’s original holding objection, a revised Flood Risk Assessment and Drainage Strategy has been submitted. The Environment Agency have now withdrawn their objection subject to a condition being attached to any planning permission. However no comments have been received to confirm whether the drainage strategy submitted meets the requirement of this condition. I note the comments from Severn Trent Water raising no objection to the proposals subject to suitable drainage plans for foul and surface water drainage being approved by the Council and therefore they equally have not confirmed whether the submitted plan is suitable. At the time of writing this report, I am also awaiting the comments of the Lead Local Flood Risk Authority.

Consideration has also been given to drainage of the wider allocated site and the applicant has advised that in terms of storm drainage, the application site drains entirely to soakaways (highways and private water) and no allowance has been made to drain the retained land. The applicant considers that the remainder of the allocated site would need to provide it’s own soakaways (assuming the ground conditions are the same as the application site) or design another approved drainage system in due course. The applicant considers it is logical to assume that ground conditions on both sites are the same due to their proximity, but they cannot be totally sure as they have not investigated the retained land. Regarding foul water the application site would drain into the existing system in Rochester Road, which they advise that they have received confirmation it can take their flows. The retained land may use their system in the future, but any developer would need to establish with the Water Authority that sufficient capacity exists in the foul system downstream from the connection point to cater for their flows. Alternatively they would need to establish a different point of connection.

For the purposes of this report I have attached the Environment Agency’s recommended condition to my recommendation below and an update on any further responses from these consultees and any amendments to conditions will be provided verbally at the Planning Committee meeting.

Subject to an acceptable foul and surface water drainage system for the site being agreed between the applicant and the above consultees, the proposals will meet the policy requirements set out above.

Coal Mining

The housing allocation policy for the site states that the development will be subject to ‘the investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures.’ The Cultural Heritage Appraisal submitted with the outline application for the wider site (ref.13/01256/FUL) sets out the mining history of the area although no reports relating to the investigation of potential impacts arising from former coal mining activities were submitted at the time. However, correspondence with the Coal Authority was provided which confirmed the application site was located within the Coal Mining Development Low Risk Area. As such, The Coal Authority advised that they would not expect coal mining legacy issues to require specific consideration during the determination of the application, and a Coal Mining Risk Assessment was not necessary. A standard was attached to the outline planning permission drawing the applicant’s attention to the fact that the proposed development lies within a coal mining area and that account should be taken of any coal mining hazards to stability in their proposals. A similar note could be attached to any planning permission for this application.

Land Contamination

The site has been in longstanding agricultural use and I note that Environmental Health raised no observations from a contaminated land perspective. A condition was attached to the outline planning permission relating to the wider site requiring the site to be monitored and assessment undertaken, including mitigation should contaminants be found during development in accordance with Policy DM10. A similar condition could be attached to any planning permission for this application.

Developer Contributions

Policy DM3 relates to ‘Developer Contributions and Planning Obligations’ and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability assessment for the site has been undertaken for the additional 30 dwellings proposed and this has been reviewed by the Council’s Viability Consultant taking into account requests for developer contributions received through consultation on this application. The following contributions were agreed as being the maximum level of contributions under which a viable scheme for 30 dwellings on the application site could be delivered:

Fig.2

Contribution	Policy requirement	Anticipated contribution	Monitoring Contribution	Monitoring Contributions Notes
<ul style="list-style-type: none">Affordable housing (affordable rental and shared	30%	15% on site	Physical Provision £264	Based on 4 site visits

