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To.: **Members of the Planning Committee**

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Your ref:  
Our ref:

13<sup>th</sup> January 2015

Dear Councillor,

**SPECIAL PLANNING COMMITTEE – 20 JANUARY 2015**

In relation to the agenda for the above meeting I attach the following item:

Agenda Item No. 4 – Land South of Newark, Bowbridge Lane, Balderton, Nottinghamshire (14/01978/OUTM).

Please bring this with you to the meeting.

Yours sincerely,

Catharine Saxton  
Democratic Services Officer



**Application No: 14/01978/OUTM**

**Proposal:** Application to vary conditions of Outline planning permission 10/01586/OUTM with means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/crèches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a crèche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.

**Location** Land South Of Newark Bowbridge Lane Balderton Nottinghamshire

**Applicant:** Catesby Estates (Residential) Ltd

**Registered:** 13.11.2014

**Target Date:** 05.03.2015

### **The Site**

The application site comprises approximately 278 hectares (686 acres) of land, the majority of which is located adjacent to the southern edge of the built up area of Newark.

There are four further elements to the site. The employment land extends in a southerly direction below the existing Jericho Gypsum works. The flood compensation areas are located to the south, adjacent to Hawton village. Further land to the east and west of the main body of the application site is included to enable the construction of the southern link road (the 'SLR') between the A1 and A46, and to connect the employment land by road to the wider road network. Numbers 45, 47 and 99 Grange Road are included in the application site and will form vehicular, pedestrian and cycle access points into the main body of the development.

The application site abuts a number of existing residential areas. Hawtonville is located to the north, Balderton to the east and north and Fernwood further to the east.

The village of Farndon is located beyond the A46 to the west. The smaller settlement of Hawton lies to the south east.

The topography of the site slopes from the northern boundary down to the Middle Beck by approximately 7 metres and rises again beyond the Middle Beck to a similar height at the southern eastern boundary of the employment land.

Overhead power lines run east to west across the north of the site, leading to an electricity substation on Bowbridge Lane. Existing public footpaths and bridle paths run across the site and part of the National Cycle Route (Sustrans) runs north to south along the disused Bottesford railway line.

The application site is comprised predominantly of open land, some of which is in agricultural use and some of which has been quarried for gypsum in the past.

### **Relevant Planning History**

- 10/01586/OUTM Outline planning permission was granted in November 2011 for means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/creches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a creche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.
- 10/01621/FULM Planning permission was granted for a new roundabout on the dualled A46 Farndon Bypass to provide a link with the Southern Link Road (SLR).
- 14/02039/OUTM A separate planning application is currently being considered for the development of additional Class B2 and/or Class B8 use floorspace of up to 43,401 sqm, creation of landscaped areas, new access points, associated engineering operations and all enabling and ancillary works within the 'employment land' on this strategic site.

Whilst there are planning permissions relating to various other parcels of land within the application site, none of these are relevant to this current application.

### **Background to this Application**

Whilst not material to the planning merits of the application, I consider it prudent to set out the context for the understanding of Members:

Since Outline planning permission was granted, under planning reference 10/01586/OUTM, the applicant has been working to deliver the site. The applicant advises that the early delivery of the infrastructure and economic downturn have delayed its delivery.

The Southern Link Road (SLR) is considered a key factor in unlocking implementation of the development of land South of Newark. The applicant has secured a conditional HCA loan agreement to fund delivery of the first phase of the SLR. Section 278 and Section 38 Applications have been submitted to Nottinghamshire County Council seeking approval for the detailed highway works for the first phase of the SLR. The drawing down of the HCA loan is predicated on having entered into a contract for the construction of the SLR by January 2015.

## The Proposal

### Documentation

Outline planning permission with means of access (in part) was granted under planning reference 10/01586/OUTM subject to 44 planning conditions. The current application is made under Section 73 of the Town and Country Planning Act 1990 and originally sought to vary or remove 8 of the previously imposed conditions. The applicant has since confirmed that they are also seeking to remove Condition 8 and vary Condition 33 of the original consent (which relate to assessment of transport at each phase of development) and this reflects some of the original documentation submitted. The applicants have advised that the changes are being sought to improve the deliverability of the site. The schedule of conditions to be varied or removed and a comparison between the original outline permission and the amended proposals is set out in the table below:

Fig.1

<b>Condition number to be varied</b>	<b>What is already approved (10/01586/OUTM)</b>	<b>What is proposed now (14/01978/OUTM)</b>
Condition 4	This conditions the parameters plans and Design and Access Statement Key Principles approved previously.	The application seeks to facilitate more flexibility on residential densities across the site to provide a lower density development, and consequently fewer dwellings. Consequently whilst the proposal remains for up to 3,150 dwellings in reality 2,650 dwellings are anticipated. Associated infrastructure would be tailored to suit but would maintain flexibility for the ability to deliver infrastructure for the higher number of dwellings. Other amendments relate to the maximum heights of buildings in the employment area and greater flexibility for the uses within this area, flexibility to deliver open space requirements for a lower density development and for the undergrounding of the overhead lines to follow an alternative route.
Condition 5	This conditions the plans approved for the Southern link Road	The SLR bridge design crossing the flood plain which forms part of the proposed road link between the A46 and Hawton Road is proposed to be amended. The previously approved large bridge structure would be replaced with a scheme comprising two smaller sections of bridge structures and embankment with box culverts. The Flood Risk Assessment has been amended to assess the revised bridge scheme.

		The revised proposals also amend the parameters for the Sustrans crossing of the SLR. The previous permission proposed an underpass however this has raised engineering and anti-social behaviour concerns. A light-weight bridge is proposed with the following parameters: a height of 5.7m to the soffit (7.95m to the top of railings), and total length of 259m (i.e. 119.5m ramp either side and a span of 20m).
Condition 7	This conditioned the phasing of development including development starting at the western end (the A46 end) of the site.	The phasing is proposed to be amended to allow development to start at the eastern end (the A1 end) of the site, the number of phases are proposed to change from 4 to 3 phases and flexibility regarding commencement dates for each phase is proposed to allow earlier commencement dates.
Condition 8	Required an update (addendum) Transport Assessment prior to the commencement of each phase of development.	The applicant is seeking to remove this condition as advised by Nottinghamshire County Council following the provision of additional information.
Condition 9, 10 & 11	Condition 9 required an Area Master Plan & Design Code to be submitted for every phase. Conditions 10 & 11 set out the level of detail required.	The applicant is seeking to replace all 3 conditions with a single comprehensive condition which seeks to ensure consistency of the elements of the scheme that cross all phases of development comprising the following three frontage areas: <ul style="list-style-type: none"> <li>• The Primary and Central Streets;</li> <li>• The Greenway; and</li> <li>• The Promenade</li> </ul>
Condition 20	This required all houses to be built to Code for Sustainable Homes Level 3.	It is proposed to remove this condition as current Building Regulations address sustainability issues beyond Level 3 of the Code.
Condition 31	This permitted 3,000m <sup>2</sup> Gross Internal Area (GIA) of retail space with no more than 1,800m <sup>2</sup> Gross <b>Internal</b> Area in any one unit	It is proposed to amend the condition to allow no more than 1,800m <sup>2</sup> Gross <b>Sales</b> Area in any one unit.
Condition 33	Required 24 hour traffic counters at strategic locations to inform the phase specific Transport Assessment under Condition 8.	It is proposed to vary this condition to require a set of tube counts at the strategic locations before development commences and at periodic intervals to dovetail with the opening of discrete lengths of the SLR. This is in accordance with comments from Nottinghamshire County Council.
Other conditions	Many of the remaining original conditions refer to phasing.	It is acknowledged within the applicant's submission that other conditions that refer to phasing would need to be updated to ensure consistency with the Section 73 proposal.

An illustrative Masterplan was provided as part of the outline application as well as plans confirming the parameters of the development. The broad vision for the site remains as per the original outline consent and therefore an amended Masterplan has not been submitted as part of this application. As set out above the applicant is seeking to vary the parameters to facilitate more flexibility on residential densities, heights of buildings in the employment area and greater flexibility on employment uses and open space requirements. Amended parameter plans and an amended Design and Access Statement have been provided. As with the original application these will also need to demonstrate how the development will evolve and function as a neighbourhood with a framework for future planning and management.

The application is Schedule 2, 'EIA Development' under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and an Environmental Statement Addendum has been submitted with the application.

The proposed amendments to the outline planning permission include a proposed Deed of Variation to the Section 106 Agreement attached to the original permission. The details of the proposed Deed of Variation are set out and considered later in this report.

In this context and in support of the application the following reports have been submitted:

- Planning application forms and certificate of ownership and planning application boundary plan.
- Planning Statement (Dated November 2014).
- Environmental Statement Addendum (including Addendum Technical Appendix where required) (November 2014)
- Environmental Statement Non Technical Summary (Dated November 2014)
- Addendum Ecology Report (ES Technical Appendix)
- Addendum Transport Assessment (ES Technical Appendix)
- Addendum Flood Risk Assessment (ES Technical Appendix)
- Revised Design and Access Statement Key Principles Cross Reference Document Rev M (November 2014).
- Draft Deed of Variation to the Section 106 Agreement (Appended to Planning Statement)
- Framework Travel Plan (addendum dated November 2014).
- Public Transport Strategy (addendum dated November 2014).

In addition to the above documentation the following plans/details have been submitted:

- Amended Parameter Plans detailing – densities across the site; vehicular movement; non-vehicular movement; building heights; open space networks; land use; proposed site levels; AOD building heights; utilities. The scale of buildings is also given within the Design and Access Key Principles Document.
- Amended Phasing Plan.
- Parameters for the Sustrans crossing of the SLR

Following the original submission and in response to consultation comments and on-going discussions with the Statutory Consultees the following further documents have been submitted and consulted on:

1. A set of Revised Parameter Plans
2. Updated Design and Access Statement Cross Reference Document dated December 2014
3. Revised SLR General Arrangement Plan Drawing Number 6704-11-100 Rev A

4. Environmental Impact Assessment Note dated 23<sup>rd</sup> December 2014, and attachments comprising:
  - i. Air Quality Effects of Short Term Operating Reserve at Quarry Farm Letter to Newark & Sherwood District Council.
  - ii. Re-issue of the Flood Risk Assessment Addendum covering the SLR Crossing of the River Devon to support Chapter 14A: Hydrology and Water Supply of the Newark Future November 2014 ES Addendum' Letter and Report.
  - iii. Extract from LVA with additional text added to mitigation measures.
  - iv. Waterman Letter on ecological effects of new bridge alignment (Ref. Waterman EED14926-101\_C\_001\_SF)

The updates to the parameter plans and phasing plan comprise:

- Re-alignment of the Bowbridge Lane access to the north and south.
- Re-alignment of the proposed pedestrian / cycle/ equestrian bridge over the SLR along the Sustrans route.
- Relocation of the car park to the Eastern Park.
- The Non-Vehicular Movement Plan has been updated to remove a number of existing rights of way in response to a direct request from Nottingham County Councils Public Rights of Way Officer. This is to reflect the pedestrian permeability that will be provided by the Proposed Development and to direct pedestrians to use the proposed Greenway.
- Clarification that the 'Eastern Park' will comprise formal sports provision and an area for allotments, (the Section 73 submission dated November 2014 had shown this as amenity space, the configuration of the open space has been corrected accordingly).

Revised plans have also been provided where other sectional and larger scale drawings of the Southern Relief Road need to correspond to the latest SLR General Arrangement Plan which has been submitted and consulted on as part of this application and should planning permission be forthcoming the plan references in Condition 5 would need to be updated accordingly.

#### Proposal Overview and Main Components

The above documents collectively provide the applicant's analysis of the proposals explaining the proposed variations to the previous outline consent.

The existing outline planning permission involves development comprising:

- up to 3,150 dwellings;
- two local centres including retail and commercial premises;
- a 60 bed care home;
- two primary schools;
- day nurseries/crèches;
- multi-use community buildings including a medical centre;
- a mixed-use commercial estate of up to 50 Ha comprising employment uses and a crèche;
- provision of associated vehicular parking and cycle parking;
- creation of ecological habitat areas;
- creation of general amenity areas, open space and sports pitches;
- creation of landscaped areas;
- new accesses for vehicles, pedestrians and cyclists;
- sustainable drainage measures, including storage ponds/ribbon lakes for surface water attenuation;



- associated engineering operations (including flood compensation measures);
- provision of utilities infrastructure; and all enabling and ancillary works.
- the construction of a Southern Link Road (SLR)

The table below gives an overview of the land areas involved in the different development components. For comparison where there are changes proposed the land areas approved under the original outline consent are shown with a strike through with the proposed land coverage replacing these figures:

Fig.2

Land Use	Hectares	Acres
Residential	<del>69.79</del> 69.48	<del>172.45</del> 171.70
Local Centres	<del>3.39</del> 3.34	<del>8.38</del> 8.26
Primary Schools	<del>3.24</del> 3.25	<del>8.01</del> 8.03
Employment	48.70	120.34
Development Infrastructure	<del>3.88</del> 4.27	<del>9.59</del> 10.55
SLR Infrastructure	<del>31.02</del> 31.18	<del>76.65</del> 77.06
Car Parking for Outdoor Sports Area	0.27	0.67
Squares	<del>0.26</del> 0.25	<del>0.64</del> 0.63
Open Space (including informal, formal play and allotments)	<del>22.63</del> 21.90	<del>55.92</del> 54.11
Proposed SUDS	<del>8.81</del> 8.79	<del>21.77</del> 21.71
Nature Conservation Wetland	<del>23.98</del> 24.53	<del>59.26</del> 60.63
Nature Conservation – Informal Open Space	25.52	<del>63.06</del> 63.05
SINC	1.15	<del>2.84</del> 2.85
Areas of Flood Compensation	37.00	91.43
Existing Water Courses	1.01	2.5
<b>Total:</b>	<b>280.65</b>	<b>693.50</b>

By assessing the revised figures it can be seen that the applicant is not seeking to attribute more land to residential as that particular figure is decreasing slightly. More land is being taken up by development infrastructure which the applicant has confirmed is being driven by the design of the works to implement the first phase of the Southern Link Road.

## Residential

Up to 3,150 dwellings are proposed and will incorporate a mix of dwelling types and sizes. The proposed variation would result in the dwellings being developed in three phases commencing from the east as opposed to the four phases commencing from the west as originally proposed. It is expected that the phases will overlap, however it is considered that the preceding phase will be sufficiently advanced before commencement of the subsequent phase. Policy NAP 2A anticipates 2,200 of the dwellings being constructed in the plan period to 2026.

Densities will vary across the site with bands of up to 30 dwellings per hectare (dph), up to 40dph and up to 55dph (compared with between 30 and 50 dph on the previous application). Location of these bands will respond to the distribution of facilities, key routes, interface with existing development and the indicative character areas, with the higher band principally proposed within the Local Centres. Lower density areas are shown to be largely located towards the northern boundary of the site. The original outline application confirmed dwellings would be designed to achieve a minimum Code for Sustainable Homes level 3. The Code for Sustainable Homes is now covered by Building Regulations which set out the Government's intentions in the drive towards Zero Carbon homes to deliver a 25% improvement on thermal performance and energy efficiency over the 2006 regulations which is parallel to the Code for Sustainable Homes level 3 energy performance.

Scale parameter plans are included which indicate minimum and maximum building envelopes for different house types with the majority of housing adjoining the northern boundary of the site anticipated to be 2 storeys with maximum heights of 9 metres. Central and land towards the eastern and western boundaries include buildings up to a maximum of 12 metres (3 storeys) with building heights up to 15m (4 storeys) at key locations.

In terms of affordable housing, the early delivery of the SLR involves a substantial cost and therefore the previously approved proposals included a reduced level of affordable housing in lieu of the applicant's contribution to the delivery of the SLR.

The Design and Access statement for the original outline application proposed four distinct character areas within the development and the inspiration for these was drawn from existing areas within Newark, in particular: The Market Place; Millgate; Balderton Gate and Hawtonville suburb. These same character areas are included within the November 2014 version of the DAS Cross Reference Document and are described below:

The first character area is along the western edge of the development and is referred to as the "Gateway Frontage." This area takes its initiative from the Millgate area and proposes a variety of building heights with mainly 3-storeys at the water edge; limited vehicular access to the water edge with parking to the rear in mews style streets; traditional brick terraced buildings with pitched slate or clay pantile roofs with simple window patterns which follow the Newark vernacular.

The second character area is referred to as the "Garden Village" and is located north of the central street which dissects the site in a west to east direction. This area is designed to have a more suburban feel to it and in order to keep a connection with the existing development, in terms of the layout and block sizes it takes references from Hawtonville and would be predominantly 2-storeys in height with 2.5 storeys along the central street. Continuous building lines with regular set-backs/front gardens; a mixture of garages and rear parking and larger back gardens will contribute to the suburban feel. Houses set around pockets of soft landscaped areas and a variety of architectural features and materials.

The third character area is referred to as the “Suburban Core,” which is within the proximity of the local centres and is intended to reflect the character of some of the design qualities of Balderton Gate. This area is intended to be of medium density with a strong urban feel with compact building form. The intention is to provide an urban contemporary feel with predominantly terraces of up to 8 dwellings; a mix of on-street parking and integral garages; predominantly mews with building heights of mainly 2 and 3-storeys; strong continuous frontages with minimum gaps and set-backs.

The fourth character area is referred to as “The Promenade Frontage,” which is located along the southern development edge and provides an important linear route for pedestrians and cyclists overlooking the ribbon lakes. Vehicular access is intended to be restricted. In order to provide variety along what is a long stretch of the development it is intended to have two distinct areas. A formal built form with a hard urban character located to the west of the promenade referred to as the “Formal Promenade Frontage” and a softer more rural edge to the east referred to as the “Garden Promenade”. Within the Formal Promenade, buildings would be generally 2 to 3-storeys in height with opportunities to increase to 4-storeys at junctions with the SLR. Building blocks would be generally laid out east west with a more formal building line. The Garden Promenade would involve longer blocks generally laid out north–south and be landscape led, with front gardens and green verges. Building heights would vary from 2 to 3-storeys. Parking would be provided on access streets within short distance from the properties.

The principle of these character areas in terms of justifying potential urban design solutions for the site was accepted under the existing outline consent. The December 2014 DAS Cross Reference Document includes the same character areas and condition 4 will require the future reserved matters submissions to be in accordance with this document.

The original intention of the design conditions at Conditions 9, 10 and 11 of outline planning permission 10/01586/OUTM, is to ensure consistency in the design approach across the main elements of the proposed development that ‘cross’ each phase. It is however considered that Conditions 9, 10 and 11 go beyond the scope of the original intention. The conditions as currently drafted include duplication of other conditions and would also duplicate information that would normally be submitted in support of reserved matters applications. The Applicants consider that the current drafting of these conditions are unnecessarily onerous and should be revised to better reflect the original intention of the design conditions.

The original intention of the design conditions is to ensure consistency across all phases of development in the following three frontage areas:

- The Primary and Central Streets;
- The Greenway; and
- The Promenade.

A single condition is suggested to replace the three design conditions. The single condition would remove the unnecessary and duplicated requirements and focus the condition back to its original intention.

This would achieve continuity across the three phases whilst also aiding delivery through clarity within the condition.

## Employment

The employment land covers approximately 48.7 hectares and will provide a variety of employment uses including B1(b) Research & Development; B1(c) Light Industrial; B2 General Industrial; and B8 Storage & Distribution. In addition it is proposed that crèche facilities would also be provided.

This application seeks greater flexibility for the approved commercial floorspace located in the employment land to enable more of the approved floorspace to be used for Class B8 Storage and Distribution use and increasing the building envelopes for the commercial buildings. The changes to the proposed composition of the employment floorspace are set out in the table below with the changes highlighted in bold:

**Fig.3**

Use Class	Proposed Use	Maximum Gross Area (Sqm)
Class B1 (b), B1 (c), B2 <b>or Class B8</b>	General Industrial <b>or Storage and Distribution</b>	35,000m <sup>2</sup>
Class B8	Trade Counter or <b>Storage and Distribution</b>	4,000m <sup>2</sup>
	Storage and Distribution	106,000m <sup>2</sup>

The parameters plans for the original outline consent showed maximum building heights ranging between 15 metres and 18 metres. Minimum and maximum building envelopes were also set out in the Design and Access statement for different employment building types. An amended building heights parameters plan is included with this application which indicates maximum heights for all buildings across the employment land of 19 metres to ridge line above the finished contour. The revised Design and Access Statement also indicates larger minimum and maximum lengths and depths for (B8) storage and distribution uses. The maximum dimensions of B8 use buildings would be 500 metres length and 200 metres depth (compared with maximum 280 metres length and 160 metres length shown in the previously approved parameters). The site levels parameters plan indicates a 30 metre wide, 4 metre high bund planted with indigenous woodland screen planting to the southern and western boundaries of the employment site.

These alterations to the employment land to provide greater flexibility for the proposed units are aimed at attracting new employment opportunities to the site.

## Local Centres

The outline planning permission includes two Local Centres, one in the western section of the main residential area and one in the eastern section. This application does not seek to remove or vary the majority of the elements within these local centres. However consent is sought to vary Condition 31 for the maximum floorspace of the small supermarket in the Eastern Centre to be based on Sales Area rather than Gross Internal Area.

To assist consideration of the wider scheme the components of these Local Centres are set out below. The Maximum Gross Areas of each use relate to the provision of infrastructure for a development of 3,150 dwellings and are as per the details within the Design and Access Statement Key Principles Cross Reference Document (December 2014) Rev S which in all aspects, other than the retail floorspace to the Eastern Centre which is being clarified as 'sales area', are the same as Rev F approved on the original consent. The details show the maximum quantum that a development of 3,150 dwellings would be capable of providing.

The Western Local Centre would be located on what will be a continuation of Hawton Road.

### Western Local Centre

Fig.4

Use Class	Proposed Use	Maximum Gross Area
Class A1	Convenience Store	100m <sup>2</sup>
	Other retail: Butchers, Grocers, Bakers, Pharmacy, Post Office, Hairdressers etc.	300m <sup>2</sup>
Class A2 to A5	Financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways.	300m <sup>2</sup>
Class C2	Care Home	Up to 60 bed
Class C3	Dwellings	Up to 300 units split between the two local centres
Class D1	Primary school 1 Form Entry plus a Day Nursery	1.24 ha
	Multi use community building *	500m <sup>2</sup>

The Eastern local centre is the primary mixed-use area within the site providing a greater retail and office offering than its western local centre counterpart, including land provision to support a medical centre, a day nursery/crèche and a small supermarket. The eastern local centre would be located on one of the primary streets running south as an extension of Bowbridge Road.

### Eastern Local Centre

Fig.5

Use Class	Proposed Use	Maximum Gross Area
Class A1	Small supermarket	1,800m <sup>2</sup> (Sales Area)
	Other retail: Butchers, Grocers, Bakers, Pharmacy, Post Office, Hairdressers etc.	800m <sup>2</sup>
Class A2 to A5	Financial & professional services; restaurants and cafes; drinking establishments; hot food takeaways.	800m <sup>2</sup>

Use Class	Proposed Use	Maximum Gross Area
Class B1(a)	Offices (small units above retail floorspace)	1600m <sup>2</sup>
Class C3	Dwellings	Up to 300 units split between the two local centres
Class D1	Primary School (2 form entry) plus Day Nursery	2ha site
	Surgery/medical centre.	1,000m <sup>2</sup>
	Multi use community building *	1,000m <sup>2</sup>

Scale parameter plans are included which indicate minimum and maximum building envelopes for different buildings within the Local Centres and these are unchanged from the original outline application. The Community Centre has an indicated parameter between 6 metres and 18 metres in height; the schools between 6 metres and maximum 13 metres to ridge line and mixed-use buildings between 6 metres and 18 metres (4-storey).

\*Delivery of the Community Centres is considered further within the section on the proposed Deed of Variation to the Section 106 Agreement considered later within this report.

### Open Space

The outline planning permission includes dedicated areas of open space and the Committee report dated 15<sup>th</sup> November 2011 indicates this would total approximately 77 ha (190 acres) designed with different functions and characters. Both formal and informal areas are included with sports pitches, a community park; children's play space as well as other amenity space including allotments and community greens. In addition land is to be set aside for incidental open space within the development areas.

### **Open Space Provision**

The open space Network Parameters Plan and indicative plans within the Design and Access Key Principles Document have been updated to incorporate the flexibility to deliver the open space requirements for a lower density development (and fewer dwellings i.e. up to 2,650 dwellings). The overall provision and distribution of open space is broadly the same as previous. One of the most notable changes is a slight reduction in the area given to the proposed Eastern Park due to a realignment of the link road to Bowbridge Lane, south of the Southern Link Road roundabout.

The agent has produced an Open space note to demonstrate that there was a slight discrepancy in the figures presented in the original Committee report, dated November 2011, in that it included double counting of Informal Play Area (2.82 Ha) that comprised part of the amenity space figure.

The land use budget for the approved scheme included the 22.63 Ha for open space, 23.98 Ha for nature conservation wetland and 25.52 Ha dedicated to other nature conservation areas. The figures can be seen within the land use table at Figure 2 of this report. Further to this playing pitches located within the primary schools (1.6 Ha) and the LAPs Active Play (0.7 hectares) give a total of 74.43 hectares of open space.

The area of open space that is proposed for this Section 73 Application, as set out in the Land Use table above comprises 21.90 hectares in total. This is a reduction of 0.73 hectares compared with the 22.63 hectares of Open Space for the Outline Planning Permission. The land use for Development Infrastructure has increased slightly (most notably the realignment of Bowbridge Lane south of the SLR) which has also resulted in a slight increase in the area of Nature Conservation Wetland (adjacent to the Eastern Park). The applicant has advised these changes are in response to requests from Nottingham County Council Highways.

The following table sets out the Open Space provision for the proposed development and provides a comparison with the Outline Planning Permission:

Fig. 6

Land Use	Outline Planning Permission Area (Hectares)	Section 73 Application Area (Hectares)
Open Space	22.63	21.90
Nature Conservation - Wetland	23.98	24.53
Nature Conservation - Other	25.52	25.52
Total	72.13	71.95

As with the original application, the applicant confirms that playing pitches located within the primary schools (1.6 hectares) would be provided as well as the LAPs (0.7 hectares) which will present further recreation opportunities not accounted for above. As can be seen in the comparison table above, the total land for open space would be broadly the same as the existing consent and would be the same whether the scheme delivers up to 2,650 dwellings or up to 3,150 dwellings. The facilities and any maintenance contributions are discussed in more detail within the section on the proposed Deed of Variation to the Section 106 Agreement below, but the applicant proposes that these are proportionate to the level of development undertaken. The amendment sought mainly relates to the configuration of the open space. Accordingly there would be sufficient land available within the Application Site to deliver additional formal/pitch provision for up to 3,150 dwellings.

Fig.7

Land Use	Outline Planning Permission Area (Hectares)	Section 73 Application Area (Hectares)
Open Space	24.93	24.20
Outdoor Sports (including sports pitches)	10.69	9.60
Amenity Space (including Informal Play)	10.72 (including Informal Play)	7.33
Formal Children's Play (LEAPs / NEAPs Buffers)	2.40	4.2
Formal Children's Play (LEAPs / NEAPs / LAPs Active Play)	1.12	3.07
Nature Conservation - Wetland and Other	49.5	50.05
Nature Conservation - Wetland	23.98	24.53
Nature Conservation - Other	25.52	25.52
Total	74.43	74.25

The overall figure given for open space in the original Committee report was 77 Ha. However, as shown above, the applicant has carefully analysed the original open space and that now being proposed and has demonstrated that the total area given to open space is almost identical with any reduction being as a result of the road infrastructure requirements.

#### Southern Link Road (SLR)

The full details for the provision of the SLR were determined as part of the Outline Planning Application i.e. it was not a matter reserved for subsequent approval. The SLR will connect the A46 to the west of the application site and to the A1 approach road to the east of the site. In both instances the connection will be made using roundabouts. The connection to the A46 will be a new roundabout directly onto the A46 at a point approximately 800 metres south of the newly formed Farndon roundabout. Planning permission has also already been granted for the SLR roundabout at this point (ref.10/01621/FULM). At the eastern end of the SLR a new roundabout will be formed on the approach road from Fernwood to the roundabout at the southern end of Balderton.

The SLR will provide integration across the south of Newark and provide an alternative route between the A46 and A1 helping to relieve congestion on the Newark by-pass. The road also provides a new crossing of the River Devon connecting the south and east of Newark to the A46 which will offer an alternative to Boundary Road helping to relieve congestion in the town centre.



