

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that an additional meeting of the **Planning Committee** will be held in the Civic Suite, Castle House, Great North Road, Newark on **Thursday, 14 September 2017 at 5.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 5 September 2017	To Follow

PART 1 - ITEMS FOR DECISION

5. Highfields School, London Road, Balderton (16/01134/FULM) (Site Visit: 8.15am – 9.00am)	3 – 80
6. Highfields School, London Road, Balderton (17/00357/FULM) (Site Visit: 8.15am – 9.00am)	81 – 152
7. Land North & East of Fernwood, West & East of Hollowdyke/Spring Lane, South of A1 and West of Railway Line, Fernwood (14/00465/OUTM) (Site Visit: 9.30am)	153 - 309

PART 2 – ITEMS FOR INFORMATION

8(i)	Appeals Lodged	310 – 311
8(ii)	Appeals Determined	312

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

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

None

NOTES:-

A Briefing Meeting will be held in Room G23 at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

Application No:	16/01134/FULM
Proposal:	Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (Resubmission of 14/01964/FULM)
Location:	Highfields School, London Road, Balderton, Newark On Trent, NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division – Mr. Chris Dwan
Registered:	1 August 2016 Target Date: 13 October 2016
	An extension of time has been agreed to 8 September 2017

The Site

The site comprises approximately 5.69 hectares of land at Highfields School which is located on the north side of London Road. The site is within the Newark Urban Area. The site is relatively flat and comprises four interlinked parcels of land which wrap around the north, east and west side of the main school building. The first parcel of land to the west is used as school playing fields and contains the school's main car parking area to the south adjacent to the vehicular access off London Road. The second parcel of land to the north of the main school building is known as Baileys Field. This land was formerly used as a sports field but has not been utilised for this purpose for a long period of time (on excess of ten years). A small portion of this parcel of land is private amenity space belonging to a single dwelling located off Barnby Road which also forms part of the application site. The third parcel of land lies to the east of Baileys Field and is an area of open land known as Quibell Field. The fourth parcel of land lies to the east of the school buildings and currently forms part of the school's grounds.

Immediately to the west of the first parcel of land lies Ballast Pit Local Wildlife Site (LWS) containing a long-disused ballast pit containing open water surrounded by woodland. London Road forms the southern boundary of this parcel of land, with the main school building to the east and allotments to the north. The rear of dwellings located along Barnby Road bound the northern edge of Baileys Field and Quibell Field with the East Coast Mainline located beyond Barnby Road itself. Immediately to the south of the third parcel of land are residential dwellings predominantly located off The Woodwards and Glebe Park. Further allotments are located to the east of Quibell Field.

The site contains a number of trees protected by Tree Preservation Order. These are predominantly located along the site's frontage to London Road, along the west boundary of the site adjacent to Ballast Pit LWS, and to the east of the school buildings, adjacent to the site's boundary with Nos. 27 and 29 London Road.

Highfields School has a current staff of 51 persons and circa 130 pupils.

Relevant Planning History

17/SCR/00001 – a Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (16/01134/FULM). It was concluded that an EIA was not required.

17/00357/FULM – Residential development comprising 95 dwellings and associated infrastructure, including the removal of 24 TPO trees. Pending consideration.

14/01964/FULM – Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Members considered this application at the Planning Committee in July 2015 and resolved to refuse planning permission (contrary to a finely balanced recommendation of approval by Officers) for the following reason;

“By reason of the layout, density, juxtaposition and type of uses proposed including re-provision of school car parking, sports field, MUGA and access, this application presents a series of compromises which accumulatively lead to an unacceptable and unsustainable development. This is with respect to noise for future residents, residential privacy, a failure to maximise community use and lack of appropriate infrastructure and affordable housing. All these matters taken as a whole make the development unsustainable. There are no other material planning considerations that would outweigh the harm of granting approval. The proposed development is therefore contrary to the aims of the National Planning Policy Framework 2012, National Planning Practice Guidance, Spatial Policy 8 'Protecting and Promoting Leisure and Community Facilities', Core Policy 1 'Affordable Housing Provision', Core Policy 3 'Housing Mix, Type and Density', Core Policy 9 'Sustainable Design' of the Core Strategy (adopted March 2011) and Policies DM3 'Developer Contributions and Planning Obligations', DM5 'Design' and DM12 'Sustainable Development' of the Allocations and Development Management Development Plan Document (Adopted July 2013).”

APP/B3030/W/15/3133508 – This decision (above) was issued on 14 July 2015 and was subject to an appeal which was subsequently dismissed by an Inspector on 3 March 2016. The Inspector found the main issues related to the following (with her conclusions on each issue summarised in italics):

- a) whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to noise; the Inspector concluded the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to internal noise levels.**
- b) the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to privacy; the Inspector concluded the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy.**
- c) whether or not the proposed development would maximise community use of the proposed MUGA, having regard to local and national policy; although the Inspector agreed with the Council and Sport England that the use of the proposed MUGA would not be maximised, given the lack of floodlighting and the need to balance its use with any impacts on future and**

existing neighbouring occupiers, she was satisfied that the proposed sports pitches and MUGA would not result in the loss of a community facility, as sufficient alternative provision has been made within the proposed development which is equally accessible and of better quality than the facility being lost and it would accord with CP8 and the NPPF.

- d) whether or not the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme;** *the Inspector concluded that based on the unilateral undertaking that offered £235, 219 in Developer contributions and a CIL receipt of £669,326 the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme.*
- e) whether or not the proposal would represent sustainable development;** *the Inspector considered all the other matters raised by the appellants and concluded that the adverse impacts of the scheme, which would not provide satisfactory living conditions for future occupiers of some of the proposed dwellings, with regards to internal noise levels, and would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy, contrary to Policy DM5 of the Allocations and Development Management DPD, would significantly and demonstrably outweigh the benefits of the scheme and render the scheme unsustainable.*

14/SCR/00073 – a Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 83 units and associated infrastructure, including the relocation of the existing school car park and sports pitches and the removal of 8 TPO trees (14/01964/FULM). It was concluded that an EIA was not required.

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

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

The Proposal

Full planning permission is sought for residential development comprising 89 dwellings and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees.

Of the proposed 89 dwellings, 83 units would be two-storey houses, and 6 units would be apartments within a two-storey block. The proposed scheme would deliver a range of 1, 2, 3, 4, and 5 bedroom accommodation as detailed below:

Type	No. of Beds	No. of Plots
Apartment	2	6
Townhouse	1	3
Semi-detached	1	2

Semi-detached	2	12
Semi-detached	3	4
Detached	3	7
Detached	4	23
Detached	5	32
Total		89

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

The application proposal would involve the laying out of two sports pitches to the north of the main school buildings. One of these pitches would be grass and the other would be a Multi-Use Games Area (MUGA). Both sports pitches would be surrounded by an acoustic barrier of 2.4m in height.

Access to the proposed dwellings would be achieved via the reconfiguration of the existing school access off London Road. The site access road would then loop around the rear of the school grounds linking to a new school car park area containing 64 spaces located to the east of the main school building, and providing access to the proposed dwellings.

A total of 288 residential car parking spaces are proposed (75 of which are within garages).

The application proposes the reinstatement of a disused footpath link connecting the site to Barnby Road to the north.

The application forms the resubmission of a scheme that was previously refused planning permission in July 2015 (14/01964/FULM) and which was subsequently dismissed on appeal in March 2016 (Appeal Reference No: APP/B3030/W/15/3133508). The main issues considered in the appeal and the Inspector's findings in relation to each issue are summarised above under 'Relevant Planning History'.

The key changes from the previous scheme (14/01964/FULM) which was considered as part of the planning appeal are:

- Reconfiguration of the layout along the eastern part of Baileys Field in order to increase separation distances between the proposed dwellings and the adjoining neighbouring properties at No. 27 London Road, Nos. 11a and 12 The Woodward's, and Nos. 31 and 33 Glebe Park.
- Installation of an acoustic barrier to be sited around the proposed Multi-Use Games Area and sports pitch, designed to protect residential amenity for occupiers of the proposed dwellings.

The following documents have been submitted with the application:

- Archaeological Evaluation Report, and Archaeological Mitigation Strategy
- Building for Life Informal Assessment
- Design and Access Statement
- Ecological Assessment including Botanical and Reptile Surveys, Offsite Habitat Management Plan, and Reptile and Amphibian Mitigation Strategy
- Flood Risk Assessment, and Proposed Drainage Statement

- Noise Assessment
- Open Space Assessment
- Planning Statement
- Statement of Community Engagement
- Sustainability Statement
- Transport Assessment, and Travel Plan
- Tree Survey
- Viability Report

Revised plans have been received as follows:

02/09/2016 – Revised Planning Layout (Revision X), and Vehicle Tracking Drawing (Revision C) – a number of changes were made to the layout plan in response to comments from the County Council’s Highways Engineer in relation to refuse vehicle tracking, visibility splays and a number of other detailed matters.

03/01/2017 – Revised Planning Layout (Revision Y), Landscape Masterplan, detail of 2.4m acoustic pier and panel wall, and updated noise assessment report – the layout plan and landscape plan were updated in order to reflect the amendments to the acoustic wall which would surround the MUGA and sports pitch. This reflected an increase in the height of the acoustic wall, and was accompanied by an updated noise assessment report.

01/02/2017 – Revised MUGA Proposals Plan (Revision C) – a revised section plan showing the relationship between the MUGA / sports pitch, the acoustic wall and the surrounding ground level.

28/06/2017 – Revised Planning Layout (Revision Z) – minor revision to the layout plan in response to comments from the County Council’s Highways Engineer in relation to showing footways around a cul-de-sac turning head

24/07/2017 – Revised Planning Layout (Revision AA) – minor revision to accommodate a 25m visibility splay on the site access road towards the north west corner of the site in response to comments from the County Council’s Highways Engineer.

Departure/Public Advertisement Procedure

Occupiers of 91 neighbouring properties have been individually notified by letter. A site notice has been displayed on site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

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

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy

Policy DM3 - Developer Contributions

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM10 - Pollution and Hazardous Materials

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance (PPG) March 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Nottingham Core HMA and Nottingham Outer HMA Position Statement – Farnsfield Appeal Decision (3006252) and the economic forecasts set out in the Employment Land Forecasting Study (July 2016)

Consultations

CLlr David Lloyd has called the application to Planning Committee if recommended for approval for the following reasons:

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

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

Balderton Parish Council

Comments received 6 February 2017:

Nothing in this re-submission alters members’ objections and comments submitted previously.

Comments received 19 August 2016:

Members do not consider that this re-submission for the Highfields School site (14/01964/FULM refers) addresses the concerns and objections originally submitted by this Council, nor does it address all of the Planning Inspector’s comments, essentially that it ‘would harm the living conditions of some neighbouring residents’.

The following material planning considerations are therefore submitted:

1. Planning Policies

Members consider that it contravenes Planning Policy SP8 (Protection of school playing fields). The area was also designated as an ‘unsuitable site’ in the Allocations and Development Management Options Report in October 2011.

2. Emerging Plans

The proposed route by Network Rail through part of the site which was included in the planned closure of level crossings may have been shelved, but only until 2019. If this site is developed the option of building an alternative route for traffic via a new bridge from Barnby Road will not be possible, further adding to the acknowledged traffic problems in the Newark and Balderton area. A road through from the site to Barnby Road would ease some of the traffic congestion.

3. Highways Issues

Traffic generated from the site is a concern, along with the vehicular access which is so close to the bridge. The model used for assessing traffic along London Road was not a true reflection; a real survey taken on a Friday afternoon or a weekday peak-time morning would be more representative of the real situation. This would still not take into account the traffic generated from the thousands of properties being built south of this site in Fernwood and Balderton.

4. Capacity of Physical Infrastructure

This would have yet more impact on the surface water drainage system. Balderton's sewage works require substantial upgrading (as highlighted in a report commissioned by N&SDC in 2009); these have not yet been undertaken.

5. Deficiencies in Social Facilities

The existing village schools are already at capacity.

6. Loss of Privacy

Several existing properties will suffer from a lack of privacy and will, in turn be able to look directly into some of the dwellings.

7. Layout and density of Building Design

The inclusion of an apartment block that effectively fronts the site is not in keeping with that vicinity of London Road.

Additional Comments

Members are also concerned about the M.U.G.A. facility; if it is to be open for public use, will it be locked at dusk (and by whom?) or will it be open at all times, thus creating a potential hideaway area which may be misused? Are there any lights on the facility? With regard to the ambient noise level as demonstrated in the Avant Homes report – what modelling was this based on? The Parish Council owns and manages two M.U.G.A.s and our experience is that they can be very noisy facilities from footballs being constantly kicked against them, young people shouting etc.

Newark Town Council –

Comments received 3 March 2017:

It was unanimously decided to OBJECT to this application on the following grounds:

- Point iii) in the previous response (below) is supplemented as follows: The proposed Travel Plans and 5% traffic reduction target are not thought to be a meaningful or realistic means of addressing concerns. It is iterated that the original TIA was not thought appropriate for assessing impacts at peak time.
- Point v) in the previous response (below) is supplemented as follows: As such, it is contested that the application mitigates the specific comments made by the Inspector in the Appeal hearing with regard to noise and privacy/overlooking to existing *and* new residents.
- Point vi) in the previous response (below) is amended as follows: The proposed MUGA cannot be made available for meaningful community use due to the need to mitigate light pollution and noise and so is not considered to be of community value and does not mitigate for the loss of open space/play. Further, the acoustic barrier now proposed still causes noise pollution (open windows and trickle vents), as supported by Sport England and will negatively impact on visual and landscape amenity, not least due to the varying land levels and massing of the proposed boundary treatment to the MUGA.
- Point vii) in the previous response (below) is supplemented as follows: Assurance is sought for planning conditions to maintain access for existing residents to boundary treatments (in particular 33 The Glebes) and for traffic routing during construction.
- An additional point is raised as follows: There is concern that there is a lack of Primary school capacity to accommodate additional pupils arising from the development. There is also no provision for any Section 106 funding to mitigate the impact on local schools.

Comments received 1 September 2016:

At Newark Town Council's Planning Meeting held on 31st August, 2016, it was unanimously decided to OBJECT to this application on the following grounds:

- i) It will result in the loss of green/open space between Newark & Balderton and a total loss of 8 high value trees within the TPO for the site, with lesser native replacements in gardens which offer no permanence of planting.
- ii) The biodiversity statement is now outdated and needs revisiting and the ecological barriers within the site (width, height and location) are insufficient for ecology and inappropriate for privacy screening.
- iii) The Traffic Impact Assessment has not been updated or reviewed to take into account the southern urban extension and predictable traffic volume increases on London Road.
- iv) Reassurance is sought that there will be a planning condition requiring a full archaeological management plan which, in turn, is endorsed by Nottinghamshire County Council.
- v) The development remains over-intensive with inappropriate boundary treatments to mitigate noise and the loss of privacy (both to existing premises and 'new' neighbours), especially for No's 31 and 33 Glebe Park and 11a The Woodwards whereupon rear parking (contested by NCC Highways) will increase noise levels adjacent to existing premises.
- vi) The proposed MUGA cannot be made available for meaningful community use due to the need to mitigate light pollution and noise and so is not considered to be of community value. Further, the acoustic barrier now proposed does not come with a revised noise impact assessment and will negatively impact on visual and landscape amenity.
- vii) Assurance is sought for planning conditions to maintain access for existing residents to boundary treatments and for traffic routing during construction.

Environment Agency

Comments received 4 August 2016:

I refer to the amended application which was received on the 1 August 2016.

I have no further comments to add to those contained in my letters dated 31 December 2014 and 3 July 2015 other than to say that the second condition relating to surface water disposal can be deleted and you should consult the LLFA on this element.

Comments referred to, which were received 3 July 2015 in relation to previous application 14/01964/FULM

The Environment Agency has no objection to amending the planning condition relating to finished floor levels, to require internal finished floor levels to be set no lower than 150mm above the adjacent external ground levels.

Comments referred to, which were received 31 December 2014 in relation to previous application 14/01964/FULM

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

Severn Trent Water

Comments received 24 August 2016:

No objection subject to a condition requiring submission of details of surface water and foul sewage disposal.

Natural England

Comments received 10 August 2016:

Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Historic England – No comments received.

Sport England

Comments received 8 February 2017:

Thank you for re-consulting Sport England with revised details submitted with regard to the abovementioned application. The amendments to the MUGA do not alter our comments and recommendations made on the 22 August 2016 and reiterated on the 24 January.

Comments received 24 January 2017:

Thank you for re-consulting Sport England with revised details submitted with regard to the abovementioned application. It is understood that the proposed amendment involves confirmation of the height of the proposed noise attenuation fence at 2.4m. The confirmation of the height does not alter our initial comments and recommendations made on the 22 August 2016.

Comments received 22 August 2016:

Thank you for consulting Sport England on the above application, which is effectively a resubmission of planning application 14/01964/FULM which was refused on 14 July 2015. The refusal was subsequently upheld at appeal. The main change, so far as Sport England is concerned, relates to the addition of a noise attenuation barrier for the sports facilities and a further noise report.

Please note that the submitted Open Space Assessment incorrectly refers to the 2003 Newark and Sherwood Playing Pitch Strategy not the 2014 Playing Pitch Strategy.

Sport England –Statutory Role and Policy

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

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' (see link below):

www.sportengland.org/playingfieldspolicy

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

The Proposal and Impact on Playing Field

The proposal involves the loss of a significant part of the school playing field area and a former playing field referred to as Baileys Field, the school playing field area lost would be replaced as in the original submission by the provision of a playing field area which is in excess of that being lost. This includes the provision of an artificial grass pitch which is supported by the above-mentioned playing pitch strategy. We advised that securing community use thereby meeting identified issues raised in the PPS would be accepted as mitigation for the loss of Baileys Field.

Assessment against Sport England Policy

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields with additional sports facilities. It therefore needs to be considered against exceptions E4 and E5 of our playing field policy.