ownership)				
<ul style="list-style-type: none"> Off-site financial contribution to sports pitches in the locality 	<p>£718 per dwelling for provision/improvement and</p> <p>£1118.30 per dwelling for maintenance</p>	<p>£21,561 (plus indexation)</p> <p>£33,549 (plus indexation)</p>	<p>Physical Provision £264</p> <p>Financial Contribution £240</p>	Based on 4 site visits
<ul style="list-style-type: none"> POS On site and formula for shortfall of full amount on site 	<ul style="list-style-type: none"> Childrens Play Space 18 sm/unit (540 sq m on site open space for 30 units additional to that previously secured by S106 Agreement under planning ref.13/01256/OUTM)) plus maintenance contribution of £30,135 (plus indexation) or off-site contribution of £27,096.60 (plus indexation) Amenity Open Space 14.4 sm/unit (432 sq m on site open space for 30 units additional to that previously secured by S106 Agreement under planning ref.13/01256/OUTM) plus maintenance contribution of £8,264.10 (plus indexation from 2013) 	ON SITE PHYSICAL PROVISION PLUS MAINTENANCE CONTRIBUTIONS AS PER THE POLICY REQUIREMENT	<p>Physical Provision £396</p> <p>Financial Contribution £240</p>	This is based on 6 site visits / reviews
<ul style="list-style-type: none"> Off-site financial contribution to community facilities in the locality 	£1,181.25 per dwelling	£35,438	Financial Contribution £240	

TOTAL		£128,947.1 plus 15% affordable housing		
--------------	--	---	--	--

CIL

The site is situated within the Mansfield Fringe Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

Conclusion

Following the sites allocation through the Local Development Framework and the outline planning permission in place, the principle of development in this location is not contested. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matters for consideration under this reserved matters application is the level of compliance achieved with the policy requirements of Policy Ra/Ho/2 and the other core strategy and development plan policies taking into account the proposal to provide an additional 30 dwellings on the site meaning that a total of 160 dwellings would be provided on the western half of the allocated site.

On balance, subject to resolution of drainage of the site through the receipt of favourable consultation responses from the relevant consultees, the proposals could be accommodated on site in compliance with the Council's adopted policies which seek to ensure high quality sustainable development is delivered in the District. Furthermore, it has previously been accepted that development of the full allocated site for circa 240 dwellings with a single point of access could be accommodated subject to such development meeting remaining policy requirements. I consider the distribution of development with a higher proportion to the west would still leave scope for development at a density of 30 dwellings per hectare (and therefore at an appropriate density in compliance with policy) and suitable amenity space linking into existing facilities at Preston Road to the remaining portion of the allocation site.

For these reasons a recommendation of approval is made.

RECOMMENDATION

Approve, subject to:

- (i) the following conditions and;
- (ii) the completion of a S106 Agreement to secure the developer contributions set out in figure 2 in the Committee Report and requiring the spine roads shown on the wider approved plan (within the control of the applicant) to be completed in their entirety before any of the additional dwellings being considered under this application are first occupied.

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

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

- Proposed layout plan drawing no.TWY034-01 Rev E
- The corresponding drawings in House Type Planning Drawings March 2015 (including the garage drawings contained within) updated with revised elevations for house type PT36 (previous drawing substituted for drawing no.PT36/6/PL2 Rev A) and revised floor plans for house type PT41 (previous drawing substituted for PT41/6/PL1).
- Materials Dispersion Plan drawing no.TWY034-07 Rev A
- Engineering Layout drawing no.TWY034/501 Rev A
- Tree Survey dated 23rd January 2015, Tree Survey Plan 15-08-01, Tree Constraints Plan 15-08-02, Tree Protection Plan 15-08-05 and Arboricultural Method Statement ref.1508/DP/AMS001 dated 11.03.2015
- Landscape Proposals 1 of 2 drawing no.15-08-03 Rev D
- Landscape Proposals 2 of 2 drawing no.15-08-04 Rev D
- Proposed bird and bat box locations drawing dated 13th March 2015
- Construction Environmental Management Plan drawing no.TWY034-10
- Reptile Habitat Enhancement Plan dated 8th June 2015
- Residential Travel Plan Rev C dated 20.05.2015
- Report on fluxgate gradiometer survey October 2014
- Delta Simons Woodlark and Nightjar Information Leaflet received 26th June 2015

unless otherwise agree in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in the interest of residential amenity.