As set out under Condition 5 in Figure 1 above, the applicant is seeking to amend the bridging of the River Devon in liaison with the Environment Agency. The applicant is also seeking to amend the phasing of the delivery of the Southern Link Road (to commence in the East and be delivered in 3 phases) which is driven by the cost and deliverability of the relevant phases and the terms of the loan funding the applicant is seeking to secure from the HCA.

Other changes to the consented SLR include amended parameters for the Sustrans crossing, amendments to the roundabout junction at the B6326 and the alignment of the link road south of SLR Bowbridge Lane roundabout. The applicant has advised that all of these changes are at the request of the Highway Authority and through their discussions with Railway Paths Ltd and Sustrans. The road north of the SLR Bowbridge roundabout and the junction at Bowbridge Road/Hawton Lane/Bowbridge Lane is still being designed in consultation with the Highway Authority and would need to be approved as part of a reserved matters application.

Detailed transport modelling has been undertaken in line with the proposed approach to delivering the road infrastructure.

### **Departure/Public Advertisement Procedure**

#### **Pre-Application**

The applicants undertook extensive pre-application consultation with NSDC, key stakeholders and the local community prior to submission of the original outline application. This included 7 public exhibitions in October 2007 (attended by over 1,000 people). Further workshops were held towards the end of 2007 as well as 5 workshops for younger people in February, March and April 2008. A feedback session took place in January 2009 as well as publication of an update article in the NSDC newsletter 'The Voice'. The applicant also held a post submission public exhibition in December 2010 whilst the outline planning application was being considered. The public consultation exercise was set out in detail in the Statement of Community Engagement (SCE) and Addendum SCE submitted in support of the outline planning application.

The planning statement submitted with this Section 73 application proposes that a similar approach is adopted as part of any reserved matters applications.

Prior to the submission of this application, the applicant has actively engaged with NSDC officers, the Environment Agency, officers at Nottinghamshire County Council (including Highway officers and Education) and the Highways Agency to flag up the items they are seeking to vary at as early a stage as possible.

#### **Post Submission**

A formal period of publicity and consultation has been undertaken by Newark & Sherwood District Council following the submission of this latest application. Nearly 700 neighbours and interested parties from the outline application have been individually notified by letter. Site notices have been displayed at 5 locations around the site and an advert placed in the local press. The original neighbour letters were sent out on 18<sup>th</sup> November 2014 and the press notice expired on 18<sup>th</sup> December 2014 giving a total consultation period of one-month. The second round of consultation following the receipt of amended plans and additional information were sent out on 23<sup>rd</sup> December 2014 expiring on 14<sup>th</sup> January. Any consultation responses received following the publication of this report, which raise new issues, will be reported to Committee as late items.

## **Relevant Planning Policies**

### **National Planning Policy**

National Planning Policy Framework (2012)  
Planning Policy Guidance (on line resource)

### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Policies relevant to this application:

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 5 – Delivering Strategic Sites
- Spatial Policy 6 - Infrastructure for Growth
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 8 – Retail Hierarchy
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment
- Area Policy NAP 1 – Newark Urban Area
- Area Policy NAP 2A – Land South of Newark
- Area Policy NAP 4 – Newark Southern Link Road

### **Newark and Sherwood Allocations and Development Management DPD**

Policies relevant to this application:

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 – Developer Contributions
- Policy DM4 – Renewable and Low Carbon Energy Generation
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM11 – Retail and Town Centre Uses
- Policy DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)

## Consultations

The following statutory consultees/stakeholder representations were received (the most recent correspondence is cited in all cases unless it explicitly refers to or adds to a previous response):-

**Coddington Parish Council:** Objects to the following variations: 1. Condition 7 - Commencement of Phase 1 from the east would result in all traffic from that Phase, (including the proposed employment application) wishing to access Newark, being obliged to use either Bowbridge Road or London Road, or the A1 northbound and thence by the A1/A46 junction which is under-designed and the source of constant accidents. 2. Condition 8 seeks to remove the requirement for a Traffic Assessment (TA) to be carried out at each phase of the development. A TA which covers all the phases of the development, when the timing of those phases is unknown, is clearly unacceptable and without merit. Other developments could take place in and around Newark over future years which would change the levels and assignments of traffic. 3. The Applicants seek to renege on the provision of any affordable housing in Phase 1, one of the main justifications for the original application. A full version of the Parish's original response to this application is appended to this report.

Further comments of Coddington Parish were received following the second round of consultation and are set out below:

In their further S 73 Application dated 23 December 2014, the applicants again seek (Condition 8) to remove the requirement for a Traffic Assessment (TA) to be carried out at each phase of the development. The grounds on this occasion being “*...given the traffic modelling data already provided. This is in accordance with the comments of Nottinghamshire County Council*”. The requirements for phased TAs, giving particular reference to Coddington, were fought hard for in 2010; we therefore stand firmly by the arguments submitted in sub-paras 1.6 – 1.9 of our previous response, by email, on 9 December 2014. These conditions were set by the Planning Inspectorate, are mandatory, and that Department is the only appropriate authority to vary them.

2. Coddington Parish Council also noted, amongst the latest papers, detail of the proposed roundabout joining the SLR to the A46. The case officer kindly provided further background comment on the arrangement under 10/01621/FULM. Local concerns on Newark's infrastructure and traffic, and representations, have now reached ministerial level. Given the difficulties already generated by the extant relief road roundabout complexes – A1/A46/17, Cattle Market and Farndon - we therefore feel bound to express our surprise that the plan for a further, seemingly basic, roundabout not far to the west of Farndon, is going forward without review. The very least we would hope for would be an overpass/flyover arrangement to carry through-traffic smoothly past this further potential bottleneck, this time on a modern dual carriageway. This would follow the Highways Agency's recent examples at former roundabout sites on the A1 in the East Midlands.

**Balderton Parish Council:** Members support the application in principle but again wish to strongly suggest that the Southern Relief Road be a dual carriageway. The Government has announced that the existing Newark Relief Road will be dualled to ease the traffic congestion in the area. Lessons should have been learnt from this and a dual carriageway would be cheaper in the long run if installed at the onset.

**Hawton Parish Council:** No comments received

**East Stoke with Thorpe Parish Council:** No comments received

**Newark Town Council:** No comments received

**Farndon Parish Council:** No comments received

**Fernwood Parish Council:** No comments received. Meeting to be held on 19<sup>th</sup> January 2015 with comments to be submitted on 20<sup>th</sup> January in time to be reported to the Committee.

**North Kesteven District Council:** No objections

**South Kesteven District Council:** No objections

**Nottinghamshire County Council - Highways** – A telephone conversation with the Highway Officer on 8<sup>th</sup> January 2015 confirmed that the County Council would be unlikely to be in a position to submit their formal comments in respect of the SLR General Arrangement Plan prior to publication of this report. Discussions are ongoing and it is anticipated that the Highways response will be provided in time to be reported at the Planning Committee Meeting. The Highway Authority's position on other matters under consideration is as follows:

With Regards to the Removal of Condition 8:

Catesby/WSP/WYG have provided information for a range of scenarios to enable the Highway Authority to see the traffic impact of the various phases. Having assessed this the Highway Authority have concluded that by taking a pragmatic view there were only 3 junctions requiring review and possible mitigation:

- Bowbridge Rd/Hawton Lane
- SLR/Great North Rd, and
- London Rd/Main St. Balderton

The Highway Authority are content therefore that a TA will not be required for each phase as it comes forward, since they already have that information.

Regarding Variation of Condition 33:

The Highway Authority need some 'before' traffic count data at sensitive locations to be able to establish the short term impacts of the phased development, so that they can respond to potential complaints and claims from third parties. In which case the Highway Authority need a set of tube counts installed (for a minimum two week period) at all those named sites set out in the proposed condition, before any development commences and possibly repeated at periodic intervals to dovetail with the opening of discrete lengths of the SLR. The Highway Authority also need to secure permanent loops buried in the SLR to record flows once operational.

The Highway Authority have requested that these requirements are secured via a suitably worded planning condition(s).

Phasing of CEMP Condition

Following a request from the applicant for consideration to be given to a phased approach to the conditions including the condition relating to the provision of a Construction Environmental Management Plan, the Highway Authority advised that they appreciated the difficulty in complying with a condition of this nature and could see that there would be some merit to a phased approach given the build out period is likely to take a considerable number of years and therefore site circumstances and arrangements across the site are likely to change. The Highway Authority understand there are 3 main housing phases, so would suggest that there may be 5 triggers:

- Prior to SLR construction
- Prior to Phase 1 housing
- Prior to Phase 2 housing
- Prior to Phase 3 housing
- Prior to B1/B2/B8 development

Some of these may coincide, but could be dealt with at that time. The important thing is to ensure that whatever condition is applied, the reason for applying it is met.

**Nottinghamshire County Council – Rights of Way:** Prior to the revised parameter plans being provided the Rights of Way Officer commented as follows:

‘The current Non-vehicular Movement Plan does not fully reflect the developers current plans for the site, and needs amending. I am in discussions with the developers about a new plan, but until we have agreed the details I object to the application.’

No comments received following reconsultation. Any comments received following the publication of this report will be reported at Planning Committee.

**Nottinghamshire County Council – Nature Conservation:** Comments are made on conditions which are relevant to ecology/nature conservation:

*Ecology surveys and impact assessment*

An Ecological Appraisal Update report been completed, which is welcomed, and this have been used to update the original Ecological Impact Assessment. It appears from the Ecological Appraisal Update that conditions at the site have in general not changed significantly since surveys were completed in 2010, although a number of more significant changes have occurred:

- Changed/increased badger activity (moderate significance)
- Additional trees with bat roost potential (moderate significance)
- Barbastelle bat records from land to the south-west (high significance)
- Additional bird records adjacent to site, including barn owl (high significance)
- Recolonisation of Sustrans route by grizzled skipper (moderate significance)

A number of additional surveys are recommended (which in any event will be required prior to each phase of development through planning conditions), in part to be used to inform detailed design of the development, including the SLR.

A concern is that the Phase 1 Habitat map (Figure 1) is not entirely accurate in depicting the habitats in the south-eastern part of the site (i.e. the industrial/distribution area); the semi-improved grassland on the western boundary of the northern field in fact extends along the boundary of the next field to the south, whilst a bank of calcareous grassland occurs on the western boundary of the two southern fields. The two northern fields are also described in the text as now being grassland, but are still labelled as arable on the Phase 1 maps.

### *Condition 5*

It is noted that the amendment to this condition relates to the design of the SLR bridge across the River Devon. The original design appears to involve a significant viaduct across the river floodplain, whilst the current proposals involve a much enlarged section of embankment and a reduced length of viaduct. It is a bit difficult to tell, but it appears that the revised proposal retain an open corridor along the River Devon, which may be sufficient to maintain ecological connectivity. However, a plan showing the extent of the embankment and viaduct relative to features on the ground would be welcomed to confirm this.

In addition, previous proposals were for the Sustrans route to go in an underpass beneath the SLR towards its eastern end; proposals now appear to involve a pedestrian bridge over the SLR where it is crossed by the Sustrans route; although I cannot find any description of this in the D&A, this is mentioned in section 9.186 of the updated Chapter 9 of the ES. Additional details are therefore **requested**, as it appears that an overbridge may have a more significant footprint than an underpass, due to ramping that will be required to the north and south (which will presumably need to be long enough to achieve a 1 in 20 gradient). The knock-on of this will be that a more significant area of grassland and scrub on the Sustran route will probably require removal, and the ecological connectivity along the Sustrans route will be severed; this is acknowledged in the updated Ecology Chapter, which states that mammal tunnels, including ditch features, will be provided under the SLR, with landscape planting either side, allow mammals and other wildlife to continue to move in a north-south direction.

### *Condition 7*

It is noted that the amendment to this condition results in a change to the phasing of the development, starting in the east rather than the west. It would appear that this will not give rise to any ecological issues, as it is noted that Condition 29 requires the submission of a CEMP, and makes provision for pre-construction ecology surveys and mitigation measures.

### *Conditions 9, 10 and 11*

It is noted that the proposals are to replace these conditions with a single condition requiring the submission if an overall design code for the site, rather than for each phase of development. Provided that this replacement condition still requires the submission of details in relation to the design and implementation of wildlife habitats (including within the Eastern and Western Park, Ecology Park and wetland corridor along the Middle Beck) to include details of species mixes, then this appears acceptable from an ecological perspective. NB Any reserved matters application would still need to demonstrate incorporation of ecological features as part of good design

**Nottinghamshire County Council – Waste:** No comments received.

**Nottinghamshire County Council - Education:** 'Further to our recent meeting in relation to the County Council's requirements for the delivery of the proposed schools relating to the above application, I would like to reiterate that since the previous Section 106 agreement (2011) was agreed there have been significant changes, nationally, to school provision in that all new schools must become Academies. This means that the County Council must now seek expressions of interest and bids from existing and potential academy sponsors who are interested in running any new schools in the County and, following a bidding round, the bids must be submitted to the Secretary of State for her selection of the most appropriate sponsor to run the new school.'

This means that certainty of dates for the completion of the new schools is vital to ensure that the process outlined above can be undertaken and that the new school can be opened and managed at the appropriate stage of the proposed development. As such, to provide this certainty, it would be inappropriate to set triggers for the delivery of the new schools in relation to the occupation of a certain number of dwellings.

In addition to the national changes outlined above, the capacities of the existing primary schools within the catchment area of the proposed development have significantly changed since the original S106 Agreement in that there is no surplus capacity within the area to accommodate any primary age pupils generated from the proposed development.

Bearing in mind the complexity of the new Academy process and the relevant legislation relating to the delivery of the curriculum for primary age pupils in Key Stages 1 and 2 (complying with infant class size legislation), the phasing of the delivery of both schools is crucial.

In light of this, two potential options for primary school delivery are proposed as follows:

1. The two new schools are designed and constructed by the applicant/developer:

If this option is pursued then the County Council will require the schools to be delivered as follows:

**Primary School 1** (315 places) with the potential to expand to 420 places:

Phase 1: Infrastructure for 315 places plus 4 classrooms to be completed by the occupation of the 200th dwelling OR within 18 months of commencement of the residential development whichever is the sooner;

Phase 2: 3 additional classrooms to make 210 places to be completed by the occupation of the 450th dwelling;

Phase 3: 4 remaining classrooms to provide 315 places to be completed by the occupation of the 1800th dwelling.

**Primary School 2** (210 places):

Phase 1: Infrastructure for 210 places plus 4 classrooms to be completed by the occupation of the 900th dwelling;

Phase 2: 3 remaining classrooms providing 210 places to be completed by the occupation of the 1400th dwelling.

It should be noted that it may be possible (depending of the phasing of housing delivery between the eastern and western areas) for the first school to be delivered up to the phase 2 (210 places) and then school 2 (210 places) be delivered prior to return to complete the 315 places and this has been reflected in both options.

It should also be noted that the above triggers assume a housing delivery of 200 dwellings per annum (based on the applicants Transport Statement) with a potential commencement on site at September 2016.

In addition to the above, the County Council will require the applicant to provide for all appropriate furniture/equipment costs.

If the above option is preferred, the schools are required to be designed and built in accordance with the Education Funding Agency's Primary School Design Criteria and Building Bulletin 99. To ensure that the proposed 315 place primary school can be easily extended when required, it is requested that the Section 106 Agreement includes a requirement for the applicant to submit the plans for the proposed schools to the Council for approval.

2. The two new schools are designed and constructed by Nottinghamshire County Council:

If this option is pursued then the costs of delivering the schools are as follows:

**Primary School 1** (315 places) with the potential to expand to 420 places:

Phase 1: Infrastructure for 315 places plus 4 classrooms - £2.5M

Phase 2: 3 additional classrooms to make 210 places - £0.91M

Phase 3: 4 remaining classrooms to provide 315 places - £1.5M

**Primary School 2** (210 places):

Phase 1: Infrastructure for 210 places plus 4 classrooms - £2.36M

Phase 2: 3 remaining classrooms providing 210 places - £1.1M

The above costs are based on Q4 2014 costs and should be index linked utilising the PUSEC Index in the Section 106 Agreement.

The triggers for the payments would be as follows:

**Primary School 1** (315 places) with the potential to expand to 420 places (£4.91M):

Transfer of a level, contamination free, serviced school site on commencement of the residential development;

10% of the total costs to be paid on commencement of the residential development (to cover the design and procurement);

60% on the occupation of the 1st dwelling;

15% on the occupation of the 300th dwelling;

15% on the occupation of the 1650th dwelling;

**Primary School 2** (210 places). - £3.36M:

Transfer of a level, contamination free, serviced school site on the occupation of the 550th dwelling;

10% of the total costs to be paid on occupation of the 600th dwelling;

60% of the total costs to be paid on occupation of the 700th dwelling;

30% of the total costs to be paid on occupation of the 1250th dwelling;

It should be noted that the County Council assumes that the school sites will be level, free of contamination, accessible for construction purposes and appropriate services/infrastructure are in place.

In addition to the above, the County Council would like to reiterate the requirement for a financial contribution on the occupation of the 2,400th dwelling which relates to the County Council's adopted at Planning Obligations Strategy (April 2014) of £11,455 per pupil proposed (over the 2,500 limit).

**Nottinghamshire County Council – Libraries:** No comments received



**Nottinghamshire County Council – Archaeology/Heritage:** In situ Palaeolithic finds have been made in the area of the proposed junction of the Southern link road with the A46 which are regarded by the specialists in this field as being of international importance. The finds involve a spread of Palaeolithic material over an area amounting to multiple football pitches, making it one of - if not THE- largest such site in the UK. Some of the material has been disturbed and is in the plough soil, but there are flints, and flint tools, which are literally just as they were left by people round 12000 years ago. The Archaeologist had concerns about the proximity of the proposed junction to this material at the time consent was granted, but the work which has been undertaken since, funded by HLF and supported by a number of Palaeolithic specialists, has greatly extended the knowledge and understanding of the Palaeolithic material, while providing significant evidence to support those previous concerns. The Archaeologist considers that the assessment report needs to revisit this issue and bring it up to date; which will also necessitate, they suspect, revision of the mitigation work which needs to be undertaken in this area.

With regards to the wording of the condition; the Archaeologist would be happy for phasing to be incorporated to allow flexibility and also, the Archaeologist would argue, changes in information to ensure that potential harm to archaeological assets is avoided or appropriately mitigated.

**Following these comments the applicant’s Archaeologist had a discussion with the County Council’s Archaeologist and agreed the following:**

- Finalise an Archaeological Management Plan for the whole site, outlining suitable mitigation measures for each phase, incorporating results of previous investigations and the conclusions of the ES.
- Discuss the Palaeolithic archaeology on the site and incorporate the information into the AMP, to tailor appropriate strategies (including fieldwalking, geophysics and trenching as appropriate)
- Produce a WSI to cover the Phase 1 area of development (Infrastructure in the North East area of the Site), including mapping of the extent of former gypsum extraction.
- These two documents would then be submitted to allow a general approach to be agreed and the work in the phase 1 area to be implemented during February.

It was also confirmed that the roundabout and infrastructure to the north west of the Site is not part of phase 1 and will be undertaken at a later date. This gives more time to tailor an appropriate strategy for dealing with the Palaeolithic archaeology.

**Nottinghamshire County Council - Flood Team:** No comments received

**SUSTRANS:** No comments received

**Newark Civic Trust:** No comments received

**Newark Civic Trust (Archaeology):** No comments received

**Nottinghamshire Wildlife Trust:** ‘We have previously made detailed responses with respect to the overall site in relation to 10/01586/OUTM which remain valid. In particular, we remain of the opinion that each phase of development must be preceded by updated surveys for all relevant species, to ensure legal compliance and to allow the development and implementation of mitigation strategies.’

## Ecological Survey

‘We are pleased to see that an updated walkover survey has been carried out (Waterman, 2014) and we would wish to see the results of the further surveys as recommended in Section 5.6 used to inform the detailed design (although we request that badger surveys be added to this table). The report notes the presence of **barbastelle bat** records close to the site – these records make it vital that bat activity surveys across the whole site are carried out prior to any works commencing, and indeed prior to any detailed designs being drawn up. There are very few records of barbastelle bats in Nottinghamshire and the surrounding counties – should they be recorded on the development site, we consider that this would be of **regional** importance and not local (as stated in Section 4.58).’

## Condition 5

‘From a study of the revised plan (Plan 0970-100-01 Rev E), it now appears that the bridge is proposed to include embankments and a culverted section. In the absence of ecological assessment of this change, we **object** to this variation. We previously commented that the SLR bridge crossing of the River Devon being a wide span structure would minimise adverse effects on passage along the river corridor for fauna. Under the new proposal, habitats where grass snake was recorded may be permanently lost or damaged under the development footprint and **ecological connectivity would likely be reduced**, and as such we anticipate a **permanent adverse impact**. As a minimum, we would wish to see the culverted section replaced by an open span – many organisations are involved in activities under the Water Framework Directive to reverse such channel modifications which can negatively impact on water quality. We would also expect greater permeability through the embankment sections to discourage mammals from attempting to cross the new SLR.

We are concerned that the amendment to provide a lightweight bridge instead of an underpass at the Sustrans crossing point would not provide the same level of ecological connectivity along this corridor habitat. Provision of, for example, mammal tunnels under the SLR, or incorporating green elements to the bridge, may help to maintain connectivity.’

Following the additional and revised information submitted in December 2014, the Trust provided the following further comments in respect of this condition:

‘Further changes have been made to the bridge design, however these appear to have led to a reduction in the length of span (now 100m free-spanning) and an increase in the length of embankment. We are of the opinion that this option further impairs the ecological connectivity of the site and would prefer to see reversion to the original plan (600m free-spanning) which is given as a viable option within the revised FRA. Consideration has been given to the potential ecological impact of this revision (letter dated 22<sup>nd</sup> December 2014, Waterman), however no reference is made to the reduction in connectivity, nor the potential for increased traffic collisions which may result. As previously raised, we would expect greater permeability through the embankment sections to discourage mammals from attempting to cross the new SLR.

We remain of the opinion that each phase of development must be preceded by updated surveys for all relevant species, to ensure legal compliance and to allow the development and implementation of mitigation strategies.’

## Condition 7

‘We previously requested that the phasing of the development be amended to allow for nature conservation habitats to be created at an early stage in the process, giving space for fauna displaced by works as well as ensuring that these habitats become established as soon as possible. We note that the majority of these areas still fall into the final phase of the development (Phase 3 on Plan Ref 3022 Rev U) and request that consideration is given to altering this approach.’

### **Conditions 9, 10 and 11**

‘Condition 010 of 10/01586/OUTM referred to the requirement for Area Master Plans to address landscape corridors and provision of wildlife habitat within each phase. This requirement does not appear to be reflected in the revised condition wording. We would wish to be reassured that these important factors remain central to the design of the development.’

**Natural England:** No objection. The application seeks to vary conditions 4,5,7,9,10,11,20 and 31 attached to the outline planning permission (10/01586/OUTM). The extent of the proposed changes are minor material amendments and do not substantially alter the development from the scheme that has been approved.

### **Green Infrastructure Potential**

The proposed changes to condition 4 include changes to the density of housing and layout of open space, however Natural England are satisfied that the key principles of creating a high quality development within an enhanced green infrastructure network remain unchanged. The proposed open space and Green Infrastructure network aims to deliver visual amenity as well as ecological and biodiversity benefits, flood mitigation and recreational areas.

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.

GI can be designed to maximise the benefits needed for this development. The following case studies demonstrate how GI can be used to:

- Promote opportunities for recreation, improve links between communities and enhance flood-water management to protect surrounding homes and businesses – Tees Heritage Park
- Improve connectivity to other green spaces, provide opportunities for recreation, promote sustainable transport and improve conservation and biodiversity – Wynyard Woodland and Blyth Estuary Green Travel Project

Natural England strongly encourage that this advice is shared with the applicant to maximise opportunities to incorporate green infrastructure during the development of the detailed proposal. Additional evidence and case studies on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

**Environment Agency:** The latest comments received relate to a proposed condition in respect of the SLR crossing of the River Devon (See condition 41 on Condition Sheet appended to this report) and can be summarised as follows:

The Agency have considered the suggested wording, and believe it moves us all a step nearer. The Agency need to be sure that as well as the proposed wording for the condition for the alternative option to the bridge, there is still a condition which requires that the original bridge will be built in a timely manner. As long it can be confirmed that there is still a relevant condition, then the Agency are relatively comfortable with its inclusion.

As there have been a number of changes to wording of various conditions since the Agency were first consulted, the Agency requested an updated list, based upon the most up to date proposed conditions. The Agency would also welcome confirmation of the results of the Council’s discussions with legal colleagues, as it is also key for their understanding of the way forward to know whether their requirements are proposed to be included as a condition, as part of a Section 106 agreement, or any other form of agreement. Once the Agency have all the information, they will be able to respond formally.

The Agency would reiterate that there has been no change to our overall position on this project, it is simply a matter of getting all the correct wording in place, as once it has gone to committee, there is little room for change.

**Trent Valley Internal Drainage Board:** No objection subject to the applicant satisfying the following requirements -

The site is located within the Board's district and is served by various Board maintained watercourses.

It is some time since the Board's Officers were engaged in discussion with the applicants or their agents. It is hoped that the Board's Officers will meet with the applicants in the near future to further discuss the scheme.

The Board welcome the proposal to include sustainable drainage systems. In designing the drainage systems it should be ensured that surface water run-off to receiving watercourses is not increased. The long term secure future management of the on-site drainage systems should also be established.

The Board's consent will be required for the following:

- Works in, over, under or within 9 metres of any Board maintained watercourse.
- Eradication, diversion or other works in the channel of a riparian watercourse (such as culverting).

The southern link road will cross Board maintained watercourses at the eastern extent along with other riparian watercourses for which the Board have a supervisory role. The Employment land at the south of the site is also sited alongside the Board maintained Bowbridge Feeder Drain. In order to allow the Board future access to this watercourse all parts of the employment development, including buildings, structures, planting or fencing should be sited at least 9 metres from the watercourse bank top.

**Severn Trent Water:** No objection subject to standard condition.

**English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. English Heritage would also refer to their previous advice.

For the avoidance of doubt English Heritage's comments on the original outline application were summarised in the Committee Report as follows:

'We note the amendments including changes to the layout of open space. We welcome the removal of formal amenity space which included sports pitches, a pavilion and car parking from the open space to the east of Hawton village and the deletion of the vehicular access. The open space to the east of Hawton village has been renamed the Ecology Park and whilst this will have some public access for informal recreation alongside an improved natural environment, the impact on the setting of Hawton, particularly the Church should be lessened subject to appropriate landscaping. The Design and Access statement indicates a car park adjacent to the main road through Hawton, but presumably this is on a small scale to serve the community allotments. We would still wish to see further information on the design of the built development, the SLR and the landscape Masterplan at the reserved matters stage. Such information will need to demonstrate the effect on the listed church, the gypsum mill and scheduled moated site. We remain concerned regarding the listed gypsum mill and its exclusion from the proposed development does little to resolve its long term survival.'

Officer comment - These comments were considered before the Outline application was determined and the proposed variations being considered under this application do not directly relate to these issues. It remains the case that reserved matters applications will need to be submitted and English Heritage can be consulted at that stage.

**Ancient Monuments Society:** No comments received

**Sport England:** 'The resubmitted application proposes three main changes to the original application as approved.

1. Amendments to the phasing of the delivery.
2. Providing flexibility to deliver fewer dwellings.
3. Flexibility for the approved commercial aspects.

Sport England would not wish to raise an objection to the amended application subject to the reduction in on site sports facilities and the off-site contribution to sports facilities being proportionate to the number of dwellings proposed and also the number of dwellings actually constructed.

This is not an apparent issue with the off-site contribution as the contribution is per dwelling. However, the reduction in on site sports provision is a different matter. There is to be a reduction in the level of onsite sports facilities, related it is assumed to a reduction in the number of dwellings proposed, the reduction does not however appear proportionate to the suggested reduction in the number of dwellings. The potential to increase the number of dwellings back to the higher figure remains.'

Sport England advised that several questions arise and these are set out below with the applicant's response in italics;

1. How has the reduction in formal sports pitches been derived at? This is an important consideration as it is understood that the level of formal playing field provision required by local policy has already been relaxed to allow for two better quality smaller sites rather than a larger area of lower quality.