Sport England previously concluded that the proposed replacement does in principle meet the requirements of policy Exception E4 but we remained to be convinced that the introduction of an Artificial Grass Pitch would not give rise to objections which would limit the use of the facility to school day time use only. However, we advised that, if the local authority are content that the proposal would not lead to a noise issue which would limit the use to the facility, then the proposal would meet the requirements of our policy, your authority was not convinced and refused the application for a broad range of reasons which included impacts of noise and a failure to maximise community use. The inspector assessed the amenity issues and concluded that the provision of an AGP in close proximity to housing could give rise to unacceptable noise levels. The applicants have sought to remedy this by the addition of a noise attenuation barrier.

On the basis of the existing facilities available and the proposed improvements as a result of the facilities proposed at the school Sport England accepts, that the replacement playing field area meets the requirements of exception E4 of our policy. The addition of an Artificial Grass Pitch is considered to meet the requirements of Exception E5 on the basis that community access can be secured to this facility. However we have assessed the revised noise report to establish if in our opinion the provision of a noise attenuation barrier reduces the impact of the proposed MUGA to such an extent that the inspectors concerns are no longer valid.

The first 12 pages of the report just seem to be summarising the original report, it makes a number of comments saying that they expect the noise levels to in fact be lower than those predicted in the original report but do not undertake their own predictions to demonstrate this.

Page 13 gives the expected reduction provided by an acoustic barrier and distance attenuation. I do not think this is thorough as it does not state whether hard or soft ground attenuation was used in the initial modelling and whether this is considered in the reductions predicted. Regardless, this barrier does not address the concerns raised by the planning inspector below as the first floor windows are proposed to have trickle vents.

“It is, however, the maximum predicted internal noise levels which are of concern. Although, with the windows closed and trickle vents open, the maximum predicted internal noise level would comply with the most stringent guidance given in BS 8233:2014, this would be exceeded when the windows of these properties are opened to allow for ‘purge’ or summertime ventilation.”

My main concerns with the report are:

They do not address the inspectors concern about purge ventilation to first floor rooms as even with the barrier the windows need to be kept closed.

I do not think the prediction methodology gives a high level of confidence. No new noise model has been created to demonstrate the effect of the fence but rather reductions based on the original scheme. A number of statements are made that noise levels are likely lower than those originally predicted but again no evidence is provided. The acoustic report should show by prediction the predicted noise level at the properties with the acoustic barrier in place.

Confirmation would be required on the surface density of the fence panels.

Our concern with regard to noise and residential amenity therefore remain, however, as before if your authority is minded to approve the application, we would encourage some form of mechanism planning condition or agreement which secure the use of the sports facilities for the school and the community which is not challengeable by future residents and that future residents are fully aware of the use of the proposed facilities.

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

Condition:.....[Use of the development shall not commence/No development shall commence] [or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

*Reason:To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

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

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

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

Police Architectural Liaison Officer

Comments received 27 September 2016:

I have no concerns regarding the housing proposals including the road layout, orientation, vehicle parking arrangements etc. from a Design out Crime Viewpoint.

With reference to the proposed MUGA and the noise attenuation wall, I do have a number of concerns. The design of a MUGA with open mesh sides is such that not only gives the retention of footballs etc. can be kept inside the MUGA so that local neighbours are not inconvenienced, but the open mesh sides provide natural surveillance to ensure anyone wishing to use the MUGA for anti-social behaviour or other nefarious activity can be seen by neighbours and passers-by, and the opportunities for this type of activity is greatly reduced, in addition parents can also keep any eye on their children when using the MUGA from nearby homes etc.

If the proposal of installing a 1.8 m high wall is allowed then natural surveillance into the MUGA will be lost and the potential for anti-social behaviour is likely to increase, together with the wall becoming an attraction for graffiti or damage. I am not a noise expert but I have doubts that a 1.8m high wall would have little effect on noise attenuation especially when the MUGA sides are 3m high. I would not support a wall which will greatly reduce the natural surveillance into and out of the MUGA.

Nottinghamshire County Council (Highways Authority)

Additional comments received 15 August 2017:

We have been in correspondence with Severn Trent Water in relation to surface water drainage from this development. Severn Trent Water are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer we are satisfied that the highway drainage issues are able to be resolved.

Additional comments received 29 June 2017:

Further to Point 2 within the comments received on 18 October 2016, the County Council's Highways Officer confirmed that a private management/maintenance arrangement regarding highway water drainage would not be acceptable to the Highway Authority, and that the developer should seek ways to discharge directly into a Severn Trent system.

Comments received 3 November 2016:

1. The Travel Plan period of implementation needs to be confirmed. Several times it has mentioned "it will continue through the marketing and sales stage", rather than including the monitoring period. According to the NCC guidance document, a Travel Plan should run from first occupation to a point 5 years following 50% occupation.
2. Similarly, para 4.1 states that the TPC will be in position as the development is "constructed, marketed and occupied" which is different from para 4.3. For the avoidance of doubt, the TPC should be in place to match the monitoring period.
3. Full contact details for an Interim TPC should be provided now (before the Travel Plan can be approved), which could be a representative of the developer or their agent. A commitment should be made to provide NCC with the updated details once the permanent TPC is assigned.
4. "Taster tickets" for the public transport services would provide a good incentive to try these services out at the point of occupation.
5. A development of this size is unlikely to warrant a site specific car share scheme: more focus should be placed on promoting Nottinghamshare.
6. TravelLine East Midlands should be mentioned because it provides information on all services by all operators.
7. The TP should also commit to a three year review and evaluation with district and county councils.
8. Any resident surveys should be created in liaison with NCC.
9. The TP has no remedial measures. Should the TP not be meeting its target then, as a minimum, the monitoring period should be extended to ensure there is an incentive for the TP to achieve its targets. A range of other remedial actions should also be outlined.
10. Section three needs a further table to demonstrate the level of trips with the 5% reduction applied. The targets should not be amended without the approval of NCC.
11. Para 4.8 states that NCC will provide posters, leaflets etc. The Travel Plan should be self-supporting, and not be reliant on provision of materials from NCC, and / or funding from NCC: i.e. the cost of the TP is the responsibility of the developer.
12. Traffic Counts should also be arranged as the development progresses, not just on full occupation. The NCC guidance gives an indicative timetable of annual travel surveys (questionnaires) alongside counts in Yrs 1, 3 and 5.

Comments received 18 October 2016:

Further to my comments dated 15 August 2016, I now refer to drawings AM.211713.101Rev.X and ELL-189-AHN-B-650C.

1. I believe confirmation is still required that the footpath link to Barnby Road will remain privately owned/maintained.
2. An agreed strategy to deal with highway drainage has yet to be made, but will require resolution prior to any formal highway adoption agreement with the Highway Authority. This matter is still outstanding and has been for a long period of time. I understand that if this strategy cannot be agreed the ground conditions are such that alternative drainage arrangements may require ground levels to be elevated.
3. The drawing showing forward visibility splays around the sharp bends does not offer adequate distances (sometimes 17m and others 23m). Either justification for this should be presented or amendments made. Land within these splays should form part of the highway adoption (or otherwise protected and maintained in an agreed manner). If adopted and the areas within the splays are not hard-paved, then suitable arrangements will be needed to maintain these areas or a commuted sum will be charged.
4. The turning heads outside plots 21-26, between plots 33 & 40 and between plots 46 & 58 should have footways around the whole head. This can be easily achieved without compromising vehicle swept paths.
5. I reiterate that in line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £14,200 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - Provide real time display and bus stop clearway at bus stop NS0446 The Woodward's (London Road). Approx. cost £7,100.
 - Provide a real time display and bus stop clearway at bus stop NS0779 The Woodward's (London Road). Approx. cost £7,100.
6. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement will be required to ensure that extraneous traffic is kept out of Newark town centre.
7. It is recognised that no part of the development shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.
8. I believe comments on the Travel Plan are outstanding and I will chase this up with colleagues.

I believe the above points should be addressed prior to the Authority raising no objections to the proposal and suggesting suitable planning conditions to protect highway interests.

Comments received 15 August 2016:

I refer to planning layout drawing no.AM.211713.101Rev.T. I wish to make the following comments:

1. It is currently understood that the footpath link to Barnby Road will remain privately owned/maintained. Confirmation of this may be sought.
2. An agreed strategy to deal with highway drainage has yet to be made, but will require resolution prior to any formal highway adoption agreement with the Highway Authority.
3. Previous drawings associated with this site showed forward visibility splays around the sharp bends. These should be re-established with an indication that they will be part of the highway adoption (or otherwise protected in an agreed manner)
4. It appears that raised traffic calming features are being proposed at points along the road. It is unclear if these are necessary or appropriate. They can be a maintenance burden and should be used sparingly, if at all. If used they will attract a commuted sum payment for maintenance. Perhaps this should be a point of discussion between the designer and the Highway Authority. If used, careful attention needs to be made with regard to their juxtaposition with private driveways e.g. outside plots 12/13.
5. Between plots 7 and 13, a footway is shown only on one side of the road. Thereafter two footways are shown. This needs explanation/justification.
6. In relation to the road, the oblique orientation of the driveways to plots 59-61 may cause problems for cars reversing into or out of them. Perhaps car swept path drawings may help satisfy the Authority that these driveways will adequately function.
7. Car spaces relating to plots 55-56 are too small to function properly.
8. I am not convinced that the adoptable turning head provision outside plots 22-24, between plots 33 & 40 and between plots 72 & 75 is adequate to cater for refuse vehicles. Vehicle swept path drawings should be produced for a refuse freighter 10.85 metres long with a wheelbase of 5.31 metres to demonstrate that these turning heads are adequate, without encroaching on to the footways.
9. The main access to plots 46-56 appears to change in width. This change should be avoided. A 4.8m wide carriageway should be sufficient.
10. Trees should not be placed in the adoptable parts of the road system e.g. outside plots 14-17.
11. It is noted that rear parking has been introduced to plots 76-88. Such arrangements have, in other instances, led to on-street parking, since this becomes more convenient. Therefore such arrangements should be avoided. If for overriding reasons such parking is necessary then access to these spaces will need to meet the following guidance: *Shared driveways to 2-5 dwellings should be 4.25m wide for a minimum distance of 5m behind the highway boundary. 0.5m should be added if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side; and 1m if bounded on both sides.*

12. In line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £14,200 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - Provide real time display and bus stop clearway at bus stop NS0446 The Woodwards (London Road). Approx. cost £7,100.
 - Provide a real time display and bus stop clearway at bus stop NS0779 The Woodwards (London Road). Approx. cost £7,100.
13. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement will be required to ensure that extraneous traffic is kept out of Newark town centre.
14. It is recognised that no part of the development shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.
15. Further comments may be forthcoming with regard to the Travel Plan.

Nottinghamshire County Council (Planning Policy)

Further comments received 7 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The response from ECUS (27 April 2017) seeks to address a number of issues. The following points are highlighted:

- Further details are provided of several trees in relation to their potential to support roosting bats, and mitigation proposed.
- It remains the case that the scheme will result in the net loss of approximately 2.25ha of neutral grassland (albeit not species-rich), used by reptile and amphibian species.
- It is stated that '*the ecology corridors are anticipated to provide movement corridors along the site boundaries for reptiles and amphibians*'. These 'corridors' are just 2 metres wide, and are basically a hedgerow sandwiched between the back garden fences of the new properties and existing adjacent properties. Whether they will retain ecological connectivity and allow the movement reptiles between the Ballast Pit LWS and allotments to the west, and retained grassland and allotments to the west is, to my mind, highly questionable, and I do not consider that they provide substantial or sufficient mitigation for the impacts of the development. The Hedgelink publication "How to Manage your Hedges for Grass Snakes (available at: http://hedgelink.org.uk/cms/cms_content/files/36_grass_snakes_%26_hedges_leaflet.pdf) states that '*A good hedge for grass snakes is one that is south-facing and includes four key hedge components. The hedge should have a varied vegetation structure and height with wet and dry habitats (for them to warm up and cool down), brambly/thorny areas (offering shelter), a field margin with a wet ditch (for hunting), an unshaded, sunny, field margin (for basking), preferably with small banks, hummocks, hollows (for more protection and easier hunting)*'. It is clear that this cannot be achieved in a 2m corridor, and as per my March 2017 comments, I remain of the view that a reasonable solution would be to rationalise the corridors such that there is a single 10-15m wide corridor along the northern boundary to the east and along the southern boundary to the west, linked along the retained internal hedgerow (see below).

- It is stated that *'retention of the central hedgerow cannot be accommodated within the current scheme'*. Clearly, the central hedgerow could be readily accommodated by redesigning the scheme layout, to retain an established green corridor across the site of benefit to both wildlife and new residents. That the applicant has made no efforts to do this is very disappointing, as I can see no reason why it could not be achieved.

Further ecological survey work has been completed or is underway, as previously requested:

- The continued presence of Grass Snakes at the site is confirmed, with 6 individuals recorded during surveys in May including juveniles, indicating this species is breeding on or near the application site. Grass Snakes (and Common Toads) are a 'Species of Principle Importance for the Conservation of Biodiversity in England' by virtue of Section 41 of the Natural Environment and Rural Communities Act 2006. It should be noted that Policy DM7 of the Newark & Sherwood Allocations & Development Management DPD states that *'On sites... supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site'* and that *'significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation... provided...'*.
- A single bat activity survey (plus static monitoring) has been completed during May, with a low level of bat activity recorded. It is noted that two further surveys are planned, in the summer and late summer/autumn, the results of which are not yet available. It is asserted that the internal hedgerow (to be removed to accommodate the development) is not of great importance for foraging and commuting bats. However, without the result of the two further surveys, it is not possible to confirm this (noting that bat activity surveys have been requested since November 2014).
- A single Common Toad was recorded during the reptile survey. Whilst this suggests that the rough grassland on the site does not support a large population of this species, it remains unknown what level of importance the site has for migrating toads, known to use the LWS pond site to the west (and for which there is a toad crossing on Barnby Road).

In the event that planning permission is granted, conditions will be required to cover the following:

- Implementation of the Reptile and Amphibian Mitigation Strategy; if 17/00357/FULM is approved, a revised Reptile and Amphibian Mitigation Strategy will be required, due to the different scheme layout.
- A separate condition requiring that the Reptile Method Statement that forms Appendix 1 of the Reptile and Amphibian Mitigation Strategy is implemented prior to the commencement of any ground clearance works at the site
- The production of detailed road designs to incorporate underpasses and drop kerbs as per the Reptile and Amphibian Mitigation Strategy
- Production of a Biodiversity Management Plan, to guide ongoing management of retained and created habitats within the development site
- The submission of a detailed Landscaping Scheme, to make use of native species of tree and shrub along site boundaries and within areas of public open space, selected with reference to the relevant Landscape Character Assessment species list available at: <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>
- Details of measure to protect retained vegetation (including hedgerows and trees) during construction, including through the use of temporary protective fencing

- Adherence to sensitive working practices in relation to the felling of trees with low potential to support roosting bats, as set out in paragraph 4.4.8 of the Ecological Appraisal dated November 2016
- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- The application of best practice working methods in relation to mammals as set out in paragraph 4.4.5 of the Ecological Appraisal dated November 2016
- The submission of a bat-sensitive lighting scheme, developed with reference to the Bat Conservation Trust (2014) publication '*Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting*'
- The installation of integrated bird and bat boxes, incorporated into the fabric 20% of the proposed dwellings/their garages

In addition, a S106 agreement will presumably also be required to deliver the initial and ongoing offsite habitat works referred to in the Reptile and Amphibian Mitigation Strategy.

In summary, I am unable to support this application, but in the event that planning permission is granted, it must be controlled through conditions, as requested.

Comments received 30 August 2016:

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Minerals

The proposed site does not lie within close proximity to any existing or proposed minerals sites. It does however lie within a Mineral Safeguarding and Consultation Area for sand and gravel. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan (Submission Draft, consultation Feb 2016) sets out a policy (DM13) concerning these areas. However, as a development within the defined urban boundary and surrounded by existing built uses, the proposal can be considered as infill development and as such is excluded from the provisions of the policy. The County Council does not, therefore, wish to raise any objections to the proposal from a minerals safeguarding perspective.

Public Health

It is recommended that discussions take place with Newark and Sherwood CCG and the Mid Notts. Local Estates Forum for advice concerning any additional healthcare requirements e.g. S106/CIL.

Strategic Transport

There were no strategic planning objections to the previous application on this site (ref.14/01964/FULM). Any update of this will be provided separately as soon as possible.

Rights of Way

There are no recorded public rights of way over or adjacent to the proposed development site.

Transport and Travel Services

The development access would be via an improved school entrance onto London Road with the closest bus stops fronting the school site, the stops are approximately 400 metres from the centre of the site.

Bus Service Support

The County Council has conducted an initial assessment of this site in the context of the local public transport network. Balderton has frequent services into Newark operated commercially by Stagecoach. A summary of all services passing the site is provided in Table 5.2 of the Transport assessment.

The developers do not indicate that additional service capacity is required, however the table indicates that Service 2, 3/3B and 90A run at a frequency of 120 minutes on Sundays. Balderton is served on Monday to Saturdays by Services 2, 3 and 90A. However there are no services between Newark and Balderton on Sundays or Bank Holidays. Table 5.2 should be amended accordingly.

The County Council would wish to negotiate funding for additional Sunday frequency in the area of the development.

Infrastructure

Current Infrastructure - The current infrastructure observations from Transport & Travel Services photographic records are as follows:

- NS0416 The Woodward's - Bus Stop Pole and Raised Boarding Kerbs
- NS0779 The Woodward's - Bus Stop Pole

Possible Infrastructure Improvements - Transport & Travel Services request the following bus stop improvements:

- NS0416 The Woodward's – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Enforceable Bus Stop Clearway
- NS0779 The Woodward's – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Raised Boarding Kerbs and Enforceable Bus Stop Clearway

The County Council requests that any planning permission granted is subject to a planning condition stating the following:

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on London Road (NS0416 and NS0779) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

Further information can be supplied through developer contact with Transport & Travel Services (email: ptdc@nottscc.gov.uk, tel. 0115 9774520)

Landscape and Visual Impact

The Landscape Masterplan (Drawing No. AM 211713.102 Rev G) shows the current proposals which are not radically different to the former application as shown on the Planning Layout BB.211713.101 Rev M. The comments on landscape and visual impact provided by the County Council in response to the previous application (ref 14/01964/FULM) are therefore still relevant.