04

Before the development is commenced a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include time periods for implementation, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens, cultivation and other operations associated with plant and grass establishment and also include provision for the eastern boundary hedge to be retained outside residential curtilages. Once the landscape management plan is approved in writing the approved landscaping shall be completed in accordance with the approved timescales, or such longer period as may be agreed in writing by the local planning authority. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development conserves and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

05

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

06

Any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres.

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

07

Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

08

No dwelling forming part of the development hereby permitted shall be occupied until its access driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

09

The rear boundary treatments (on plots 89, 90, 94, 95 and 96) abutting the parking court, which serves plots 46 -50 on the wider site as shown on the approved plans, shall be retained as a brick wall to a maximum height of 1.5 metres with 300mm high metal railings over at all times.

Reason: In the interests of visual amenity and to ensure a suitable level of natural surveillance in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

010

Before development commences the Delta Simons Common Lizard *Zootoca vivipara* Mitigation and Compensation Strategy dated June 2015 shall be updated and submitted to the Local Planning Authority for approval. The update Strategy shall include a tool box talk for site workers, details as to the methodology for vegetation clearance and whether this will be done in stages to allow reptiles an opportunity to move off site, that any clearance works undertaken between March and October are done so under the supervision of a suitably qualified ecologist, clarification of the lifespan of the future management regime and consideration of any other features to discourage disturbance to habitats. Once agreed in writing by the Local Planning Authority through consultation with the Nottinghamshire Wildlife Trust, the development shall be completed and maintained fully in accordance with the agreed updated Mitigation and Compensation Strategy.

Reason: In the interests of ensuring appropriate ecological mitigation is incorporated into the development in accordance with the objectives of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Policy DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

011 (As requested by STW, unless drainage is resolved before Committee)

No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme for the provision of mains foul sewage infrastructure on and off the site (including upgrading works, where required, to the infrastructure to which the development will be connected) for the phase of development in which the building is located have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme for the phase in which the dwelling is located.

Reason: To ensure the provision of a satisfactory means of foul sewage disposal in accordance with Policy Ra/HO/2 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

012 (As requested by the EA, unless drainage is resolved before Committee)

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertake comprehensive infiltration testing in accordance with the BRE 365 guidance to clarify whether or not infiltration into the ground is a viable means of disposing surface water from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the Greenfield runoff rates for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

013

No part of the development hereby approved shall become occupied unless or until highway improvements have been carried out to the satisfaction of the Local Planning Authority in liaison with the Highway Authority:

- (i) at the Southwell Road/Warsop Lane junction to amend the white lining scheme to provide a right turning facility.
- (ii) at Warsop Lane/New Access to provide a right turn ghost island facility including pedestrian refuges and new street lighting (as shown for indicative purposes only on drawing no. 90306-D003 Rev. D).

Reason: In the interests of junction capacity, the minimisation of delays and highway safety.

014

No part of the development hereby permitted shall commence until the visibility splays of 2.4m x 65m at the proposed site entrance off Warsop Lane are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

015

No part of the development hereby approved shall become occupied until off-site traffic management works comprising of extending the 30 mph speed restriction on Warsop Lane are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

016

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

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

017

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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of groundwater pollution and to ensure that on site contamination issues are addressed in accordance with Policy DM10 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

018

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

019

The Delta Simons Woodlark and Nightjar Information Leaflet received 26th June 2015 and approved as part of this permission shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion and written confirmation shall be provided to the Local Planning Authority that this has taken place upon request.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