*'The amended documents submitted in support of the Section 73 Application in December 2014, and our noted dated 6<sup>th</sup> January 2015 (attached), clarifies the composition of the open space for the Outline Planning Permission and the Section 73 Application. The note explains that the overall provision of open space would decrease from 24.93 hectares to 24.20 hectares, and the outdoor sports area would reduce from 10.69 hectares to 9.60 hectares. These changes are necessary and are considered negligible in the overall context of the scheme.*

*The change to the outdoor sports area relates to the re-design of the Eastern Park, to incorporate the revised road layout sought by NCC Highways linking Bowbridge Lane to the new SLR Bowbridge Roundabout.*

*The total area of open space would be the same whether the scheme delivers up to 2,650 dwellings or up to 3,150 dwellings; the Section 73 seek to provide flexibility for the configuration of the open space for the scenario of delivering 2650 dwellings. Accordingly there would be sufficient land available within the Application Site to deliver additional formal/pitch provision for up to 3,150 dwellings.*

*The amendments to the Section 73 Application submitted in December 2014 add the MUGA back into the Eastern Park.*

*The difference in formal open space provision between the Outline Planning Permission (3,150 dwellings) and the Section 73 Application (2,650 dwellings) would comprise a reduction of the following:*

- 1 LEAP
- 2 football pitches
- 1 sports pavilion

*The Section 73 Application would however retain the capacity (in terms of open space land) to provide these facilities if it delivers up to 3,150 dwellings. The Section 106A Agreement will include a mechanism which will be triggered by development over 2,651 dwellings that will require either a contribution to be provided for additional open space, or additional open space to be laid out and provided in the Eastern and/or Western Park proportionate to the amount of dwellings being delivered.'*

2. The statement advises that on-site sports facilities would be increased if the dwelling numbers are higher than the reduced figure now proposed up to the maximum. It is unclear how this would be delivered in practice including the future provision of a second pavilion.

*'This would be secured through the Section 106A Agreement.'*

3. Concern that the single pitch site, Eastern Park, will not be an appropriate facility to deliver sports use, without the mass to justify a pavilion or to encourage a sports club to develop.

*'The amendments to the Section 73 Application submitted in December 2014 add the MUGA back into the Eastern Park. This will provide a greater concentration of sports pitch facilities in this area. There would be sufficient space in the Eastern Park for a sports club to develop in the future.*

*The Applicant will be delivering a sports pavilion in the Western Park.'*

*The Applicant has also suggested that the playing pitches located in the Primary School grounds should be available for public use.*

**Fisher German on behalf of Government Pipelines and Storage System:** The Government Pipelines and Storage System (GPSS), may be affected by the proposals and they should be contacted within 28 days to arrange a site visit. Current legislation prohibits any development and most intrusive activities within a Government Pipelines and Storage System (GPSS) wayleave which are generally 6 metres wide and bestride the pipeline 3 metres on either side and can incorporate other associated GPSS facilities. No works should be undertaken until the GPSS Operator has first been contacted for advice and, if required, Section 16 Consent which can take between 4 and 6 weeks.

**Western Power Distribution:** No comments received

**Highways Agency:** When the application was originally submitted the Agency placed a holding objection on the proposals. However the Agency have now provided the following comments:

‘The Highways Agency has received further information regarding the proposed roundabout at the SLR East/ B6326 and WSP have revised the modelling assessment contained in WSP’s Technical Note 001 based on updated roundabout layout SK101Revision A and revised traffic flow data. With these updated flows and a redesign of the roundabout, the Highways Agency holds no objection to these proposals, as the traffic no longer blocks back to the A1.’

**Ministry of Defence:** No safeguarding objections

**Anglian Water:** No comments received

**British Gas:** No comments received

**Council for British Archaeology:** No comments received

**DEFRA:** No comments received

**East Midlands Electricity:** No comments received

**Nottinghamshire Fire Service:** No comments received

**Georgian Group:** No comments received

**Strategic Housing:** No comments received and an update will be provided at Committee

**Millgate Conservation Society:** No comments received

**Network Rail:** No comments received

**Police Architectural Liaison Officer:** No comments received

**Ramblers Association:** Comments on revised plans

Concern 1

We welcome the inclusion of footpath and bridleway crossing details for the Southern Link Road. However we are concerned about the type of crossing at the Bowbridge Lane roundabout which connects 2 sections of bridleway. The plans show a Toucan crossing for cyclists and pedestrians rather than a Pegasus crossing suitable for horse riders.

Concern 2

The non vehicle movement network hasn't been connected to wider Trent bank network to the west of the site. This is a high priority and we still want to see this made part of this scheme.

**Society for Protection of Birds:** No comments received

**Society Protection of Ancient Buildings:** No comments received

**Tree Officer:** No comments received

**20<sup>th</sup> Century Society:** No comments received

**NHS:** No comments received

**National Grid:** No comments received

**HSE:** Does not advise, on safety grounds, against the granting of planning permission in this case.

**British Horse Society:** No comments received

**National Planning Casework Unit:** No comments to make

### **Newark and Sherwood District Council – Internal Consultations**

Emergency Planner: Provided a copy of the Emergency Planning Guidance for developments in flood zones.

Would recommend that where commercial properties are being built that Business Continuity Plans are implemented. Would encourage the developer to consider use of the EA flood alerts and household flood plans.

Stressed the following key aspects of the emergency planning guidance:

- 1) The development must not increase the burden on Emergency Services.
- 2) The development must have access and egress routes that allow residents to evacuate during a flooding incident.

Environmental Health (Land Contamination): Have reviewed the most recent information regarding contaminated land, a Phase 1 Desk Study report carried out by Rogers Leask Environmental (ref: E12-130 dated Oct 2013) and an update to the previously submitted Ground Conditions section of the Environmental Statement for Newark Future (ref: 21795/A5/ES Addendum dated Nov 2014).

These preliminary investigations consider a large area, summarising earlier investigation works and identifying the numerous sources of potential contamination. Many of these are situated on land adjacent to the development site but will need to be considered due to their proximity to proposed residential areas. There are recommendations for additional exploration across site, based upon a phased approach.

The Environmental Health Officer would expect further consultation as more detailed proposals in specific areas come forward. In the meantime, they recommend continued use of the full phased contamination condition on the proposal.

Environmental Health (Air Quality): Have reviewed the most recent information regarding air quality. Generally satisfied with the approach to this assessment, however it does fail to consider the recently developed Short Term Operating Reserve at Quarry Farm (Planning refs: 12/00770/FUL & 14/01795/FUL). Should this feature remain present as the development proceeds, the potential impact that the STOR could have on new receptors will need to be assessed. Would expect the air quality assessment be revised to take this into consideration.



Following the additional information submitted in December 2014 the Environmental Health Officer provided the following further comments:

'I have received additional information from WSP dated 18<sup>th</sup> December which considers the air quality effects of short term operating reserve on the proposed development at Land South of Newark.

Given this further information, I confirm that I am satisfied with the conclusions of this assessment, which has addressed the points raised in my previous memo.'

In addition the Environmental Health Officer requested that the following condition is used to control dust emissions during the construction phase:

Prior to the commencement of development, details of best practicable measures to be employed for the suppression of dust on site during the period of construction shall be submitted to and approved by the local planning authority in writing. The agreed measures shall be employed throughout the period of construction.

Environmental Health (Noise): Have read the revised noise report. In particular I would ask that the noise mitigation measures detailed in section 7 be attached to any approval given. The final details of those and any other measures to be to the approval of the LPA.

Parks and Amenities: Raised concerns in respect of the level of maintenance contribution initially offered and advised that a mechanism be put in place to ensure that the additional facilities and maintenance contributions be received should the number of dwellings be put back to 3,150. Also advised that the floodlit MUGA was a key aspect of the sports provision and should be retained.

Changing the Eastern Park provision to 1 pitch and removing the pavilion would turn it into a facility that would be of limited sporting use. However if the land is provided then the additional facilities can presumably be added at a later date.

The reduction in LEAPs from 5 to 4 is acceptable given the proposed reduction in house numbers.

There is an ongoing discussion about whether the District Council should adopt any further open spaces and increasingly developers are putting forward their own solutions (management companies, etc.) to the long term maintenance of open spaces. In this respect it could be argued that the existing S106 agreement is out of step with current thinking.

Communities Sports and Arts Development: No comments received

Community Safety: No comments received

Access and Equalities Officer: As part of the developer's consideration of access to and use of the proposals, with particular reference to inclusive access and facilities for all, including disabled people, it is recommended that pedestrian pavements be incorporated throughout to ensure safe access around the development. Any danger of pedestrians, particularly children, elderly or visual impaired people, being required to walk along vehicular access routes should be minimised by providing safe separated 'vehicular free' pedestrian pavements throughout of suitable width and clear of obstructions. Shared Surfaces are a danger in this regard. Similarly, any use of barriers to prohibit motorcycles or similar can also be a barrier to wheelchair users, double baby buggies etc. As a consequence, careful consideration should be given to this matter. Inclusive access to facilities around the development, such as public open spaces, plays areas, etc. should be considered together with carefully designed accessible pathways to features on the development.

## Neighbours/interested parties

A total of 20 written representations have been received as a result of the two rounds of consultation carried out.

17 of the comments received can be summarised as follows:

- Revised plans should be available at Newark Town Hall with a duty planner and the applicant available as happened last time. Viewing plans on the Council's website is too complicated.
- The plans should be clearer.
- The development is on the flood plain – as for storage ponds, how much water would a wet storm period bring?
- The SLR should be a dual carriageway. There is a need for the road to deliver goods to the development and alleviate internal traffic in the town.
- As dwellings are completed highways they create should be adopted and useable by public transport.
- At least one of the Primary schools should be completed after 500 dwellings have been sold and an agreement in place with NCC to provide staff.
- Ecological, open space and sports pitch provision should be planned and not an afterthought.
- The application refers to Community Building(s). What is meant by the plural? There is no mention of a place of worship or burial ground.
- The Archaeological and Cultural Assessment is out of date and has not taken into account recent work on the Late Upper Palaeolithic (LUP) site at the western end of the development. Work carried out has identified the LUP site is far more extensive than outlined in the Assessment. A reassessment of archaeology to the west of the Devon should be undertaken prior to the granting of planning permission.
- The Southern Link Road will join the new A46 road adjacent to the known southern extent of the Ice Age site at Farndon Fields. It is vital that any construction at the west end of the SLR does not compromise these rare Ice Age deposits with evidence for human activity.
- Volume of traffic into Grange Road from the new estate.
- Risk of flooding. Unconvinced by proposal to pump excess water into lake on opposite side of the beck where it also floods. In similar situations elsewhere in the country houses have flooded despite assurances.
- Impact on existing sewers. Drainage and sewage need to be properly considered.
- Unhappy that there are so amendments to the scheme.
- Noise, dust and disruption.
- Hope that the proposed houses are not 'horrible flat roofed boxes'.
- Loss of privacy.
- Impact on amenity of existing residential properties including possible overshadowing and or overbearing impacts.
- Impact on the character of the area.
- Impact on the landscape.
- No buffer has been provided between existing properties and the proposed development.
- The plans for the SLR including junction with the A46 are unclear.
- The SLR is a development project in its own right and can be justified on grounds of traffic management unrelated to the growth point. It should not be 'lumped in' with the growth point.
- Recent announcement for dualling the Newark bypass and the timing of various projects should be prioritised to minimise disruption with bypass first, then a dual carriageway SLR. Only after this should growth point development be allowed.

- The original permission is 4 years old, NSDC have underperformed on housing numbers and this permission has not helped. NSDC should verify all the land is deliverable as much will be under option to purchase agreements.
- The red line also avoids a 6 acre brownfield site which is deliverable but neglected. The hospital is not big enough, people have to travel elsewhere.
- Not enough employment in the town – people have to travel to work.
- Building on agricultural land will cause flooding.
- No room in Newark for a growth point.
- How do existing residents know exactly what will be built? Two-storey properties or more will impact on privacy and light.
- The roads will not cope.
- Is wildlife not taken into account?
- Is noise pollution not taken into account?
- The plans will annihilate the hamlet of Hawton which will be surrounded by development impacting on its character and charm.
- Existing residents in Hawton will be forced to sell their properties and property values will be affected.
- It is a greenfield site and should be left as such.
- Too much as a single development.
- Hawton will become a thoroughfare to the development, harming its rural charm.
- A development which doesn't bridge Farndon and Fernwood and retains some green rural space would be preferred.
- Objection to the alterations to conditions 8 and 33. Congestion in Newark is getting worse and the programme of major highway works including dualling of the A46, reconstruction of the Cattle Market roundabout, reconstruction of the A46/A1 junction at Brownhills, major Sainsbury's access, construction of the SLR and major Severn Trent works in the town combined with hazards from diverted traffic using the historic road network will need to be planned carefully to ensure disruption is minimized.

2 of the written representations have been received are in support of the proposal but raise the following concerns:

- From a business perspective the SLR will need to be able to cope with the volume seen from the other side of Newark at peak times. Bearing in mind the Newark by-pass is now 23 years old, and the Government has just sanctioned a need for it to be Dualled.
- The Council for British Archaeology (CBA) East Midlands branch recently hosted a public conference at which it was shown the Late Paleolithic (Ice Age) site at Farndon Fields is much more extensive than had previously been believed. Planning conditions must ensure Ice Age deposits are safeguarded.

1 of the letters received is on behalf of several residents on Lowfield Lane following a meeting between the case officer and residents and Parish Councillors at Balderton. The letter primarily relates to the location of the proposed SLR relative to their properties and the likely noise impact. Concern is also raised to the timing of the application and the associated level of publicity. The comments in respect of noise impact are as follows with the applicant's response in italics:

1. The Revised Noise and Vibration report (ES-13.1A Noise and Vibration technical report supporting this revision acknowledges the impact on our houses from the link road proposed within this application. Table 21 of this report quantifies this impact on us as Lowfield Lane Cottages. It is unclear as to whether this refers to Lowfield Cottages –a significantly different

location, or the residents of 198-210 Lowfield Lane. This confusion is further compounded in the supporting maps and we have been completely excluded from the map figure 2 and 2A pages 78-79 of the noise assessment report cited above. We ask that this be corrected to clarify this confusion and ensure that we are not overlooked. This is critical as it also suggests we have been excluded from any mitigation assessment during the extensive construction period and omitted from the table that quantifies this page 45 table 23. This impact of the completed road on us is recorded as the highest of all the other receptors considered, (table 21 pg 41), with a predicted increase of 11dBa which is over twice the threshold of significant major impact , as defined in the Design Manual for Roads and bridges Vol. ii (DMRB vol ii), Which I understand is the design standard that applies to this development.

*We can clarify that the assessment for 'Lowfield Lane Cottages' as referred to in Table 21 does correspond to the dwellings on Lowfield Lane (198-210). The dwellings on Lowfield Lane have been assessed (referred to in the chapter as Lowfield Lane Cottages), however these have not been identified within the figures.*

*The construction phase noise assessment has focused on the closest noise sensitive receptors to the site where a number of representative receptors have been selected. The mitigation recommended will therefore be applicable to other receptors within their locality/further afield.*

2. As we presented to you at the meeting, this does not appear to have been recognised in recommending suitable mitigation measures that were previously embodied in the original outline permission granted 10/01586 which included:
  1. Setting the road into a deep cutting,
  2. Low noise surface on the road
  3. Acoustic and landscape fencing
  4. Planting measures to help reduce the impact on our community.

*The proposed mitigation does not significantly differ from that proposed within the 2011 ES addendum. The proposed mitigation (a roadside barrier / bund to the north of the SLR adjacent to Lowfield Lane) has been assessed considering the effects on Lowfield Lane. I have attached Figure 7A of Appendix 13.1 which shows the location of the proposed screening. The level of attenuation achieved by a roadside barrier / bund adjacent to the SLR can be provided for dwellings on Lowfield Lane as has been provided for Lowfield House in Table 13.17. However, given the current changes being made, due to the provision of the footbridge over the SLR (instead of the underpass), it is intended that this table / analysis be updated following additional noise modelling work currently underway.*

*The updated work, which will inform the details of the specification for the acoustic fence/barrier required to be submitted pursuant to Condition 44 of the Outline Planning Permission which will be carried forward in the Section 73 Application.*

3. Moreover the original references to this commitment and its impact were obviously struck out from this revised document which you acknowledged at the meeting. See page 61, 8.2.12 and pgs 63 and 64, 9.1.9

The commitment to provide these and any other appropriate measures were given in a personal undertaking from Roger Blaney at the Planning committee to us when the application was considered at a planning committee meeting on the 15 November 2011.

*'Please see our response at point 2 above for clarification.'*

*Condition 44 from the Outline Planning Permission will be carried forward in the Section 73 Application.'*

4. The report contains supporting maps indicating various reference points for noise impact and as we demonstrated at the meeting does not appear to correctly reference our location, omits to include our location on the map and uses very confusing inconsistent terminology, Lowfield cottages/Lowfield Lane cottages.

Our concern is not just for our immediate households but also for the wider environment of Lowfield Lane which is a valuable peaceful green area used by many hundreds of walkers, cyclists and horse riders and previously acknowledged as a valuable recreational oasis.

*'Please see our response to Point 1 above for further clarification. The assessment considers that dwellings on Lowfield Lane are the most sensitive receptor locations within the vicinity of Lowfield Lane, the assessment therefore aims to consider the predicted effects and required mitigation at these dwellings.'*

5. Specifically we ask the council to have regard to its duty under the National Planning Policy Framework as cited below.

*'Planning and Policy decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'*

6. It is apparent that the base line noise monitoring for the Lowfield Lane area are inadequate and inappropriate.

Noise monitoring and a report has been undertaken and previously submitted by the residents of Lowfield Lane which indicates that the current monitoring point -referenced in the noise and vibration report is adjacent to a main road and industrial area and is wholly and logically not representative of the Lowfield Lane environment.

Specifically we request further monitoring of the baseline noise as I understand has been done for Lowfield House in assessing the impact of this development. Please could you advise how we can progress this.'

*'It is considered that the baseline noise monitoring survey included an extensive number of measurement locations. The extent and duration of the noise survey was discussed and agreed with NSDC. Given that the baseline noise levels are not used within the assessment of road traffic noise from the SLR it is considered that additional noise measurements adjacent to Lowfield Lane are not necessary.'*

*It is considered that baseline noise levels and the associated plant noise assessment undertaken at Location 7 will serve to protect dwellings on Lowfield Lane also.'*

The final point in the letter from Lowfield Lane residents expresses concern at the timing of the application, the short time period to make comments and apparent lack of notice provision. They conducted a rough poll of people passing down Lowfield Lane and none were aware of the consultation and those who had commented previously had not been reconsulted. Only a few notices had been put up compared to the previous application. The complexity of the application and the speed at which the application is being progressed is not conducive to public engagement.

The letter concludes that with some vision and care this area could be protected and enhanced to complement and balance the impact of the huge urban expansion with opportunities to retain a green space corridor for wildlife and residents, within walking distance of Balderton.

### Comments of the Business Manager - Development

As Members will appreciate the previously approved outline planning application represents the single largest development proposal considered by the Council since its formation in 1974. As with the original application there have been a significant number of consultations carried out and a significant response received which has required clarification and resolution. Various additional points of clarification and amendments in certain aspects have been sought and obtained. Consequently, a revised package of proposals and clarification was submitted in December 2014 and these are detailed earlier in this report.

**Environmental Statement (ES)** – The proposal constitutes an Urban Development Project with a site area in excess of 0.5 ha and therefore it falls within Schedule 2 Part 10(b) of the Environmental Impact Assessment Regulations 1999 and due to the scale, nature and location of the development, in the context of Schedule 3 of the same regulations, it is considered to be EIA development. Following a scoping opinion designed to focus the study on those issues of greatest potential significance, an Environmental Statement was submitted as part of the original Outline Planning Application. Covering the following environmental issues associated with the proposed development:

- Development Programme and Construction;
- Socio Economics and Community;
- Landscape and Visual;
- Ecology and Nature Conservation;
- Archaeology and Cultural Heritage;
- Transport and Access;
- Air Quality;
- Noise and Vibration;
- Hydrology and Water Supply and Disposal Resource;
- Ground Conditions; and
- Agriculture and Soil Resource.

To reflect the proposed changes resulting from this Section 73 application a November 2014 Environmental Statement Addendum (including Addendum Technical Appendix where required) has been submitted which also updates the ES to reflect the changes resulting from the passage of time including:

- Changes in the construction phasing and programme;
- Changes to baseline conditions;
- Alterations to the cumulative schemes to be assessed; and
- Introduction of new planning policy guidance and practice.

The ES has also been updated to reflect the separate planning application being considered under planning ref.14/02039/OUTM for an additional 43,401m<sup>2</sup> of employment floorspace.

## Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### Newark and Sherwood LDF - Core Strategy

The Core Strategy sets out the Council's strategic objectives for managing growth and change to ensure that sustainable development is achieved and promoted and the quality of life for all improved. The Core Strategy recognises Newark as a sub-regional centre and seeks to reinforce and promote this role by ensuring that the town is the main focus for new housing, employment and other appropriate development within the District.

Spatial Policy 1 – identifies a settlement hierarchy. Newark Urban Area (comprising Newark, Balderton and Fernwood) is identified as the sub-regional centre and where the main focus for growth will be in order to support this role.

Spatial Policy 2 – refers to the spatial distribution of growth and identifies 70% of the future housing growth for the District taking place within the Newark Urban Area. Similarly the majority of new employment land being provided within the Newark Urban Area.

Spatial Policy 5 – identifies three strategic sites within the Newark Urban Area (including Land South of Newark the subject of this planning application) to ensure that the housing and employment needs of the District are delivered over the plan period and beyond.

Spatial Policy 6 – refers to the delivery of strategic infrastructure in the District and the Council's intention to introduce a Community Infrastructure Levy (CIL). Amongst other pieces of infrastructure the delivery of the SLR is referred to. The Community Infrastructure Levy has been introduced since outline planning permission was granted on Land South of Newark. This application as this application seeks to simply remove or vary conditions on the existing consent.

Spatial Policy 7 – refers to promoting an improved and integrated transport network with the emphasis on non-car modes. As part of the outline application new bus routes linking the new housing, commercial and employment areas were approved on the parameter plans together with a network of new footpaths, cycle and bridle paths together with a Greenway through the centre of the site and a promenade along the southern edge of the housing development. The parameter plans submitted with this S73 application also include these features.

Spatial Policy 8 – relates to the provision of new and enhanced community and leisure facilities. The outline permission includes parameters for both formal and informal areas of open space together with community buildings within the two local centres. This application proposes amendments to the open space provision however the overall quantum of open space whilst slightly decreasing would be similar to the levels previously approved.

Core Policy 1 – refers to affordable housing within new developments and a target of 30% affordable housing being achieved subject to the overall viability of the scheme not being impacted. Viability of the scheme was considered as part of the outline planning application and appropriate trigger points and a contribution based on a formula if each phase is viable was incorporated into the Section 106 Agreement. An alternative offer is now proposed as part of the proposed Deed of Variation to the Section 106 Agreement as considered further in the section of this report considering the Deed of Variation.

Core Policy 3 - relates to Housing mix, type and density, requiring average density to be no lower than 30 dwellings per hectare, with average densities of between 30 – 50 dwellings per hectare being set for the three strategic sites. A mix of dwellings are proposed with a variety of densities throughout the development amounting to an overall average of 40 dwellings per hectare based on the accommodation of up to 3,150 units on the site. A development which delivers fewer than 3,150 dwellings will have a lower density. For example a development of 2,650 dwellings would have an average density of approximately 34 dwellings per hectare.

Core Policy 6 – refers to strengthening and broadening the economy of the District to provide a diverse range of employment opportunities. This refers to providing most growth at the sub-regional centre Newark and promoting major new economic development as part of the strategic sites with particular reference to Land South of Newark. The employment element of the outline planning permission amounts to some 48.7 ha of land and is proposed to include Use Classes B1, B2 and B8 (Light, General Industry and Warehouse and Distribution together with Trade Counter Uses). The proposed variation seeks greater flexibility for the employment uses within this area.

Core Policy 8 – refers to retail hierarchy again with the emphasis on the sub-regional centre of Newark, with the town centre being the focus for new and enhanced retail and other town centre activity. The policy does however specifically identify local centres within the strategic sites providing the sale of food and other convenience goods to the local community in which they are located. The outline permission includes provision of two local centres, with a small supermarket in one with a maximum size of 1,800 sqm and a 100sqm convenience store in the other. This policy is relevant to the consideration of the proposed variation to allow the small supermarket to have a maximum sales area of 1,800 sqm.

Core Policy 9 – refers to sustainable design. The outline permission conditions the provision of Sustainable Urban Drainage System (SUDS), that each new dwelling achieves a minimum Code for Sustainable Homes level 3 standard and for non-residential buildings to achieve the BREEAM Very Good standard as a minimum. This application seeks to remove the condition relating to the level 3 standard for new dwellings given this is covered under the Building Regulations as standard and does not seek to vary or remove the other conditions.

Core Policy 10 – refers to climate change and to delivering a reduction in CO<sub>2</sub> emissions. The factors referred to in the preceding paragraph will assist in this aim, together with the design of the Illustrative Master Plan submitted with the outline application which amongst other factors is aimed to: reduce car usage by ensuring the key facilities are within walking distance; creation of permeable network of streets which include measures to ensure accessibility to the main public transport route; development of travel plans; safe, appealing and dedicated walking and cycling routes; orientation of the layout to ensure maximum solar gain.

Core Policy 12 – refers to conserving and enhancing the biodiversity and geological diversity of the District. In their outline planning submission, the applicants took the key principles of the Council's Green Infrastructure Strategy as a basis for developing their Illustrative Master Plan and developed the theme further into a landscape strategy and associated ecology strategy that not only added recreational and aesthetic value but provided a structured element to the site, circulation and processing of surface water runoff through the SUDs and mitigating flood risk.

Core Policy 13 – refers to landscape character. The landscape Master Plan for the site seeks where possible to retain main features of landscape and enhance these with particular reference to the Middle Beck corridor; the network of ditches, existing trees and fishing lake adjacent to the Sustrans route; and the Hawton House SINC.



Core Policy 14 – refers to the historic environment and the continued preservation and enhancement of the character and setting of the District’s heritage assets. The main heritage assets to be considered in this application relate to the scheduled ancient monument – moated site and Grade I listed church, both situated in Hawton; and the Grade II listed former gypsum grinding mill on Bowbridge Lane. None of these assets are within the application site, however it remains to consider the impact of the proposal on the setting of these assets.

Newark Area Policy (NAP) 1 – refers to promoting Newark Urban Area as the main focus for residential, commercial and leisure activity within the District.

Newark Area Policy (NAP) 2 – is specific to Land South of Newark and refers to:

#### Housing

- Being undertaken in 4 phases of approximately 750 dwellings, with each phase being substantially completed and key infrastructure and facilities in place before the next phase starts, and also in accordance with the timing of the completion of the SLR and other highway improvements.
- Average density levels of 30-50 dwellings per hectare.
- Affordable housing in line with Core Policy 1.
- Incorporation of sustainable development principles and construction methods in line with the recommended level in the Code for Sustainable Homes and in line with Core Policies 9 and 10.

#### Employment

- Phase 1 to take place on the site of the former gypsum workings.
- Access via a direct route to the A1 and the SLR. Traffic management for HGVs.

#### Local Centres

- Provision of 2 local centres, including the provision of 2 new primary schools and 3 GP facilities.

#### General

Refers to:

- the submission of various documents as part of a planning application;
- the provision of transportation measures including passenger transport and pedestrian/cycle routes;
- provision of green infrastructure; provision of on-site renewable energy schemes;
- provision of flood mitigation;
- investigation and mitigation of any contamination within the site;
- provision of necessary infrastructure;
- provision of contributions for local infrastructure.

The principle of the development and its compliance with the Policies within the Core Strategy was established through the granting of outline planning permission for the development. Consideration needs to be given as to whether any of the proposed variations to or removal of conditions have a significant impact on the proposals compliance with these policies and if so whether that impact is acceptable in this instance.

## Newark and Sherwood LDF – Allocations and Development Management Document

Since outline planning permission was granted, the Council adopted its Development Management policies which are a material consideration in the determination of this S73 application.

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy: Supports proposals for housing, employment, community, retail, cultural, leisure and tourism development in accordance with the Core Strategy and other relevant Development Plan Documents.

Policy DM2 – Development on Allocated Sites: Supports proposals for the intended use that comply with the relevant Core and Development Management Policies, the site specific issues set out in this case in NAP 2A and make appropriate contributions to infrastructure provision in accordance with the Developer Contributions SPD. Proposals should be accompanied by transport, flood risk and other appropriate assessments to address site specific issues.

Policy DM3 – Developer Contributions: The delivery of the planned growth is dependent upon the availability of infrastructure to support it. In this instance the applicant is hoping to secure a loan from the HCA to facilitate provision of the SLR. This Policy also refers to infrastructure being provided through Planning Obligations and where appropriate funding assistance from the Council. Planning applications are expected to include appropriate infrastructure provision and the Draft Deed of Variation submitted with this application, needs to be considered against the current Section 106 Agreement in place and whether there would be any significant change in circumstances resulting from the proposed alterations to the Outline planning permission. Account also needs to be given to the Newark and Sherwood Developer Contributions SPD (December 2013).