Below are outline comments on the current application, as due to the timescale a site visit was not undertaken.

Site circulation

The Landscape Masterplan shows that there is limited pedestrian access for residents of dwellings to the east of the site other than by the long footways adjacent to the main access road into the site from London Road. It is not clear if there are proposed works to improve/formalise the pedestrian link from the field access from Barnby Road to the north west of the site. From aerial photography this link appears to be a green track. Potential surfacing works could therefore impact on landscape and ecology issues not included within the ecological survey accompanying this application.

Green infrastructure

The 2m “ecological corridors” shown along the central section of the northern boundary and south eastern boundary are proposed hedgerows and as such provide a very minimal boundary treatment. Given that there will be a considerable amount of removal of established mature between the existing school and sports pitch the new hedge will not be enough to compensate for this loss and removal of vegetation in this area will break connectivity across the site. There are **no** green infrastructure proposals shown between the southern boundary of the allotments and the site which connects it to the *Ballast Pit Local Wildlife Site* to the east. Whilst there are offsite works proposed to the LWS itself there should be scope to provide a stronger boundary to this part of the site which would also replace trees lost in this location.

Sports Pitch

The proposed 1.8 -2.4m acoustic fence with brick pillars/dwarf wall (as opposed to railings and hedge planting of the previous application Ref: 14/01964/FULM) within the central green space may reduce noise levels arising from the use of the pitch but will have adverse impacts on landscape and visual amenity issues. The enclosure of the space will remove the open vista and a degree of natural surveillance of the space from the surrounding properties as well as removing the permeability of the boundary for biodiversity. The central green space could have contributed to the overall setting of the development and its loss will have negative impacts on visual amenity. The provision of a noise assessment should be provided to give an evidence base for the acoustic fence that is proposed. The suitability of this should be assessed by a noise specialist for comment on behalf of the determining planning authority.

Nature Conservation

The survey work which accompanied the previous application (14/01964/FULM) dated from 2013. Whilst this was considered to be up-to-date at that time, it is now more than three years old. Given that most ecological survey work has a shelf life of two to three years (as stated in

BS42020:2013 – Biodiversity – Code of practice for planning and development), this survey work is now out of date. As a protected species is known to be present on the application site (grass snake), it is therefore essential that updated reptile surveys are completed, **prior to the determination of the application**, to establish the current status of the species at the site, and the appropriateness of the proposed mitigation. This would also provide an opportunity to assess the usage of the site by common toad, as was previously requested.

Notwithstanding the results of these survey(s), the comments the County Council made in relation to the previous scheme remain valid. The County Council would welcome the opportunity to revisit these comments and address the various concerns, including:

- An assessment of trees with regards to their potential to support roosting bats
- A lack of bat activity surveys given the removal of linear vegetation
- The lack of substantive mitigation to account for the loss of 2.25ha of grassland

The County Council would therefore request that the bat survey work is carried out **prior to the determination of the application**, and that the appropriateness of the mitigation works is reviewed following the results of these, and the updated reptile survey. This is considered necessary to ensure that the ecological impacts of the proposals have been properly assessed.

Archaeology

The proposed development site has high archaeological potential. This was confirmed by the archaeological evaluation which was undertaken in support of the previous application, the report on which is submitted with the current application, along with a proposed mitigation strategy for dealing with the archaeological remains should the application be approved. The County Council is content with the work which has been undertaken, and is content to accept the mitigation strategy which has been proposed. It is therefore recommended that if the planning application is granted this should be conditional upon the implementation of the submitted archaeological mitigation strategy.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met.

Education

A proposed development of 89 dwellings would yield an additional 19 primary places. The County Council would therefore wish to seek an education contribution of £217,645 (19 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education, the development is in the catchment of The Newark Academy. Any secondary contributions would be covered by CIL.

Libraries

The County Council would wish to seek developer contributions for the additional stock that would be required to meet the needs of the 214 population that would be occupying the new dwellings. This is costed at 214 (population) x 1,532 (items) x £12.50 (cost per item) = £4,098.

Conclusion

The County Council does not wish to raise any objections on strategic planning policy grounds, but would wish to raise concerns in respect of landscape and visual impact, as detailed above.

In addition, the ecological impacts of the proposal need to be properly assessed, which requires survey work and assessment of the appropriateness of mitigation measures to be undertaken prior to the determination of the application. It would also be useful for the application to be supported by a waste audit and it is recommended that discussions take place with Newark and Sherwood CCG and the Mid Notts Local Estates Forum for advice concerning any additional healthcare requirements.

Notwithstanding these elements, should the District Council be minded to grant permission for the proposal, the County Council would request that it is subject to conditions regarding the implementation of the submitted archaeological mitigation strategy and bus stop enhancements. Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Contributions will be sought for Education and Libraries provision.

The County Council would also wish to negotiate funding for additional Sunday bus service frequency in the area of the development.

Nottinghamshire County Council (Developer Contributions)

Comments received 18 August 2016:

In respect of education, a proposed development of 89 dwellings would yield an additional 19 primary places. The County Council would therefore wish to seek an education contribution of £217,645 (19 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education, the development is in the catchment of The Newark Academy. Any secondary contributions would be covered by CIL.

In terms of libraries the County Council would wish to seek developer contributions for the additional stock that would be required to meet the needs of the 214 population that would be occupying the new dwellings. This is costed at 214 (population) x 1,532 (items) x £12.50 (cost per item) = £4,098.

Nottinghamshire County Council Lead Local Flood Risk Authority (LLFA)

Comments received 31 August 2016:

No objections subject to the following:

No construction shall start until a detailed surface water design and management plan is submitted and approved by the LPA. This submission must cover, but not be limited to, the following points:

1. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
2. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
3. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
4. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
5. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Nottinghamshire Wildlife Trust

Further comments received 9 August 2017 in relation to the additional submitted ecology surveys (August 2017):

We note from the results in the ecology report, Highfields School, Newark-on Trent 2017 Ecology Surveys (ECUS), that only a low level of bat activity was recorded on site during the three transects and associated static monitoring. We are satisfied that hedgerows H1 and H2 are not particularly important to commuting and foraging bats. We therefore have no further objections to the proposals. In addition to concerns raised in our previous correspondence we would like the following to be taken into consideration. We fully support the recommendation by the applicant's ecologist that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. Sensitive areas should be identified by an ecologist and a lighting plan then drafted by the lighting engineers.

Further comments received 3 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The updated survey revealed a peak count of six grass snakes and a single toad record. We are satisfied with the conclusion that there is a low population of grass snake using the site and reptiles are strongly associated with the long grassland and the margins of the site. The impacts of the proposed scheme will result in total loss of tall sward grassland across the site and reduce/sever connectivity between other suitable habitats in the area. The applicant's ecologist states that *'loss of semi improved grassland in the absence of mitigation would further reduce local availability of semi natural habitats and could be considered of up to local importance to grass snake populations'*

To mitigate the above impacts, a Reptile and Amphibian Mitigation Strategy has been developed that includes the creation of two connective corridors, offsite enhancement and the incorporation of amphibian/reptile friendly features within road design. The reptile surveys conducted to date have not, however, enabled an assessment of the value of the site as a migration route for toads due to the time of the year they were conducted. This information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. This aspect of the development still causes us concern. Such an assessment could have revealed, for example, that establishing amphibian corridors around existing ecological features such as the internal hedgerows would be a more appropriate strategy. Common Toad is a species of conservation concern and is listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Bats

We welcome the intention to assess the value of the site for foraging bats through a bat activity transect survey in May 2017 and static monitoring during the period 26 April-1 May at two locations. A low level of bat activity was recorded during the transect survey undertaken on 3rd May 2017 with the majority of recorded activity pertaining to common pipistrelle and soprano pipistrelle, with brown long-eared bats also recorded. At the time of writing information on the other two surveys does not appear to be available. In order to be in a position to comment fully on impacts to foraging bats we will need to see the results of all of the activity surveys.

Until such time that the results of the bat activity surveys are made available we maintain our objection to the proposed development at Highfields School.

Comments received 8 August 2016:

Reptile and Amphibian Mitigation Strategy

We welcome the Reptile and Amphibian Mitigation Strategy (ECUS 2015) as it collates all the information relating to mitigation and enhancement measures for reptiles and amphibians that will be implemented within the Highfields School development scheme. We advise that the methods within the strategy are set as **a condition**, with particular emphasis on the following sections:

- Ground clearance works should be undertaken under the supervision of an Ecologist. Clearance during the winter months is considered to be the easier option, due to a lack of hibernaculum features onsite.
- A letter is submitted to the LPA once clearance works have been completed. This letter should include the number of amphibians and reptiles encountered during the clearance works so that the LPA are kept fully informed on ecological issues.
- It is stated in section 2.1.8. of the Mitigation Strategy that hedgerows are to be planted at an early stage, using three year old stock. This would reduce the time lag of onsite habitats becoming established and maintain habitat corridors.
- Enhancement works at the adjacent LWS, as outlined in Appendix 2 of the mitigation strategy, should be completed prior to construction works commencing. This is to allow habitat for any reptiles displaced during the construction works and/or should hibernating reptiles be discovered during winter site clearance work.

- We welcome the installation dropped kerbs and ACO type wildlife kerbs within the development to reduce hazards to amphibians. Further information on where the kerbs are to be installed would assist in fully informing the LPA of the proposed mitigation.
- The installation of two underpasses beneath the access road into the site in the west and the road accessing the school car park in the east to enhance the functionality of the southern wildlife corridor. This will allow reptile and amphibian movement and reduce the hazard posed by vehicles. If this is not technically feasible we would expect the LPA to be notified and another solution found to reduce the hazard posed by vehicles to migrating amphibians and reptiles.

Management of Retained and Created Habitats

We welcome the clear set of management prescriptions for the enhancement and management at Ballast Pit LWS for grass snake. This will enable Railway Paths and/or their tenants, which currently comprise a fishing club, to manage the habitat appropriately for grass snake. We are of the opinion that a Biodiversity Management Plan should be produced that includes management prescriptions for the Ballast Pit and the wildlife corridors within the development site to ensure the management company will be clear about work required. This will ensure that habitats are managed appropriately in the long-term to maximize their wildlife value. We are aware of a landscaping scheme created within a development that has subsequently been influenced by residents, reducing its value to wildlife.

We encourage the installation of bird and bat boxes as a form of biodiversity enhancement. We would be happy to provide further advice on appropriate boxes and locations. This could be within the additional habitat enhancement area within Highfields School which could and provide an exciting opportunity for pupils to become involved.

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

Northern and Southern Corridor

We welcome the proposals to remove the southern and northern ecological corridors from the residential gardens. We also welcome the creation of a 1.5m gap in the existing wall to allow amphibian and reptile passage along the southern habitat corridor that links to habitat in the wider area. We also fully support the proposal for gaps under garden fencing to allow wildlife access. Again, the long term management of the corridors will need to be included within a biodiversity management plan. This should include the cutting of the hedgerow once every two to three years in January/February to allow wildlife the opportunity to utilise the winter berry crop. It is appreciated on the northern corridor, the southern side of the hedgerow may need to be cut more frequently to retain management access. Cutting should encourage the development of an 'A' shaped profile, to maximise density at the hedge base rather than hedge top. Each cut should be made higher than the last, to allow a small increase in height each year.

We note **Figure 1 Mitigation and Enhancement Measures** indicates 'semi-native planting along the southern boundary' of the sports pitches. We would like to see this wildlife corridor **consist solely of mixed native planting** in order to ensure maximum benefits to wildlife. We would wish to see the proposed species mix included within the soft landscaping plan, and the proposed management of the hedgerow within the biodiversity management plan.

Necessary Precautions

If permission is to be granted, precautions listed below should be undertaken and ideally be set as conditions. These include:

- Removal of vegetation and ground clearance works between September - February, outside of the bird breeding season. If work within the breeding season is unavoidable, then a competent ecologist should check for nesting birds. Written confirmation should be sent to the LPA of measures taken to ensure no nesting birds will be harmed.
- Trees and hedgerows should be retained where possible and protected during works in accordance with BS 5837:2012. Removal of any hedgerow should be replaced by native species of a local provenance.
- Work must stop immediately and an ecologist consulted if great crested newts are found on-site.
- Best working practice is to be undertaken in regards to badgers. Any pits and trenches should be covered overnight, and/or a ramp provided in case any animals fall in.
- If hedgehogs are found during works, they should be moved to a place of safety and suitable habitat.

Additional Comments

We were unable to find information relating to a lighting plan for the site. Any lighting associated with the development or during construction should be of low intensity and directed away from ecological corridors and adjacent offsite mitigation. In addition to this, we would wish to see a lighting plan provided. We strongly suggest that floodlighting is not installed on the sports field. Lighting should not exceed 200 lumens (150 watts) and lighting columns should not exceed 8m. Low-pressure sodium lamps (SOX) fitted with hoods are recommended and any security lighting should be on a timer setting and faced downwards. A corridor on the western boundary could also provide an additional unlit foraging/commuting resource for bats.

NHS England – No comments received.

Network Rail

Comments received 9 August 2016:

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

Drainage

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

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

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

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the **drainage** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

NSDC (Parks and Amenities)

Comments received 28 March 2017:

Advised that comments on previous application 14/01964/FULM apply, as follows:

This development should make a contribution to public open space in the form of children's playing space and amenity open space. In addition the development proposes the relocation of existing sports pitches.

The landscape masterplan accompanying the application does not appear to include any children's playing space and this open space element will thus need to be provided through the payment of an off-site commuted sum for the provision/improvement and maintenance of children's playing space in the vicinity of the development. It is difficult to tell how much amenity open space is being provided on site but the development would appear to be deficient in this respect. I note that the Open Space Assessment accompanying the application suggests that the new footpath link through to Barnby Road will provide access to Barnby Road Community Park however I am concerned that this will involve walking for 300m along Barnby Road and it should be confirmed that footpaths are in place along the whole length of the route to ensure that this can be done safely. A more appropriate way of reaching Barnby Road Community Park would be via the Sustrans multi-user route however an access onto this does not seem to be being provided as part of the development. Perhaps this is something that could be discussed with the applicant?

I note that the sports pitch provision is being increased from 0.9ha to 1.1ha however I share some of Sport England's concerns over the location of the new pitches adjacent to residential dwellings and the potential for nuisance associated with this.

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

I consider that on-site mitigation would be appropriate. In addition the removal of protected trees should be kept to a minimum and appropriate replacements should be provided.

NSDC Conservation –

Comments received 6 April 2017:

Additional observations were received from the Conservation Officer highlighting that the hedgerow which lies within the site and is proposed to be removed, may constitute an ‘important’ hedgerow in the context of the Hedgerow Regulations 1997 given that it appears to reflect a historic parish boundary. As such they have requested that the potential historical significance of this boundary be factored in to the planning balance.

Comments received 29 March 2017:

Highfields School is within Highfields House, a large Victorian villa, set within landscaped grounds. Highfields House should be regarded as a non-designated heritage asset. The building is not in a Conservation Area.

The historic map from 1884-1885 shows that the obviously landscaped grounds associated with the House were not as large as the current school estate.

Today the House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remained undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen in the above historic map. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias lodge, a nice historic building in its own right and part of the character of this high status site.

I am familiar with the site having been involved in the 2014 application 14/01964/FULM. Given that the majority of the proposed new housing for the 2014 and this current application is on land to the north of the House, with no obvious landscape association with the House, I think the site could accommodate new housing in this area without necessarily having an adverse impact upon the setting of Highfields House. The key to this will be landscaping, in particular retaining a good tree belt between the House and the housing to its north. As per my earlier advice, retention of any trees marked as historic specimen trees should be encouraged.

The proposal also involves a proposed apartment block by the entrance. It is of an acceptable bulk and appearance, and should relate well to London Road, while being of a suitable appearance, scale and location to avoid competing with the main House. I also feel that the proposed separation gap coupled with landscaping should avoid it looking too imposing in conjunction with the Lodge structure.

In terms of design of this apartment block, it has been designed with the appearance of sash windows, and these will look much better if they are actually vertically sliding sashes rather than hinged casements; the roof materials imply some form of concrete material and would of course be better in slate; the ground floor sashes would also look more traditional if they had six panes in the top sash like the first floor windows.

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

I do not think there will be any adverse impact from this proposed scheme on the heritage assets at or near this site. The scheme will be most successful with a strong emphasis on good materials, details and landscaping.

NSDC Environmental Health Officer (Noise)

Comments received 7 February 2017:

The findings of the additional noise report seem justified. I would ask that the conclusions of the report be included in any approval given.

Comments received 8 August 2016:

I note the addition of an acoustic screen around the entire MUGA, to address noise issues for existing and proposed housing. The detail of this structure is proposed to be provided at a later date. On the face of it I have no objection to this approach with suitable conditions attached to any approval given.

NSDC Environmental Health Officer (Contaminated Land) –

Comments received 1 August 2016:

I have no comments to make in respect of the above application regarding contaminated land at this site since my recommendation to discharge the contamination planning condition attached to 14/01964/FULM on 06.02.2015.

NSDC Strategic Housing – No comments received.

NSDC Access and Equalities Officer –

Comments received 9 August 2016:

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible dwellings within the development. The requirements of a dwelling's

occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around dwellings be carefully examined together with accessible facilities and features. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable access around the development. Any danger to pedestrians, particularly children, elderly or visual Impaired people, being required to walk on roadways or vehicular access routes should be avoided by providing a traffic free network of separated pavements and footpaths throughout together with tactile warnings and dropped kerbs at road crossing points as appropriate. Unobstructed pedestrian access to individual properties should be provided clear of car parking spaces. It is recommended that inclusive step free access be considered to any open spaces, garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Access to accommodation on upper floors should be carefully considered particularly for those who are unable to manage stairs including wheelchair users. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc. Parking for disabled motorists should be carefully considered within car parking provision and BS8300: 2009 gives information in respect of layout, design considerations and proportion.