Informatives

01

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

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

02

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

03

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

04

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

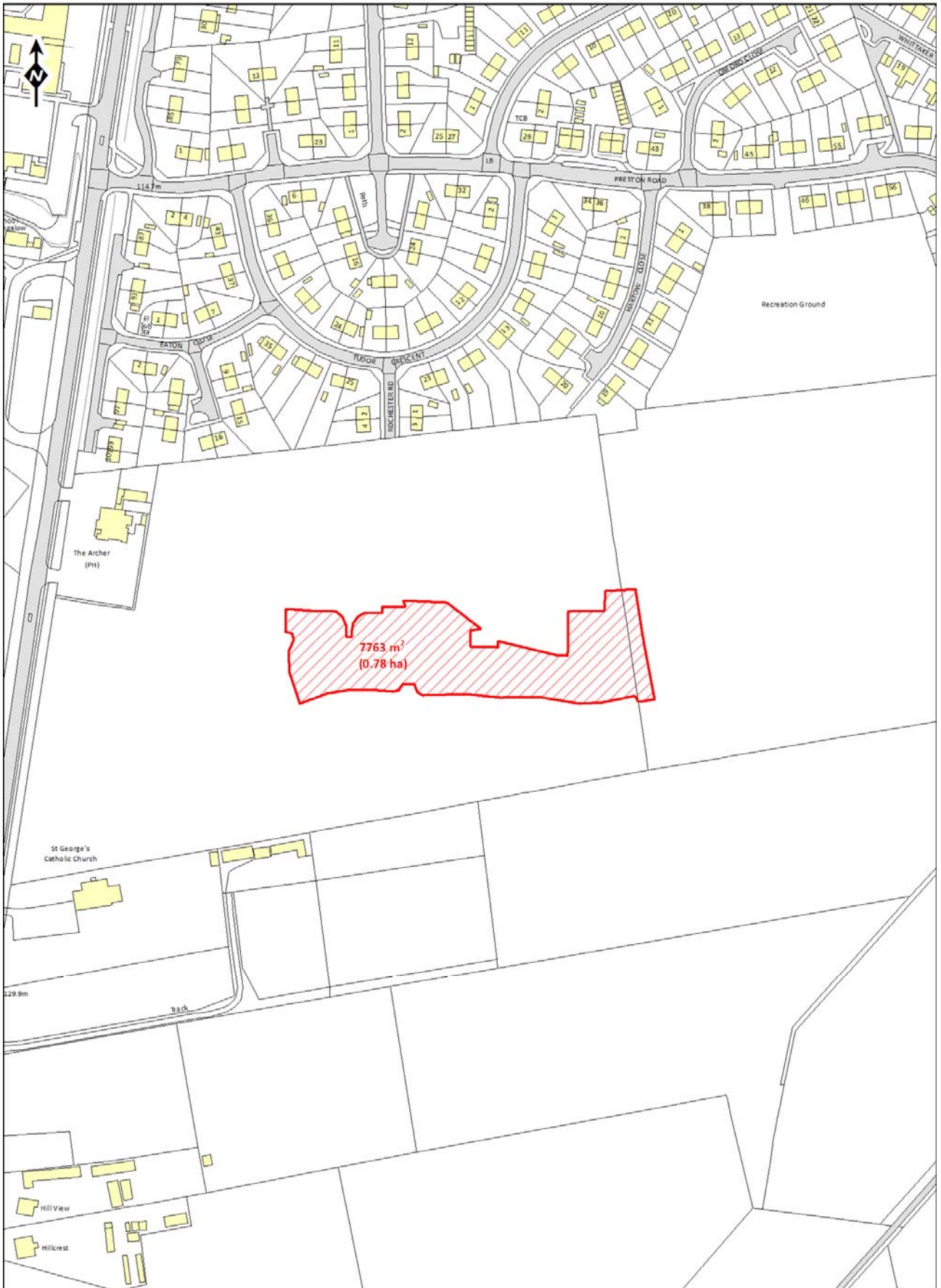
Application case file.

For further information, please contact Martin Russell on 01636 655837.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00522/FULM



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/00835/FUL	
Proposal:	Householder application for the erection of two storey side and rear extensions and first floor rear extension (Resubmission of 14/01729/FUL)	
Location:	32 Queen Street, Balderton Newark NG24 3NR	
Applicant:	Mr & Mrs Streeter	
Registered:	14.05.2015	Target Date: 10.07.2015

The Site

The application site lies to the southern part of Balderton within a primarily residential street. The detached dwelling is set back approximately 5m from the roadside with a gravelled driveway to the front and a dwarf brick wall marking the boundary. The house has an shaped footprint with a prominent gable marking the front elevation of the property. The dwelling is constructed of red brick with a dark grey concrete pantiled roof. To the side (south) of the dwelling is a carport and beyond that a painted block garage building.