Policy DM4 – Renewable and Low Carbon Energy Generation: Expands on Core Policy 10 and states planning permission will be granted for renewable and low carbon energy generation development, as both stand-alone projects and part of other development where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process.

Policy DM5 – Design: Sets out the design criteria for assessing proposals for new development and is particularly relevant in considering the proposed variations to the parameters of the development and the proposal to assess the design code for this site under one comprehensive condition.

Policy DM7 – Biodiversity and Green Infrastructure: In line with the requirements of Core Policy 12 sets out that new development should protect, promote and enhance green infrastructure to deliver multi functional benefits and contribute to the ecological network both as part of on site development proposals and through off site provision. The Outline consent included significant areas of land (49.07 Ha) for nature conservation. The amended parameters do not significantly deviate from this.

Policy DM9 – Protecting and Enhancing the Historic Environment: In accordance with Core Policy 14 seeks protection or enhancement of heritage assets contributing to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place. Consideration needs to be given as to whether the variation to the parameters of the development and addendums to the Environmental Statement would result in any greater impact on heritage assets.

Policy DM11 – Retail and Town Centre Uses: In accordance with the retail hierarchy in Core Policy 8, retail development and other town centre uses of a scale concurrent with the population growth will be assessed accordingly and in local centres including on Land South of Newark as new and enhanced convenience retail development that serves the community in which it is located and is consistent with its size and function will be supported. Convenience retail in the new local centres that is of an appropriate scale to meet local need that consolidates and enhances the existing hierarchy of existing centres will be supported. The appraisal of the proposed variation to the retail condition attached to the outline consent will need to be considered against this policy.

Policy DM12 – Presumption in Favour of Sustainable Development: reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework and seeks to secure development that improves the economic, social and environmental conditions within the district. Planning applications that accord with the policies in the Development Plan for Newark and Sherwood will be approved without delay, unless material considerations indicate otherwise.

There are a number of more detailed aspects contained within the various policies of the Core Strategy and Development Management DPD that are discussed below as are the other material considerations relevant to this proposal.

#### National Policy

Whilst not part of the Development Plan, national policies and guidance are a significant material consideration and LDF documents can only be adopted if they are in line with national policy. Consequently, the policies of the adopted Core Strategy and Allocations and Development Management DPD have been assessed and examined by a Planning Inspector and have been found to be sound.

When the outline application was originally considered, the Draft National Planning Policy Framework had been published that year and the application was considered in that context. The National Planning Policy Framework has since been published in 2012 with the general thrust of the draft document carried forward and amongst its core planning principles that planning should: “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs”.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and this means that in decision taking development proposals that accord with the development plan should be approved without delay.

Clearly the principle of development of this site has already been established through the granting of Outline Planning Permission for development which was considered to accord with the adopted Core Strategy. The principle of development of this site also therefore accorded with the aims of the Draft National Planning Policy Framework at that time and the main principles of this document have been carried forward into the final document published in 2012.

## Design

In considering the outline application, the rationale for the design concept was developed through a number of stages which responded to various opportunities and constraints identified in the submitted documentation and in direct response to the findings of the various assessment reports and from feedback from consultation at pre-application stage. The key components were to create new residential neighbourhoods, well connected to existing development and the wider area; delivery of a quality urban frontage enclosed by a new road link between the A46 and A1 which will help to ease local traffic flows and; provide for new employment on areas of previously quarried land within reach of the proposed residential development and the identification of additional potential areas for future employment growth to the east, following restoration of quarrying activities.

Eight key features were identified:

- Create two new neighbourhoods by extending the two north–south links of Hawton Road and Bowbridge Road to intersect with the SLR. Along these two routes to establish two local centres that would provide maximum benefit to new residents and the existing community.
- Create a “promenade” along the new urban frontage. To create an attractive edge to the proposed development and an extensive pedestrian/cyclist link.
- Bring the landscape into the development – a series of “green fingers” penetrating through the proposed development, anchoring the scheme to the surrounding countryside.
- Wrapping the proposed development around the “green fingers” to link the core of the development to the internal open space, the promenade and the countryside beyond.
- Relating to and integrating with the existing development of Hawtonville – creating a low-density northern edge where the site borders Hawtonville.
- Developing a permeable network of pedestrian and vehicular links – the integration of the SLR linking the A1 to the A46; links created using Bowbridge Road and Hawton Road together with pedestrian/cycle links to Grange Road; a well connected greenway centrally located within the development; a network of pedestrian and cycle routes both off and on road to link with the existing network including the Sustrans route; a Central Street within the proposed development to be the main public transport corridor through the site.
- All development to be within 400 metres of a public transport corridor through the extension and provision of new bus routes.
- Maximising the potential of the landscape to create a high quality development – several layers of high quality landscape to be introduced. The first layer adjacent to the development will accommodate formal urban landscape with a pedestrian promenade and pockets of open space; immediately south of the more formal landscaped area, the functional landscape will be sculpted for flood alleviation purposes as well as contributing to the landscape setting of the development. The next layer of landscape located between the SLR and the Middle Beck will include a Wetland Park which will form a strong east to west corridor of ecological value. To the south originally was to be a multi-functional Amenity Park comprising sports pitches and other activities. However in response to concerns regarding vehicular access via Hawton Village; its distance from the main development and potential impact on the setting of heritage assets in Hawton Village, this area was instead proposed to be an Ecology Park with large areas of species-rich grassland, ponds, ditches, hedgerows, ruderal patches and copses of ash dominated trees; together with an area for allotments. This area will be connected to the main development via boardwalks, strategically located to maximize pedestrian connectivity within the site. The formal sports pitches are located within both the Eastern and Western Parks where further layers of landscaping are to be found.

These principles were taken forward into an Illustrative Master Plan which provided a more comprehensive description of the principles and dealt with use, amount, scale, layout, appearance, landscape, access movement, and climate change. Together with various parameter plans this built upon the initial design concept. This application does not propose to alter the Illustrative Master Plan but proposes amendments to the parameters plans to accommodate the changes listed in the table of amendments which are expanded upon throughout this report.

When considering the original outline application assistance was sought from the Advisory Team for large applications (ATLAS) a service which is part of the Homes and Communities Agency (HCA). In particular assistance was requested in terms of determining how best to ensure the delivery of quality design.

It was generally accepted that the submitted documentation met the expectations as set out in the Core Strategy and in certain instances went further in terms of providing a more detailed concept. However, whilst the Design and Access Statement is very comprehensive it was considered appropriate to provide more clarity on the key principles of the scheme, with particular reference to ensuring a consistent and appropriate level of detail as the scheme progresses.

The cross-reference document – ‘Design and Access Statement Key Principles’ was submitted as part of the original outline application in order to pull together the key principles of the Design and Access document and parameter plans and to form the basis for future reserved matters applications. Further discussions during consideration of the outline application referred to a ‘layered approach’ to the urban design of the development. The project would have a lifespan of over 20 years, during which urban design concepts would inevitably change. It was therefore considered that a robust but at the same time flexible approach should be adopted rather than approving rigid design features at that stage within the character areas.

Consequently, requiring area masterplans, and design codes for each area prior to commencement of construction would give greater flexibility for both developers and the Council. Key areas including the promenade, the main public transport road and the greenway all cross the site, and a degree of consistency in approach in these areas would be needed and development briefs for key areas would assist in delivering good and consistent design quality. This would provide a structure within which the various phases and reserved matters applications would need to fit and would ensure that consistent themes and links were maintained across the entire scheme but allowing individual character areas to be designed within the overall context.

Condition 9 of the consent therefore required the Area Master Plans and Design Code of the development to be generally in accordance with the ‘Design and Access Statement Key Principles’ document and the key areas to be addressed in Master Plans and the Design Codes were set out in considerable detail under Conditions 10 and 11 of the consent. However the applicant considers these conditions went beyond the scope of the original intention and included duplication of other conditions as well as duplication of information that would normally be submitted in support of reserved matters applications. This S73 application proposes to replace these three conditions with a single comprehensive condition which better reflect the original intention of the design conditions.

The first part of the proposed replacement condition would require a Design Code and Regulating Plan for the whole site (excluding the employment area) to be submitted before the first approval of reserved matters in each phase and the Design Code would ‘expand’ on the design principles of the Design and Access Statement Key Principles Cross Reference Document. The proposed condition would therefore require the documents needed to monitor the design approach much as Condition 9 on the original consent did. This element of the replacement condition would

ensure there is a continual cross reference against the whole site and would 'expand' rather than 'generally accord' with the Cross Reference Document building in greater flexibility whilst having a continual focus on integrating design across the wider development.

The second part of the replacement condition seeks to ensure consistency across all phases of the development in the three frontage areas, these being the 'Primary and Central Streets', 'The Greenway' and 'The Promenade'. This would help ensure that these frontage areas are distinctive in character and accords with the original principles that informed the original illustrative masterplan.

The third part of the replacement condition deals with the design parameters for the Design Code. It seeks to regulate the approach to the building interface with the public realm and includes setting urban design parameters such as building heights, house types, building orientation, definition of public private space and location of landmark structures. Under the proposed condition the areas of public realm to be addressed are defined with flexibility but consistency on colour and texture and a defined materials palette. The parameters detailed for the Design Code would need to be summarised and simplified into a Regulating Plan for the whole site.

When cross checking the detail required under the original three conditions with the proposed single condition, the proposed condition greatly simplifies the wording of the condition. The condition would still cover the key areas for consideration and provides a strong link to the Design and Access Key Principles Cross Reference Document for all future proposals within the application site. Whilst some of the specific detail has been taken out, many of these elements are either indicated on the parameter plans, are covered by other conditions or would be confirmed by the usual plan requirements for any future reserved matters application. I am therefore satisfied that the proposed replacement condition provides a design code which will help to deliver high quality outcomes in accordance with Paragraph 59 of the NPPF.

## **Highway Issues**

### Southern Link Road (SLR)

As stated under the consultation responses the Highway Authority were not in a position to respond prior to the publication of this report. The Highway Authorities comments on the design of the SLR including its capacity to accommodate the anticipated housing growth in the area and the safety of the road infrastructure will be reported as a late item to Planning Committee.

During consideration of the original outline application County Highways recommended that a condition be imposed that prior to the opening of the SLR an updated transport assessment would be required prior to each phase to establish the timing of required highway works and the sections of new highway infrastructure necessary to mitigate the impact of that Phase. The Highway Authority have confirmed that given the level of information provided for a range of scenarios they are content that a TA will not be required for each phase as it comes forward, since they already have that information. I am therefore satisfied that the removal of Condition 8 attached to the original consent is acceptable in this instance.

I am also satisfied that Condition 33 can be appropriately re-worded to ensure the 'before' traffic counts requested are still provided but removing the link to these informing any Transport Assessments.

I note the comment from Coddington Parish Council that the conditions of the consent should only be reviewed by the Planning Inspectorate. The original permission was a decision of this Authority and in reviewing the above conditions the statutory consultee raises no objections.

I note the Highway Authority's comment relating to the need to secure permanent loops buried in the SLR to record flows once operational. This would need to form part of the technical approval legal agreements between the applicant's and the County Council.

The applicant has also requested that consideration be given to building in scope to part discharge some of the conditions to allow elements to be discharged to facilitate a start on the SLR. I consider that such an alteration to the respective conditions would not prejudice the submission and consideration of further details for the wider development in the future. A phased approach was already anticipated and built in to many of the conditions and the ability to discharge conditions to facilitate delivery of the SLR will help the initial infrastructure to come forward.

I note the requests received from members of the public during consultation that the SLR should be a dual carriageway. The existing outline consent already approves in full a single lane carriageway. This application does not propose to alter this, only some of the junctions, and the traffic modelling undertaken is carried out on this basis. In the absence of any Highway objections to the SLR being a single lane carriageway, a refusal on this basis could not be substantiated.

Subject to the satisfactory comments of the Highway Authority being received, I am satisfied that the proposals would comply with Spatial Policy 7.

### Footpaths

I note the initial concerns raised by the Rights of Way Officer. Revised parameters plans have since been submitted which aim to address the initial concerns raised. I also note the comments of the Ramblers Association which were submitted following the submission of the revised plans. At the time of writing I am still awaiting the further comments of the Rights of Way Officer and an update on the situation will be provided to the Planning Committee.

### Impact on Sustrans route

The outline permission included a proposed underpass to the SLR to allow for continuation of the Sustrans route. However detailed design work for the Section 278 and Section 38 Applications to the Highway Authority have identified that there are engineering issues that limit the deliverability of the underpass. Concerns have also been raised as to the potential for the underpass to attract anti-social behaviour and the Highway Authority have concerns in respect of the adoption of the underpass. In addition I am mindful that the underpass had to be designed to give protection from flooding.

Given the above issues, alternative solutions have been explored by the applicant, including an at-level crossing of the SLR. However, the planning statement submitted advises that Sustrans would object to this option as it would introduce a busy road crossing to a currently uninterrupted pedestrian and cycle route.

Parameters have been submitted for the provision of a light-weight pedestrian/cycle bridge which could facilitate equestrian use. The agent has confirmed the dimensions given represent a worst case scenario and would mean the bridge would stray slightly outside the application site, albeit on land occupied by the existing Sustrans route. Other options requiring less land take are being

considered, however, should planning permission be granted for the proposed variations the detailed design of the proposed SUSTRANS bridge would need to be considered as part of a standalone planning application. The information provided as part of this application indicates that such a bridge might be achievable and the consultation responses received are on parameter plans and supporting information indicating a footbridge. The applicant has advised that a standalone planning application for the bridge is to be submitted imminently to provide assurance that planning permission for the preferred design solution will be secured subject to it addressing any planning issues (including visual amenity and impact on ecology) in order to satisfy the Council that the bridge is acceptable.

## **Noise**

Potential noise impact was considered as part of the outline application and the Environmental Statement Addendum submitted with the current application updates the noise assessment. Noise has therefore been assessed in relation to noise exposure to both existing and proposed residential properties in the area from construction noise and vibration; road traffic noise; industrial noise; and quarrying noise.

The parameters and methodology were agreed with the Council's Environmental Health Officers at the time of the submission of the outline application and their comments have been sought in relation to this S73 application. The assessment has been updated to include current guidance and planning policy, an update to the construction noise assessment, update to road traffic noise and development generated road traffic noise reflecting changes in the traffic data (and the inclusion of noise assessments to support the separate application for an additional 43,401 m<sup>2</sup> of Class B2 or Class B8 uses (planning ref.14/02039/OUTM)).

During consideration of the outline application, the main issue relating to noise arising from the consultations related to the potential issue of road traffic noise along the proposed SLR. As with the original application, the most detailed comments in this respect have come from some residents on Lowfield Lane who would be some of the closest to the SLR.

Under this application the route and proximity of the SLR to the nearest properties is unchanged, the main change being the line of the link road south of Bowbridge Lane SLR roundabout. The other main difference is that the phasing of the infrastructure would change so that the first phase of the SLR would be to the eastern end which is the side of the SLR where these nearest properties are situated.

When the original application was considered, residents on Lowfield Lane questioned the accuracy of the Noise Assessment. However it was considered at the time that the applicants had considered the impacts carefully. In respect of road noise it was considered that the applicant had adopted a practical maximum criteria and it was acknowledged that mitigation measures were needed to ensure that Lowfield House was suitably protected.

The approved plans indicate that the SLR is to be dug into a cutting along the section near to the properties on Lowfield Lane together with the incorporation of a low noise road surface and road side noise barriers. These features were considered sufficient to ensure any impact on Lowfield Lane properties and at Lowfield House would be reduced to an acceptable level. A condition was attached requiring the precise specification of attenuation barriers to be submitted and agreed in conjunction with the Council's Environmental Health Officer. This application does not seek to vary these elements of the proposal. I note the comments of the applicant above in response to the comments of residents on Lowfield Lane and after verifying these responses with the Council's



Environmental Health Officer, I am of the opinion that it remains the case that the issue of noise has been adequately addressed. I consider that the proposals will not result in conditions detrimental to the amenity of existing and proposed residential properties that would warrant a refusal of planning permission.

The Environmental Health Officer has requested that a condition be attached to any consent requiring the noise mitigation measures detailed in the submission to be attached to any approval given with the final details of those and any other measures to be approved. A similar condition was not attached to the original outline consent although measures to control noise were included within the Construction Environmental Management Plan and an acoustic fence/barrier to a section of the Southern Link Road were included.

### **Air Quality**

During consideration of the outline application, one of the main areas where air quality was raised as an issue was by the Lowfield Lane residents.

It was considered unlikely that the Air Quality Standard objectives for NO<sub>2</sub> (Nitrogen Dioxide) and PM<sub>10</sub> (Particulate Matter with an aerodynamic diameter of less than 10 micrometres) concentrations would be exceeded at the properties on Lowfield Lane with the proposed SLR operational given the background concentrations are low and therefore the contribution from road traffic would have to be extremely large in order to cause any exceedances of the AQS objectives. Furthermore, pollution concentrations drop-off with distance from the road and given the distance between the proposed SLR and the residential properties on Lowfield Lane (120 metres to 150 metres) it is unlikely that the contribution from road traffic would be large enough to cause any exceedances of the AQS objectives.

The Environmental Health Officer has reviewed the most recent information regarding air quality submitted with this application and is generally satisfied with the approach to the assessment. I therefore consider that the proposed variations to the outline consent are not likely to result in conditions detrimental to air quality standards to warrant a refusal of planning permission.

With regards to the Environmental Health Officer's request that a condition be used to control dust emissions during the construction phase, I am mindful that this is already covered in the existing condition relating to a Construction Environmental Management Plan.

### **Visual and Landscape Impact**

The position and general alignment and sections of the SLR are not being altered as part of this application and the key changes relate to the roundabout junction at the B6326 and the alignment of the link road south of SLR Bowbridge Lane roundabout. The disposition of built development and landscaped areas is not significantly different to the previously approved scheme and I am satisfied that the parameters provided for the scale of buildings are still appropriate for the various development types.

The proposed amendment to the scheme to the Sustrans route to provide a lightweight bridge rather than the previously proposed underpass will result in a more visually prominent feature within the landscape. The specific design of the proposal and how it assimilates into the landscape will need to be considered as part of a separate application, however, bearing in mind the distance between the proposed bridge and the nearest residential properties (with the nearest being in the ownership of the applicant) I am satisfied that the parameters submitted indicate that an acceptable solution is likely to be achieved.

## **Drainage and Flooding**

The Outline planning application confirmed that site specific flood zone mapping showed the application site to lie partially within Flood Zones 1, 2, 3a and 3b and therefore was considered to be at 'Low' risk in parts of the site and the remainder at 'Medium – High' risk of fluvial flooding. The proposed development will involve strategic ground raising to ensure that the built development is located within Flood Zone 1. As a consequence such works will result in flood displacement to off-site areas. In order to mitigate the displacement of flood waters appropriate flood compensation works will be undertaken when existing areas of the site are developed to ensure that the elevation of ground levels does not cause a detrimental flood risk impact to off-site areas. This Section 73 application is supported by an Addendum Flood Risk Assessment and the applicant is not looking to vary the conditions relating to flooding or surface water drainage on the original application with the exception of the inclusion of an additional condition regarding the crossing of the River Devon which is detailed above.

At the time of writing the final comments of the Environment Agency have not been received, although they have confirmed that they are relatively comfortable with the proposed condition (shown as condition 41 within the conditions appended to this report) in that, as proposed, any permission would still include the original plans relating to the Devon Crossing within Condition 5. Should an alternative bridge crossing be proposed details would need to be first submitted and approved in consultation with the Environment Agency.

With regards to flood risk and drainage in general, the development area is not changing and less houses are proposed. The original conditions relating to flood risk and drainage on the site would remain. The Environment Agency has raised no further issues with regards to the amended proposals and are aware that existing conditions are to be retained.

## **Open Space, Ecology and Biodiversity**

The level of open space set out in detail earlier in this report and is at a level consistent with the original approval and any reduction is minimal and as a result of infrastructure required and not any increase in residential land. More explanation of the landscape and biodiversity strategy employed is also referred to under the Design section.

The Committee report for the outline application acknowledged that whilst most of the SINC's are retained within managed buffer zones, the proposed development will result in the loss of part of the Lowfield Grassland, Balderton SINC, which comprises part of a grassland area running east of the SUSTRAN's route which is also designated as a SINC. However this loss would be compensated by the creation of an area of managed species rich grassland to the west. Staple Lane Ditch SINC would also be lost but it was proposed to be replaced/translocated within the ribbon lakes. The alterations to the parameter plans does not alter these aspects of the scheme.

The Outline application confirmed that other loss of habitat of local value will be compensated by creation of managed species rich grassland to the south and west of built development and through the creation of informal grassland, including wet grassland. A number of habitats identified as priorities in the local Biodiversity Action Plan such as water bodies, wet grassland and ash dominated woodland will also be created.

The proposed variations to the conditions would not result in any reduction in land available for nature conservation.

I note the comments of the ecology specialists received during consultation. The applicant has submitted a response to concerns raised dated 12<sup>th</sup> January 2015 and appended to this report. Minor errors on the Phase 1 Habitat Plan have also been identified and rectified.

One of the concerns raised relates to the proposed revised crossing of the River Devon and the extent of embankment relative to features on the ground. The original bridge crossing is still proposed to be retained as part of the approved plans and I propose that a condition be attached to any consent (See condition 41 on the condition sheet appended to this report) which includes a requirement for the inclusion of ecological mitigation measures into any scheme should an alternative bridge option come forward. The ecologists consulted as part of this application could be consulted with any such details as part of any discharge of condition process.

Additional details have also been requested by the ecologists to further assess the potential ecological impact of the proposed Sustrans bridge. The bridge details would need to be submitted as part of a full planning application and details of ecological mitigation measures would need to be included within any application.

With regards to the points raised in respect of the incorporation of measures within the built development and that the original design code included a requirement for submission of details of wildlife habitats. Such a requirement would duplicate the existing validation requirement for any reserved matters applications for ecological issues to be addressed. Ecology will therefore be further considered as part of the detailed design process and is also covered under other conditions which are proposed to be retained as part of this application.

Sport England's initial consultation response queried how the reduced provision of sports provision to account for the possibility of fewer dwellings being built had been calculated and the need for a mechanism to provide a level of sports provision equal to that previously agreed should the full quantum of housing be developed. The applicant has responded to these comments and the level of provision is discussed in detail in the section of this report relating to the proposed Deed of Variation to the Section 106 Agreement. However, the applicant has agreed to appropriate mechanisms within the Agreement to ensure the previous level of contributions towards sports provision would still be provided were development beyond 2,650 dwellings up to the full quantum of 3,150 dwellings carried out. I am also mindful that the revised Design and Access Key Principles Document Rev S reinserts the proposed MUGA and allotments on the indicative plan and these are also covered in the agreement.

In conclusion, I still consider that the amended proposals provide a good level of sports and recreational provision together with significant habitat improvement and creation. Consequently, I am of the view that the submitted scheme satisfies Core Policies 12 and 13.

## **Retail**

Retail floorspace is included within the two local centres. Under the parameters of the outline planning permission the western local centre proposed a maximum gross floor space of 100m<sup>2</sup> for a convenience store and 300m<sup>2</sup> other Class A1 retail uses. The western local centre proposed 1,800m<sup>2</sup> (gross) for a small supermarket and 800m<sup>2</sup> for other A1 retail uses. A Retail and Town Centres Study carried out by GVA Grimley on behalf of the Council as evidence base for the Core Strategy indicated support for a sustainable District/Local Centre at one or more of the strategic housing land allocations, and capacity figures indicated that total convenience floorspace in Newark's Urban Area, above commitments should be no more than 3,500m<sup>2</sup> net combined.

The outline permission established that the level of provision proposed accorded with the Retail and Town Centres Study and indeed the retail hierarchy referred to in Core Policy 8 – Retail Hierarchy. The agent for this application has confirmed that the amendment sought in relation to Condition 31 of the outline consent, comprises a change in the wording to clarify the maximum floorspace of an individual unit and that this should be expressed as ‘sales area’. To assist consideration of this issue the agent has confirmed the following:

- The overall amount of retail floorspace would not increase and would remain at a maximum of 3000m<sup>2</sup> GIA
- The amendment to the condition seeks to clarify the maximum retail floorspace for any one unit is a measurement of sales area (1,800m<sup>2</sup> sales area). As stated above the overall quantum of approved retail floorspace would not change.
- Policy NAP 2A confirms 2 local centres as an integral part of the residential development to ensure the creation of sustainable neighbourhoods. The provision of retail facilities for new and existing residents is consistent with the Core Strategy allocation which does not specify a maximum floorspace for any individual unit.
- The scale of the approved retail floorspace would primarily serve the proposed new community. This amount of floorspace, including a maximum unit size of 1,800m<sup>2</sup> sales area, is not considered to be of a scale that would generate significant trips from outside the development itself. This is confirmed in the TA supporting the outline planning permission and the Section 73 Application.

Officers have also sought independent retail advice which has confirmed that whilst a store with a sales area of 1,800 m<sup>2</sup> would have a slightly different draw compared to the permitted retail unit and would divert some trade from existing stores in Newark and also the town centre, it would still primarily serve the proposed new community as c. 70 – 80% of its turnover would be drawn from this community. This confirms that the proposal would be of an appropriate scale to meet local need that consolidates and enhances the existing hierarchy of existing centres in accordance with Policy DM11.

Taking the above issues into consideration, I would concur that the proposed amendment to condition 31 does not significantly diverge from the terms of the original condition and the retail development delivered would remain consistent with the Core Strategy allocation and the retail hierarchy in Core Policy 8.

### **Heritage Assets –Archaeology/listed buildings**

In terms of archaeology, the Outline consent identified that further work that would need to be carried forward to the detailed submissions and an appropriate condition was attached. This would involve mitigation work on any potential effects on sub-surface remains. I note the concerns raised and ratified by the County Archaeologist in respect of the extent of the Paleolithic archaeology on the site. The applicant has since liaised with the County Archaeologist and at the time of writing this report, an Archaeological Management Plan (AMP) is being produced for the development overall, which will embody proposals for further evaluation and mitigation as well as taking into account the archaeological work previously undertaken. The County Council’s Archaeologist has confirmed that they are in broad agreement with the applicant as to the best approach to dealing with archaeological issues on the site and has confirmed that the rephrased condition (attached as proposed condition 31 to this report) is appropriate. Should the AMP be submitted and confirmed as acceptable prior to Planning Committee this will be reported.

In terms of designated heritage assets – these relate to the scheduled ancient monument – moated site and Grade I listed church, both situated in Hawton; and the Grade II listed former gypsum grinding mill on Bowbridge Lane. None of these assets are within the application site. As with the original application, the impact on their setting remains to be considered once reserved matters applications are submitted, however I am satisfied that the variations to the planning consent proposed under this application do not raise any additional in principle concerns when compared with the original permission.

### **Employment**

Policy NAP 2A of the Core Strategy envisages employment land on the site of the former gypsum works for uses in the form of B2 and B8 on land equating 38 hectares in the plan period. The previously approved parameters indicated that a proportion of the land would be for B2 uses and a proportion for B8 uses. The current proposal would give greater scope for B8 uses whilst retaining the ability to use part of the site for B2 uses. The applicant considers that this would provide greater flexibility to deliver the kind of employment uses that is responsive to the market. The proposed variation to the scheme includes the potential for individual buildings to have larger footprint which is reflective of the requirements for potential storage and distribution users. The potential traffic generation for the proposed employment scenarios has also been modelled.

Provided no objections are raised by the Highway Authority, I am satisfied that the proposals would still present the ability to have the mix of B2 and B8 uses previously approved whilst providing the potential for a greater proportion of B8 storage and distribution uses if those are the business types to come forward. As a result the proposals would still promote major new economic development as part of the strategic site in accordance with Core Policy 6.

### **Phasing of Conditions**

With regards to a request for a phased approach to be built in to conditions to allow for elements to be discharged to allow commencement of the Southern Link Road, I consider there is some merit in this. Many of the conditions were already phased although a specific reference to the SLR infrastructure is not made. Given that the build out period will be over a considerable number of years and the need to facilitating commencement of the SLR I consider it would be reasonable to build in such a provision. This will also ensure that details submitted are up to date in terms of the relevant part of the site where works are due to be undertaken.

### **Other Considerations**

The majority of the concerns raised by both the Parish Councils and neighbouring residents have already been addressed, however the outstanding matters that were raised are answered below:

- The level of consultation undertaken by the Local Planning Authority in respect of the proposed development went over and above the statutory publicity requirements imposed by Central Government. A second round of consultation was carried out following the receipt of additional information. The consultation undertaken was therefore wholly appropriate and acceptable.
- The devaluation of property is not a material planning considerations in this instance.