Tree Officer

Comments received 29 March 2017:

From the point of view of tree loss this application has a much reduced impact of TPO trees and other trees of significance.

One area of concern is the potential overshadowing of the apartment plots near the roadside and the likely ongoing conflict between the new build and trees T50 and T52 which according the submitted tree survey will require canopy pruning to facilitate construction and ongoing pruning works to avoid future issues. Both trees are subject to TPO which would result in repeat applications for works which could be avoided with a revised layout.

My other area of concern are the potential overshadowing/domination of rear garden areas of plots 7-12 by large and developing trees on the west boundary.

Plot 17 is likely to be completely dominated by the adjacent tree T78 with low lying branches encroaching on the majority of the garden area .This again could be addressed by a redesigned layout.

The proposed tree planting on the landscape masterplan is very light.

Trent Valley Internal Drainage Board

Comments received 3 August 2016:

The site is partially within the Board's district.

There are no Board maintained watercourses in close proximity to the site.

A Board maintained culverted watercourse exists upstream of the railway line to which byelaws and the Land Drainage Act 1991 applies. Section 23 Land Drainage Act 1991 – The erection of alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvery, within the Board's district will require the Board's prior written consent.

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

The Board's consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The suitability of new soakways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Board would wish to be re-consulted.

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

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

Representations from a total of 39 properties have been received (some of these properties have submitted numerous letters of representation). In addition a representation has been submitted on behalf of 16 local residents, and a representation has been submitted by a Planning Consultant on behalf of 20 local residents. All of the comments are summarised below:

Principle

- There is no need for more houses in the area, given the number of new houses that are being built on the south side of Balderton.
- The development will decrease the attractiveness of London Road, which is considered to be one of the premier roads in Newark to reside.
- Any affordable housing is likely to be within the proposed apartments, which will fail to integrate with the rest of the development and create a ghetto.

- There is available land on the outskirts of the Newark / Balderton area which would be better suited to accommodate housing development.
- This is a green corridor between the built up areas of Newark and Balderton and should be kept as open land.
- Even applying the Objectively Assessed Need housing figure derived from the appeal decision at Land at Southwell Road (Farnsfield), the shortfall against this figure in terms of five year housing land supply is limited. Should paragraph 49 of the NPPF be invoked, it does not make 'out-of date' policies for the supply of housing irrelevant in the determination of applications.
- The emerging Local Plan should be given weight in the determination of this application.

Highways

- The number of vehicular movements generated, taking together the school and the new housing development, is too great to be served by a single vehicular access point on London Road.
- The Transport Assessment does not take in to account traffic flows from new development, including; the new Lidl store on London Road, the major developments at Fernwood, the new Council offices on Great North Road, the housing development at Sleaford Road, and Newark Academy.
- The development will result in an unacceptable highway impact on London Road.
- Whilst the existing car parking provision is generally adequate for normal school activities, there is insufficient car parking for school events such as Sports Day, which results in cars being parked on the grass verge to London Road which impacts on highway safety. The proposed development should be required to install measures to prevent parking on these grass verges.
- The development makes provision for insufficient parking spaces for the school.
- The Transport Assessment traffic survey data is out of date. There has been an increase in the number of pupils at the school over this period. The assessment should be based on vehicle movements associated with the school's full capacity (including its nursery).
- The Transport Assessment is based on 83 dwellings, and should be updated to reflect the current application for 89 dwellings.
- The development will generate a higher number of vehicles turning right from London Road at peak hours than indicated by the Transport Assessment, and as such will cause obstruction on London Road.
- The Transport Assessment does not consider the impact of construction traffic whilst the development is being built out, and how this can be safely separated out from pupils and the public.
- The two 'potential links' identified on the layout plan are problematic, as the traffic impact of the proposed development has not been assessed on the basis of serving additional dwellings on adjoining land, and any future connection to Barnby Road would create a through road and require traffic calming measures.
- The proposed development would present a highway safety risk to pupils of Highfields School due to increased vehicle movements around the school entrance.
- There have been a number of road traffic accidents on London Road in the vicinity of the application site, and the proposed development will lead to further accidents. The entrance is sited close to a blind spot caused by the bridge hump.
- The position of the new school car park within the site will discourage parents from using it, with increased drop off and pick up taking place on the spine road through the development and on London Road.
- The tracking and visibility splays plan does not show all relevant tracking and visibility splays.
- The development needs to be served by an additional vehicular access on to Barnby Road.

- The development will place more pressure on the rail crossing at Barnby Road, increasing the risk of accidents at this location.
- The use of elongated shared driveways serving plots 77 to 88 would encourage residents of these properties to park on the road rather than use their allocated parking spaces. This would cause obstruction to the highway and issues of safety.
- Community use of the MUGA will generate further traffic outside of school hours.
- Additional traffic generated by the proposal will increase the use of Milner Street and its parallel roads as a rat run to avoid the London Road / Bowbridge Road junction.
- Traffic diverts via London Road when there has been an accident on the A1.

Character and Design

- 89 dwellings is an over intensive development of the site and would not be in keeping with the character of the adjacent properties. The density of the proposed development is far too high.
- No. 27 London Road is the former Coach House to Highfields, and taken together with No. 29 London Road forms an inherent part of the setting of Highfields.
- The development should ensure that roof materials and cappings for the new dwellings and their garages should be in grey slate to match the character of the area.
- Locating the apartment block at the entrance to the development will have a negative visual impact and be out of keeping with the character of London Road.
- A development of larger five and six bedroom homes would be more suitable on this site, which is more in keeping with The Woodwards and Glebe Park.
- The acoustic barrier would be ugly and absurd.
- The development will have a dominating effect on the Lodge and Highfield House.
- The design of the new dwellings is not in keeping with the character of the surrounding area.

Landscape

- The application proposal makes insufficient provision for landscaping to screen the proposed sports pitches.
- The application proposal makes insufficient provision for landscaping to screen the new car parking area for the school from No. 27 London Road.
- The development would involve the loss of an important hedgerow between Fields 4 and 5, which qualifies as an 'important hedgerow' under the Hedgerow Regulations 1997. There is a presumption in favour of protecting important hedgerows under the Regulations and the Council would be required to provide reasons to justify its removal.
- The application site lies within the East Nottinghamshire Sandlands, Winthorpe Village Farmlands landscape character area, identified in the Newark and Sherwood Landscape Character Assessment. The development would introduce an overtly urban form of development that would be highly incongruous within its landscape setting. As such the development would cause significant harm in landscape character and visual impact terms. There would be significant harm to the visual appearance of the area when viewed from London Road, Glebe Park and Barnby Road, together with the rising land of Beaconhill to the north.

Trees

- What is the purpose of Tree Preservation Orders if these trees can be removed.
- The impact of the proposed development on the 5 TPO Yew Trees (G87) is not clear.
- The proposal makes insufficient provision for replacement tree planting for the loss of trees proposed.

- London Road is green and leafy and the proposed development will undermine this with the loss of more than 30 trees.

Natural Environment

- The proposed drainage works to Ballast Pit will impact on its nature conservation value. Ballast Pit is a designated Local Wildlife Site (LWS).
- The proposed Ecology Corridors will become overgrown and unable to be maintained. They may be used for the dumping of waste by some homeowners.
- The Ecology Report fails to recognise the effect of the development on wild hares which occupy and use the land.
- The Ecology Corridors are insufficient to mitigate the ecological impact of the proposed development.
- How will the proposed gaps under fences to allow for the movement of wildlife be maintained over time.
- No excavation work should take place between October and April as this is when toads hibernate.
- The biodiversity surveys were undertaken outside the optimal survey period for key species.

Open Space and Sports Pitches

- The application site is the only green space on London Road between Newark and Balderton.
- There is insufficient open space proposed as part of the development.
- The development involves the loss of playing fields and the replacement provision is unacceptable.
- On the basis that the acoustic barrier is not a sustainable solution and by virtue of the amenity impacts and that the MUGA cannot be made available for meaningful community use, the proposal does not deliver an acceptable replacement pitch, necessary to compensate for the loss of existing playing fields.

Amenity

- The development will result in overlooking and a loss of privacy for adjoining dwellings and their gardens at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings and their gardens will be overlooked by existing dwellings at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park, resulting in a loss of privacy for future occupiers of the proposed new dwellings.
- Vehicle noise and vehicle headlights associated with the use of the new car park serving the school will impact on the amenity of Nos. 27 and 29 London Road.
- Vehicle noise and vehicle headlights associated with the garages and parking spaces to the rear of Plots 77 – 89 will impact on the amenity of the adjoining dwellings at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- If the application is to be approved, additional trees should be planted to maintain the privacy of the existing properties which adjoin the proposed development.
- The noise from the operation of the proposed pumping station has the potential to impact on the occupiers of surrounding residential properties.
- The acoustic barrier will fail to mitigate the impact of the proposed MUGA and sports pitch on both existing and proposed new dwellings.
- The noise assessment is flawed, and needs to be updated to reflect the noise impact of the consented Sports Facility Area (12/00817/FULM) together with the sports pitches proposed as part of this application.

- Impact of additional vehicle noise and vehicle headlights associated with increased use of the main access via London Road to serve the new development will impact on the amenity of the facing properties on London Road.
- The proposed garages to the rear of Plots 78 to 88 will not prevent overlooking of neighbouring properties and their gardens.
- An additional acoustic barrier should be installed to protect the amenity of Nos. 27 and 29 London Road from the noise associated with the new car park serving the school.
- The noise assessment fails to address the Inspector's concerns regarding purge ventilation to first floor rooms, as windows would need to be kept closed even with the acoustic barrier.
- The proposed garages serving Plots 77 to 88 would due to their scale and position close to the application site's southern boundary, have an unacceptable overbearing impact on the amenity of adjoining dwellings No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.

Flooding and Drainage

- The surrounding area is susceptible to surface water flooding during heavy rainfall.
- The hard surfacing of the proposed driveways has the potential to result in increased risk of surface water flooding.
- The drainage proposals will compound existing flooding issues with the frequent blocking of the overflow stream.

Consultation

- There has been insufficient consultation with neighbouring properties.

Other

- The development will not allow for access for No. 33 Glebe Park to maintain the hedge along the northern boundary of their property.
- The development will not allow for access for No. 27 London Road to maintain the north facing elevation of their property and garden wall, or how access rights to the existing gate in the garden wall of the property will be maintained.
- Insufficient publicity has been carried out regarding this application.
- The additional traffic from the development will generate noise and air pollution.
- There is an agreement between Trustees of the Oliver Quibell Trust and Highfields School to let the land at Baileys Field for a period of 40 years for the purpose of extending the school's playing fields.
- No protocol or procedures to manage any potential failure of the proposed pumping station have been submitted.
- The proposed lockable gate to the Ecology Corridor adjacent to No. 27 London Road should be installed with a soft close mechanism.
- The public footpath to Barnby Road would not be overlooked and there is no lighting strategy, and as such it may be vulnerable to crime and flytipping.
- The school grounds and sports pitches may attract anti-social behaviour with no surveillance outside of school hours. The acoustic barrier would be prone to graffiti and vandalism.
- The applicant should put in place measures to ensure regular cleaning (internal and external) for adjoining properties during the construction phase.
- There is a lack of capacity within existing infrastructure i.e. schools, doctor's and dentist's surgeries to accommodate the number of additional households.
- Why is there a need for the MUGA given that there are alternative facilities at The Grove.

- The new car park to serve the school and MUGA could be used for anti-social behaviour, therefore the gate in to the car park should be locked outside of operational hours.
- The MUGA would be of limited community benefit given that it would not be floodlit and that there would be no changing facilities.
- There will be significant disruption and noise for existing local residents during the construction phase of the development.
- The development will prevent the ability of the site to meet future education needs, and limits the opportunity for multiple use of educational facilities for community or recreational use.
- The development will create increased opportunities for crime, and put at risk the security of existing properties.
- The proposed raising of the land level on the application site would impact on the structural integrity of No. 27 London Road, where the property's northern wall adjoins the site.

Comments of Business Manager

Principle of Development

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

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

The application site is unallocated within the development plan. The application site is located within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided that it is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "*boost significantly the supply of housing*". Paragraph 17 states further that the planning system should "*proactively drive and support sustainable economic development to deliver new homes...that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.*" The NPPF indicates that this will be achieved first and foremost, by local planning authorities, "*using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.*"

The recently published Housing White Paper also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology.

In order to address its housing requirement, Ashfield, Mansfield and Newark & Sherwood District Councils produced a Strategic Housing Market Assessment (SHMA) for the Nottingham Outer Housing Market Area. The SHMA produced an OAN for NSDC of 454 dwellings per annum, although this figure is yet to be tested through an Examination In Public (EIP).

In January 2016 an Appeal in Farnsfield was dismissed on the basis that the Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 500-550 dwellings per annum. The Council has re-visited the OAN with all of the Nottinghamshire Authorities, including its two constituent Housing Market Area colleagues of Ashfield and Mansfield. This led to the publication of the July 2016 Farnsfield Appeal Statement Position Statement.

Moreover, this Council has now set out its preferred approach for spatial development (July 2016) and has just closed (1st September) on consultation for the Publication Amended Core Strategy. It is proposed that the Council's draft Core Strategy will be submitted to the Planning Inspectorate following ratification by a special Full Council meeting on the 26th September 2017.

Whilst it is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan, the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision. The OAN is the only available, up-to-date and robust evidence available to this Authority to determine its housing supply target. The Council's position against this target based using housing completions as of 31st March 2017 was published in July 2017. This confirms that the Council has a 6.2 year supply based on a housing target of 454 dwellings per annum. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has confirmed that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector concluded that any shortfall would most likely be made up by windfall schemes, which this proposal represents. Given this position the Council considers that it does currently have a 5 year housing land supply and as such the policies of the Development Plan are up-to-date for the purpose of decision making.

In relation to the previous appeal on the application site (14/01964/FULM), the principle of development and the overall quantum of development proposed was not disputed by the appeal Inspector or the Council. This was despite the Council at that time equally having a 5 year land supply. Whilst the application site is not an allocated site within the development plan, it is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. The settlement hierarchy defined in Spatial Policy 1 identifies that the Newark Urban Area will be the focus for housing and employment growth, and the main location for investment for new services and facilities within the District. Paragraph 17 of the NPPF encourages the reuse of previously developed land, but this does not imply a sequential approach to the development of sites. As such, it is considered that the principle of housing development on this site is in accordance with the Development Plan and the NPPF.

Loss of Playing Fields

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

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

The proposal would involve the loss of land that has formerly been used for playing fields, in terms of the land known as Baileys Field. It would also involve the loss of land which is currently used as playing fields, lying to the west of the school buildings which would be occupied by the proposed access road and Plots 7 to 17.

In relation to the land known as Baileys Field, Sport England have confirmed that this is no longer considered to be a playing field given that it has not been used as such for an extensive period of time, and as such Sport England raise no objection in relation to the development of this land. This is consistent with the previous appeal decision. However, the development would clearly involve the loss of the school's existing playing fields on the land which lies to the west of the school buildings.

The relevant Sport England policy exceptions in this regard are Policy Exception E4 that *"The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development"* and Policy Exception E5 that *"The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields"*.

In order to address this requirement, the application proposes replacement sports facilities extending to 1.1ha of land, including a grass rugby / sports pitch, and a Multi-Use Games Area (MUGA) comprising an artificial grass pitch. These would be provided as part of the development and lie within the application site red line boundary.

Sport England have confirmed via their comments on this resubmission application that on the basis of the existing facilities available and the proposed replacement facilities, they accept that the replacement playing field area meets the requirements of Policy Exception E4. They have also identified that the incorporation of an artificial grass pitch as part of the proposed MUGA is considered to meet the requirements of Policy Exception E5, where it can be demonstrated that community access can be secured to this facility.

In relation to community access, this issue was considered in detail as part of the appeal on the previous application. The Inspector found that whilst the lack of provision of floodlights at the facility would limit its wider community use during winter months (outside of weekends), the proposal would make appropriate alternative provision which would be equally accessible and of better quality than the facilities that would be lost, in accordance with the requirements of Spatial

Policy 8 of the Core Strategy and the NPPF. Whilst floodlighting would increase the value of the facility for use by both the school and the wider community, it is recognised that this needs to be balanced against the impact of floodlighting on the amenity for occupiers of dwellings that would lie in close proximity to the facility. In this context, floodlighting of the pitches is not considered to be appropriate and as such use of the facilities would necessarily be limited to daylight hours.

In terms of ensuring community use of the proposed facilities, a condition is recommended in this regard which would require the applicant to submit a community use agreement prepared in consultation with Sport England which would include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities, and a mechanism for its review. This reflects the proposed wording for a condition which has been recommended by Sport England in their comments on this application.

In their comments, Sport England also highlight a number of concerns with regard to the effectiveness of the proposed acoustic barrier in addressing the noise impacts which were discussed in detail through the appeal on the previous application. The issue of noise from the proposed facilities and its impact on residential amenity is addressed within this report below. However, Sport England do confirm within their comments that if the Council are satisfied that the proposal would not lead to a noise issue which would limit the use of the facility, then they consider that the proposal would meet the requirements of their exception policy.

On this basis, it is considered that subject to a condition to secure a community use agreement of the proposed facilities, the application proposal would deliver suitable replacement sports facilities in accordance with the requirements of Spatial Policy 8 of the Core Strategy, Sport England’s exception policy, and the NPPF.

Housing Numbers, Density and Mix

Core Policy 3 of the Core Strategy states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need. The need to achieve a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities is also reflected in the NPPF.