On the rear of the property is a single storey extension which spans $\frac{3}{4}$ of the width of the property and was approved in 1981 with a flat roof. An application was subsequently approved in 1996 to replace this roof with a pitched roof. The garden extends approximately 17m to the west beyond the existing extension. The boundary treatment is denoted by approximately 2m high close boarded fencing to the north and 2m hedging to the south and west.

Within the surrounding area, the property to the north forms one half of a pair of semi-detached properties and the property to the south is detached. On the opposite side of the road to the development site is a playing field and scout hut.

Balderton Foot Path No. 6 runs along the southern boundary of the site.

Relevant Planning History

14/01729/FUL - Householder application for the erection of a two storey side and rear extensions. This was refused by the Planning Committee on 2nd December 2014, contrary to Officer recommendation. A subsequent appeal was dismissed in April 2015.

96/50110/FUL- pitched roof over existing flat roofed rear extension. Approved 1996

03818196 - Single storey rear extension. Approved 1981

The Proposal

The application is a resubmission of the previously refused two storey side and rear extensions. In consideration of the comments raised by the Inspector as part of the dismissed appeal, the proposed rear two storey extension has been reduced in height, mass and proximity in relation to the neighbouring dwelling to the north (No. 30 Queen Street).

The proposal is for the erection of a two storey rear extension, the erection of a first floor extension above part of the existing single storey rear extension and the erection of a two storey side extension which would incorporate a garage. As part of the proposal the existing car port and garage would be demolished.

In consideration of the appeal Inspector's comments the two storey rear extension has been set in from the boundary by 2m, the eaves height reduced to 4.5m, which would be 0.5m higher than the existing single storey ridge height and the ridge reduced by approximately 600mm to 6.7m. The two storey side extension would be set back from the front of the dwelling by approximately 2.8m, have a gabled roofline on the front elevation and a cat slide roof on the rear.

Departure/Public Advertisement Procedure

Occupiers of 4 neighbouring properties have been individually notified by letter.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Policies relevant to this application:

- Core Policy 9: Sustainable Design

Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)

Policies relevant to this application:

- Policy DM5: Design
- Policy DM6: Householder Development

Please Note: All policies listed above can be found in full on the Council's website.

Other Material Considerations

National Planning Policy Framework (NPPF) 2012.

National Planning Practice Guidance (NPPG) 2014.

Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014.

Consultations

Balderton Parish Council - No objection

NCC Highways - No objection

Nottinghamshire Ramblers Association – No objection

Neighbours/Interested Parties – No letters of objection received

Comments of Business Manager, Development

Principle of Development

Policy DM6 accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

Impact upon the Character of the Area

The property is a red brick two storey detached dwelling located on a residential road.

In terms of design, Policy DM6 and the NPPF seek to ensure that householder development respects the character of the local area and remains subservient in scale, with appropriate use of materials. Notwithstanding the reduction in size of the proposed two storey extension to the rear of the dwelling, in combination with the proposed two storey side extension, the proposed development would almost double the existing floor space of the dwelling. The proposed two storey side extension would be set back (by approximately 2.7m) from the front elevation, reducing to an acceptable level any perceived impact upon the street scene. Equally the design, incorporating a pitch and gable, mirroring that already present is, in my view, satisfactory.

The rear extension would project no further beyond the original rear wall of the dwelling than the current rear extension and will have a lower gabled roof line than that of the host dwelling. The rear addition would be visible from neighbouring properties situated to the north and south and possibly by members of the public using the public footpath to the south of the development site. However, given that this footpath is relatively narrow and bound by approximately 2m high hedging on either side it is considered that any views would be relatively restricted. In any event the visual impact is considered acceptable.