- With regards to the potential impact on residential amenity the Outline application established that the principle of development was acceptable. This variation to the proposals anticipates a scenario where fewer properties would be developed and any reserved matters application would need to ensure that the design of proposals was such that acceptable relationships are achieved between proposed and existing dwellings.
- The potential impact on the landscape was also established as part of the Outline application and the developable area and broad location of land uses is not changing as part of this application.
- The phasing of development and the anticipated capacity for growth has been considered within the traffic modelling undertaken. The final comments of the Highway Authority are awaited, and the timing of various road works outside the application site will need to be coordinated by developers in consultation with the Highway Authority.
- With regards to the reference to a brownfield site outside the application site that one respondent considers should be included within this application; this application relates to an existing Outline permission and its related application site boundaries. A Section 73 application does not allow for additional land to be incorporated into the application site.
- With regards to the comments relating to the hospital not being big enough, this application does not propose to amend the developer contributions on health provision that were previously secured as part of the existing Section 106 Agreement.
- I note the comments raised with regards to there being insufficient employment opportunity in Newark. The proposals include two local centres and an employment site for B2 and B8 uses which in themselves will provide employment opportunities. An improved road network will also facilitate improved access to jobs elsewhere.
- With regards to the concerns raised in respect to the potential impact on Hawton, the proposals do not significantly change the position of development and land uses when compared with the existing consent. The proposal also indicates that the development would commence from the east rather than the west and therefore initial works will be further away from Hawton than as originally proposed.

### **Deed of Variation to S106 Agreement**

The Deed of Variation to the Section 106 Agreement submitted and being discussed as part of this application is predicated on proportionate reductions in contributions to account for the proposed flexibility in density and anticipated lower number of dwellings to be delivered i.e. 2650 dwellings rather than the upper limit of 3150 dwellings. A viability argument is not being put forward and therefore viability is not being reassessed. The proposed alterations to the agreement are being considered solely against the need for developer contributions to be proportionate to the quantum of development being carried out.

### **Highways**

The key change from a Highways perspective is a proposed change to the phasing of the construction of the Southern Link Road (SLR). The Section 106 Agreement currently stipulates that the road commences by occupation of the 500<sup>th</sup> unit from the Western/A46 end of the application site and is carried out in two phases with full completion prior to the occupation of the 1000<sup>th</sup> unit.

The proposal now is for the SLR to be constructed starting from the Eastern/A1 end of the site in 3 phases with full completion by the 1250<sup>th</sup> unit. The Transport Assessment submitted with the application is based on proposed revised triggers for the delivery of the SLR. This has been tested and modelled and the results indicate the road network will be able to cope with the phasing proposed. The revised triggers discussed with the applicant for inclusion within the Deed of Variation to the S106 Agreement are as follows:

Fig. 8

Proposed Phase of SLR	Trigger
Phase 1 from the East (A1 to Bowbridge Road)	By 350 <sup>th</sup> unit and complete by the 600 <sup>th</sup> unit
Phase 2 from the West (A46 to Hawton Road)	By 700 <sup>th</sup> unit and complete by the 1000 <sup>th</sup> unit
Phase 3 completion of the SLR (central link)	By 1000 <sup>th</sup> unit and completion by 1250 <sup>th</sup> unit

### **Affordable Housing Contribution**

When considering the outline application, it was acknowledged that Land South has very significant abnormal construction costs associated with its development as well as an obligation to deliver the £22 Million Southern Link Road.

The Committee report recognised that the development would require significant initial investment and the developer would need to raise substantial early revenue from housing sales to assist in funding the abnormal construction and ongoing infrastructure costs. In recognition of this and of the current economic circumstances it was considered reasonable to minimise the contributions burden in the first phase of the scheme and this was reflected in the terms of the Section 106 Agreement. Nevertheless, Catesby also acknowledged at that time that it may be possible to achieve the Council’s target of 30% affordable housing if economic circumstances improved. It was therefore agreed to incorporate a viability review mechanism in the Section 106 Agreement to enable additional affordable housing to be delivered from an improvement in the housing market.

At the time of writing this report the Council is still discussing with the applicant whether agreement can be reached on an alternative way to secure an appropriate level of affordable housing. However, it is still acknowledged that a reduced contribution during the early part of the scheme will facilitate delivery of the initial infrastructure and the original wording in the Agreement offers this and could potentially be retained for the purposes of the Deed of Variation. In the meantime, if agreement to an alternative approach is not agreed prior to determination of this application, as a reasonable Authority we are prepared (and indeed compelled) to enter into a renegotiation of the S106, following any decision on the current application which would allow for any changes to the mechanism and level of affordable housing later in the development to be based on a detailed assessment of viability.

### **Education**

The existing Section 106 Agreement includes provisions for a 2 form entry Primary School to the Eastern Local Centre and a 1 form entry Primary School to the Western Local Centre and it was anticipated at the time that this would provide sufficient capacity for the number of pupils likely to be generated by a development of 3,150 dwellings.

To take account of the envisaged reduction in the likely number of dwellings to be built (2,650), the applicant has put forward a revised offer of a 1.5 form entry Primary School and a 1 Form Entry Primary School. It is acknowledged by the applicant that this reduced level of school provision would cater for the number of pupils generated by a development of 2,500 units and therefore a payment of £2,406 per unit for development in excess of 2,500 dwellings has been suggested.

The County Council’s proposal is set out under the consultation responses in this report. The level of provision and the figure for a payment to cover the need for classrooms over 2,500 dwellings is not contested. At the time of writing the applicant has confirmed they prefer option 1 set out in the Education comments subject to the following amendments:

- ☐ Primary School 1 Phase 1 – Delete ‘OR within 18 months of commencement of the residential development whichever is the sooner’. This is because the school places should be provided for as and when the residential development is built out.
- ☐ Primary School 1 Phase 2 – Trigger for phase 2 to be 550<sup>th</sup> dwelling.

Delete statement ‘In addition to the above, the County Council will require the applicant to provide for all appropriate furniture/equipment costs.’ As this was not allowed for in the original S106.

Discussions are ongoing and an update on the situation will be provided at the Planning Committee meeting.

### Open Space

The existing developer contributions for open space include provision of facilities, open space maintenance and an off-site sports contribution. The off-site sports contribution is not proposed to change under the Deed of Variation as this is paid per dwelling and in appropriate instalments.

### Facilities

The facilities to be provided would be as per the previous agreement other than 1 LEAP, 1 sports pavilion (to the Eastern Park) and 2 sports pitches. These facilities would only be provided should the development exceed the anticipated 2,650 dwellings and a mechanism is proposed to be inserted into the Section 106 Agreement to ensure these facilities are provided or alternatively that payments be made in lieu of these facilities. This approach is considered reasonable to ensure the sports facilities provided are proportionate to the level of residential development. The table below sets out the facilities to be provided and the proposed triggers:

**Fig.9**

Asset	Phase	Commuted Sum
4 x LEAP	Phase 1 – 1 x LEAP	£50,000
	Phase 2 – 1 x LEAP	£50,000
	Phase 3 – 2 x LEAP	£100,000
2 x NEAP	Phase 3 – 2 x NEAP	£200,000
3 x sports field (football) including space for cricket pitch	Phase 2 – 2 x sports field including space for cricket pitch (part of Western Park)	£180,000
	Phase 1 – 1 x sports field (part of Eastern Park)	£90,000



1 x floodlit multi use games area	Phase 1 (part of Eastern Park)	£160,000
Sports Pavilion with associated changing facilities and parking	Phase 2 – 1 x Sports Pavilion with associated changing facilities and parking	£560,000
1 x bowling green	Phase 2 (part of Western Park)	£80,000
1 x above ground skate park	Phase 1 (part of Eastern Park)	£120,000
1 x LEAP	Beyond 2,650 dwellings – 1 x LEAP	£50,000
2 x sports field (football)	Beyond 2,650 dwellings – 2 x sports field (part of Eastern Park)	£180,000
Sports Pavilion with associated changing facilities and parking	Beyond 2,650 dwellings - 1 x Sports Pavilion with associated changing facilities and parking (part of Eastern Park)	£660,000
<b>TOTAL</b>		<b>£2,480,000</b>

The original application also anticipated allotments being provided within the Western and Eastern Parks although this was not included within the Section 106 Agreement. However, the application has confirmed they would be willing to insert allotments into the facilities to be provided. The scope of this provision within the Deed of Variation is still being discussed at the time of writing and an update will be provided at the Planning Committee meeting.

### Maintenance

The existing Agreement includes provision for maintenance payments totalling £2.475million. Whilst the original Agreement showed the maintenance costs to be distributed across the Western, Eastern and Country Parks, the breakdown of costs was done based on the facilities set out in the above table. The applicant has requested a proportionate reduction to £1,586,793 and this has been confirmed by the Council’s Parks and Amenities team as being the appropriate figure to cover maintenance for the facilities to be provided up to 2,650 dwellings. Again a mechanism would be required to ensure that the remainder of the maintenance contribution would be provided were the development to exceed 2,650 dwellings and a trigger and payment is being discussed as part of the Deed of Variation.

### **Community Facilities**

The existing Agreement contributions towards the provision of Community Halls, one to the eastern part of the site and one to the western part of the site. The applicant proposes that these facilities could be provided within school halls although initial discussions with the County Council’s Education officers has raised issues in respect of the practicalities of this. An alternative approach might be to provide this facility within the Sports Pavilion to the Western park or in an alternative location to be agreed. At the time of writing discussions are ongoing and an update will be provided to Members at Planning Committee.

### **Libraries**

The existing Section 106 Agreement includes a library contribution of £8,131.20 paid on each multiple of 200 units. The applicant has requested a proportionate reduction change to £7,892.92, again paid every 200 dwellings. The Council’s Developer Contributions DPD currently requires a payment of £45.96 per dwelling which equates to £9,192 per dwelling. As part of the discussions on the proposed Deed of Variation consideration is being given to a mechanism to cover any shortfall beyond the anticipated 2,650 dwellings and an update can be provided at Committee.

## **Indexation**

The applicant's draft Deed of Variation includes that developer contribution payments will be based on the Tender Price Index from the date of the Deed of Variation rather than from the date of the original S106 Agreement. Discussions are ongoing as to the likely impact of this and whether it is acceptable in line with the proposals within this Section 73 Application.

## **Conclusion**

The principle of the development in the context of the development plan was established as part of the original outline planning consent. Whilst this proposal seeks to vary that consent, the proposal will still provide a significant contribution to the Council's agenda for sustainable growth in the District. The revised parameters of the proposal will still provide a balanced neighbourhood that is a well integrated extension of the existing community to the south of Newark and commercial uses of a scale proportionate to the development. The proposals provide more scope for the employment uses to cater for market needs. The variations to the proposal will also facilitate the early delivery of a major key element of infrastructure required for the future development of Newark – the SLR.

I am satisfied that there are no material considerations that have been raised that would outweigh the significant weight attaching to the aforementioned development plan policies and accordingly the following recommendation is offered.

## **RECOMMENDATION**

**That the Deputy Chief Executive be given authority to grant planning permission for the proposed variations to the original planning permission subject to the conditions and reasons shown on the attached recommendation sheet and subject to:**

- (a) the satisfactory conclusion of consultation with the Highway Authority and the Environment Agency as well as any other outstanding matters outlined in the Committee Report; and**
- (b) the completion of a Deed of Variation to the existing Section 106 Agreement dated 29<sup>th</sup> November 2011 to the satisfaction of the Deputy Chief Executive.**

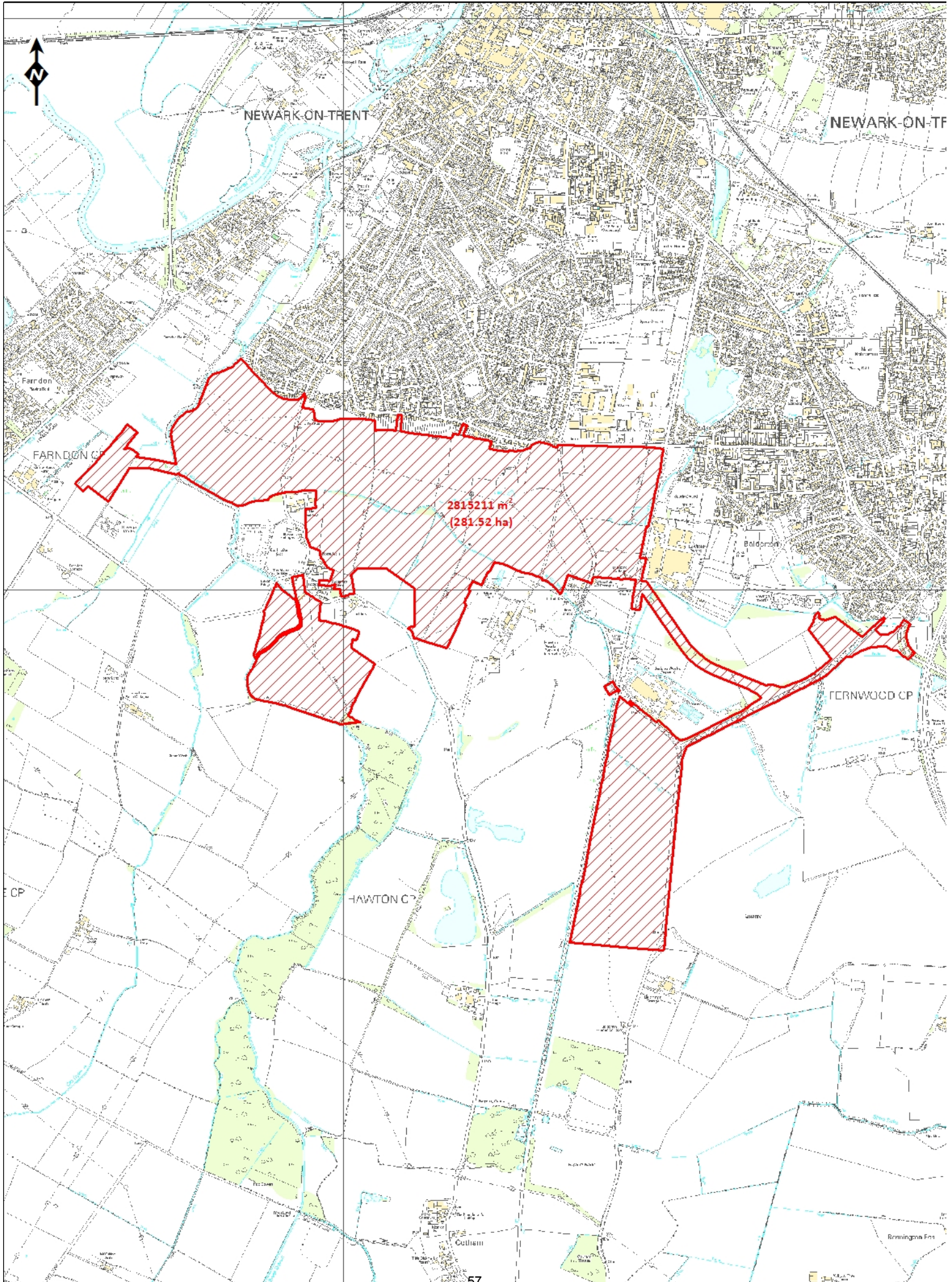
## **Background Papers**

Application case file.

For further information, please contact M Russell on (01636) 655837.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

K.H. Cole  
Deputy Chief Executive





## Appendix A - Recommendation Sheet

<b>Application No:</b>	14/01978/OUTM
<b>Applicant:</b>	Catesby Estates (Residential) Ltd C/O Agent
<b>Agent:</b>	Barton Willmore LLP - Mr Gavin Gallagher Regents House Prince's Gate 4 Homer Road Solihull West Midlands B91 3QQ
<b>Proposal:</b>	Application to vary conditions of Outline planning permission 10/01586/OUTM with means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/crèches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a crèche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.
<b>Site Address:</b>	Land South Of Newark Bowbridge Lane Balderton Nottinghamshire
<b>Recommendation:</b>	<b>That the Deputy Chief Executive be given authority to grant planning permission for the proposed variations to the original planning permission subject to the conditions and reasons shown on the attached recommendation sheet and subject to:</b>  <b>The satisfactory conclusion of consultation with the Highway Authority and the Environment Agency as well as any other outstanding matters outlined in the Committee Report.</b>  <b>The completion of a Deed of Variation to the satisfaction of the Deputy Chief Executive.</b>

### With the Following Conditions/Reasons

#### Conditions

01

The development hereby permitted shall be begun either before the expiration of five years from the date of outline planning permission 10/01586/OUTM dated 29<sup>th</sup> November 2011, or before the

expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

02

No development (excluding works identified as “exempt development” in the Schedule of Definitions attaching to this decision notice or any other “exempted works” agreed in writing by the Local Planning Authority) shall take place until, plans and particulars of the access (excluding the approved access details for the Southern Link Road and associate roundabout junctions including the roundabout on the A46 and the A1, Bowbridge Road, Hawton Road, Grange Road Access West and East), layout, scale and appearance of the building(s) to be erected, and the landscaping (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason:

The application is in outline (with access in part) and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of development assessed in the submitted Environmental Statement and that they accord with the principles detailed in the NPPF, and the Newark and Sherwood Core Strategy Policies SP2, SP5, SP6, SP7, SP8, CP3, CP6, CP8, CP9, CP10, CP12, CP13, CP14, NAP1, NAP2, and NAP4.

03

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of twenty years from the date of the outline planning permission 10/01586/OUTM dated 29<sup>th</sup> November 2011.

Reason:

To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

04

Applications for the approval of the reserved matters shall be in substantial accordance with the principles and parameters described and illustrated in the following plans and documents, unless otherwise agreed in writing with the Local Planning Authority:

Parameter Plans Drawing Numbers:		
3012 rev M	–	Density Plan
3013 rev Q	–	Vehicular Movement
3014 rev V	–	Building Heights Plan
3015–2 rev U	–	Non-vehicular Movement Plan
3016 rev R	–	Open Space Network Plan
3017 rev R	–	Land Use Plan
3018 rev N	–	Proposed Site Levels
3019 rev S	–	AOD Building Heights Plan
3021 rev L	–	Utilities Plan

Newark Future Design and Access Statement Key Principles Cross Reference Document dated December 2014.

Reason:

The application is in outline (with access in part) and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of development assessed in the submitted Environmental Statement and that they accord with the principles detailed in the NPPF and the Newark and Sherwood Core Strategy Policies SP2, SP5, SP6, SP7, SP8, CP3, CP6, CP8, CP9, CP10, CP12, CP13, CP14, NAP1, NAP2, and NAP4.

05

The approved access details for the Southern Link Road and associate roundabout junctions including the roundabout on the A46 and the A1, Bowbridge Lane, Hawton Road, Grange Road Access West and East (and not including the junction with Bowbridge Road, Bowbridge Lane and Hawton Lane for which a reserved matters application will be required) shall be carried out in accordance with the following plans, unless otherwise agreed in writing with the Local Planning Authority:

Access Plans Drawing Numbers:

- 0970/100/01 rev D - Alternative Bridge Elevations (unless otherwise agreed under condition 41 of this consent)
- 0970/D/001 rev C - SLR Proposed Drainage Strategy
- 6704-11-100 rev A - SLR General Arrangement
- 0970/GA/002 rev B - Grange Road Access – West
- 0970/GA/003 rev B - Grange Road Access – East
  
- 0970/GA/005 rev C - Overtaking Details
- 0970/GA/005 rev C - Indicative Proposed Highway Boundary and Maintenance Access Points
- 0970/GA/200 rev C - Roundabout General Arrangement Sheet Location Plan 0970/GA/201
- rev F - A46 Roundabout General Arrangement (Sheet 1 of 7)
- 0970/GA/202 rev D - Hawton Road Roundabout General Arrangement (Sheet 2 of 7)
- 0970/GA/203 rev C - Development Access Roundabout General Arrangement (Sheet 3 of 7)
- 0970-03-100 B - Bowbridge Lane Roundabout General Arrangement (Sheet 4 of 7)
- 0970-07-100 B - SLR/Staple Lane Roundabout General Arrangement (Sheet 5 of 7)
- 70006704 - SK101 A - B6326 Roundabout General Arrangement (Sheet 6 of 7)
- 0970/GA/207 rev C - Staple Lane / Grange Lane / Bowbridge Lane Roundabout General Arrangement (Sheet 7 of 7)
- 0970/RP/001 rev G- Proposed SLR Vertical Alignment Option and Sections Through Lowfield Lane
- 0970/RP/100 rev C - Longitudinal Sections Sheet Location Plan
- 0970/RP/101 rev C - Longitudinal Sections (Sheet 1 f 8)
- 0970/RP/102 rev C - Longitudinal Sections (Sheet 2 f 8)
- 0970/RP/103 rev C - Longitudinal Sections (Sheet 3 f 8)
- 0970/RP/104 rev C - Longitudinal Sections (Sheet 4 f 8)
- 6704-03-720 B -
- 6704-03-721 A -
- 6704-04-720 B -
- 6704-05-720 B -
- 6704-06-720 B -
- 6704-07-720 B -
- 6704-07-721 A -
- 6704-08-720 B -
- 6704-09-720 C -
- 6704-05-721 B - Revised longitudinal Section Drawings including B6326 roundabout longitudinal sections
- 0970/SD/001 rev C- Typical Highway Cross Section
- 0970/SK/001 rev D- AM + PM Commercial Vehicle Flows

Reason:

To ensure that the approved access is carried out in accordance with the approved plans and reflects the scale and nature of development assessed in the submitted Environmental Statement and accords with the principles detailed in the NPPF and the Newark and Sherwood Core Strategy Policies SP6, NAP2A and NAP4.

06

The reserved matters submission for the landscaping for each parcel (as required by condition 2) shall include full details of both hard and soft landscape works for that parcel and a programme for their implementation. Hard landscaping details shall include proposed finished levels of contours as well as surfacing materials for parking areas, pedestrian accesses, circulation areas and street furniture in accordance with the Design Codes referred to in condition 8.

Soft landscaping details shall include proposed contours, planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedule of plants, including species, numbers and densities.

Reason:

To ensure that there is appropriate balance between the built and natural environment to accord with the principles of good urban design and policies, reflect the scale and nature of development assessed in the submitted Environmental Statement and to ensure the proposed contour levels are in accordance with the requirements of the Environment Agency and accords with the objectives set out in the NPPF and the Newark and Sherwood Core Strategy Policies CP12, CP13 and NAP2A.

07

The development shall be implemented substantially in accordance with the Phasing Plan 3022 revision V dated 14 April 2011 or such replacement Phasing Plan. Any replacement Phasing Plan must be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development is delivered in a structured way in accordance with the approved Parameter Plans so as to ensure that services and facilities are provided as and when required by future occupiers, that the development keeps within the parameters applied for in the application and assessed in the Environmental Statement and in accordance with the Newark and Sherwood Core Strategy Policy NAP2A.

08

No development (excluding those "exempted development/works" referred to in Condition 2 and the Employment Land) shall commence within any phase until there has been submitted to and approved in writing by the local planning authority a Design Code and Regulating Plan for the whole site (excluding the Employment Land) that should expand upon the design principles for the proposed development as set out in the approved Design and Access Key Principles Cross Reference Document dated December 2014 Rev S, unless otherwise agreed in writing by the Local Planning Authority. The Design Code and Regulating Plan shall be submitted prior to or concurrently with the submission of the first approval of reserved matters application within that geographical phase.



The aim of the Design Code is to ensure consistency of design approach across all phases of the proposed development in the following three frontage areas:

- The Primary and Central Streets;
- The Greenway; and
- The Promenade.

The Design Code will have the purpose of regulating the approach to the building interface with the public realm, comprising the key frontages to the scheme and setting guiding urban design parameters which should include:

- Building heights;
- House types (e.g. Semi-detached, terraced, townhouse etc);
- Building orientation towards the street in composition - through example imagery illustrating appropriate arrangements of multiple units and variations thereto;
- Setbacks and definition of public private space (particularly important along the Greenway and Promenade areas); and
- The location and definition of any landmark structures.

Public realm coding should be addressed in the Design Code for those areas either enclosed by key frontages (Primary Street or Greenway) or where the public realm is principally addressed by a key frontage (Promenade).

Coding for the public realm should accommodate flexibility of precise material selection but ensure consistency of colour and texture along the entire length of the public realm in these frontage areas, save for definition of additionally defined spaces.

Parameters for public realm design should provide a defined materials palette and address the following for each of the three frontage areas:

- Clarity of material choice for pedestrian movement;
- Definition of material to delineate key spaces;
- Demonstration of an entire palette of acceptable materials and commentary on their complementarity and proposed configurations of combination;
- A generic palette of acceptable street furniture;
- Street trees to be used in defined locations, identifying species to be used in streets, the Greenway and key spaces; and
- Locations for public art.

The above parameters shall be summarised and simplified into a Regulating Plan for the whole site (excluding the Employment Land) that should served to ensure consistency of approach to frontage and the public realm across all development phases.

The content of the Regulating Plan should address:

- Defined areas for the application of the Design Code to Key Frontages;

- Identification of the extent of public realm coded along each key frontage;
- The location of any landmark buildings;
- The location of key spaces or nodes for defined public realm treatment; and
- Defined areas where variation in building setback is required.

Any revisions to the approved Design Code and/or Regulating Plan shall be agreed in writing with the Local Planning Authority.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement including flood risk reduction and mitigation and in accordance with the NPPF, and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.

09

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 2 that includes the Local Centre (west), as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the Local Centre (west) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the Community Buildings; retail/service uses (A1 – A5); care home and dwellings. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to in condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, NAP1 and NAP2A.

010

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 2 that includes the Primary School (west) as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the Primary School (west) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to in condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in

accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP10, NAP1 and NAP2A.

011

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 2 that includes the Western Park as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the “Western Park” has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping; play areas including the NEAP; sports pitches, including football, cricket, bowls; ecology areas. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to in condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.

012

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 1 that includes the Local Centre (east) as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the Local Centre (east) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the Community Buildings; the Primary School and Day Nursery; retail/service uses (A1 – A5); surgery/medical centre; offices and dwellings. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with the NPPF and T25, and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, NAP1 and NAP2A.

013

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 1 that includes the Primary School (east) as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the Primary School (east) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the Primary School and Day Nursery. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to in condition 8) and will set out specific detailed design guidance for the development

component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP10, NAP1 and NAP2A.

014

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 1 that includes the Eastern Park as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the “Eastern Park” has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping; play areas including the Skate Park; football pitch; car park and cycle parking; pedestrian crossing to SLR; ecology areas. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to in Condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.

015

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 3 that includes the Ecological Park as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the “Ecological Park” has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping and ecology areas. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to in condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13, CP14, NAP 1, NAP2A and NAP3.

016

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 3 that includes the Open Space (Internal

Green Spaces) as identified on Phasing Plan 3022 revision V dated 14 April 2011 (or such replacement Phasing Plan) until a “Design Brief” for the “Internal Green Spaces” has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping; play areas (including LEAPs and the NEAP); and ecology areas. The “Design Brief” will be co-ordinated with the Regulating Plan (referred to in condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13, CP14 NAP 1, NAP2A and NAP3.

017

All non residential floorspace (including schools, local centres, employment areas and pavilions) hereby approved shall be designed to achieve a 2008 BREEAM Very Good rating as a minimum. Relevant applications for approval of Reserved Matters shall be accompanied by a BREEAM Report which shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall subsequently be developed in accordance with the approved details.

Reason:

To achieve improved energy conservation and the protection of environmental resources in the interests of sustainability and in accordance with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP10 and NAP2A.

018

No dwelling or building constructed as part of each phase shall be occupied until the means of foul and surface water disposal, including drainage outfalls as appropriate, and reflecting the principles of a sustainable drainage system (SUDs) in accordance with the Outline Sustainable Drainage Strategy Report (dated August 2011) and based on an assessment of the hydrological and hydro-geological context of the development have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority in consultation with the Water Authority and Environment Agency.

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 and in accordance with the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

019

No development (excluding those “exempted development/works” referred to in condition 2) shall take place until details of the implementation, maintenance responsibility and management of the approved Sustainable Drainage Systems (SuDs) scheme have been submitted to and approved by the local planning authority. The SuDs scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, ensure future maintenance of the surface water drainage system and to reduce flood risk caused by piecemeal development, to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the provisions of the NPPF.