The table below summarises the proposed housing mix:

Type	No. of Plots	% of total dwellings
1-bed townhouse	3	5.6%
1-bed semi-detached	2	
2-bed apartment	6	6.7%
2-bed semi-detached	12	13.5%
3-bed semi-detached	4	12.4%
3-bed detached	7	
4-bed detached	23	25.8%
5-bed detached	32	36.0%
Total	89	100%

The scheme would provide a broad range of dwelling types and sizes and as such I am satisfied that the scheme offers a balanced housing mix in line with the needs of the area and national and local policy requirements.

The scheme represents a density of approximately 24 dwellings per hectare (when excluding the proposed sports pitch/school car park and access from the calculation). Core Policy 3 of the Core Strategy identifies that development densities in housing developments should normally be no lower than an average 30 dwellings per hectare net. Whilst the proposed development would achieve a density below this figure, it is recognised that there are other considerations in relation to this site which necessarily impact on the appropriate average density. These include having regard to the density and character of surrounding housing development, including the developments at The Woodwards and Glebe Park which are of a low density, together with the proposed retention of the majority of the mature trees within the site, and the need to have regard to issues of amenity and privacy in relation to adjoining properties which were subject to detailed consideration by the Planning Inspector in relation to the previous application. Overall taking these matters into account I consider that the density and mix is now acceptable in line with Core Policy 3 and the NPPF.

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

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

Heritage

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

Paragraph 135 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Given that the majority of the proposed new housing is on land to the north known as Baileys Field and Quibell Field which have no obvious landscape association with the House, it is considered that the site could accommodate new housing in these areas without necessarily having an adverse impact upon the setting of Highfields House. The proposed car parking area is due to

move from the front of the site (where it sits to the south west of Highfields House) to the side elevation on the east. This is one of the most altered and degraded elevations of the site and as such the location of the proposed car park here is not considered to be detrimental. The dwellings proposed on the playing field land to the west of the school buildings would be sited at a considerable distance from Highfields House and would be afforded significant screening by the extensive tree cover that lies between the proposed dwellings and the school buildings. Trees located to the south and east of the school buildings would also serve to screen views of the development from public vantage points and mitigate visual impact.

In relation to St Mary's Church, it is not considered that the proposal would result in any impact on the setting of this Grade I listed building, as whilst the spire of the church is visible from Baileys Field this is an incidental view from private land and is not considered to contribute to the setting of the church.

On this basis, the Conservation Officer concludes that the application proposal will not result in any adverse impact on heritage assets within or near the site, and as such raises no objection to the proposal subject to conditions requiring details of materials and landscaping.

Design

The submitted Design and Access Statement identifies that the proposal *"has taken cues from the Victorian and Edwardian styles seen in the vicinity of the site. This has been embellished through the selection of materials, building details and form which include gable detailing with bargeboard overhangs, raked eaves, bay windows, fenestration treatments and styles."*

In terms of the character of the surrounding area, to the south east of the application site, the dwellings at The Woodwards and Glebe Park comprise modern detached properties set within substantial gardens. Dwellings to the south of London Road are predominately large semi-detached dwellings, again with substantial gardens. Dwellings on Barnby Road are more mixed in character and include a bungalow, a row of terraces and detached dwellings.

For the reasons set out above in relation to housing density, it is considered that the proposed development strikes an appropriate balance between the requirements of Core Policy 3 which identifies that new housing development should normally achieve densities of 30 dwellings per hectare or above, and the character of surrounding development which is typically of a lower density reflecting that the much of the surrounding development was built before density standards were introduced.

The block of six apartments which would be sited at the entrance to the development on London Road has been sensitively designed having regard to its context, and its two storey form is set within an area of amenity space. It would be afforded significant screening through the retention of trees along the frontage to London Road. In terms of the other dwellings across the site, these have been designed to address their street frontage and create varied and interesting streetscenes through the use of a wide range of house types. The dwellings on Plots 7 to 17 have been designed with a greater degree of set back from the access road and more defined boundary treatment, which respects the setting of Highfields House in this regard.

In terms of the design and detailing of both the apartments and the dwellings, these reflect traditional elements from the established Victorian and Edwardian dwellings to the south of London Road.

It is recognised that the acoustic barrier which is proposed to surround the replacement sports facilities would have a visual impact on the streetscene along that part of the access road which loops around it. Extending to 2.4m in height this would be a visible feature. However, its design through the use of timber panels set within brick walling and piers has sought to mitigate the visual impact of the barrier, and this would be further softened through landscaping around its perimeter which would over time reduce its visual impact. In this context, it would not have a dissimilar appearance to a typical boundary treatment where the rear gardens of residential properties adjoin a highway and as such would not be an incongruous feature in the context of this residential development. On balance therefore, and recognising the specific purpose which the acoustic barrier is serving, it is considered that this would not result in any significant detrimental impact in terms of visual appearance.

Landscape Character

Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that all development proposal will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

The application site lies within the East Nottinghamshire Sandlands landscape character area as identified within the SPD, and within this it lies within Policy Zone ES PZ 04 Winthorpe Village Farmlands. This reflects a relatively large Policy Zone which covers much of the eastern extent of the District beyond Newark and Balderton, and comprises a flat and gently undulating arable landscape with woodland blocks. The SPD notes that there exist a diverse variety of land uses across this Policy Zone, due to its proximity to Newark and being typical of urban fringe locations. The character assessment identifies the landscape condition of this Policy Zone as moderate, and also identifies its landscape sensitivity as moderate. In terms of the objectives for new development, the assessment identifies that the focus is to conserve what remains of the rural landscape by concentrating new development around existing settlements and to create new development which reflects the built vernacular. In terms of the objectives for landscape features, it identifies that existing field patterns and hedgerows should be conserved where feasible to contain new development with historic boundaries, and that tree cover and landscape planting should be conserved and enhanced.

The application site lies at the edge of the built up area of Newark, and does not have a particularly open aspect within the wider landscape setting. To the south, the site adjoins the built up urban area of Newark, whilst to the north the site is bounded by linear housing development along Barnby Road, beyond which is the East Coast Mainline. As such, the site occupies an urban fringe location, and as identified within the SPD, this is the type of location where new development is to be focused in order to conserve what remains of the rural landscape. The application proposal would largely retain existing field boundaries and the associated hedgerows and trees which line its perimeter. Whilst it would involve the removal of one stretch of hedgerow which presently separates the northern parcel of land known as Baileys Field, in the context of the scheme as a whole it is clear that the extent of tree and hedgerow removal has been kept to a minimum. In this context, it is considered that the application proposal addresses the implications of the Landscape Policy Zone within which it lies, in accordance with the requirements of Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD.

Trees and Hedgerow

Core Policy 12 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

A Tree Protection Plan and Tree Report have been submitted with the application. The Tree Report identifies that there are approximately 100 trees and 15 tree groups within the site, the majority of which are located around the existing playing fields, the car park, the area of land to the east of the school buildings, and along the access road linking the site entrance and the school buildings. Some trees are also scattered along the boundaries of Baileys Field and Quibell Field. The Tree Report identifies that the trees surveyed were predominantly of moderate amenity value and have been placed within category B. 14 trees were identified as being of high value due to their size and situation in the landscape, and were placed into category A.

The Tree Report indicates that a total of 26 trees and three tree groups within the red line site boundary will need to be removed. Eight of these trees are covered by a group Tree Preservation Order (ref. N215). Two of these trees are shown for removal due to their poor condition and the removal of these trees would be considered good arboricultural practice in any case. Four of the trees to be removed which form part of the group TPO are located towards the entrance to the site off London Road and are to be removed to facilitate the widening of and the layout of the access road. As the majority of trees along the access road are being retained, it is considered that the removal of this limited number of trees is acceptable as it allows the wider site to be developed. There are three groups of protected trees to the north east of the school buildings which require removal or partial removal to allow the construction of the new car park. Given their position within the site, these trees have limited public amenity value given that they are not visible from public vantage points, and there would be potential to mitigate their loss by replacement planting elsewhere within the site.

The extent of tree removal remains the same as per the previous application. In relation to this previous application, the Tree Officer considered that the layout had been designed to minimise the removal of protected trees, and that the level of tree removal required to implement the development was acceptable. As such they raised no objections subject to conditions relating to tree protection, and replacement planting. In reviewing the current application, the Tree Officer has indicated that they have some concerns regarding the proximity of the proposed apartments, and a number of the proposed dwellings along the western extent of the site, to the protected trees which are to be retained on this part of the site. This proximity may result in pressure for future pruning works to these trees. However, it is acknowledged that the extent of tree removal remains unaltered from the previous application, and that the impact on trees was deemed acceptable at this stage. In addition, those dwellings proposed on Plots 7 to 17 have been afforded generous rear gardens in order to limit the extent of overshadowing from these trees and thereby limit the potential for pruning works to be required, and the apartment block had previously been re-sited by 1.5 / 2m further from trees T50 and T52 in order to address the previous comments of the Tree Officer.

The application proposal would involve the loss of approximately 95m of existing hedgerow that separates Baileys Field and Quibell Field. The Hedgerow Regulations 1997 define 'important' hedgerow as that which has existed for 30 years or more, and meets at least one of the criteria within Schedule 1 Part II. One of these criteria is that the hedgerow marks a pre-1850 parish or township boundary. The hedgerow marks the boundary between the parishes of Newark and

Balderton and on the basis of historic mapping that is available, it is likely that this has marked the parish boundary since prior to 1850. In this context, it would be considered to constitute an 'important' hedgerow in the context of the Hedgerow Regulations. The Hedgerow Regulations afford protection to hedgerow and require permission for its removal. Where removal of a hedgerow is required to implement a planning permission, then no separate consent for hedgerow removal is required. There is a presumption in favour of protecting important hedgerow under the Regulations. The loss of hedgerow in this context is regrettable and will clearly result in a degree of harm. The impact of this is assessed at the end of this report as part of the planning balance.

Summary

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

Impact on Highway Safety

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

A Transport Assessment (TA) has been submitted with the application which demonstrates that access to the site is safe and satisfactory. This concludes that the *"the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. It is, therefore, considered that the residual cumulative impact of the proposal will not be severe"*. The Transport Assessment was undertaken in October 2014, and formed part of the submission for the previous planning application. It was therefore undertaken on the basis of a development comprising 83 dwellings, recognising that the proposed development was amended during the course of its consideration and the total number of dwellings increased to 91 prior to its consideration by the appointed Planning Inspector at appeal.

The Transport Assessment identifies that the site occupies a sustainable location approximately 1.7km south east of Newark town centre, and being accessed off London Road which is a major bus corridor and with National Cycle Route 64 running adjacent to the southern boundary of the site and providing a designated off-road cycle route. The Traffic Survey which informed the Transport Assessment was undertaken in February 2014. It identifies that London Road operates well within its practical capacity, at around 35% of its recommended maximum threshold.

The Transport Assessment applied a design year of 2019 to its traffic modeling in order to reflect any phasing of the development. It identifies that the proposed development (of 83 dwellings) would generate 52 and 53 two-way peak hour vehicle trips during the morning and evening peak periods respectively, which equates to approximately 1 additional vehicle movement per minute, which it concludes is unlikely to be perceivable to road users. As such, the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours.

Whilst it is recognised that the Transport Assessment was undertaken in October 2014, as part of the most recent application for the Highfields School site (17/00357/FULM) the applicant's transport consultants have submitted an addendum to the Transport Assessment which assesses the traffic impact of the 95 dwellings which are proposed under this most recent application. This updates the design year to 2021, and identifies that the proposed development would generate 60 two-way peak hour vehicle trips during both the morning and evening peak periods (an increase over the previous assessment of 8 and 7 two-way trips during the morning and evening peak periods respectively), and that the maximum increase in traffic flows on London Road (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. On the basis that the increase from 83 to 95 dwellings results in no material difference in terms of the operation of the highway network, it is clear that in relation to this application for 89 dwellings, there would also be no material difference in this regard.

The Transport Assessment identifies that the storage capacity associated with the existing right turn holding lane within London Road is considered adequate to facilitate traffic accessing Highfields School during both peak periods, however notwithstanding this, the applicant proposes to implement a white lining improvement scheme to provide a formal ghost island right turn lane on London Road in order to serve the proposed development.

The County Highways Officer has reviewed the submitted information and raises no objection on highway grounds.

The site access road would wrap around the rear of the main school buildings and provide access to a new car parking area comprising 64 parking spaces to serve the school. The access road would also provide access to the proposed new dwellings a total of 288 residential car parking spaces (including garages). Access to the school grounds would be controlled via a set of gates.

In relation to the County Council's comments on the Travel Plan, these are considered to be points of detail which can be addressed via submission of an updated Travel Plan associated with any grant of consent. A condition is recommended in this regard.

In relation to the detailed points raised within the County Highways Officers comments (18 October 2016), the applicant has confirmed that the ongoing management and maintenance of the footpath link to Barnby Road will be included as part of the transfer to a management company for the site. This would be secured via legal agreement. The comments regarding turning heads and visibility splays have been accommodated through minor revisions to the site layout plan. In terms of highway drainage, the County Highways Officer has confirmed that following correspondence with Severn Trent Water, Severn Trent have confirmed that they are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer, the County Highways Officer has confirmed that he is satisfied that the highway drainage issues can be resolved. Conditions are recommended in this regard, requiring submission and approval of drainage details and plans for the disposal of surface water and foul sewage, and details of the surface water drainage scheme.

The proposed development would be subject to a legal agreement to include a contribution towards bus stop improvements and a lorry routing plan to ensure that extraneous traffic is kept out of Newark town centre (as included in the Summary of Developer Contributions table below). Planning conditions relating to access construction, visibility splays, set back of garage doors, white lining scheme and surfacing are also recommended.

In this context it is considered that the proposed development would be acceptable in highway terms, subject to the relevant conditions, in accordance with the requirements of Spatial Policy 7 of the Core Strategy.

Impact on Flood Risk and Drainage

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

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

A Drainage Statement has been submitted as part of the application. In terms of foul sewerage generated by the development, this is to be discharged to the public sewer network at a manhole located in London Road close to the site entrance. In terms of surface water drainage, ground investigation and soakaway testing has demonstrated that the prevalent ground conditions are acceptable from an infiltration perspective and therefore the site would be suitable to accommodate a Sustainable Drainage Scheme (SuDS).

As such, it is proposed that the dwellings would drain to shallow soakaways within garden areas to serve individual plots, or to a shared soakaway in a suitable location. These will be designed to a 1 in 100 year storm event (plus allowance for climate change) in order to ensure that extreme conditions can be accommodated and thereby not presenting a flood risk to either the proposed or existing surrounding properties. The applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land from Railway Paths Ltd in order to facilitate this. A piped storage system located within the highways together with a flow control device would limit discharge rate. An assessment of the ecological impact of this proposed approach is addressed below under 'Impact on Ecology'.

In response to comments received from the Environment Agency, a condition is recommended which would ensure that internal finished floor levels within the proposed dwellings be set no lower than 150mm than adjacent external ground levels. In addition, a condition is also recommended requiring submission of details of a surface water drainage scheme based on sustainable drainage principles in response to comments received from the Lead Local Flood Authority. Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved.

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

Impact on Ecology

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

The applicant has submitted an Ecological Assessment (January 2014) as part of the application submission, together with additional botanical and reptile surveys (January 2014), and a Reptile and Amphibian Mitigation Strategy (April 2015). These documents were informed by a detailed habitat survey undertaken in June 2013, and were submitted in relation to the previous application (14/01964/FULM). Approximately 55m to the west of the application site lies Ballast Pit which is a designated Local Wildlife Site (LWS). Ballast Pit comprises a large fishing lake with willow carr (waterlogged woodland).

The Ecological Assessment and further botanical and reptile survey report identify a range of existing habitats within the site, with neutral semi-improved grassland habitat on the land at Baileys Field and Quibell Field, together with hedgerow, trees and scrub on parts of the site. In terms of species, the survey work identifies that the site is used by a number of protected and priority species. It identifies use of the land at Baileys Field and Quibell Field by grass snake as they move between areas of suitable habitat (such as Ballast Pit LWS, and the allotments which lie to the east and west of the site). Grass snakes are a protected species under the Wildlife and Countryside Act 1981. It also identifies use of the site as a migratory route for the common toad which is a priority species under the Natural Environment and Rural Communities Act 2006. In addition, the survey work identifies that foraging badgers may move across the site from time to time (although they are not considered resident within the site), and that the site may be of local importance to foraging and commuting bats.

The Ecological Assessment and further botanical and reptile survey report sets out a detailed package of mitigation measures in order to mitigate any impact in relation to these habitats and species. The key element of this is the delivery of a Reptile and Amphibian Mitigation Strategy (April 2015), which would comprise the following:

- Creation of two ecology corridors which would run east/west across the site in order to retain connectivity between Ballast Pit LWS and the allotments, and allow for the movement of wildlife. The corridors would lie along the northern and southern boundaries of the land known as Baileys Field and Quibell Field and would each be approximately 2m in width. The northern corridor would comprise new hedgerow planting to complement the existing hedgerow along this boundary, and the southern boundary would comprise a mixture of structure planting along the school boundary and rough grassland along the boundary with properties on The Woodwards / Glebe Park. Part of the ecology corridor along the southern boundary would be located just outside of the application site boundary but within the school grounds which adjoin the site.
- Creation of a wildlife underpass beneath the estate road at the point where it crosses the ecology corridor along the southern boundary, in order to provide safe passage for amphibians and reptiles.
- Retention of all existing sections of hedgerow along the site's northern boundary. Whilst approximately 95m of hedgerow would be lost (the hedgerow that separates Baileys Field from Quibell Field), compensatory planting along the northern boundary will involve planting to establish / consolidate approximately 305m of native hedgerow.

- Off-site habitat enhancement works at Ballast Pit LWS and biodiversity enhancement works within the school's grounds, adjoining the application site. In terms of Ballast Pit LWS, this would involve habitat enhancement works, including hibernacula creation and thinning existing scrub.
- Installation of dropped kerbs and wildlife kerbs across the development to provide a means of escape for any amphibians that may enter the road network.