The existing car port and painted block garage on the southern boundary of the property would be demolished to accommodate the proposed side extension. The garage is considered to be of little architectural merit and its loss and replacement with a structure more in keeping with the host dwelling is welcomed.

The materials proposed would match that of the existing dwelling and it is recommended that a condition be added to this effect to any forthcoming permission.

Overall whilst it is accepted that the proposed extensions are relatively large in scale and would result in a substantial increase in footprint of the dwelling, these are unlikely to unacceptably

impact upon the character of the surrounding area and there would be no visual harm resulting from the proposal. As such the proposal is considered to accord with policy DM6 of the DPD.

Impact upon Amenity

Policy DM6 states that planning permission will be granted for the extension of dwellings provided they would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact.

The previously submitted application detailed a larger two storey extension which was in closer proximity to the neighbouring property (No. 30) situated to the north. The application was refused by Members at the December Committee Meeting and the subsequent appeal was dismissed.

As part of the dismissed appeal, the Inspector made reference that the previously proposed extension would have had a dominating and overbearing effect on the outlook of the neighbouring kitchen window due to the extensions height, mass and proximity to the shared boundary. The proposal which forms the basis of this revised application is considered by officer's to sufficiently address these concerns. The two storey rear extension has been moved further to the south, now approximately 2m from the northern boundary. In addition, the ridge and eaves heights have been reduced which in turn has resulted in an overall reduction in the mass of the extension. No objection has been received from the Parish Council nor the neighbouring dwelling. It is considered that the proposed amendments to the scheme have sufficiently addressed the concerns of the Inspector and as such the proposed extension is not considered to significantly impact on neighbouring amenity through overbearing or loss of light.

With regards overlooking, no new window openings are proposed at first floor level on either the northern or southern elevations and a condition (preventing the insertion of new windows) would be added to any future permission to safeguard against overlooking from these elevations. New windows are proposed on the rear (west) elevation, however given the presence of a number of existing windows at first floor height the additional openings are not considered to detrimentally impact on neighbouring amenity. Furthermore, a Juliet balcony is also proposed, however given that this balcony offers no potential for stepping out it, is not considered to result in a significantly detrimental degree of overlooking over and above the existing situation.

On the basis of the above, I am satisfied that the proposal complies with Policy DM6 and the NPPF in terms of impact upon the amenities of neighbouring properties.

Conclusion

I am satisfied that the proposed extensions are acceptable in terms of design, scale and mass in relation to the principal dwelling. With regard to neighbouring amenity, I have concluded that the revisions made in terms of design, siting and massing have sufficiently addressed the concerns raised by the Inspector in relation to the previously refused scheme and the proposal is therefore considered to comply with the criteria set out in policy DM6. Subject to conditions, I recommend that planning permission is granted.

RECOMMENDATION

Approve, subject to the following:

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references Proposed extensions for 32 Queen Street Rev A-13-05-2015, Proposed Block Plan, Site Location Plan (received 14th May 2015), unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the northern or southern elevations of the development hereby permitted.