020

Prior to commencement of development of any infrastructure works within a phase (as defined by the hatched infrastructure key on drawing no.3022 rev V) or any other works within a parcel or phase located in the floodplain as identified on WSP drawing number 0703-SK-81 rev A (included at Appendix I of the Newark Future Flood Risk Assessment dated August 2011), details of the proposed flood compensation proportionate to the amount of existing floodplain to be lost to the infrastructure works, or parcel or phase of development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The details of the floodplain compensation may be submitted in respect of the associated infrastructure works, by parcel or phase, as appropriate. The floodplain compensation proposed for the associated infrastructure works, particular phase or parcel shall be based on an update to the flood model (up-to-date flood model supplied as part of the approved Newark Flood Risk Assessment dated August 2011) for the infrastructure works, particular parcel or phase and be proportionate to the overall compensation to be provided by the approved development.

Reason:

To prevent flooding elsewhere by ensuring that adequate compensatory storage of flood water is provided and in accordance with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

021

Prior to commencement of development of phase 2 (as identified at Phasing Plan 3022 revision V dated 14 April 2011) of the approved development (excluding the Employment Land), details of the proposed scheme for mitigation of the flood risk to the areas north and west of Hawton, shall be submitted for approval in writing by Local Planning Authority in consultation with the Environment Agency. This scheme shall be in accordance with the paragraph 8.1.27 of the Newark Future Flood Risk Assessment dated August 2011. The proposed mitigation shall be implemented in accordance with the approved details prior to commencement of Phase 3 (as identified at Phasing Plan 3022 revision V dated 14 April 2011).

Reason:

To ensure that the development is designed and implemented to reduce the risk of creating or exacerbating a flooding problem and in accordance with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

022

Prior to the commencement of development on the land at the proposed B6326 Roundabout identified on drawing number 0970/GA/206 Revision C, details of a scheme for the proposed mitigation of flood risk in this location shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The proposed flood compensation scheme shall be implemented in accordance with a strategy of flood reduction to be agreed in writing

with the Local Planning Authority and to a timetable to be agreed that ensures appropriate mitigation is in place to ensure flood risk is not increased by the construction works.

Reason:

To ensure that the development is designed and implemented to reduce the risk of flooding and in accordance with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

023

The proposed site levels shall be in substantial accordance with the proposed contour levels identified in Drawing number 3018 revision N– Proposed Site Levels, unless agreed otherwise in writing by the Local Planning Authority, in consultation with the Environment Agency.

Reason:

To ensure that a comprehensively planned development is designed and to reflect the nature and scale of development assessed in the submitted Environmental Statement and in particular to conform to the Flood Risk Assessment and to accord with the with the NPPF, and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

024

The finished ground floor levels of all buildings within the approved development shall be set no lower than 13.65m above Ordnance Datum, unless otherwise agreed in writing with the Local Planning Authority in consultation with the Environment Agency.

Reason:

To ensure a comprehensively planned development is designed and to reflect the scale and nature of development assessed in the submitted Environmental Statement and in particular to conform to the Flood Risk Assessment and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

025

No development shall take place on the infrastructure works within a phase (as defined by the hatched infrastructure key on drawing no.3022 rev V) or other works within any phase, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies 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 noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. the means of access and routeing for demolition and construction traffic (such access and routing shall minimise the use of those streets north of the application site including Hawton Road, Hawton Lane and Bowbridge Road)
- ix. a construction Travel Plan

- x. management of surface water run-off, including details of a temporary localised flooding management system
- xi. the storage of fuel and chemicals
- xii. the Control of Lighting
- xiii. measures for the Protection of Trees
- xiv. details of pre-commencement surveys and mitigation measures for ecological sensitive areas
- xv. Pre-construction ecological surveys and mitigation measures.

Reason:

To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13 and NAP2A.

026

Demolition and/or construction works shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays; 07:30 to 13:00 Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings and to accord with the objectives of the NPPF.

027

A maximum of 3,000m<sup>2</sup> of gross internal area (GIA) retail floorspace Class A1 use (as defined by the Use Classes Order 1987) shall be provided within the development with no more than 1,800m<sup>2</sup> sales area of Class A1 use floorspace provided in any one unit.

Reason:

To ensure that the scale of retail space provided is commensurate in scale to the proposed development, to ensure that the viability and vitality of Newark Town Centre is not adversely affected, to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP8 and NAP2A.

028

No school building hereby approved shall be opened until a school safety zone is in place which shall include appropriate signing, lining, traffic calming, and parking restrictions.

Reason:

In the interests of highway safety and to accord with the with the objectives of the NPPF and Sherwood Core Strategy Policies SP7 and NAP2A.

029

Prior to the commencement of each phase of development a set of tube counts shall be commissioned and installed (for a minimum two week period) in liaison with the highway authority and be available



for use at strategic locations (including Hawton Road, Grange Road, Bowbridge Road, Staple Lane, Grange Lane, Hawton Lane and the C83 Balderton Lane (South of Brownlows Hill) and C208 (east of Main Street junction) Coddington). The results of the counts should be submitted to and agreed in writing by the Local Planning Authority within 21 days of the counts being completed. Should the Highway Authority request any repeat counts, to coincide with the opening of sections of the Southern Link Road, a timetable for carrying out any such counts shall be prior agreed with the Highway Authority and the results submitted in accordance with the agreed timetable and approved in writing by the Local Planning Authority..

Reason:

In the interests of highway safety and to accord with the with the objectives of national Planning Policy Guidance 13, Newark and Sherwood Local Plan saved policies T24 and Newark and Sherwood Core Strategy Policies SP7 and NAP2A.

030

Prior to occupation of the first building on the employment land as shown on drawing number 3017 revision R (Land Uses Plan), details of a signage scheme for HGV's via trunk roads, the A1 and A46, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details

Reason:

In the interests of Highway Safety and to comply with Policy NAP2A Part B.7 of the Core Strategy.

031

No development shall take place until an Archaeological Management Plan for the development is submitted to and approved by the Local Planning Authority. The Archaeological Management Plan shall expand upon the 'Schedule of Further Archaeological Work Post-Consent' identified at Appendix 10.1 of the ES Addendum Document dated April 2011 which includes Figure 1 – 'Areas Requiring Further Archaeological Work Post-Consent'. Once approved the development shall be implemented in accordance with Archaeological Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant archaeological remains of the site and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP14 and NAP2A.

032

Prior to the commencement of the development on a parcel (including the phased infrastructure works defined on drawing no.3022 rev V) that is known to include a badger sett or Dung Pit (as identified on Drawing Number E2953C\_GR\_EC\_2A included at Appendix 9.2 of the ES dated November 2011), a working design, methods statement and timetable of works to mitigate any adverse effects to badgers, shall be submitted to the Local Planning Authority for approval and the development shall be implemented in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard protected species and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

033

Prior to the commencement of the development on a parcel of land (including the phased infrastructure works defined on drawing no.3022 rev V) that is known to include evidence of water vole occupation (as identified on Drawing Number E2953C\_GR\_EC\_2A included at Appendix 9.2 of the ES dated November 2011), a working design, methods statement and timetable of works to mitigate any adverse effects to water voles shall be submitted to the local planning authority for approval and the development shall be implemented in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard protected species and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

034

To avoid impacts on nesting birds (loss of nests, eggs and young), clearance works should be carried out outside the bird nesting season (defined as the period between March and September), wherever possible. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by an experienced ecologist and confirmed to be clear of nests immediately prior to the destructive works commencing. If an active nest is identified then the area will need to be retained until the young have been deemed by a suitable qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be removed.

Reason:

To safeguard protected species and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

035

No development shall take place in each parcel of development (including the phased infrastructure works defined on drawing no.3022 rev V) known to include protected species as identified in the ES dated November 2010 and ES Addendum dated April 2011 before the updated Ecological Site Surveys for the relevant species in each particular parcel of the development has been submitted to and agreed in writing by the Local Planning Authority.

Reason:

To safeguard protected species and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

036

No development shall take place in a parcel of development (including the phased infrastructure works defined on drawing no.3022 rev V) known to include protected species (as identified in the ES dated November 2010 and ES Addendum dated April 2011) before a detailed Habitat Creation Plan, for the respective parcel or phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The Habitat Creation Plan may form part of the Construction Environmental Management Plan (identified at condition 26 above). The Habitat Creation Plan shall include details of the following, as appropriate:

- i. The location and extent of all new habitats

- ii. Species mixes and establishment methods for all new areas of habitat to include those listed within the ES Addendum Ecology Appendix 9.3, and to include areas of low-nutrient, calcareous grassland to benefit the grizzled skipper butterfly and other features such as ponds
- iii. Specific mitigation details for:
  - a. Hawton House Pond SINC (including measures to reduce disturbance and predation impacts)
  - b. River Devon (North of Cotham) SINC
  - c. Balderton Dismantled Railway South SINC (where the Sustrans route is crossed by the SLR)
  - d. Staple Lane Ditch SINC
  - e. Lowfield Grassland, Balderton SINC
  - f. Hawton Tip Grassland SINC
- iv. The enhancement of retained habitats such as woodland W1 and the Middle Beck
- v. How public access will be controlled to limit disturbance to wildlife
- vi. The creation of artificial hibernaculae for reptiles and artificial holts for otters
- vii. Opportunities to enhance the proposed drainage feature at the east on Staple Lane to benefit biodiversity.

Reason:

To safeguard protected species and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

037

No development shall take place in a parcel of development (including the phased infrastructure works defined on drawing no.3022 rev V) known to include protected species (as identified in the ES dated November 2010 and ES Addendum dated April 2011) before the a detailed Habitat Management Plan for the respective parcel or phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The detailed Habitat Management Plan is required to guide ongoing management of the retained and created habitats.

Reason:

To safeguard protected species and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

038

Unless otherwise agreed in writing 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 within each parcel of the approved development (including the phased infrastructure works defined on drawing no.3022 rev V) 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 Contamination

An investigation and risk assessment, in addition to any assessment provided with the outline 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 by 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,
  - groundwaters 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 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 justification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification 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 and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

039

Nothing other than strictly uncontaminated, inert material shall be imported and deposited on site. An Environmental Permit or exemption maybe required for this activity.

Reason:

To protect groundwater quality in the area and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

040

Details of the specifications for the acoustic fence/barrier indicated on WSP drawing no. 0970/RP/001 rev F, together with a proposed planting scheme, and timescale for implementation, shall be submitted to and agreed in writing by the local planning authority, prior to the commencement of construction works on the section of the Southern Link Road delineated on the aforementioned plan.

Reason:

In the interests of safeguarding residential amenity and to accord with the objectives of the NPPF.

041

The approved access comprising the section of the Southern Link Road that crosses the River Devon floodplain shall be carried out in accordance with drawing number 0970/100/01 rev D unless otherwise agreed in writing with the Local Planning Authority in consultation with the Environment Agency.

Prior to the commencement of the section of the Southern Link Road that crosses the River Devon Flood Plain, any scheme to provide an alternative to the proposed bridge crossing the floodplain to the River Devon, including option 2 referred to in the Flood Risk Assessment Addendum dated December 2014, must be first submitted to and approved in writing by the LPA in consultation with the EA. Any scheme to provide an alternative crossing must include the design, phasing and long-term maintenance solution for the bridge structure, ecological mitigation and the off-site flood defence component of the structure. Once approved in writing the section of the Southern Link Road that crosses the River Devon Floodplain shall be completed and maintained in accordance with the approved details.

#### Schedule of Definitions

“Exempted development” comprise the following:

Any archaeological works or ancillary archaeological works, survey of existing structures, demolition, site clearance, site preparation, site reclamation, site remediation works, preliminary landscaping, service diversions or decommissioning, laying of services, the erection of fences or hoardings and scaffolding, site or soil investigations, ground modelling and other works of site establishment preparatory to the commencement of construction including temporary and/or permanent extinguishment and closure of public rights affecting the Site and works associated with the construction of the Southern Link Road and operations permitted by the Town and Country Planning (General Permitted Development) Order 1995.

“Parcel”

Means an area of development within a phase, there is no minimum amount of development in a particular parcel to provide a basis for reserved matters submissions.

“Phase”

Means phases 1 to 3 as identified on drawing number 3022 rev V – Phasing Plan, dated 14/04/2011, or any future revision thereof. It is envisaged that each phase will be delivered as ‘parcels’ of development which may vary in amount.

### **Note to Applicant**

01

Any development, tree planting, fence erecting or landscaping located within 9 metres of the top of the bank of any watercourses maintained by the Newark Area Internal Drainage Board, will require prior consent of the Board and such consent should not be unreasonably withheld. In addition, culverting, piping, bridging or discharges to these watercourses will require the Boards prior consent.

02

Separate Consent is required to be granted by the Secretary of State for Defence under Section 16 of the Land Powers (Defence) Act 1958 for any development, temporary roads/tracks, permanent roads or changes to ground levels within 3.05 metres of the Government Oil Pipeline. The Government Oil Pipeline is situated in the general area of Staple Lane and Grange Lane.

03

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

The Advanced Payments Code in the Highways Act 1980 applies and 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, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

04

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 Dave Albans on telephone number 01623 520735.

05

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.

06

Reasons for granting planning permission

The application has been considered in the context of the development plan in the first instance, specifically the following adopted policies contained within the Core Strategy which identify the application site as a strategic allocation for the delivery of housing and employment and to which the Council attaches significant weight.

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 5 – Delivering Strategic Sites  
Spatial Policy 6 - Infrastructure for Growth  
Spatial Policy 7 – Sustainable Transport  
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities  
Core Policy 1 - Affordable Housing Provision  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 8 – Retail Hierarchy  
Core Policy 9 - Sustainable Design  
Core Policy 10 - Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
Area Policy NAP 1 – Newark Urban Area  
Area Policy NAP 2A – Land South of Newark  
Area Policy NAP 4 – Newark Southern Link Road

The proposal will provide a significant contribution to the Council’s agenda for sustainable growth in the District. It will provide a balanced neighbourhood that is a well integrated extension of the existing community to the south of Newark.

A range of sustainable transport measures, education, and community facilities together with a range of formal and informal open space will be provided.

The development will include a mix of dwelling types and tenures with a level of affordable housing appropriate to the site taking into account the viability issues involved.

The proposal will also deliver a major key element of infrastructure required for the future development of Newark – the SLR.

The commercial uses are of a scale proportionate to the development they serve and will not adversely impact the viability and vitality of the town centre.

Sustainability in terms of the design and layout, minimizing energy and non-recyclable waste, using renewable energy sources together with a SUDs drainage system are commendable features of the submission.

Matters such as heritage assets, nature conservation, land contamination, landscape, highways and flood risk have all been considered and are either satisfactory or capable of being satisfied by the imposition of conditions requiring submissions at the reserved matters stage.

Impacts on residential amenity and highway safety are considered within the report to the extent where it is concluded that the impacts would not be so significant as to warrant a refusal of planning permission.

Consequently, the Council considers that there are no material considerations that have been raised that would outweigh the significant weight attaching to the aforementioned development plan policies.

You attention is drawn to the attached advice of Natural England.

08

The Emergency Planner recommends that where commercial properties are being built that Business Continuity Plans are implemented. The developer is encouraged to consider use of the EA flood alerts and household flood plans.

The Emergency Planner stressed the following key aspects of the emergency planning guidance:

- 1) The development must not increase the burden on Emergency Services.
- 2) The development must have access and egress routes that allow residents to evacuate during a flooding incident.

09

The parameters for the proposed Sustrans bridge indicate the bridge will sit slightly outside the application site relating to planning application 14/01978/OUTM. This permission is without prejudice to the consideration of the detailed design of this bridge which will need to be considered and determined as part of a full planning application.

#### **Discharge of Conditions**

**Please note the Discharge of Condition will now incur a fee of £28.00 for householder applications (per submission) and £97.00 all other category applications (per submission). The service normally has 8 weeks to respond to each request from date of receipt.**

A copy of the decision notice and the officer/committee report are available to view on the Council's website.



**Appendix B - Recommendation Sheet – Tracked changes version**

**Application No:** 14/01978/OUTM

**Applicant:** Catesby Estates (Residential) Ltd  
C/O Agent

**Agent:** Barton Willmore LLP - Mr Gavin Gallagher  
Regents House  
Prince's Gate  
4 Homer Road  
Solihull  
West Midlands B91 3QQ

**Proposal:** Application to vary conditions of Outline planning permission 10/01586/OUTM with means of access (in part) for development comprising demolition of existing buildings and the construction of up to 3,150 dwellings (Class 3); two local centres including retail and commercial premises (Classes A1 to A5), a 60 bed care home (Class 2), 2 primary schools, day nurseries/crèches, multi use community buildings including a medical centre (Class D1); a mixed use commercial estate of up to 50 hectares comprising employment uses (Class B1, B2 and B8) and a crèche (Class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure; and all enabling and ancillary works.

**Site Address:** Land South Of Newark Bowbridge Lane Balderton Nottinghamshire

**Recommendation:** That the Deputy Chief Executive be given authority to grant planning permission for the proposed variations to the original planning permission subject to the conditions and reasons shown on the attached recommendation sheet and subject to:

The satisfactory conclusion of consultation with the Highway Authority and the Environment Agency as well as any other outstanding matters outlined in the Committee Report.

The completion of a Deed of Variation to the satisfaction of the Deputy Chief Executive.

**With the Following Conditions/Reasons**

**Conditions**

01

The development hereby permitted shall be begun either before the expiration of five years from the date of [this permission/outline planning permission 10/01586/OUTM dated 29<sup>th</sup> November 2011](#), or

before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

02

No development (excluding works identified as “exempt development” in the Schedule of Definitions attaching to this decision notice or any other “exempted works” agreed in writing by the Local Planning Authority) shall take place until, plans and particulars of the access (excluding the approved access details for the Southern Link Road and associate roundabout junctions including the roundabout on the A46 and the A1, Bowbridge Road, Hawton Road, Grange Road Access West and East), layout, scale and appearance of the building(s) to be erected, and the landscaping (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason:

The application is in outline (with access in part) and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of development assessed in the submitted Environmental Statement and that they accord with the principles detailed in [national Planning Policy Statements 1, 3, 4, 5, 9, and 25](#), [national Planning Policy Guidance 13 and 17](#) the NPPF, the Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, H21, E25, NE8, NE13, NE14, NE17, T14, T15, T18 T24 and T25 and the Newark and Sherwood Core Strategy Policies SP2, SP5, SP6, SP7, SP8, CP3, CP6, CP8, CP9, CP10, CP12, CP13, CP14, NAP1, NAP2, and NAP4.

03

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of twenty years from the date of [this permission](#) [the outline planning permission 10/01586/OUTM dated 29<sup>th</sup> November 2011](#).

Reason:

To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

04

Applications for the approval of the reserved matters shall be in substantial accordance with the principles and parameters described and illustrated in the following plans and documents, unless otherwise agreed in writing with the Local Planning Authority:

Parameter Plans Drawing Numbers:

3012 rev <del>K-L</del>	–	Density Plan
3013 rev <del>L-P-Q</del>	–	Vehicular Movement
3014 rev <del>N-U-V</del>	–	Building Heights Plan
3015–2 rev <del>P-T-U</del>	–	Non-vehicular Movement Plan
3016 rev <del>M-P-Q-R</del>	–	Open Space Network Plan
3017 rev <del>L-Q-R</del>	–	Land Use Plan
3018 rev <del>K-M-N</del>	–	Proposed Site Levels
3019 rev <del>L-R-S</del>	–	AOD Building Heights Plan
3021 rev <del>G-K-L</del>	–	Utilities Plan

Newark Future Design and Access Statement Key Principles Cross Reference Document dated ~~August 2014~~ ~~November~~ December 2014.

Reason:

The application is in outline (with access in part) and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of development assessed in the submitted Environmental Statement and that they accord with the principles detailed in ~~national Planning Policy Statements 1, 3, 4, 5, 9 and 25, national Planning Policy Guidance 13 and 17, the Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, H21, E25, NE8, NE13, NE14, NE17, T14, T15, T18, T24 and T25~~ the NPPF and the Newark and Sherwood Core Strategy Policies SP2, SP5, SP6, SP7, SP8, CP3, CP6, CP8, CP9, CP10, CP12, CP13, CP14, NAP1, NAP2, and NAP4.

05

The approved access details for the Southern Link Road and associate roundabout junctions including the roundabout on the A46 and the A1, Bowbridge Lane, Hawton Road, Grange Road Access West and East (and not including the junction with Bowbridge Road, Bowbridge Lane and Hawton Lane for which a reserved matters application will be required) shall be carried out in accordance with the following plans, unless otherwise agreed in writing with the Local Planning Authority:

Access Plans Drawing Numbers:

~~0970/100/01 rev D~~ - Alternative Bridge Elevations (unless otherwise agreed under condition 41 of this consent)  
~~0970/D/001 rev C~~ ~~0970/D/001 rev B~~ - SLR Proposed Drainage Strategy  
~~0970/GA/001 rev C~~ ~~0970/GA/001 rev A~~ - SLR General Arrangement  
0970/GA/002 rev B - Grange Road Access – West  
0970/GA/003 rev B - Grange Road Access – East  
~~0970/GA/004 rev C~~ Sustrans Underpass Layout  
~~0970/GA/005 rev C~~ ~~0970/GA/005 rev B~~ - Overtaking Details  
~~0970/GA/005 rev C~~ ~~0970/GA/006 rev A~~ - Indicative Proposed Highway Boundary and Maintenance Access Points  
~~0970/GA/200 rev C~~ ~~0970/GA/200 rev B~~ - Roundabout General Arrangement Sheet Location Plan  
0970/GA/201 rev F - A46 Roundabout General Arrangement (Sheet 1 of 7)  
0970/GA/202 rev D - Hawton Road Roundabout General Arrangement (Sheet 2 of 7)  
0970/GA/203 rev C - Development Access Roundabout General Arrangement (Sheet 3 of 7)  
~~0970-03-100 B~~ ~~0970/GA/204 rev C~~ - Bowbridge Lane Roundabout General Arrangement (Sheet 4 of 7)  
~~0970-07-100 B~~ ~~0970/GA/205 rev D~~ - SLR/Staple Lane Roundabout General Arrangement (Sheet 5 of 7)  
~~006704 - SK101 A~~ ~~0970/GA/206 rev D~~ - B6326 Roundabout General Arrangement (Sheet 6 of 7)  
0970/GA/207 rev C - Staple Lane / Grange Lane / Bowbridge Lane Roundabout General Arrangement (Sheet 7 of 7)  
~~0970/RP/001 rev G~~ ~~0970/RP/001 rev F~~ - Proposed SLR Vertical Alignment Option and Sections Through Lowfield Lane  
~~0970/RP/100 rev C~~ ~~0970/RP/100 rev B~~ - Longitudinal Sections Sheet Location Plan  
0970/RP/101 rev C - Longitudinal Sections (Sheet 1 f 8)  
0970/RP/102 rev C - Longitudinal Sections (Sheet 2 f 8)  
0970/RP/103 rev C - Longitudinal Sections (Sheet 3 f 8)  
0970/RP/104 rev C - Longitudinal Sections (Sheet 4 f 8)  
6704-03-720 B  
6704-03-721 A

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[6704-04-720 B](#)  
[6704-05-720 B](#)  
[6704-06-720 B](#)  
[6704-07-720 B](#)  
[6704-07-721 A](#)  
[6704-08-720 B](#)  
[6704-09-720 C](#)  
[6704-05-721 B](#)

~~0970/RP/105 rev C~~ - Longitudinal Section Drawings including B6326 roundabout longitudinal sections (Sheet 5 f 8)  
~~0970/RP/106 rev C~~ - Longitudinal Sections (Sheet 6 f 8)  
~~0970/RP/107 rev C~~ - Longitudinal Sections (Sheet 7 f 8)  
~~0970/RP/108 rev A~~ - Longitudinal Sections (Sheet 8 f 8)  
~~0970/RP/206 rev B~~ - B6326 roundabout longitudinal Sections  
~~0970/SD/001 rev C~~ - Typical Highway Cross Section  
~~0970/SK/001 rev D~~  
~~0970/SK/001 rev C~~ - AM + PM Commercial Vehicle Flows  
~~0970/SK/002 rev B~~  
~~0970/SK/002 rev A~~ - Existing Road Network Stopping Up & Prohibition of Driving

Reason:

To ensure that the approved access is carried out in accordance with the approved plans and reflects the scale and nature of development assessed in the submitted Environmental Statement and accords with the principles detailed in [national Planning Policy Guidance 13, the Newark and Sherwood Local Plan saved policies T18 and T24 the NPPF](#) and the Newark and Sherwood Core Strategy Policies SP6, NAP2A and NAP4.

06

The reserved matters submission for the landscaping for each parcel (as required by condition 2) shall include full details of both hard and soft landscape works for that parcel and a programme for their implementation. Hard landscaping details shall include proposed finished levels of contours as well as surfacing materials for parking areas, pedestrian accesses, circulation areas and street furniture in accordance with the Design Codes referred to in condition [98](#).

Soft landscaping details shall include proposed contours, planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedule of plants, including species, numbers and densities.

Reason:

To ensure that there is appropriate balance between the built and natural environment to accord with the principles of good urban design and policies, reflect the scale and nature of development assessed in the submitted Environmental Statement and to ensure the proposed contour levels are in accordance with the requirements of the Environment Agency and accords with the objectives set out in [national Planning Policy Statements 1, 3, 5, 9 and 25, the Newark and Sherwood Local Plan saved policies DD1, DD2, DD4, NE8 and NE21, the NPPF](#) and the Newark and Sherwood Core Strategy Policies CP12, CP13 and NAP2A.

07

The development shall be implemented substantially in accordance with the Phasing Plan 3022 revision ~~M-UV~~ dated 14 April 2011 ~~November 2014~~ or such replacement Phasing Plan. Any replacement Phasing Plan must be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development is delivered in a structured way in accordance with the approved Parameter Plans so as to ensure that services and facilities are provided as and when required by future occupiers, that the development keeps within the parameters applied for in the application and assessed in the Environmental Statement and in accordance with the Newark and Sherwood Core Strategy Policy NAP2A.