The future management of the on-site mitigation works (including the ecology corridors), together with the implementation and management of the off-site works, would be undertaken by a management company.

In addition to the Reptile and Amphibian Mitigation Strategy, the Ecological Assessment and further botanical and reptile survey report contain a series of detailed recommendations in order to mitigate any impact on habitats and species. These include delivery of an ecologically sensitive landscaping scheme with native and wildlife-attracting species, root protection measures for all trees and hedgerows to be retained, additional tree planting with native species, bat sensitive lighting for street lighting across the development, and the use of sensitive working practices in order to protect any species which may be present on the site during the construction phase.

The delivery of the mitigation measures identified within the Ecological Assessment and further botanical and reptile survey report and the Reptile and Amphibian Mitigation Strategy would be secured via condition, and the delivery and maintenance of the off-site works at Ballast Pit LWS and within the school grounds would be secured via legal agreement.

In relation to the submitted documents which accompanied the application, concerns were raised by both the County Ecologist and Nottinghamshire Wildlife Trust on the basis that the ecological survey work which underpins the appraisal is considered out of date, and that additional surveys are required. In response to these comments, in April 2017 the applicant commissioned an updated reptile survey and bat activity surveys.

The updated reptile survey recorded the presence of a low population of grass snake on the site, together with a single toad. The applicant's consultant ecologist concludes that this corroborates the findings of the 2013 based survey in that whilst the site is considered to be of importance to reptiles at a local level, only low populations have been recorded within the site and as such the site's role in this regard is likely to be as a migratory route between surrounding sites. As such, the applicant's consultant ecologist concludes that the outcome of the updated reptile survey does not indicate that any changes are required to the proposed approach set out within the Reptile and Amphibian Mitigation Strategy.

In relation to the bat activity surveys, three surveys have now been undertaken on the site during the active bat season. All of the surveys recorded a low level of bat activity on site during the three transects and associated static monitoring.

The applicant's consultant ecologist has also assessed the hedgerow which lies between Baileys and Quibell Fields in terms of the Hedgerow Regulations 1997 on the basis of the ecological criteria. They have confirmed that the hedgerows are not classified as important hedgerows in the context of the defined ecological criteria under the Hedgerow Regulations 1997.

In relation to the additional information submitted, the Nottinghamshire Wildlife Trust has confirmed that they are satisfied with the submitted bat surveys and as such withdraw their previous objection to the application. The Wildlife Trust recommend that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. A condition is proposed in this regard. The Wildlife Trust does also highlight some concerns with regard to the reptile surveys conducted to date, which they consider have not enabled a full assessment of the value of the site as a migration route for toads. The Wildlife Trust consider that this information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. In relation to these comments of the Wildlife Trust, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable following detailed discussions in relation to the previous application scheme (14/01964/FULM).

The response of the County Council's Ecology team to the additional information submitted raises concern as to whether the proposed ecology corridors would effectively function as intended to allow ecological connectivity and allow the movement of reptiles. The County Council's Ecology team considers that the 2m width of these corridors may limit their functionality and a better solution would be the provision of a 10-15m wide corridor through the site. As cited above, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable in relation to the previous application scheme. The applicant's ecological consultant has advised that the ecology corridors would be sufficient to provide movement corridors along the site boundaries for reptiles and amphibians. The corridors are designed to be discrete pathways for wildlife, which are inaccessible to the general public, and the Reptile and Amphibian Mitigation Strategy confirms that access will be created between rear gardens and the ecology corridors via small gaps or raised fencing to provide additional habitat for reptiles, amphibians and small mammals.

In relation to the comments of both the Nottinghamshire Wildlife Trust and the County Council's Ecology team, it is proposed that the implementation and ongoing maintenance of the off-site works at Ballast Pit LWS would be secured via legal agreement and this would therefore address the cited concerns in this regard.

As set out above under 'Impact on Flood Risk and Drainage' the applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land in order to facilitate this. In relation to concerns cited regarding the ecological impact of this drainage on Ballast Pit LWS, the applicant's drainage consultant has confirmed a hydrodynamic vortex separator may be incorporated downstream of the proposed flow control device to provide treatment of runoff and that permeable paving may also be incorporated across private driveways to provide additional treatment of runoff. As such, the applicant's drainage consultant confirms that the potential impact on water quality of surface water discharged to Ballast Pit is expected to be minimal. A condition is proposed requiring submission of full details of the proposed surface water drainage scheme, and this provides the means to ensure that the sustainable drainage scheme would be acceptable in terms of both its drainage and ecological impact.

In summary, the Nottinghamshire Wildlife Trust have confirmed that they would remove their objection to the proposed development subject to the two further bat surveys confirming low activity levels on the site. The County Council's Ecology team have confirmed that they are unable

to support the application, but that in the event planning permission is granted it should be controlled via a detailed series of conditions together with a legal agreement to ensure the delivery and long-term management of the off-site ecological mitigation works. All of these recommendations have been addressed as part of the proposed conditions.

Taking into account all ecology comments from consultees and interested parties and the additional information submitted by the applicant, and subject to securing appropriate mitigation measures via the imposition of conditions and via legal agreement for the implementation and maintenance of those off-site works, it is considered that the proposal accords with the requirements of Core Policy 12, Policy DM5 of the Allocations and Development Management DPD, and the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. There are several strands to amenity which are discussed by topic area below.

Noise issues relating to proposed MUGA and sports pitch

The noise impact of the proposed rugby / sports pitch and the MUGA on those proposed dwellings which would surround the pitches was considered in detail by the Inspector in relation to the previous application. In relation to the previous application, the Inspector found that the maximum predicted external noise level would be significantly above the desirable external noise level for gardens and patios set out in BS 8233:2014 and would slightly exceed the upper guideline value which would be acceptable in noisier environments. The Inspector's key area of concern was however in the maximum predicted internal noise levels. The Inspector noted that whilst the maximum predicted internal noise level would comply with the most stringent guidance given in BS 8233:2014 with the windows closed and trickle vents open, this would be exceeded when the windows of these properties are opened to allow for 'purge' or summertime ventilation. As such, the Inspector concluded that these future occupiers would be likely to experience significant noise and disturbance within their homes, particularly during the summer months, and that on this basis the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regard to internal noise levels.

In response to this, this resubmission application proposes the erection of an acoustic barrier around the proposed rugby / sports pitch and the MUGA. This would surround the pitches on their western, northern and eastern boundaries, and along part of the southern boundary with Highfields School in order to reduce any noise leakage around the ends of the barrier. The acoustic barrier would comprise a 2.4m boundary formed of timber fence panels set within brick walling and piers. An updated Noise Assessment has been submitted, on the basis that the scale and treatment of the acoustic barrier has been amended following submission of the planning application.

BS8233:2014 states that it is generally desirable that daytime (0700hrs – 2300hrs) internal ambient noise levels should not exceed 35dB_{L_{AeqT}} for living rooms and bedrooms and 40dB_{L_{AeqT}} for dining rooms. For traditional external areas that are used for amenity space, such as gardens and patios, the BS states that it is desirable that the external noise does not exceed

50 dBL_{AeqT}, with an upper guideline value of 55dBL_{AeqT}.

The Noise Assessment modelling demonstrates that even without any mitigation, outdoor noise levels within private amenity areas such as rear gardens would all lie well below the criterion of 55dBL_{AeqT}. The orientation of the proposed dwellings, with gardens located behind the dwellings means that outdoor noise levels within amenity areas would for the most part also lie below the lower criterion of 50 dBL_{AeqT} recommended by BS8233 and the WHO guidelines.

The Noise Assessment modelling demonstrates that with the acoustic barrier in place, in terms of impact on internal ambient noise levels, the noise reductions will be approximately 9dB at ground floor and 5 dB at first floor windows, when noise sources are at their closest to the barrier. Whilst the attenuation reduces slightly as the noise source moves further into the playing area, the change is only small at ground floor, and for both ground and first floors is more than offset by the additional distance attenuation.

Around the site, there would be minor variations in ground levels between the pitches and the dwellings. In some locations the dwelling and pitch levels would be broadly the same, whilst in others the ground levels of some dwellings would be approximately 0.6 / 0.7m higher than the nearest part of the pitch. The Noise Assessment considers that the 2.4m height of the acoustic barrier would compensate for these small ground level differences.

The Noise Assessment finds that normal thermal double glazing having a configuration of 4/12/4 or 4/16/4 would be more than sufficient to enable all internal noise standards to be met, and that the effect of the acoustic barrier would be that even with windows open for ventilation during the daytime, internal noise standards would continue to be met. As such, the Noise Assessment concludes that the use of the MUGA and sports pitch would not result in any adverse noise impact on residential amenity and that the proposed acoustic barrier would provide significant noise reductions at both ground and first floor windows for all dwellings surrounding the MUGA.

Sport England's initial comments on the application dated 22 August 2016 highlighted concerns regarding the extent to which the proposed mitigation measures fully addressed the Inspector's concerns with regard to noise impact. Subsequent to this, the detail of the acoustic barrier has been amended during the course of the application's consideration such that the height of the acoustic barrier has been increased to 2.4m and an updated Noise Assessment was submitted to address this issue. Sport England's response does however make clear that they do not object to the application, and that if the local authority are content that the proposal would not lead to a noise issue which would limit the use of the facility then the proposal would meet the requirements of their exception policy in this regard.

The Council's Environmental Health Officer (Noise) has reviewed the submitted information and confirms that no objections are raised subject to relevant conditions being attached to any grant of consent. In accordance with the recommendations of the submitted Noise Assessment, conditions are recommended in relation to the specification of glazing on those dwellings facing the MUGA and sports pitch and the requirement for passive acoustic ventilators within those dwellings with bedroom windows facing the MUGA and sports pitch. A condition is also recommended requiring submission of details of goal back boards and pitch perimeter boards designed to minimise noise from ball impact.

As such it is not considered that the proposed development would result in any unacceptable noise impact arising from the proposed MUGA and sports pitch in accordance with Policy DM5 of the Allocations and Development Management DPD and the requirements of the NPPF.

Noise issues relating to proposed foul pumping station

The application proposal includes a foul pumping station to be located centrally within the site at the north east corner of the school grounds. This pumping station would be located in proximity to a number of the proposed residential dwellings, with the closest properties being those on Plots 61 and 89 where a distance of approximately 13m and 14m respectively would be maintained between the pumping station and the closest part of the dwellings).

In order to ensure no unacceptable noise impact from the operation of the proposed pumping station on neighbouring properties, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. This would be required prior to first operation of the foul pumping station. Given the enclosed nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development.

As such it is not considered that the proposed development would result in any unacceptable noise impact arising from the foul pumping station in accordance with Policy DM5 of the Allocations and Development Management DPD and the requirements of the NPPF.

Floodlighting

As set out above, it is not proposed that the MUGA and sports pitch would be floodlit. Whilst floodlighting would increase the value of the facility for use by both the school and the wider community, it is recognised that this needs to be balanced against the impact of floodlighting on the amenity for occupiers of dwellings that would lie in close proximity to the facility. As such a condition is recommended that no floodlighting be erected without the prior approval of the Local Planning Authority.

Overlooking, privacy and amenity

Policy DM5 of the Allocations and Development Management DPD states that new developments shall be assessed against a number of criteria including that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. There is no prescriptive guidance in terms of appropriate separation distances, and paragraph 7.18 of the reasoned justification to Policy DM5 states that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

The application site is bounded by a number of residential properties. The eastern part of the site known as Quibell Field is bounded to the south by residential properties at No. 27 London Road, Nos. 11a and 12 The Woodwards, and Nos. 31 and 33 Glebe Park. Part of this southern boundary is formed by a brick wall of approximately 2m in height, with the remainder formed by wood panelled fencing of between approximately 1.8m and 2m in height. In addition, along parts of this boundary there is mature hedging and trees which provide additional screening. The application site is also bounded by residential properties on Barnby Road along much of its northern boundary.

In relation to the appeal against refusal of the previous application (14/01964/FULM), the effect of the proposed development on the living conditions of neighbouring residents with particular regard to privacy was a key issue considered in detail by the Inspector. The Inspector concluded that the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy. In relation to the relationship between the proposed development and No. 12 The Woodwards, the Inspector found that the proposed development would not lead to an unacceptable level of overlooking of, or loss of privacy to, the occupiers of No. 12 in their dwelling or rear garden.

The layout of the eastern parcel of land (Quibell Field) has been redesigned as part of this resubmission application in order to specifically address the Inspector's findings in this regard. As such, the dwellings which would adjoin these existing properties have been reconfigured and repositioned so as to allow for a considerably greater separation distance between the proposed and existing properties. The impact in relation to each of these existing properties is detailed below:

No. 27 London Road – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 12m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 27 London Road would result in an unacceptable impact in terms of privacy. Under this resubmission application, these distances have been increased to between 21m and 23m. In addition, by positioning the double garages serving Plots 86 to 88 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 12 The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 13m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 12 The Woodwards, taken together with the fact that No.12 is itself set back from the boundary by around 20m, would mean that no unacceptable level of overlooking or loss of privacy would result. Under this resubmission application, the separation distances between the first floor rear elevation of the proposed dwellings and the boundary with No. 12 The Woodwards have been further increased to between 24.5m and 27m, and the double garages serving Plots 84 and 85 have been positioned to the rear of these plots.

No. 11a The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 11m and 13m between the first floor rear elevations of the proposed dwellings and the boundary with No. 11a The Woodwards would result in an unacceptable impact in terms of privacy. Under this resubmission application, these distances have been increased to between 21.5m and 23m. In addition, by positioning the double garages serving Plots 82 and 83 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 31 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 15m and 16m between the first floor rear elevations of the proposed dwellings and the boundary with No. 31 Glebe Park would result in an unacceptable impact in terms of privacy. Under this resubmission application, these distances have been increased to between 21.5m and 29m. In addition, by positioning the double garages serving Plots 77 to 81 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 33 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the given orientation of the proposed dwelling on the plot adjoining the northern boundary of No. 33 Glebe Park, there would be some overlooking and loss of privacy to these neighbouring residents within their rear garden. Under this resubmission application, the dwelling on Plot 77 is an Oakham house type. In common with the previous scheme, at first floor level in the side elevation facing No. 33 Glebe Park the only window within this side elevation would be obscure glazed serving an ensuite. Therefore there would be no potential for overlooking from the side elevation. In response to the Inspector's findings, the dwelling on Plot 77 has been oriented away from No. 33 Glebe Park. On this basis, it is not considered that the outlook from the first floor bedroom windows in the rear elevation of Plot 77 would result in any unacceptable level of overlooking or loss of privacy to the occupiers of No. 33 Glebe Park.

In relation to the relationship with the existing dwellings on Barnby Road which lie adjacent to the site's northern boundary, this relationship remains unchanged from the previous application which was considered acceptable in this context. Grove Bungalow is the closest dwelling to the north of the site and a separation distance in excess of 20m would be maintained between the rear of this dwelling and the application site.

In the context of these revisions to the scheme layout, it is considered that all the issues identified by the Inspector in relation to privacy and overlooking have been appropriately addressed. As such it is not considered that the proposal would not result in any unacceptable impact in terms of amenity, overbearing or privacy, in accordance with Policy DM5 of the Allocations and Development Management DPD.

In relation to the siting of the proposed garages serving Plots 77 to 88 close to the common boundary with these existing neighbouring properties, it is not considered that this would result in any unacceptable impact in terms of amenity for existing occupiers. The garages would be sited approximately 3.5m from the boundary with the existing properties, reflecting that one of the proposed ecology corridors would lie between the proposed dwellings and the existing properties. The layout plan indicates that the garages have been designed such that the ridge lines would be positioned such that they run parallel to the common boundary and therefore on those elevations closest to the common boundary the garages would have a height to eaves of approximately 2.5m. As such it is not considered that this would result in any overbearing impact on the garden areas of adjacent properties. Similarly in relation to the impact of vehicle headlights and noise from vehicle movements, it is not considered that the siting of the proposed garages would result in any unacceptable impact on the amenity of neighbouring properties. The updated Noise Assessment specifically addresses this issue, and confirms that noise levels would be no different to those that occur within all other residential developments across the country as and when neighbours use their cars and garages. As such there are no noise standards that are applicable to this type of activity nor are there any noise assessment procedures that would suggest such infrequent noise events would affect the residential amenity of existing residents.

Whilst there would be no unacceptable impact in this regard, the applicant has confirmed that they propose to install soft closing garage doors for these plots and that these driveways would be hard surfaced for their full length, as a courtesy to the expressed concerns of neighbouring occupiers. It is not however appropriate to condition this, as it not considered to meet the tests for planning conditions in terms of being necessary and reasonable.

Security

The Police Architectural Liaison Officer has raised concerns with regard to the acoustic barrier which is proposed to surround the MUGA and sports pitch, from a design and crime perspective. They consider that the acoustic barrier would prevent natural surveillance of the MUGA and sports pitch which could allow these facilities to be used for the purposes of anti-social behavior. The Architectural Liaison officer also raises concern with the potential for the acoustic barrier to be subject to graffiti.

In terms of the issue of graffiti, the submitted plans identify that the acoustic barrier would be formed of timber panels set within brick walling and piers. In addition, there would be a buffer of vegetation introduced on the side of the barrier facing the street. As such, it is not considered that the barrier would be subject to any greater risk of graffiti than where the rear boundary treatment of a residential dwelling adjoins the public highway.

Neighbouring residents have also raised concerns over security of the school car park. This car park is essentially a replacement of the existing school car park albeit in a different location. It is not considered that the security issues associated with the car park would be materially different from those experienced by the car park in its existing location. In addition, the applicant has confirmed that this car park would have a barrier at its entrance to restrict access out of school and community use hours. Beyond the acoustic barrier, the MUGA would be enclosed with 3m high mesh fencing to retain balls within the area. This 3m high mesh fencing would also serve to prevent unauthorised access to the MUGA, and therefore it is not considered that there would be significant potential for the MUGA to be used for anti-social behavior.