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

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

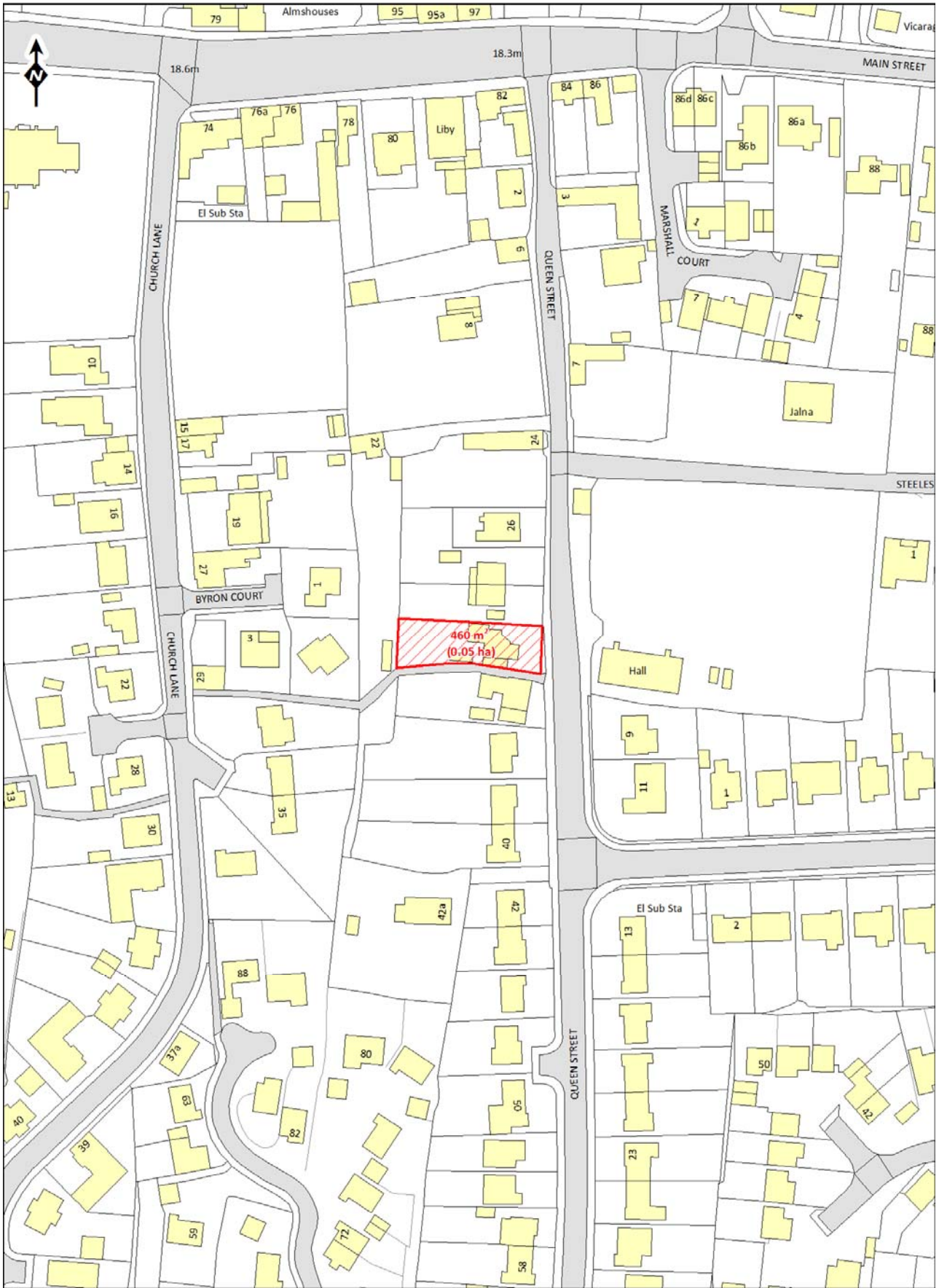
Application case file.

For further information, please contact James Mountain on 01636 655841.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00835/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

APPENDIX B: APPEALS DETERMINED (APPEALS B)

App No.	Address	Proposal	Decision	Decision date
14/01563/FUL	Brooklands Ricket Lane Blidworth Mansfield NG21 0QW	Householder application for the erection of a two storey extension & alterations	ALLOW	03.06.2015
14/01071/FUL	1 Nursery Court Newark Nottinghamshire NG24 1NP	Demolition of single garage and erection of detached one bedroom house (Resubmission of 14/00353/FUL)	DISMISS	08.06.2015
14/01921/CPRIOR	Old Hall Farm Greaves Lane Edingley Nottinghamshire NG22 8BJ	Proposed change of use of agricultural barn to residential dwelling	APPWIT	09.06.2015

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact Technical Support (Growth) on Ext 5554 or planning@nsdc.info.

Matt Lamb
Business Manager Development