~~08~~

~~Prior to commencement of development in phases 1, 2, 3 and 4 (excluding those “exempted development/works” referred to in condition 2) and if the Southern Link Road has not been constructed in its entirety and open for public use, an update (addendum) to the Transport Assessment shall be undertaken to establish the need for and timing of the delivery of the required works necessary to mitigate the impact, if any, of that Phase. This/these Transport Assessment (addendum) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the relevant Highway Authorities. The identified works shall be implemented in accordance with the agreed details prior to the commencement of that phase, unless otherwise agreed in writing by the LPA in consultation with the Highway Authorities.~~

~~Reason:~~

~~In the interest of highway safety, sustainable travel, and highway capacity and to accord with the objectives of national Planning Policy Guidance 13, Newark and Sherwood Local Plan saved policy T24 and Newark and Sherwood Core Strategy Policies SP7 and NAP2A.~~

~~09~~

~~No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall commence within any phase until there has been submitted to and approved in writing by the local planning authority an Area Master Plan and Design Code for the phase in question. The Area Master Plan and Design Code shall be submitted prior to or concurrent with the submission of the first approval of reserved matters application within that geographical phase and shall be generally in accordance with the Design and Access Statement Key Principles Cross Reference Document unless otherwise agreed in writing by the Local Planning Authority.~~

~~Reason:~~

~~To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with national Planning Policy Statements 1, 3, 4, 5, 9 and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, NE8, T14, T15, T18, T24, T25, R1, R4, R5 and R6, and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.~~

~~010~~

~~The Area Master Plans (referred to in condition 9) shall address the following:~~

- ~~i. Land disposition.~~
- ~~ii. Access.~~
- ~~iii. Movement corridors (including principal roads, public transport corridors, greenway).~~
- ~~iv. Key infrastructure (including SUDs, flood mitigation, significant utility provision/decommissioning).~~
- ~~v. Landscape corridors.~~
- ~~vi. Provision of wildlife habitat within the phase.~~

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Reason:

~~To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environment Statement and in accordance with national Planning Policy Statements 1, 3, 4, 5, 9 and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, NE8, T14, T15, T18, T24, T25, R1, R4, R5 and R6, and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.~~

011

~~The Design Codes (referred to in condition 9) shall address the following:-~~

- ~~i. Character Areas within the particular phase.~~
- ~~ii. Development block types and principles.~~
- ~~iii. Building types and uses.~~
- ~~iv. Provision of wildlife habitat within the phase.~~
- ~~v. Security principles.~~
- ~~vi. Feature Spaces (including squares, parks and equipped areas for play).~~
- ~~vii. Street Types and Functions.~~
- ~~viii. The principal dimensions of streets and boundary treatments including sight lines (visibility splays).~~
- ~~ix. Junctions and types of traffic calming.~~
- ~~x. Treatment of major junctions, bridges and public transport links including the greenway.~~
- ~~xi. Location and standards for on and off street parking, including cycle parking car parks and parking courts, and related specifications.~~
- ~~xii. Street lighting specifications and locations including lighting of public outdoor spaces.~~
- ~~xiii. Street furniture specifications and locations.~~
- ~~xiv. Pedestrian and cycle links including appropriate crossing facilities between all existing and proposed infrastructure.~~
- ~~xv. Bus penetration within each phase, in accordance with the principles set out in the Public Transport Strategy.~~
- ~~xvi. Specifications of hard landscaping materials and soft landscaping species including location of trees and planting adjacent the highway, and their long term maintenance arrangements.~~
- ~~xvii. Drainage and rainwater run-off systems including SUDS.~~
- ~~xviii. Details of flood compensation proportionate to the phase which is based on a flood model for that phase and is also proportionate to the overall development.~~
- ~~xix. Routing and details of public utilities.~~
- ~~xx. Arrangements for maintenance and servicing including recycling and refuse collection/bin storage.~~
- ~~xxi. A mechanism for periodic review and if necessary revision of the Design Code.~~

08

~~No development (excluding those "exempted development/works" referred to in Condition 2 and the Employment Land) shall commence within any phase until there has been submitted to and approved in writing by the local planning authority a Design Code and Regulating Plan for the whole site (excluding the Employment Land) that should expand upon the design principles for the proposed development as set out in the approved Design and Access Key Principles Cross Reference Document dated ~~October~~December 2014 Rev S, unless otherwise agreed in writing by the Local Planning Authority. The Design Code and Regulating Plan shall be submitted prior to or concurrently with the submission of the first approval of reserved matters application within that geographical phase.~~

~~The aim of the Design Code is to ensure consistency of design approach across all phases of the proposed development in the following three frontage areas:~~

- [The Primary and Central Streets;](#)
- [The Greenway; and](#)
- [The Promenade.](#)

[The Design Code will have the purpose of regulating the approach to the building interface with the public realm, comprising the key frontages to the scheme and setting guiding urban design parameters which should include:](#)

- [Building heights;](#)
- [House types \(e.g. Semi-detached, terraced, townhouse etc\);](#)
- [Building orientation towards the street in composition - through example imagery illustrating appropriate arrangements of multiple units and variations thereto;](#)
- [Setbacks and definition of public private space \(particularly important along the Greenway and Promenade areas\); and](#)
- [The location and definition of any landmark structures.](#)

[Public realm coding should be addressed in the Design Code for those areas either enclosed by key frontages \(Primary Street or Greenway\) or where the public realm is principally addressed by a key frontage \(Promenade\).](#)

[Coding for the public realm should accommodate flexibility of precise material selection but ensure consistency of colour and texture along the entire length of the public realm in these frontage areas, save for definition of additionally defined spaces.](#)

[Parameters for public realm design should provide a defined materials palette and address the following for each of the three frontage areas:](#)

- [Clarity of material choice for pedestrian movement;](#)
- [Definition of material to delineate key spaces;](#)
- [Demonstration of an entire palette of acceptable materials and commentary on their complementarity and proposed configurations of combination;](#)
- [A generic palette of acceptable street furniture;](#)
- [Street trees to be used in defined locations, identifying species to be used in streets, the Greenway and key spaces; and](#)
- [Locations for public art.](#)

[The above parameters shall be summarised and simplified into a Regulating Plan for the whole site \(excluding the Employment Land\) that should served to ensure consistency of approach to frontage and the public realm across all development phases.](#)

[The content of the Regulating Plan should address:](#)

- [Defined areas for the application of the Design Code to Key Frontages;](#)
- [Identification of the extent of public realm coded along each key frontage;](#)
- [The location of any landmark buildings;](#)
- [The location of key spaces or nodes for defined public realm treatment; and](#)

- [Defined areas where variation in building setback is required.](#)

[Any revisions to the approved Design Code and/or Regulating Plan shall be agreed in writing with the Local Planning Authority.](#)

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement including flood risk reduction and mitigation and in accordance with [national Planning Policy Statements 1, 3, 4, 5, 9 and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, NE8, T14, T15, T18, T24, T25, R1, R4, R5 and R6](#) the NPPF, and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.

~~01201009~~

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase ~~1-2~~ that includes the Local Centre (west), as identified on Phasing Plan 3022 revision ~~M-T-U-V~~ dated 14 April 2011 ~~November 2014~~ (or such replacement Phasing Plan) until a “Design Brief” for the Local Centre (west) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the Community Buildings; retail/service uses (A1 – A5); care home and dwellings. The “Design Brief” will be co-ordinated with the ~~Area Master Plans~~ [Regulating Plan](#) (referred to in conditions ~~8-9 and 10~~) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with [national Planning Policy Statements 1, 3, 4, and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, T14, T15, T18, T24 and T25](#), the NPPF and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, NAP1 and NAP2A.

~~01201011~~

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase ~~1-2~~ that includes the Primary School (west) as identified on Phasing Plan 3022 revision ~~M-UV~~ dated 14 April 2011 ~~November 2014~~ (or such replacement Phasing Plan) until a “Design Brief” for the Primary School (west) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” will be co-ordinated with the ~~Area Master Plans~~ [Regulating Plan](#) (referred to in ~~conditions 9 and 10~~ [condition 8](#)) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the

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scale and nature of development assessed in the submitted Environmental Statement and in accordance with [national Planning Policy Statements 1, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, T24 and T25, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP9, CP10, NAP1 and NAP2A.

~~0140112~~

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase ~~2-1-2~~ that includes the Western Park as identified on Phasing Plan 3022 revision ~~M dated 14 April 2011 UV dated November 2014~~ ~~14 April 2011~~ (or such replacement Phasing Plan) until a “Design Brief” for the “Western Park” has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping; play areas including the NEAP; sports pitches, including football, cricket, bowls; ecology areas. The “Design Brief” will be co-ordinated with the [Area Master Plans Regulating Plan](#) (referred to in ~~conditions 9 and 10~~ [condition 8](#)) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with [national Planning Policy Statements 1, 9 and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, NE8, T14, T15, T18, T24, T25, R1, R4, R5 and R6, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.

~~0150123~~

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase ~~3-1~~ that includes the Local Centre (east) as identified on Phasing Plan 3022 revision ~~M UV dated 14 April 2011 November 2014~~ (or such replacement Phasing Plan) until a “Design Brief” for the Local Centre (east) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the Community Buildings; the Primary School and Day Nursery; retail/service uses (A1 – A5); surgery/medical centre; offices and dwellings. The “Design Brief” will be co-ordinated with the [Area Master Plans Regulating Plan](#) (referred to in ~~conditions 9 and 10~~ [condition 8](#)) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with [national Planning Policy Statements 1, 3, 4, and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, T14, T15, T18, T24, the NPPF](#) and T25, and Newark and Sherwood Core Strategy Policies CP3, CP9, CP10, NAP1 and NAP2A.

~~0150134~~

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase ~~3-1~~ that includes the Primary School (east) as identified on Phasing Plan 3022 revision ~~M UV dated 14 April 2011 November 2014~~ (or such

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replacement Phasing Plan) until a “Design Brief” for the Primary School (east) has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the Primary School and Day Nursery. The “Design Brief” will be co-ordinated with the [Area Master Plans Regulating Plan](#) (referred to in [conditions 9 and 10 condition 8](#)) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with [national Planning Policy Statements 1, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, T24, and T25](#) the NPPF, and Newark and Sherwood Core Strategy Policies CP9, CP10, NAP1 and NAP2A.

~~0170145~~

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase ~~3-1~~ that includes the Eastern Park as identified on Phasing Plan 3022 revision ~~M-UV~~ dated 14 April 2011 ~~November 2014~~ (or such replacement Phasing Plan) until a “Design Brief” for the “Eastern Park” has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping; play areas including the Skate Park; ~~sports pitches, including football pitch and the MUGA with appropriate flood lighting and incorporating 3 separate tennis courts, plus line markings for 1 basketball court and 1 netball court; sports pavilion;~~ car park and cycle parking; pedestrian crossing to SLR; ecology areas. The “Design Brief” will be co-ordinated with the [Area Master Plans Regulating Plan](#) (referred to in [conditions 9 and 10 condition 8](#)) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with [national Planning Policy Statements 1, 9 and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, NE8, T14, T15, T18, T24, T25, R1, R4, R5 and R6, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP9, CP10, CP12, CP13, NAP1, NAP2A and NAP3.

~~0180156~~

No development (excluding those “exempted development/works” referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase 3 that includes the Ecological Park as identified on Phasing Plan 3022 revision ~~M-UV~~ dated 14 April 2011 ~~November 2014~~ (or such replacement Phasing Plan) until a “Design Brief” for the “Ecological Park” has been submitted to and approved in writing by the Local Planning Authority. The “Design Brief” shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping and ecology areas. The “Design Brief” will be co-ordinated with the [Area Master Plans Regulating Plan](#) (referred to in [conditions 9 and 10 condition 8](#)) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

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Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with ~~national Planning Policy Statements 1, 9 and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, NE8, NE15, NE16, NE21, T14, T18, T24, T25, R1, R5 and R6, the NPPF~~ and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13, CP14, NAP 1, NAP2A and NAP3.

~~0190167~~

No development (excluding those "exempted development/works" referred to in condition 2 and the Employment Land) shall take place within the parcel of Phase ~~4-3~~ that includes the Open Space (Internal Green Spaces) as identified on Phasing Plan 3022 revision ~~M-UV~~ dated 14 April 2011 ~~November 2014~~ (or such replacement Phasing Plan) until a "Design Brief" for the "Internal Green Spaces" has been submitted to and approved in writing by the Local Planning Authority. The "Design Brief" shall set out detailed design guidance in respect of the formal and informal aspects of the area including hard and soft landscaping; play areas (including LEAPs and the NEAP); and ecology areas. The "Design Brief" will be co-ordinated with the ~~Area Master Plans~~ Regulating Plan (referred to in ~~conditions 9 and 10~~ condition 8) and will set out specific detailed design guidance for the development component, including where necessary a description of the constituent elements, layout, architectural and public realm treatment.

Reason:

To ensure high standards of urban design and a comprehensively planned development is designed and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development assessed in the submitted Environmental Statement and in accordance with ~~national Planning Policy Statements 1, 9 and 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD3, DD4, DD5, NE8, NE15, NE16, NE21, T14, T18, T24, T25, R1, R5 and R6, the NPPF~~ and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13, CP14 NAP 1, NAP2A and NAP3.

~~020~~

~~Each dwelling proposed as part of the reserved matter submission shall be designed to achieve at least Level 3 Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the Code Level has been achieved.~~

~~Reason:~~

~~To achieve improved energy conservation and the protection of environmental resources in the interests of sustainability and in accordance with the objectives of national Planning Policy Statement 22, Newark and Sherwood Local Plan saved policies DD5, and Newark and Sherwood Core Strategy Policies CP9, CP10 and NAP2A.~~

~~0210178~~

All non residential floorspace (including schools, local centres, employment areas and pavilions) hereby approved shall be designed to achieve a 2008 BREEAM Very Good rating as a minimum. Relevant applications for approval of Reserved Matters shall be accompanied by a BREEAM Report which shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall subsequently be developed in accordance with the approved details.

Reason:

To achieve improved energy conservation and the protection of environmental resources in the interests of sustainability and in accordance with the objectives of [national Planning Policy Statement 22](#), ~~Newark and Sherwood Local Plan saved policies DD5~~, the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP10 and NAP2A.

~~0240189~~

No dwelling or building constructed as part of each phase shall be occupied until the means of foul and surface water disposal, including drainage outfalls as appropriate, and reflecting the principles of a sustainable drainage system (SUDs) in accordance with the Outline Sustainable Drainage Strategy Report (dated August 2011) and based on an assessment of the hydrological and hydro-geological context of the development have been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority in consultation with the Water Authority and Environment Agency.

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 and in accordance with [national Planning Policy Statement 25](#), ~~Newark and Sherwood Local Plan saved policies PU2 and PUG~~, the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~02401920~~

No development (excluding those "exempted development/works" referred to in condition 2) shall take place until details of the implementation, maintenance responsibility and management of the approved Sustainable Drainage Systems (SuDs) scheme have been submitted to and approved by the local planning authority. The SuDs scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, ensure future maintenance of the surface water drainage system and to reduce flood risk caused by piecemeal development, to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the provisions of [national Planning Policy Statement 25](#) the NPPF.

~~0240201~~

Prior to commencement of development of any infrastructure works within a phase (as defined by the hatched infrastructure key on drawing no.3022 rev V) or any other works within a parcel or phase located in the floodplain as identified on WSP drawing number 0703-SK-851 rev A (included at Appendix I of the Newark Future Flood Risk Assessment dated August 2011), details of the proposed flood compensation proportionate to the amount of existing floodplain to be lost to the infrastructure works, or a parcel or phase of development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The details of the floodplain compensation may be submitted in respect of the associated infrastructure works, by parcel or phase,

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as appropriate. The floodplain compensation proposed for the associated infrastructure works, a particular phase or parcel shall be based on an update to the flood model (up-to-date flood model supplied as part of the approved Newark Flood Risk Assessment dated August 2011) for the infrastructure works, particular parcel or phase and be proportionate to the overall compensation to be provided by the approved development.

Reason:

To prevent flooding elsewhere by ensuring that adequate compensatory storage of flood water is provided and in accordance with the objectives of national Planning Policy Statement 25, Newark and Sherwood Local Plan saved policies PU1 and PU2, the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~0250212~~

Prior to commencement of development of phase 2 (as identified at Phasing Plan 3022 revision ~~M-UV~~ dated 14 April 2011 ~~November 2014~~) of the approved development (excluding the Employment Land), details of the proposed scheme for mitigation of the flood risk to the areas north and west of Hawton, shall be submitted for approval in writing by Local Planning Authority in consultation with the Environment Agency. This scheme shall be in accordance with the paragraph 8.1.27 of the Newark Future Flood Risk Assessment dated August 2011. The proposed mitigation shall be implemented in accordance with the approved details prior to commencement of Phase 3 (as identified at Phasing Plan 3022 revision ~~M-TV~~ dated 14 April 2011 ~~November 2014~~).

Reason:

To ensure that the development is designed and implemented to reduce the risk of creating or exacerbating a flooding problem and in accordance with the objectives of national Planning Policy Statement 25, Newark and Sherwood Local Plan saved policies PU1 and PU2, the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~0250223~~

Prior to the commencement of development on the land at the proposed B6326 Roundabout identified on drawing number 0970/GA/206 Revision C, details of a scheme for the proposed mitigation of flood risk in this location shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The proposed flood compensation scheme shall be implemented in accordance with a strategy of flood reduction to be agreed in writing with the Local Planning Authority and to a timetable to be agreed that ensures appropriate mitigation is in place to ensure flood risk is not increased by the construction works.

Reason:

To ensure that the development is designed and implemented to reduce the risk of flooding and in accordance with the objectives of national Planning Policy Statement 25, Newark and Sherwood Local Plan saved policies PU1 and PU2, the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~0270234~~

The proposed site levels shall be in substantial accordance with the proposed contour levels identified in Drawing number 3018 revision ~~K-MN~~ Proposed Site Levels, unless agreed otherwise in writing by the Local Planning Authority, in consultation with the Environment Agency.

Reason:

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To ensure that a comprehensively planned development is designed and to reflect the nature and scale of development assessed in the submitted Environmental Statement and in particular to conform to the Flood Risk Assessment and to accord with the with ~~the objectives of national Planning Policy Statements 25, Newark and Sherwood Local Plan saved policies DD1, DD2, DD4, and PU1~~ and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~02P0245~~

The finished ground floor levels of all buildings within the approved development shall be set no lower than 13.65m above Ordnance Datum, unless otherwise agreed in writing with the Local Planning Authority in consultation with the Environment Agency.

Reason:

To ensure a comprehensively planned development is designed and to reflect the scale and nature of development assessed in the submitted Environmental Statement and in particular to conform to the Flood Risk Assessment and to accord with the with the objectives of ~~national Planning Policy Statement 25, Newark and Sherwood Local Plan saved policies PU1~~ and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~02P0256~~

No development shall take place on the infrastructure works within a phase (as defined by the hatched infrastructure key on drawing no.3022 rev V) or other works within any phase, including any works of demolition, until a ~~'Site Wide'~~ Construction Environmental Management Plan (~~Site Wide~~-CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved ~~Site Wide~~ CEMP shall be adhered to throughout the construction period. The ~~Site Wide~~-CEMP shall set the overall strategies 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 noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. the means of access and routeing for demolition and construction traffic (such access and routing shall minimise the use of those streets north of the application site including Hawton Road, Hawton Lane and Bowbridge Road)
- ix. a construction Travel Plan
- x. management of surface water run-off, including details of a temporary localised flooding management system
- xi. the storage of fuel and chemicals
- xii. the Control of Lighting
- xiii. measures for the Protection of Trees
- xiv. details of pre-commencement surveys and mitigation measures for ecological sensitive areas
- xv. Pre-construction ecological surveys and mitigation measures.

Reason:

To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of ~~national Planning Policy~~

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Statement 9, 10, 13, 23 and 25 and national Planning Policy Guidance 24, Newark and Sherwood Local Plan saved policies NE8, NE12, NE13, NE14, NE15, NE17, NE21 and PU1 the NPPF and Newark and Sherwood Core Strategy Policies CP9, CP12, CP13 and NAP2A.

~~03~~0267

Demolition and/or construction works shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays; 07:30 to 13:00 Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings and to accord with the objectives of national Planning Policy Guidance 24 the NPPF.

~~03~~0278

A maximum of 3,000m<sup>2</sup> of gross internal area (GIA) retail floorspace Class A1 use (as defined by the Use Classes Order 1987) shall be provided within the development with no more than 1,800m<sup>2</sup> GIA gross sales area of Class A1 use floorspace provided in any one unit.

Reason:

To ensure that the scale of retail space provided is commensurate in scale to the proposed development, to ensure that the viability and vitality of Newark Town Centre is not adversely affected, to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the ~~with the~~ objectives of national Planning Policy Statement 4, Newark and Sherwood Local Plan saved policies S2, S3, S9 and S12 the NPPF and Newark and Sherwood Core Strategy Policies CP8 and NAP2A.

~~03~~0289

No school building hereby approved shall be opened until a school safety zone is in place which shall include appropriate signing, lining, traffic calming, and parking restrictions.

Reason:

In the interests of highway safety and to accord with the with the objectives of national Planning Policy Guidance 13, Newark and Sherwood Local Plan saved policies T24 and T25 and Newark the NPPF and Sherwood Core Strategy Policies SP7 and NAP2A.

~~03~~029

Prior to the commencement of each phase of development ~~24-hour traffic counters~~ a set of tube counts shall be commissioned and installed (for a minimum two week period) ~~from in liaison with~~ the highway authority and be available for use at strategic locations (including Hawton Road, Grange Road, Bowbridge Road, Staple Lane, Grange Lane, Hawton Lane and the C83 Balderton Lane (South of Brownlows Hill) and C208 (east of Main Street junction) Coddington). ~~The results of the counts to be should be submitted to and~~ agreed in writing by the Local Planning Authority ~~within 21 days of the counts being completed. Should the Highway Authority request any repeat counts, to coincide with the opening of sections of the Southern Link Road, a timetable for carrying out any such counts shall be prior agreed with the Highway Authority and the results submitted in accordance with the agreed timetable and approved in writing by the Local Planning Authority, and the data shall be used to inform the phase specific Transport Assessment in accordance with condition 8 to the satisfaction of the Local Planning Authority.~~

Reason:

In the interests of highway safety and to accord with the with the objectives of national Planning Policy Guidance 13, Newark and Sherwood Local Plan saved policies T24 and Newark and Sherwood Core Strategy Policies SP7 and NAP2A.

~~0340300~~

Prior to occupation of the first building on the employment land as shown on drawing number 3017 revision ~~L-P-QR~~ (Land Uses Plan), details of a signage scheme for HGV's via trunk roads, the A1 and A46, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details

Reason:

In the interests of Highway Safety and to comply with Policy NAP2A Part B.7 of the Core Strategy.

~~0350311~~

~~No development shall take place until an Archaeological Management Plan for the development is submitted to and approved by the Local Planning Authority. The Archaeological Management Plan shall expand upon the 'Schedule of Further Archaeological Work Post-Consent' identified at Appendix 10.1 of the ES Addendum Document dated April 2011 which includes Figure 1 – 'Areas Requiring Further Archaeological Work Post-Consent'. Once approved the development shall be implemented in accordance with Archaeological Management Plan unless otherwise agreed in writing by the Local Planning Authority.~~

~~Reason:~~

~~In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant archaeological remains of the site and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP14 and NAP2A. The development shall be carried out in accordance with the 'Schedule of Further Archaeological Work Post Consent' identified at Appendix 10.1 of the ES Addendum Document dated April 2011 which includes Figure 1 – 'Areas Requiring Further Archaeological Work Post-Consent'. The development shall be implemented in accordance with this Schedule of Further Archaeological Work Post-Consent unless otherwise agreed in writing by the Local Planning Authority.~~

~~Reason:~~

~~In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of significant archaeological remains of the site and to accord with the with the objectives of national Planning Policy Statement 5, Newark and Sherwood Local Plan saved policies C22 and C24 the NPPF and Newark and Sherwood Core Strategy Policies CP14 and NAP2A.~~

~~0350322~~

Prior to the commencement of the development on a parcel ~~(including the phased infrastructure works defined on drawing no.3022 rev V)~~ that is known to include a badger sett or Dung Pit (as identified at Drawing Number E2953C\_GR\_EC\_2A included at Appendix 9.2 of the ES dated November 2011), a working design, methods statement and timetable of works to mitigate any adverse effects to badgers, shall be submitted to the Local Planning Authority for approval and the development shall be implemented in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.



Reason:

To safeguard protected species and to accord with the with the objectives of [national Planning Policy Statement 9, Newark and Sherwood Local Plan saved policies NE14, NE15 and NE17, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

~~03~~[030333](#)

Prior to the commencement of the development on a parcel of land ([including the phased infrastructure works defined on drawing no.3022 rev V](#)) that is known to include evidence of water vole occupation (as identified on Drawing Number E2953C\_GR\_EC\_2A included at Appendix 9.2 of the ES dated November 2011), a working design, methods statement and timetable of works to mitigate any adverse effects to water voles shall be submitted to the local planning authority for approval and the development shall be implemented in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard protected species and to accord with the with the objectives of [national Planning Policy Statement 9, Newark and Sherwood Local Plan saved policies NE14, NE15 and NE17, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

~~03~~[030344](#)

To avoid impacts on nesting birds (loss of nests, eggs and young), clearance works should be carried out outside the bird nesting season (defined as the period between March and September), wherever possible. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by an experienced ecologist and confirmed to be clear of nests immediately prior to the destructive works commencing. If an active nest is identified then the area will need to be retained until the young have been deemed by a suitable qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be removed.

Reason:

To safeguard protected species and to accord with the with the objectives of [national Planning Policy Statement 9, Newark and Sherwood Local Plan saved policies NE14, NE15 and NE17, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

~~03~~[030355](#)

No development shall take place in each parcel of development ([including the phased infrastructure works defined on drawing no.3022 rev V](#)) known to include protected species as identified in the ES dated November 2010 and ES Addendum dated April 2011 before the updated Ecological Site Surveys for the relevant species in each particular parcel of the development has been submitted to and agreed in writing by the Local Planning Authority.

Reason:

To safeguard protected species and to accord with the with the objectives of [national Planning Policy Statement 9, Newark and Sherwood Local Plan saved policies NE13, NE14, NE15 and NE17, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

~~04~~[030366](#)

No development shall take place in a parcel of development ([including the phased infrastructure works defined on drawing no.3022 rev V](#)) known to include protected species (as identified in the ES dated

November 2010 and ES Addendum dated April 2011) before a detailed Habitat Creation Plan, for the respective parcel or phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The Habitat Creation Plan may form part of the Construction Environmental Management Plan (identified at condition [29-26](#) above). The Habitat Creation Plan shall include details of the following, as appropriate:

- i. The location and extent of all new habitats
- ii. Species mixes and establishment methods for all new areas of habitat to include those listed within the ES Addendum Ecology Appendix 9.3, and to include areas of low-nutrient, calcareous grassland to benefit the grizzled skipper butterfly and other features such as ponds
- iii. Specific mitigation details for:
  - a. Hawton House Pond SINC (including measures to reduce disturbance and predation impacts)
  - b. River Devon (North of Cotham) SINC
  - c. Balderton Dismantled Railway South SINC (where the Sustrans route is crossed by the SLR)
  - d. Staple Lane Ditch SINC
  - e. Lowfield Grassland, Balderton SINC
  - f. Hawton Tip Grassland SINC
- iv. The enhancement of retained habitats such as woodland W1 and the Middle Beck
- v. How public access will be controlled to limit disturbance to wildlife
- vi. The creation of artificial hibernaculae for reptiles and artificial holts for otters
- vii. Opportunities to enhance the proposed drainage feature at the east on Staple Lane to benefit biodiversity.

Reason:

To safeguard protected species and to accord with the with the objectives of [national Planning Policy Statement 9, Newark and Sherwood Local Plan saved policies NE13, NE14, NE15 and NE17, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

~~0410377~~

nd development shall take place in a parcel of development ([including the phased infrastructure works defined on drawing no.3022 rev V](#)) known to include protected species (as identified in the ES dated November 2010 and ES Addendum dated April 2011) before the a detailed Habitat Management Plan for the respective parcel or phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The detailed Habitat Management Plan is required to guide ongoing management of the retained and created habitats.

Reason:

To safeguard protected species and to accord with the with the objectives of [national Planning Policy Statement 9, Newark and Sherwood Local Plan saved policies NE13, NE14, NE15 and NE17, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP12 and NAP2A.

~~0420388~~

Unless otherwise agreed in writing 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 within each parcel of the approved development ([including the phased infrastructure works defined on drawing no.3022 rev V](#)) 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 Contamination

An investigation and risk assessment, in addition to any assessment provided with the outline 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 by 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,
  - groundwaters 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 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 justification 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 and to accord with the with the objectives of [national Planning Policy Statements 23 and 25, Newark and Sherwood Local Plan saved policies PU2, PU4 and PU5, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~043039039~~

Nothing other than strictly uncontaminated, inert material shall be imported and deposited on site. An Environmental Permit or exemption maybe required for this activity.

Reason:

To protect groundwater quality in the area and to accord with the with the objectives of [national Planning Policy Statements 23 and 25, Newark and Sherwood Local Plan saved policies PU4 and PU5, the NPPF](#) and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

~~044040040~~

Details of the specifications for the acoustic fence/barrier indicated on WSP drawing no. 0970/RP/001 rev F, together with a proposed planting scheme, and timescale for implementation, shall be submitted to and agreed in writing by the local planning authority, prior to the commencement of construction works on the section of the Southern Link Road delineated on the aforementioned plan.

Reason:

In the interests of safeguarding residential amenity and to accord with the objectives of [national Planning Policy Guidance 24 the NPPF](#).

~~041~~

~~The approved access comprising the section of the Southern Link Road that crosses the River Devon floodplain shall be carried out in accordance with drawing number 0970/100/01 rev D unless otherwise agreed in writing with the Local Planning Authority in consultation with the Environment Agency.~~

~~Prior to the commencement of the section of the Southern Link Road that crosses the River Devon Flood Plain, any scheme to provide an alternative to the proposed bridge crossing the floodplain to the River Devon, including option 2 referred to in the Flood Risk Assessment Addendum dated December 2014, must be first submitted to and approved in writing by the LPA in consultation with the EA. Any scheme to provide an alternative crossing must include the design, phasing and long-term maintenance solution for the bridge structure, ecological mitigation and the off-site flood defence component of the structure. Once approved in writing the section of the Southern Link Road that crosses the River Devon Floodplain shall be completed and maintained in accordance with the approved details.~~

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#### Schedule of Definitions

“Exempted development” comprise the following:

Any archaeological works or ancillary archaeological works, survey of existing structures, demolition, site clearance, site preparation, site reclamation, site remediation works, preliminary landscaping,

service diversions or decommissioning, laying of services, the erection of fences or hoardings and scaffolding, site or soil investigations, ground modelling and other works of site establishment preparatory to the commencement of construction including temporary and/or permanent extinguishment and closure of public rights affecting the Site and works associated with the construction of the Southern Link Road and operations permitted by the Town and Country Planning (General Permitted Development) Order 1995.

**“Parcel”**

Means an area of development within a phase, there is no minimum amount of development in a particular parcel to provide a basis for reserved matters submissions.

**“Phase”**

Means phases 1 to 4-3 as identified on drawing number 3022 rev M-T-UV – Phasing Plan, dated ~~November 2014~~ 14/04/2011, or any future revision thereof. It is envisaged that each phase will be delivered as ‘parcels’ of development which may vary in amount.