In relation to concerns raised in relation to secure boundary treatments to the MUGA / pitches and car parking area, it is recommended that a condition be imposed to require the submission of further details.

Summary

In conclusion it is considered that subject to relevant conditions as recommended, the proposed development would result in no significant detrimental impact on the amenity of future occupiers of the proposed dwellings or dwellings adjacent to the application site in accordance with Policy DM5 of the Allocations and Development Management DPD.

Public open space

The application proposal would include an area of amenity space at the entrance to the proposed development, situated around the proposed site of the apartment block. This area of amenity space would extend to approximately 1,155m² which is marginally below the local standard for amenity green space provision as defined in the Newark and Sherwood Green Spaces Strategy, which for a development of 89 dwellings would amount to 1,282m² (on the basis of the 14.4m² per dwelling standard). It is recognised that the value of this amenity space is likely to be limited

given that the proposed apartment block is sited within the space. The application also proposes the reinstatement of a footpath link to Barnby Road which would facilitate access to Barnby Road Community Park and Locally Equipped Area of Play (LEAP) for residents of the proposed development. Recognising the limited on-site provision of public open space, financial contributions towards off-site provision would be sought, and this is detailed below under 'Viability of Development and Developer Contributions'.

Impact on Archaeology

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

An Archaeological Evaluation Report (September 2014) has been submitted with the application, which was prepared in order to support the previous application (14/01964/FULM). As part of the archaeological investigation, fourteen trenches were excavated to investigate anomalies identified by a preceding geophysical survey. The investigation revealed a complex of ditches and occasional pits to the north and east of the school buildings, and dating evidence indicates small scale activity in the Iron Age and Roman periods associated with an enclosure to the north of the school, and medieval and post-medieval agricultural activity.

Nottinghamshire County Council Archaeology have confirmed that they are content with the work that has been undertaken, and that the archaeological mitigation strategy is acceptable. As such they raise no objections subject to a condition requiring implementation of the submitted archaeological mitigation strategy.

Subject to this condition, the proposal is therefore considered to raise no issues in relation to Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD.

Viability of Development and Developer Contributions

Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth.

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

In relation to this application there have been on-going negotiations with regard to viability. The applicant submitted viability evidence which identified that the scheme would be unable to support the full scale of the planning obligation requirement, in addition to the CIL liability.

An independent viability assessment of the proposed development has been undertaken by the Council's appointed viability consultant. On the basis of these negotiations, the applicant has agreed to contribute £110,880 towards s106 contributions (which would be in addition to the full CIL liability). The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

The policy starting point for developer contributions is set out below together with details of the developer offer being proposed. It is important to note that the developer is willing for the overall financial offer to be distributed as the Local Planning Authority and County Council consider appropriate.

Affordable Housing

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based on the application proposal of 89 dwellings, this would amount to a requirement for 27 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing.

The application proposal would involve no provision of affordable housing and it is recognised that this would represent a shortfall in the policy requirement to the detriment of local affordable housing needs. However, paragraph 173 of the NPPF makes clear that pursuing sustainable development requires careful attention to viability and costs in decision taking. The Planning Practice Guidance expands on this and states that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations. The Guidance highlights that this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. The Guidance states that these contributions should not be sought without regard to individual scheme viability.

Overall, the application proposal falls short of the policy requirement to secure affordable housing provision. However, the applicant has proven to the satisfaction of the Council's independent advisor that the full scale of required contributions cannot be provided in the context of the scheme's viability. As such, having regard to the NPPF and Planning Practice Guidance and the viability position, it is not considered that the lack of affordable provision would outweigh the other benefits of the proposed development and the presumption in favour of sustainable development.

Community Facilities

The Developer Contributions SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1,433.32 per dwelling (including indexation) to be sought. The application scheme of 89 dwellings would equate to a community facilities contribution of £127,565.48 (including indexation). On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support a community facilities contribution and would fail to meet the SPD requirement in this regard.

Education

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

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

The application scheme of 89 dwellings would generate 19 additional primary school places which requires a developer contribution of £217,645. On the basis of the agreed viability evidence, the scheme would not be able to support the full requirement in this regard. It is recommended that with the exception of the transport contribution, all remaining contributions would be directed towards education. As such, a total of £96,680 would be available to be directed towards education provision, which would reflect approximately 8 additional primary places (at £11,455 per place). This would clearly fall significantly below the requirement and mean that the development would not be contributing fully towards the education requirement that it would generate.

Highways/Integrated Transport

In accordance with the Developer Contributions SPD, the Highways Officer has confirmed that they require £14,200 towards the provision of a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road). In addition the County Council has identified that it would wish to negotiate funding for additional Sunday bus frequency within the area. In relation to the provision of a real time display and bus stop clearway, it is recommended that this full amount be secured as part of the legal agreement in accordance with the requirements of the SPD. On the basis of the agreed viability evidence, it is not however considered that the scheme would be able to contribute towards the provision of additional Sunday bus frequency within the area.

Health

For developments of 65 dwellings or more that increase pressure on the health service, DM3 and the Developer Contributions SPD allow for contributions to be sought (£982.62 per dwelling, including indexation) where there is an identified need in the locality. However in this case, no response has been received from NHS England to justify any such request and consequently no provision is being sought.

Open Space

In accordance with the requirements of the Developer Contributions SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the proposed layout plan includes an area of amenity space adjacent to the proposed apartment block totalling 1,155m². Based on the SPD requirements per dwelling, there would be a shortfall of 126.6m² against the required level of amenity green space provision per dwelling. A financial contribution towards off-site provision of £3,497.70 (including indexation) would therefore apply in this regard.

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

None of the open space shown is specifically designed as children and young people’s playing space and it would ordinarily be considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children’s playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at £927.26 per dwelling (including indexation) plus £1,031.30 per dwelling (including indexation) towards maintenance costs that would need to be agreed as part of any legal agreement. The application scheme of 89 dwellings would require a contribution of £174,311.84 in this regard. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support an open space contribution and would fail to meet the SPD requirement in this regard.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. At an average of 2.4 persons per dwelling, the application scheme of 89 dwellings would increase the existing library’s catchment area population by 214 persons. The County Council has therefore confirmed that a developer contribution of £4,231.06 (including indexation) would be required towards the additional stock that would be required to meet the needs of increase in population. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support the libraries contribution and would fail to meet the SPD requirement in this regard.

Summary of Developer Contributions and Conclusions on Viability

A summary of developer contributions / s106 requirements is set out in the table below. This summary is based on the Officer judgement as to the most appropriate contributions to secure in the context of the total agreed scale of contribution having regard to the viability position:

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Affordable Housing	30% on-site provision or £864,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/ CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £174,311.84 (including indexation)	No provision either on-site or by financial contribution
Amenity Green Space	Reflecting the shortfall of 126.6m ² against the requirement, the provision for amenity space is required at £19.65m ² plus £19.65m ² towards maintenance costs = £3,497.70 (including indexation)	No provision either on-site or by financial contribution
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodward's (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodward's (London Road) = £14,200
Education	£217,645 to provide 19 additional primary places (at £11,455 per place)	£92,448.94 to provide approx 8 additional primary places (at £11,455 per place)
Community Facilities	£1,433.32 per dwelling = £127,565.48 (including indexation)	No provision either on-site or by financial contribution
Libraries	£4,231.06 (including indexation)	No financial contribution
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (April 2015 by Ecus Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to construction works commencing to allow habitat for any reptiles displaced during the construction works.	See first column for requirement
Maintenance of on-site open space and ecology corridors and off-site ecology corridor and enhancement areas	Maintenance of on-site open space and ecology corridors, and off-site ecology corridor and ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include: a) description and evaluation of the features and species to be managed; b) ecological trends and constraints on site that may influence management;	See first column for requirement

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/ CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
	c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions; f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) personnel responsible for the implementation of the plan; h) monitoring and remedial/contingency measures triggered by monitoring.	
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement
TOTAL	30% on site affordable housing provision and £541,451.08 developer contributions (plus CIL)	No affordable housing provision and £110,880 developer contributions (plus CIL)

The scheme comprises a developer offer of £110,880 towards developer contributions as detailed in the table above. The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

Aside from affordable housing which is considered in detail above, the other contributions which are not being met in by this proposal relate to community facilities, library stock provision, and public open space in the form of natural/semi-natural green space, amenity space (small shortfall) and children's and young person's play space. In relation to education provision, whilst the scheme could support a contribution this would be significantly below the requirement and mean that the development would not be contributing fully towards the education requirement that it would generate.

I am mindful that there is only a small shortfall of amenity space associated with the development and as such I do not consider this makes the scheme unacceptable in planning terms. Whilst the scheme would not make provision for children's and young person's play space or a financial contribution towards community facilities or library stock provision, I do give some weight to the fact that there would be some community benefit from the provision of the MUGA and the associated wider community use of the replacement sports facilities. Paragraph 176 of the NPPF makes clear that where safeguards are necessary to make a particular development acceptable in

planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. In relation to this case, I do not consider that the identified requirements constitute necessary safeguards essential to making the development acceptable in planning terms, and given the agreed viability position their non-provision cannot therefore justify refusal of the application. Overall, whilst the proposal falls short of the policy requirements, I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Conclusion and Planning Balance

Paragraph 14 of the NPPF confirms that at the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 7 of the Framework confirms that there are three dimensions to sustainable development: economic, social, and environmental.

i) Economic

The NPPF defines the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.”

The Government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. Although the applicant has not sought to quantify the economic benefits of the scheme, it is accepted that there will be considerable economic benefits both during the construction phase and following completion of the development through increased spending within the area. In light of the Government's push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement) it is considered that moderate weight in favour of the application can be afforded to these benefits.

ii) Social

The NPPF defines the social role as “*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*”

The scheme will deliver 89 new dwellings reflecting a broad range of dwelling types, including 2, 3, 4 and 5-bed houses which will support the creation of a balanced community and contribute towards meeting the district's identified housing need. Whilst the scheme will not deliver any affordable housing, for the reasons set out above, it is considered that this has been robustly justified on the basis of scheme viability having regard to the clear guidance within the NPPF and Planning Practice Guidance on this issue. The application proposal would result in a high quality development of new homes in a sustainable location on the edge of Newark. It will incorporate on-site open space provision, improve permeability through the creation of a new footpath link to Barnby Road, and will involve the provision of improved sports facilities in terms of a rugby/sports pitch and a MUGA, with enhanced community use of these facilities which will be secured via legal agreement. In addition, the application will make a contribution towards local infrastructure via planning obligation contributions, albeit that it is recognised that these are below the full level

that would be required by the Developer Contributions and Planning Obligations SPD. The social benefits of the development are therefore considered to be significant and must be afforded considerable weight in favour of the application.

iii) Environmental

The NPPF defines the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

In relation to the historic environment, the application proposal has been sensitively designed having regard to the setting of Highfields House as a non-designated heritage asset, and conditions are recommended in relation to archaeological survey and investigation. In terms of ecological impact, a series of detailed mitigation measures are proposed in order to mitigate the loss of habitat and to ensure the protection of species. These measures would be secured by means of planning conditions and through legal agreement. The application proposal will involve the loss of a considerable number of trees, including a limited number which are protected by TPO. It is however recognised that the layout of the proposed development has been designed to minimise the impact of this loss in terms of the visual amenity of the wider area, with the contribution of those trees which would require removal being predominantly experienced from within the site itself. The application would also involve the loss of a stretch of hedgerow which comprises ‘important’ hedgerow in the context of the Hedgerow Regulations 1997. It should however be recognised that the majority of existing hedgerows on the site would be retained, and there would be enhancement through additional hedgerow planting along both the northern and southern boundaries of the land known as Baileys Field and Quibell Field. In terms of landscape impact, given that the site lies on the edge of the built up area and does not have a particularly open aspect, it is considered that the development does not conflict with the objectives of the Landscape Character Assessment SPD which identifies that the focus for this landscape character area is to conserve what remains of the rural landscape by concentrating new development around existing settlements.

As set out within the appraisal above, the Council considers that it can demonstrate a five year housing land supply, and therefore in accordance with the paragraph 49 of the NPPF, relevant policies for the supply of housing should be considered up to date. The application site is not an allocated site within the development plan, but is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy which identifies that the Newark Urban Area will be the focus for housing and employment growth within the district.

The application is not considered to result in any adverse impact in terms of highway safety, flood risk or drainage, archaeology or visual amenity subject to conditions. In relation to the impact on residential amenity in terms of privacy and overlooking, it is considered that the application effectively addresses all the points raised by the Inspector in relation to the previously refused scheme. It is not considered that the proposed development would result in any unacceptable reduction in amenity for occupiers of neighbouring dwellings, and that no unacceptable standard of amenity would result for future occupiers of the proposed new dwellings, in accordance with the requirements of Policy DM5 of the Allocations and Development Management DPD. In relation to noise impact associated with the proposed MUGA, it has been demonstrated by the submitted noise assessment that the proposed 2.4m acoustic barrier would provide effective mitigation and that the points raised by the Inspector in relation to the previously refused scheme have now been

satisfactorily addressed in this context. In relation to sports provision, the replacement rugby/sports pitch and MUGA would provide improved sports facilities and enhanced community use of these facilities will be secured via legal agreement. Sport England have raised no objection in this regard.

The proposed development will result in the loss of a considerable number of trees (including a small number which are protected by group TPO) and the loss of important hedgerow. Whilst the scheme has been designed to minimise the impact of the loss and to afford mitigation via replacement planting, it is considered that there will still be some detrimental impact in this regard. In balancing this detrimental impact against the wider benefits of the proposal, it is however considered the benefits of the development outweigh this harm. The replacement planting in terms of both trees and hedgerow will over time contribute towards mitigating the loss of these features. The substantial social and economic benefits of the scheme through the provision of new housing are considered to outweigh the detrimental impact in this regard.

Consideration has been given to all comments from neighbours, interested parties and consultees. Recognising that there will be a degree of harm in terms of the loss of existing trees and hedgerow, on balance I consider that this would be outweighed by the benefits of the development. I therefore consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations and recommend approval subject to conditions and completion of a legal agreement.

RECOMMENDATION

That full planning permission is granted subject to:

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

01 Time period

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

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

02 Approved plans

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

BB.211713.LOC B – Location Plan
AM.211713.101 Rev AA – Planning Layout
AM.211713.102 Rev I – Landscape Masterplan
AM.211713.120 Rev B – Fenwick – 3 Block Elevations
AM.211713.121 Rev A – Fenwick – 3 Block Plans
AM.211713.132 Rev B – Tetbury Elevations
AM.211713.133 – Tetbury Plans
AM.211713.134 Rev D – Durham Elevations
AM.211713.135 – Durham Plans

AM.211713.138 Rev B – Kirkham Elevations
AM.211713.139 – Kirkham Plans
AM.211713.140 Rev B – Langham Elevations
AM.211713.141 – Langham Plans
AM.211713.142 Rev C – Oakham Elevations
AM.211713.143 Rev C – Oakham Plans
AM.211713.146 Rev D – Hartlebury Alt Elevations
AM.211713.147 Rev C – Hartlebury Alt Plans
BB.211713.148 Rev C – Apartments SE (Front) Elevation
BB.211713.149 Rev C – Apartments SW (Side) Elevation
BB.211713.150 Rev C – Apartments NW (Rear) Elevation
BB.211713.151 Rev C – Apartments NE (Side) Elevation
BB.211713.152 Rev A – Apartments Ground Floor Plans
BB.211713.153 Rev B – Apartments First Floor Plans
AM.211713.160 Rev B – Cotham Elevations
AM.211713.161 – Cotham Plans
AM.211713.162 Rev C – Cotham Alt Elevations
AM.211713.163 – Cotham Alt Plans
AM.211713.164 Rev D – Hartlebury Alt Elevations
AM.211713.165 Rev B – Hartlebury Alt Floor Plans
AM.211713.166 Rev C – Kilmington Elevations
AM.211713.167 Rev B – Kilmington Plans
AM.212614.168 Rev A – Norbury Elevations
AM.212614.169 – Norbury Plans
AM.211713.170 Rev A – Kilmington Semi Elevations
AM.211713.171 – Kilmington Semi Plans
AM.211713.172 Rev A – Coleford Semi Elevations
AM.211713.173 – Coleford Semi Plans
AM.211713.174 – Fenwick Semi Elevations
AM.211713.175 – Fenwick Semi Plans
BB.211713.155 Rev A – Garages – SGL – Planning Plans & Elevations
BB.211713.156 – Garages – DBL – Planning Plans & Elevations
Tree Survey (Ecus Ltd) March 2015
L4630/01 Rev C – Tree Survey Plan
L4630/02 Rev C – Tree Constraints Plan
L4630/03 Rev D – Tree Protection Plan
ELL-1890AHN-B-650 Rev C – Vehicle Tracking and Visibility Splays
G-SD-416 – 2.4m High Acoustic Pier and Panel Wall Detail
BB.211713.104 Rev C – MUGA Proposals

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

Reason: So as to define this permission.

03 Surface and foul water drainage

The development hereby permitted shall not commence until drainage details and plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, this shall include details of the proposed management and maintenance regime and reflect that highways drainage should only be

connected to adopted Severn Trent drainage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

04 Flood Risk Assessment and Finished Floor Levels

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 2629/FRA v1.3 prepared by Weetwood Services Ltd in June 2014, and internal finished floor levels shall be set at least 150mm above adjacent external ground levels.