**Note to Applicant**

01

Any development, tree planting, fence erecting or landscaping located within 9 metres of the top of the bank of any watercourses maintained by the Newark Area Internal Drainage Board, will require prior consent of the Board and such consent should not be unreasonably withheld. In addition, culverting, piping, bridging or discharges to these watercourses will require the Boards prior consent.

02

Separate Consent is required to be granted by the Secretary of State for Defence under Section 16 of the Land Powers (Defence) Act 1958 for any development, temporary roads/tracks, permanent roads or changes to ground levels within 3.05 metres of the Government Oil Pipeline. The Government Oil Pipeline is situated in the general area of Staple Lane and Grange Lane.

03

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

The Advanced Payments Code in the Highways Act 1980 applies and 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, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

04

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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 Dave Albans on telephone number 01623 520735.

05

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.

06

Reasons for granting planning permission

The application has been considered in the context of the development plan in the first instance, specifically the following adopted policies contained within the Core Strategy which identify the application site as a strategic allocation for the delivery of housing and employment and to which the Council attaches significant weight.

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 5 – Delivering Strategic Sites  
Spatial Policy 6 - Infrastructure for Growth  
Spatial Policy 7 – Sustainable Transport  
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities  
Core Policy 1 - Affordable Housing Provision  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 8 – Retail Hierarchy  
Core Policy 9 - Sustainable Design  
Core Policy 10 - Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
Area Policy NAP 1 – Newark Urban Area  
Area Policy NAP 2A – Land South of Newark  
Area Policy NAP 4 – Newark Southern Link Road

The proposal will provide a significant contribution to the Council's agenda for sustainable growth in the District. It will provide a balanced neighbourhood that is a well integrated extension of the existing community to the south of Newark.

A range of sustainable transport measures, education, and community facilities together with a range of formal and informal open space will be provided.

The development will include a mix of dwelling types and tenures with a level of affordable housing appropriate to the site taking into account the viability issues involved.

The proposal will also deliver a major key element of infrastructure required for the future development of Newark – the SLR.

The commercial uses are of a scale proportionate to the development they serve and will not adversely impact the viability and vitality of the town centre.

Sustainability in terms of the design and layout, minimizing energy and non-recyclable waste, using renewable energy sources together with a SUDs drainage system are commendable features of the submission.

Matters such as heritage assets, nature conservation, land contamination, landscape, highways and flood risk have all been considered and are either satisfactory or capable of being satisfied by the imposition of conditions requiring submissions at the reserved matters stage.

Impacts on residential amenity and highway safety are considered within the report to the extent where it is concluded that the impacts would not be so significant as to warrant a refusal of planning permission.

Consequently, the Council considers that there are no material considerations that have been raised that would outweigh the significant weight attaching to the aforementioned development plan policies.

07

You attention is drawn to the attached advice of Natural England.

08

The Emergency Planner recommends that where commercial properties are being built that Business Continuity Plans are implemented. The developer is encouraged to consider use of the EA flood alerts and household flood plans.

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▲ The Emergency Planner stressed the following key aspects of the emergency planning guidance:

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1) The development must not increase the burden on Emergency Services.

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2) The development must have access and egress routes that allow residents to evacuate during a flooding incident.

09

▲ The parameters for the proposed Sustrans bridge indicate the bridge will sit slightly outside the application site relating to planning application 14/01978/OUTM. This permission is without prejudice to the consideration of the detailed design of this bridge which will need to be considered and determined as part of a full planning application.

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#### **Discharge of Conditions**

Please note the Discharge of Condition will now incur a fee of ~~£25,0028.00~~ for householder applications (per submission) and ~~£85,0097.00~~ all other category applications (per submission). The service normally has 8 weeks to respond to each request from date of receipt.

A copy of the decision notice and the officer/committee report are available to view on the Council's website.





**Land to the south of Newark – Section 73 Application**

This Section 73 planning application is to vary and remove 10 conditions and an element of the Section 106 Agreement.

The Coddington Parish Council (CPC) **objects** on the following grounds:

1. Variation of the conditions:

a. Condition 7 – Phasing Plan:

- 1.1 The application proposes that Phase 1 of the development should commence from the east (Balderton) rather than from the west (Farndon); that the number of phases be reduced from 4 to 3, resulting in Phase 1 being for some 1000 dwellings, and that flexibility be provided in the commencement of Phases 2 and 3.
- 1.2 The CPC objects to this variation. Commencement of Phase 1 from the east would result in all traffic from that Phase, and including the proposed employment application, wishing to access Newark, being obliged to use either Bowbridge Road or London Road, or the A1 northbound and thence by the A1/A46 junction. Both Bowbridge Road and London Road are busy urban roads already suffering congestion at various junctions, and it is generally acknowledged that the A1/A46 junction is under-designed and the source of constant accidents.
- 1.3 The Applicants propose some mitigating measures on the urban junctions though whether these would be adequate is questionable. The Applicants rely upon the Highway Authority to bring forward improvements to the A1/A46 junction. Whilst the Government has agreed to finance the design phase for this junction improvement, application will have to be made to the Treasury for the financing of the implementation of such improvement. The time scale for this improvement is far longer than that envisaged for Phase 1, assuming that funding is forthcoming. Therefore it is reasonable to conclude that the A1/A46 will remain in its present form to serve this proposed development. Meanwhile, Newark continues to suffer from the impact of a lack of any overall strategic planning with regard to the combined effects of this, and other large scale developments under consideration.
- 1.4 It is therefore submitted that motorists seeking to access Newark from Phase 1 will experience delays and congestion both on the urban routes and on the A1. As a result they will seek, as they do at present, to find alternative routes into the town. Such a route, presently used as a 'rat run' from the Fernwood development, is the C83, Brownlows Hill, Coddington and the C208. This rat run would prove equally attractive to residents of Phase 1, causing increased harm to the living environment and safety of the residents of Coddington.

1.5 The CPC therefore objects to the proposed amendment to Condition 7 and proposes that Phase 1, as originally proposed, commences from the west. Here access and egress, would be available to the improved A46, most probably to the extant Farndon roundabout, thus avoiding the use of inadequate urban roads and the potentially adverse effect upon the village of Coddington.

b. Conditions 8 and 33

1.6 Condition 8 seeks to remove the requirement for a Traffic Assessment (TA) to be carried out at each phase of the development. The Applicants maintain that the TA submitted with this application, which addresses all three phases of the development, meets the requirements of the Inspector in his report on the Examination into the Local Development Plan. In that report, the Inspector stated that a TA should be carried out at the completion of each phase and that the Assessment should particularly address the impact of that development on the C83, the C208 and the village of Coddington.

1.7 The TA is unacceptable on two counts. Firstly, there is no reference to, or consideration of, the impact of the development on Coddington and its environs at any stage. This is in direct contravention of the Inspector's requirement. Secondly, a TA which covers all the phases of the development, when the timing of those phases is unknown, is clearly unacceptable and without merit. Other developments could take place in and around Newark over future years which would change the levels and assignments of traffic. If the application development were not to be completed, which must be a strong possibility in the present and foreseeable financial climate, then the submitted TA would be meaningless.

1.8 The CPC would remind the Applicants and the District Council that the Inspector's requirements are mandatory. If a TA is not produced which addresses the particular issues in Coddington, which he identified, then the CPC will be obliged to inform the Planning Inspectorate of this contravention, and request that the Applicants be instructed to comply with those requirements. On the basis of these submissions the CPC objects to the variation of Condition 8.

1.9 Condition 33 is linked to Condition 8 as it requires 24 hour traffic counts to ascertain traffic impact. Again this relates back to the Inspector's concerns as to the adverse impact of the proposals on the existing traffic network and should therefore be retained. The CPC objects to the proposed variation of Condition 33.

## 2. Variation to the Section 106 Agreement

2.1 Under Schedule 2 - Affordable Housing, the Applicants seek to renege on the provision of any affordable housing in Phase 1, with only 10% in Phase 2 and leaving the provision in Phase 3 to be determined. Bearing in mind that the provision of affordable housing was one of the main justifications for the original application, and in the context of the present acute shortage of such housing, it would be irresponsible on the part of the District Council to agree this proposed variation. It should be rejected.

9 December 2014



Tel: 03300602324  
 Direct Email: dawn.phythian@watermangroup.com  
 Our Ref: EED14929-R-4-1-4\_DP  
 You're Ref:  
 Date: 12 January 2015

Gavin Gallagher,  
 Barton Willmore,  
 Regent House,  
 Prince's Gate,  
 4 Homer Road,  
 Solihull,  
 B91 3QQ.

Via Email Only

Dear Gavin,

**Land South of Newark: Planning Application 10/01586/OUTM – Ecology Planning Responses**

This document has been produced by Waterman Energy, Environment & Design (Waterman EED) to respond to the consultations received by Newark and Sherwood District Council associated with planning application 10/01586/OUTM, regarding ecological issues only.

The consultations received by Newark and Sherwood District Council are from comments made by Nick Crouch of Nottingham County Council (NCC) and Claire Sambridge of Nottinghamshire Wildlife Trust (NWT). The consultation responses are made for the following received documents received by Waterman EED on 9<sup>th</sup> January 2015

- Nick Crouch - comments dated 17/12/2014, neither supporting nor objecting to the application;
- Nick Crouch - further comments made on 'Proposal 2' dated 17/12/14, neither supporting nor objecting to the application.
- Claire Sambridge - comments dated 17/12/14, objecting to Condition 5 variation.
- Claire Sambridge - comments dated 7/1/15, further comment relating to Condition 5 variation. No statement of objection nor support of the application is made.

The tables below list the pertinent information from the above comments and provide Waterman EED's response for each point. During the compilation of these responses verbal contact was made with both of the above consultees, and a discussion undertaken to fully understand their concerns. This information is reflected in the responses below.

Table 1: Responses to both sets of comments from Nick Crouch NCC

Item	Main comment points	Response
<b>Ecological Surveys</b>	<p><i>A number of additional surveys are recommended (which in any event will be required prior to each phase of development through planning conditions), in part to be used to inform detailed design of the development, including the SLR.</i></p> <p><i>A concern is that the Phase 1 Habitat map (Figure 1) is not entirely accurate...</i></p>	<p>The surveys for Phase 1 are currently being undertaken (subject to seasonal restrictions) and are/have been used to inform development design process for each phase, as necessary (including documents such as Construction Environmental Management Plans (CEMP)). Details will be submitted as part of the Reserved Matters Application(s), as appropriate, to the council for the discharge of relevant conditions (Conditions 36, 37, 38, 39, and 40). Upon review, a small number of minor errors in the Phase 1 Habitat Plan have</p>

		<p>been identified and subsequently rectified (see attached, Ref: EED14926-100-ER-EC-1B)</p>
<p><b>Condition 5</b></p>	<p><i>It is noted that the amendment to this condition relates to the design of the SLR bridge across the River Devon. The original design appears to involve a significant viaduct across the river floodplain, whilst the current proposals involve a much enlarged section of embankment and a reduced length of viaduct. It is a bit difficult to tell, but it appears that the revised proposal retain an open corridor along the River Devon, which may be sufficient to maintain ecological connectivity. However, a plan showing the extent of the embankment and viaduct relative to features on the ground would be welcomed to confirm this.</i></p> <p><i>In addition, previous proposals were for the Sustrans route to go in an underpass beneath the SLR towards its eastern end; proposals now appear to involve a pedestrian bridge over the SLR where it is crossed by the Sustrans route; although I cannot find any description of this in the D&amp;A, this is mentioned in section 9.186 of the updated Chapter 9 of the ES. Additional details are therefore requested, as it appears that an overbridge may have a more significant footprint than an underpass, due to ramping that will be required to the north and south (which will</i></p>	<p>The approved bridge structure crossing the River Devon remains an option. The Applicants are seeking via the Section 73 Application to include a new condition that enables details for a reduced bridge span to be submitted and approved by the District Council, The condition will require ecological mitigation to be provided for any revised bridge structure. There is an opportunity for ecologist input to inform the detailed design for the reduced bridge span. Details of any reduced bridge span will be required to be submitted and approved prior to commencement of this section of the SLR.</p> <p>It is understood from discussions with Nick that his concern is not only the need to maintain the wildlife crossing of the river, but also that the ecological function of this corridor is an important issue within the design process. The detailed design will take into account the need to maintain wildlife corridors along the River Devon, as well as the connectivity of other habitat features. The Habitat Creation Plan and CEMP for the appropriate phase, required by Condition 40, will bring together the results of the updated surveys, the findings of which will inform the design process. The Habitat Creation Plan and detailed landscape plans will seek to link the planned gaps in the embankment at the River Devon with the ditch and the intermediate gap, to function as wildlife connections providing a north-south corridor across the SLR.</p> <p>Full design of the alternative bridge will be available at the appropriate phase for consultation. If required, consultation with NCC Ecology will be undertaken at the stage regarding the detailed design, to ensure their concerns are fully taken into account.</p> <p>The re-design of the SLR crossing of the Sustrans route will be subject to a separate planning application. The current design process as it stands has included input from the information collated during the Ecology surveys undertaken to date. This includes the design of the crossing of Middle Beck to include provision for mammal passage terrestrially. The full design is not yet complete but will be in line with the Habitat Creation Plan including replacement</p>

	<p><i>presumably need to be long enough to achieve a 1 in 20 gradient). The knock-on of this will be that a more significant area of grassland and scrub on the Sustran route will probably require removal, and the ecological connectivity along the Sustran's route will be severed; this is acknowledged in the updated Ecology Chapter, which states that mammal tunnels, including ditch features, will be provided under the SLR, with landscape planting either side, allow mammals and other wildlife to continue to move in a north-south direction.</i></p>	<p>planting (where possible) to maximise the a north-south habitat corridor at this point and ensure connectivity is maintained.</p>
<p><b>'Proposal 2' Industrial area</b></p>	<p>The comments generally related to the industrial area and the identification of grizzled skipper on the adjacent SINC. The main concerns were: <i>... I am concerned that the proposed general mitigation, outlined in section 9.212 (involving the creation of habitat in the Ecology Park, some way to the west), is not sufficient for the specific impacts which will occur, and I do not agree with the assessment of residual impacts provided in section 9.235a. To address this, it vital that development proceeds in a manner that is sensitive to the presence of grizzled skippers. Whilst an area of greenspace is shown along the western boundary of the industrial development, I am concerned that the labelling of this as 'structural planting' means that it may be intended to plant this area with trees and shrubs, which would not be acceptable; this area would need to be maintained as open, species-rich grassland, between the disused railway and the development (accepting that some structural planting along the immediate boundary of the development would no doubt be required).</i></p> <p><i>In addition, Bantycok Quarry, to the east, is intended to be restored in part to benefit grizzled skippers. To enable the species to colonise the site from the disused railway to the west, it would be extremely desirable to have a corridor of favourable habitat running along the southern boundary of the application of the applications site.</i></p> <p><i>I therefore request that the details submitted in support of this application are amended to address these concerns, and that these principles are established on the relevant plans (e.g., the Open Space Network Plan).</i></p>	<p>The provision of detailed design is not appropriate at this stage of the development and will be provided at the Reserved Matters stage. Discussions with Nick focused on the need for the design of the boundary vegetation on the industrial site to be complimentary to the adjacent SINC and retain the function for use by grizzled skipper, which has been noted and will look to be included within the scheme design.</p> <p>Surveys and associated design input, including the detail of the ecological mitigation to be provided, will be submitted at the appropriate phase. These will be included as part of the information for the Reserved Matters Application(s) to the council for the discharge of Conditions 36, 37, 38, 39, and 40 (of the Outline Planning Permission which will be carried forward in the Section 73 Application). This will allow for the ecological issues to be appropriately addressed at each phase.</p> <p>The habitat links formed across the site as a result of ecological provisioning will be set out in the Habitat Creation Plan, which will form a part of the Reserved Matter Applications, where appropriate.</p> <p>As stated above the full details will be provide during the reserved matters application.</p> <p>Where required, consultation will be undertaken with NCC Ecology during the process of finalisation of the Habitat Creation Plan, which will cover the ecological habitat creation and enhancement elements to be incorporated into the scheme design, which would also look to incorporate the issues raised. This document will be used to inform the</p>

	landscape plan finalisation, where appropriate.
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The other comments from the initial response from Nick Crouch pertaining to Condition 7 and the amalgamation of Conditions 9, 10 and 11, accepted that there is no ecological issue with these changes, therefore no response is made in relation to these conditions.

Table 2: Responses from Claire Sambridge of NWT

Item	Main comment points	Response
<b>Ecology surveys</b>	<i>We are pleased to see that an updated walkover survey has been carried out (Waterman, 2014) and we would wish to see the results of the further surveys as recommended in Section 5.6 used to inform the detailed design (although we request that badger surveys be added to this table). The report notes the presence of barbastelle bat records close to the site – these records make it vital that bat activity surveys across the whole site are carried out prior to any works commencing, and indeed prior to any detailed designs being drawn up. There are very few records of barbastelle bats in Nottinghamshire and the surrounding counties – should they be recorded on the development site, we consider that this would be of regional importance and not local (as stated in Section 4.58).</i>	<p>The suggested surveys for Phase 1 of the development are currently being undertaken (subject to seasonal restrictions) and are/have been used to inform the CEMP as well as the design process, where necessary. Details will be submitted as part of the Reserved Matters Application(s), as appropriate, to the council for the discharge of relevant conditions (Conditions 36, 37, 38, 39, and 40 of the Outline Planning Permission which will be carried forward in the Section 73 Application)).</p> <p>Badger surveys have now been undertaken across the whole Site (Autumn 2014).</p> <p>The barbastelle records were received in the updated Autumn 2014 ecological data search and are located to the south of the Site. These are distant from the first phase of the SLR (closest being approximately 2.5km south-east of Phase 1). Given the seasonal restrictions, surveys for bat activity have been limited at this time, however the potential presence of these bats foraging on the Site will be taken into account during the production of the CEMP and Habitat Creation Plan. It should be noted there are no records for this species on the Site itself and therefore currently no necessity to look at changing the value of the habitat for bats in the ES.</p> <p>During surveys for continued phases of the works appropriate survey effort for this species will be taken into account during activity surveys which will be undertaken at the appropriate time of year. Should the findings of these surveys record the utilisation of the Site by this species, the current assessed value would be re-considered, if required for further application. Nevertheless, appropriate mitigation for this species would also be incorporated into the scheme design.</p>
<b>Condition 5</b>	<i>2014 response: From a study of the revised plan (Plan 0970-100-01 Rev E), it now appears that the bridge is proposed to include embankments and a culverted section. In the absence of ecological assessment of this change, we object to this variation. We previously commented that the SLR bridge crossing of the River Devon being a wide span structure would minimise adverse effects on passage along the river corridor for fauna. Under the new proposal, habitats where grass snake was recorded may be permanently lost or damaged</i>	In response to both letters: The approved bridge structure crossing the River Devon remains an option. The Applicants are seeking via the Section 73 Application to include a new condition that enables details for a reduced bridge span to be submitted and approved by the District Council, The condition will require ecological mitigation to be provided for any revised bridge structure. There is an opportunity for ecologist input to inform the detailed design for the reduced bridge span. Details of any reduced bridge span



	<p><i>under the development footprint and ecological connectivity would likely be reduced, and as such we anticipate a permanent adverse impact. As a minimum, we would wish to see the culverted section replaced by an open span – many organizations are involved in activities under the Water Framework Directive to reverse such channel modifications which can negatively impact on water quality. We would also expect greater permeability through the embankment sections to discourage mammals from attempting to cross the new SLR.</i></p> <p><i>Jan 15 response: Further changes have been made to the bridge design, however these appear to have led to a reduction in the length of span (now 100m free-spanning) and an increase in the length of embankment. We are of the opinion that this option further impairs the ecological connectivity of the site and would prefer to see reversion to the original plan (600m free-spanning) which is given as a viable option within the revised FRA. Consideration has been given to the potential ecological impact of this revision (letter dated 22nd December 2014, Waterman), however no reference is made to the reduction in connectivity, nor the potential for increased traffic collisions which may result. As previously raised, we would expect greater permeability through the embankment sections to discourage mammals from attempting to cross the new SLR.</i></p> <p><i>We remain of the opinion that each phase of development must be preceded by updated surveys for all relevant species, to ensure legal compliance and to allow the development and implementation of mitigation strategies.</i></p> <p><i>2014 response: We are concerned that the amendment to provide a lightweight bridge instead of an underpass at the Sustrans crossing point would not provide the same level of ecological connectivity along this corridor habitat. Provision of, for example, mammal tunnels under the SLR, or incorporating green elements to the bridge, may help to maintain connectivity.</i></p>	<p>will be required to be submitted and approved prior to commencement of this section of the SLR.</p> <p>The detailed design will take into account the need to maintain wildlife corridors along the River Devon, as well as the connectivity of other habitat features. The Habitat Creation Plan and CEMP for the appropriate phase, required by Condition 40, will bring together the results of the updated surveys, the findings of which will inform the design process. The Habitat Creation Plan and detailed landscape plans will seek to link the planned gaps in the embankment at the River Devon with the ditch and the intermediate gap, to function as wildlife connections providing a north-south corridor across the SLR.</p> <p>It is understood from discussion with Sarah (combining both responses) her concern is not only the need to maintain the wildlife crossing of the River Devon, but also along the ditch and within the wider floodplain to the east of the River Devon. Functioning wildlife corridors would look to be established through the detailed design process, which would include the river crossing as well as the bridged section within the embankment and the ditch traverse. The detailed design, including measures to discourage mammals from attempting to cross the new SLR would look to be in line with the findings of the further surveys for this phase and the Habitat Creation Plan.</p> <p>It is hoped that appropriate consultation through the detailed design process would alleviate Sarah's concern and objection.</p> <p>The re-design of the SLR crossing of the Sustrans route will be subject to a separate planning application as the ramp takes the bridge structure slightly outside the redline of the Outline Planning Permission. The Section 73 Application has assessed the principle of a bridge structure, which has been assessed in the ES supporting the Application.</p> <p>The current design process as it stands has included input from the information collated during the Ecology surveys undertaken to date. This includes the design of the crossing of Middle Beck to include provision for mammal passage terrestrially. The detailed design which will be considered in a separate Full Planning Application will be in line with the Habitat Creation Plan including replacement planting (where possible) to maximise the a north-south habitat corridor at this point and ensure connectivity is maintained.</p>
<p><b>Condition 7</b></p>	<p>We previously requested that the phasing of the development be amended to allow for nature conservation habitats to be created at an early stage in the process, giving space for fauna</p>	<p>Each phase of the development will incorporate the related mitigation and green spaces for that phase. These will be fed by information from the overall Habitat Creation Plan and the updated</p>

	<p>displaced by works as well as ensuring that these habitats become established as soon as possible. We note that the majority of these areas still fall into the final phase of the development (Phase 3 on Plan Ref 3022 Rev U) and request that consideration is given to altering this approach.</p>	<p>surveys at each phase. Therefore, once complete, this will provide a coordinated provision of nature conservation habitats throughout the Site. Given the timescales involved in the development as a whole, to provide all required mitigation upfront would cause a prohibitive costs to the development and may not be an appropriate timescale to allow for all species specific mitigation to be undertaken in time for Phase 1.</p>
<p><b>Conditions 9, 10 and 11</b></p>	<p><i>Condition 010 of 10/01586/OUTM referred to the requirement for Area Master Plans to address landscape corridors and provision of wildlife habitat within each phase. This requirement does not appear to be reflected in the revised condition wording. We would wish to be reassured that these important factors remain central to the design of the development.</i></p>	<p>Surveys and associated design input will be submitted at each phase regarding the detail of the ecological mitigation to be provided. These will be part of the information, to council for the discharge of Conditions 36, 37, 38, 39, and 40, which will allow for the ecological issues to be appropriately addressed at each phase.</p> <p>Duplication of ecological considerations in the design condition is unnecessary and duplicates other conditions.</p>

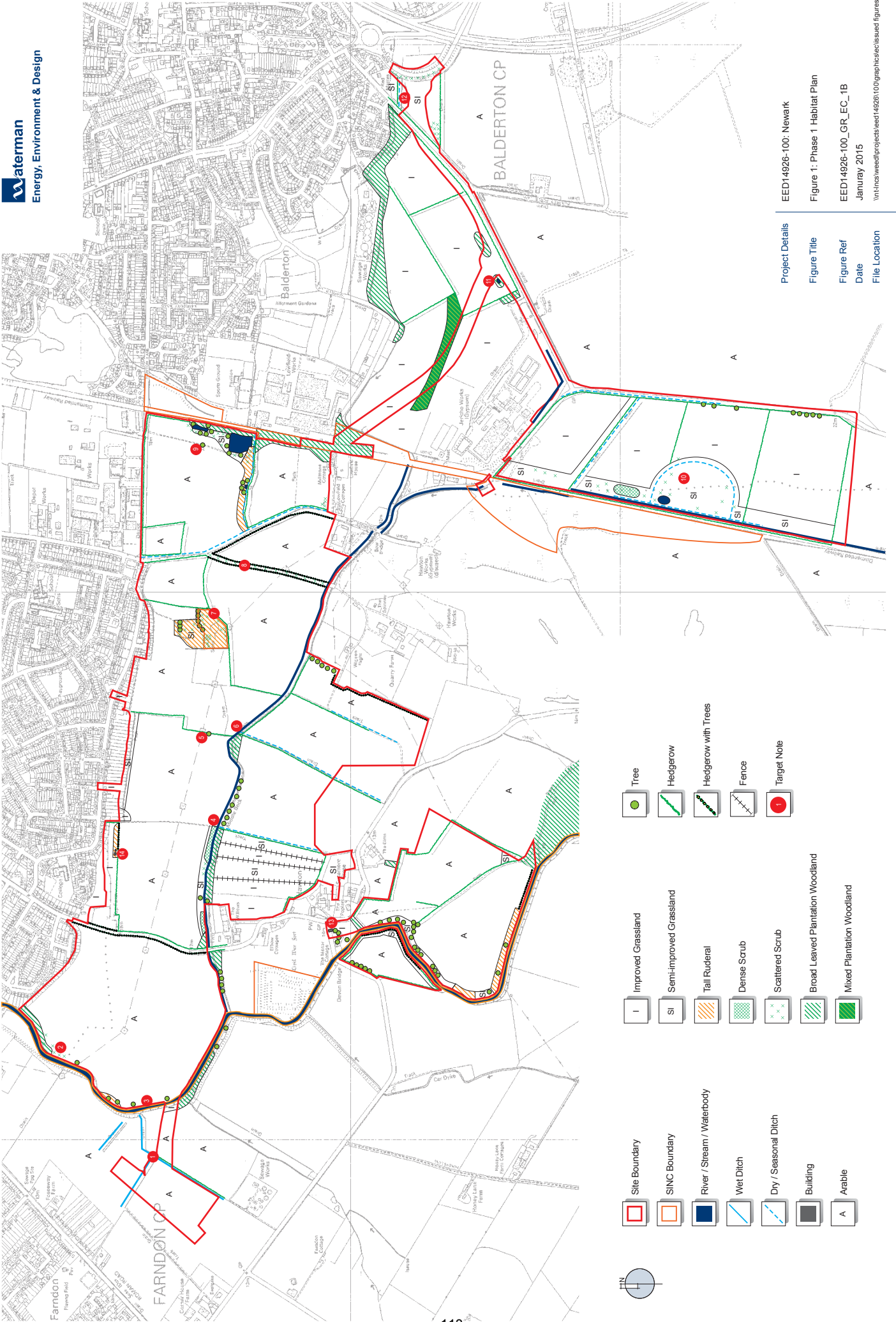
As stated within the tables above, the majority of the concerns highlighted within the responses from Nick Crouch and Claire Sawbridge relate to details within the design. The current application is at outline stage only with means of access in detail only. The full design details will be provided at the Reserved Matters stage for each phase. The issues raised regarding specific ecological receptors within the comments received will be incorporated, where appropriate, into the design process. The required ecological information to feed the design process will be appropriately addressed at each phase and provided through reference to the Environmental Statement (including its Addendum) and the relevant mitigation measures set out within, together with the update surveys and associated reporting required for each Reserved Matters Application, to allow for the discharge of Conditions 36, 37, 38, 39, and 40.

I trust the information above is sufficient to alleviate your concerns at this stage and address those comments received to date. If you have any further queries or information please do not hesitate to contact me.

Yours sincerely,

**Dawn Phythian**  
 Senior Ecologist  
 For and On Behalf of Waterman Energy, Environment & Design Ltd

Encl. Figure 1 (Phase 1 Habitat Plan: Ref. EED14926-100-ER-EC-1B)



Project Details  
 Figure Title  
 Figure Ref  
 Date  
 File Location

EED14926-100, Newark  
 Figure 1: Phase 1 Habitat Plan  
 EED14926-100\_GR\_EC\_1B  
 January 2015  
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