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

05 Surface Water Drainage Scheme

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

- Demonstrate that drainage from the site will be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- Limit the maximum discharge to the greenfield run-off rate (Qbar) from the area. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- Demonstrate that the site drainage system will cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% climate change event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- Demonstrate that consideration has been given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- Include details of any SUDS showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

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

06 Suspended Solids in Surface Water Run-Off

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

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

07 Community Use Agreement – MUGA and Sports Pitch

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

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

08 Provision of Replacement Sports Pitches

The replacement sports pitches (including the MUGA) shown on drawing AM.211713.101 Rev AA and detailed on drawing BB.211713.104 Rev C shall be provided on site and be made available for use prior to first residential occupation of the dwellings hereby approved and shall thereafter be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

09 Archaeological Investigation

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

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

10 Ecology Mitigation Measures

The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out in the submitted Ecological Assessment (Ecus Ltd, January 2014), the Further Ecological Works: Botanical and Reptile Surveys (Ecus Ltd, January 2014) and the Offsite Habitat Management Plan (Ecus Ltd, 13 June 2014) in relation to badgers, bats, birds and hedgehogs. For the avoidance of doubt, this shall include:

- The use of general construction safeguards, including good working methods to protect badgers and other mammals;
- Ground clearance works should be undertaken under the supervision of an Ecologist.
- The use of sensitive working practices in relation to the felling of trees with low potential to support roosting bats; and
- The use of sensitive working practices in relation to the felling of trees with low potential to support roosting bats.

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

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

11 Reptile and Amphibian Mitigation Programme

No development or ground clearance works shall be commenced until an implementation and phasing programme for the delivery of the mitigation measures set out in the Reptile and Amphibian Mitigation Strategy (Ecus Ltd., April 2015) (and which reflects the Reptile Method Statement which forms Appendix 1 to the Reptile and Amphibian Mitigation Strategy) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of timescales for the submission of an outcome and findings report following the full implementation of the Reptile and Amphibian Mitigation Strategy and include details of the number of amphibians and reptiles encountered during the clearance works. It shall also include details of road designs to incorporate underpasses and dropped kerbs to facilitate wildlife movement. All works should then proceed in accordance with the approved Strategy and programme unless otherwise agreed in writing, by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation of any dwellings on site unless otherwise agreed in writing, by the Local Planning Authority.

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

12 Biodiversity Management Plan

No building on site shall be occupied until a biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out management measures for the Ballast Pit and for the ecology corridors within the development site in order to ensure that habitats are managed appropriately in the long-term to maximise their wildlife value. The agreed management plan shall be implemented as such thereafter.

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

13 Bat and Bird Boxes and/or Bricks

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

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

14 External Lighting Scheme for Public Realm

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

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

15 Nesting Birds

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

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

16 Arboricultural Method Statement

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

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

17 Landscaping Details

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

- an implementation and phasing programme;
- details of existing trees and hedgerows, which are to be retained;

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs, hedgerow and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- proposed finished ground levels or contours;
- means of enclosure;
- access control barriers;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

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

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

18 Implementation of Landscaping

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

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

19 Laying Out of Access Road

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

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

20 Bus Stop Enhancements

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on London Road (NS0416 and NS0779) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

21 Visibility Splays

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

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

22 Garage Doors

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

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

23 White Lining to London Road

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

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

24 Hard Surfacing to Driveways

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

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

25 Details of Boundary Treatment to MUGA and Pitch

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

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

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

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

26 Details of Boundary Treatment to Car Park

Notwithstanding the submitted details, prior to the car park being brought into first use the following details shall first be submitted to and agreed in writing by the Local Planning Authority:

- details of the boundary treatment enclosing the car park including type, height, design and materials;
- details of secure access arrangements in order to prevent unauthorised access to the car park outside of operational hours.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

27 No Floodlighting to MUGA and Sports Pitch

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

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

28 Noise Mitigation Measures in Relation to Foul Pumping Station

Prior to the first operation of the foul pumping station hereby approved, a noise assessment report that assesses the noise impact of the pumping station on surrounding residential properties shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures identified within the agreed noise assessment as being necessary in order to ensure no unacceptable impact on the amenity of surrounding residential properties shall be implemented prior to first operation of the foul pumping station.

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

29 Glazing Specification for Plots Facing MUGA and Pitch

Those dwellings on plots 12-14, 17-18, 29-32, 41-45, 59-61 and 89 shall, prior to their first occupation, be installed with glazing to all windows facing the Multi-Use Games Area and sports pitch that provides a minimum sound reduction of at least 21dB RTRA or 26 dB Rw in order to achieve the internal LAeq and LAmx noise levels set out within BS8233 during both day and night-time hours. Those dwellings on these identified plots which have bedroom windows facing the Multi-Use Games Area and sports pitch shall also be fitted with passive acoustic ventilators (such as acoustic trickle vents in the window frames or acoustic airbrick type vents within the walls) to serve all bedrooms with windows facing the pitches. These measures shall be implemented in accordance with the recommendations set out within the submitted Noise Assessment (Acoustic Air (AA1062N/R1), October 2016)

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

30 Details of Proposed Ground Levels and Finished Floor Levels

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

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

31 Construction Hours

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

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

32 Boundary Treatments

The dwellings hereby approved shall not be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the timber fence indicated along the boundary of the site with London Road is not approved as part of this permission, and the driveways serving Plots 76 – 88 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

33 Materials

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

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

34 Removal of Permitted Development Rights Relating to Boundary Treatments

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other

than development expressly authorised by this permission, there shall be no development in respect of:

Schedule 2, Part 2: Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

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

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

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

35 Detailed Appearance of Those Units Fronting the School Building as a Non-Designated Heritage Asset

No development shall be commenced in respect of plots 1-6 (the apartment block), 7-14, 17-18, 29-32 and 41-45 in relation to the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

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

36 Travel Plan

Prior to the first occupation of any of the dwellings hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

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

37 Obscure Glazing to Side Window of Plot 77

The first floor window on the south facing first floor side elevation of Plot 77 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-

opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

Notes to Applicant

01

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

02

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

03

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

04

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

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

05

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

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

			A	B	C	
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Dev Types	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
Residential (C3)	13,135.21	0	13,135.21	£45	288	£773,783.28

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

(BCIS Tender Price Index at Date of Charging Schedule)

06

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

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

08

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

09

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

Tel: 0115 929 1191

Email: eastmidlands@naturalengland.org.uk

Background Papers

Application case file.

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

K.H. Cole

Deputy Chief Executive

Application No:	17/00357/FULM
Proposal:	Residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees
Location:	Highfields School, London Road, Balderton, Newark On Trent, NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division - Mr Chris Dwan
Registered:	27 February 2017 Target Date: 25 May 2017
	An extension of time has been agreed to 8 September 2017

The Site

The site comprises approximately 5.44 hectares of land at Highfields School which is located on the north side of London Road. The site is within the Newark Urban Area. The site is relatively flat and comprises three interlinked parcels of land which wrap around the north and east side of the main school building. The first parcel of land lies to the south and east of the school buildings and forms part of the school's grounds, and includes an open grassed area used as a playing field that lies between the main school building and London Road. The second parcel of land lies to the north of the school buildings and is known as Baileys Field. This land was formerly used as a sports field but has not been utilised for this purpose for a long period of time (in excess of ten years). A small portion of this parcel of land is private amenity space belonging to a single dwelling located off Barnby Road which also forms part of the application site. The third parcel of land lies to the east of Baileys Field and is an area of open land known as Quibell Field. In addition, included within the application red line boundary is a small area of land which forms part of the school's existing playing fields, and lies adjacent to a Local Wildlife Site.

To the west of the first parcel of land lies the car parking area serving the school together with the school playing fields. Beyond this to the west lies Ballast Pit Local Wildlife Site (LWS) containing a long-disused ballast pit containing open water surrounded by woodland. The second parcel of land known as Baileys Field is bounded to the west by the school playing fields and allotments, and by the school buildings to the south. The rear of dwellings located along Barnby Road bound the northern edge of Baileys Field and Quibell Field with the East Coast Mainline located beyond Barnby Road itself. Immediately to the south of Quibell Field are residential dwellings predominantly located off The Woodwards and Glebe Park. Further allotments are located to the east of Quibell Field.

The site contains a number of trees protected by Tree Preservation Order. These are predominantly located along the site's frontage to London Road, along the west boundary of the site adjacent to Ballast Pit LWS, and to the east of the school buildings, adjacent to the site's boundary with Nos. 27 and 29 London Road.

Highfields School has a current staff of 51 persons and circa 130 pupils.

Relevant Planning History

17/SCR/00002 – a Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 95 dwellings and associated infrastructure, including the removal of 24 TPO trees (17/00357/FULM). It was concluded that an EIA was not required.

16/01134/FULM – Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (Resubmission of 14/01964/FULM). Pending consideration.

14/01964/FULM - Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Members considered this application at the Planning Committee in July 2015 and resolved to refuse planning permission (contrary to a finely balanced recommendation of approval by Officers) for the following reason;

“By reason of the layout, density, juxtaposition and type of uses proposed including re-provision of school car parking, sports field, MUGA and access, this application presents a series of compromises which accumulatively lead to an unacceptable and unsustainable development. This is with respect to noise for future residents, residential privacy, a failure to maximise community use and lack of appropriate infrastructure and affordable housing. All these matters taken as a whole make the development unsustainable. There are no other material planning considerations that would outweigh the harm of granting approval. The proposed development is therefore contrary to the aims of the National Planning Policy Framework 2012, National Planning Practice Guidance, Spatial Policy 8 'Protecting and Promoting Leisure and Community Facilities', Core Policy 1 'Affordable Housing Provision', Core Policy 3 'Housing Mix, Type and Density', Core Policy 9 'Sustainable Design' of the Core Strategy (adopted March 2011) and Policies DM3 'Developer Contributions and Planning Obligations', DM5 'Design' and DM12 'Sustainable Development' of the Allocations and Development Management Development Plan Document (Adopted July 2013).”

APP/B3030/W/15/3133508 - This decision (above) was issued on 14th July 2015 and was subject to an appeal which was subsequently dismissed by an Inspector on 3rd March 2016. The Inspector found the main issues related to the following (with her conclusions on each issue summarised in italics):

- a) **whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to noise;** *the Inspector concluded the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to internal noise levels.*
- b) **the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to privacy;** *the Inspector concluded the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy.*

- c) **whether or not the proposed development would maximise community use of the proposed MUGA, having regard to local and national policy;** *although the Inspector agreed with the Council and Sport England that the use of the proposed MUGA would not be maximised, given the lack of floodlighting and the need to balance its use with any impacts on future and existing neighbouring occupiers, she was satisfied that the proposed sports pitches and MUGA would not result in the loss of a community facility, as sufficient alternative provision has been made within the proposed development which is equally accessible and of better quality than the facility being lost and it would accord with CP8 and the NPPF.*
- d) **whether or not the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme;** *the Inspector concluded that based on the unilateral undertaking that offered £235, 219 in developer contributions and a CIL receipt of £669,326 the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme.*
- e) **whether or not the proposal would represent sustainable development;** *the Inspector considered all the other matters raised by the appellants and concluded that the adverse impacts of the scheme, which would not provide satisfactory living conditions for future occupiers of some of the proposed dwellings, with regards to internal noise levels, and would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy, contrary to Policy DM5 of the Allocations and Development Management DPD, would significantly and demonstrably outweigh the benefits of the scheme and render the scheme unsustainable.*

14/SCR/00073 – A Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 83 units (the same proposal as originally submitted) and associated infrastructure, including the relocation of the existing school car park and sports pitches and the removal of 8 TPO trees (14/01964/FULM). It was concluded that an EIA was not required.

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

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

The Proposal

Full planning permission is sought for residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees.

The proposed 95 dwellings would all be two-storey and would deliver a range of 2, 3, 4, and 5 bedroom accommodation as detailed below:

Type	No. of Beds	No. of Plots
Semi-detached	2	12
Semi-detached	3	8
Detached	3	8
Detached	4	39
Detached	5	28
Total		95

Access to the proposed dwellings would be achieved via the reconfiguration of the existing school access off London Road. The site access road would then loop around the south and east of the main school buildings and provide access to the western and eastern spurs of the development which would occupy Baileys Field and Quibell Field respectively.

An area of amenity space serving the development would be provided alongside the site access road to the east of the school buildings.

A total of 280 residential car parking spaces are proposed (of which 90 are within garages).

The application proposes the reinstatement of a disused footpath link connecting the site to Barnby Road to the north.

A previous planning application for the land at Highfields School (albeit for a scheme with a different red-line boundary and site layout) was refused by the Council in July 2015 (14/01964/FULM) and subsequently dismissed on appeal in March 2016 (Appeal Reference No: APP/B3030/W/15/3133508). The main issues considered in the appeal and the Inspector's findings in relation to each issue are summarised above under 'Relevant Planning History'.

In August 2016, the applicant submitted a resubmission application in order to address the specific grounds on which the Inspector dismissed the appeal. The resubmission application 16/01134/FULM is presented to Planning Committee on the same agenda as this application. The applicant has however confirmed that the revised scheme which forms the basis of this application 17/00357/FULM represents the applicant's preferred scheme, with the resubmission application 16/01134/FULM representing what they consider to be a policy compliant backup option. As such, the applicant intends that the resubmission application 16/01134/FULM would be withdrawn from the agenda, should planning consent be granted for the revised scheme which forms the basis of this application 17/00357/FULM.

The following documents have been submitted with the application:

- Archaeological Evaluation Report, and Archaeological Mitigation Strategy
- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment and Drainage Strategy
- Planning Statement
- Proposed Foul Pumping Station Noise Mitigation Statement
- Transport Assessment Addendum and Travel Plan
- Tree Survey
- Viability Report

The following additional documents have been submitted during the course of the application's consideration:

- Sports Pitch Provision Statement (28 April 2017) – provided to address Sport England’s initial holding objection.
- Updated Ecology Surveys (May 2017) – provided to address comments by Nottinghamshire County Council Ecology and Notts Wildlife Trust
- Updated Tree Survey (June 2017) – provided to correct a number of inaccuracies in the submitted tree report
- Updated Ecology Surveys (July 2017) – update of May 2017 surveys, to reflect results of additional bat survey undertaken on 26 June 2017

Revised plans have been received subsequently:

- Planning Layout (HIGH-PL-002 Rev A) – minor revision to layout plan to includes demarcation of the 0.6m margin adjacent to the kerb for maintenance purposes through the grass verge area adjacent to the main site entrance, to address Highways comments

Departure/Public Advertisement Procedure

Occupiers of 99 neighbouring properties have been individually notified by letter. A site notice has been displayed on site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

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

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy

Policy DM3 - Developer Contributions

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM10 - Pollution and Hazardous Materials

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance (PPG) March 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
Nottingham Core HMA and Nottingham Outer HMA Position Statement – Farnsfield Appeal Decision (3006252) and the economic forecasts set out in the Employment Land Forecasting Study (July 2016)

Consultations

Cllr David Lloyd has called the application to Planning Committee for the following reasons:

- Traffic impact - Would question that feasibility of this volume of traffic joining/exiting London Road at peak time - residents of both The Woodwards and The Glebe confirm that there are already difficulties. Furthermore, there would be a risk of traffic backing up onto the Principal Carriageway in addition to the increased risk of traffic on-site around the School. If, as the applicant suggests in order to mitigate the loss of sports provision, facilities on the site are to be used by 'outside groups', then this traffic issues are compounded. The parking provision on the site does not seem commensurate to properties of the size proposed.
- Sport and leisure provision - There is an evident loss of provision and the additional comments (since the original application) do not provide absolute assurance that community use can/will take place on the re-provision. The application infers that there is no requirement for commuted sums for/provision of open space enhancements. There is some suggestion that the new Barnby Road play area mitigates this with other suggested uses of existing provision so far from the site that it is incredible.
- Housing mix, type and density - The site would eliminate an apparent open break between Newark and Balderton which some feel is importance in retaining the character and open views which distinguish these settlements. The application is over-intensive and provides for little 'mix' in property type and ownership. Thereafter, the provision for affordable housing is insufficient whether onsite or by commuted sum. The sheer scale, size and proximity of the overall development have a negative impact on residents of Glebe Park and The Woodwards.
- Biodiversity and landscape - There is some indication that SUDS will not work effectively on the soil type and that groundwater water dispersal impact is assessed as "moderate to significant". There are high value trees on the site, some included with the TPO, many of which are mature and include oaks and yews. Some of these risk damage and felling. It is unacceptable to remove so many mature native species and to recommend that they are replaced with native species that may grow more quickly, but are not of equivalent value. The site comprises a vital area for foraging and breeding of grass snakes and toads. It is not felt that sufficient remediation is proposed with regard to migration patterns in particular. Hedgerow corridors are welcome but wildlife are not renowned for interpreting road signs. It is not apparent from the application how archaeological finds would be protected and whether there is a need to undertake appropriate excavation.

Balderton Parish Council –

Comments received 15 March 2017:

The Parish Council's opposition to the development of the Highfields School site has been well documented but is again highlighted below (in italics) for the Planning Committee's attention.

However, in addition to the previous comments which are still considered very relevant, members would like to add the following comments regarding this latest application; these are all material planning considerations:

1. Physical Infrastructure – the impact upon ‘Fletchers’ pond which is to take the surface water from the development. Concerns are expressed about the capacity of this natural pond to take the surface water for such an extensive amount properties, and who will be responsible for maintaining the pumping system in the future?
2. Nature Conservation – the loss of an attractive open area that has so many mature trees that are subject to Preservation Orders (TPO’s). What is the point of having such TPO’s if they can be removed en masse for residential development?
3. Highways Issues – once again the new Transport Plan (which is full of detail errors, and therefore difficult to accept for accuracy) makes no mention of either the planned extensive residential growth of the Newark Urban Area or the new Lidl supermarket which is located only a short distance away along London Road.

Previously submitted comments:

Planning Policies

Members consider that it contravenes Planning Policy SP8 (Protection of school playing fields). The area was also designated as an ‘unsuitable site’ in the Allocations and Development Management Options Report in October 2011.

Emerging Plans

The proposed route by Network Rail through part of the site which was included in the planned closure of level crossings may have been shelved, but only until 2019. If this site is developed the option of building an alternative route for traffic via a new bridge from Barnby Road will not be possible, further adding to the acknowledged traffic problems in the Newark and Balderton area. A road through from the site to Barnby Road would ease some of the traffic congestion.

Highways Issues

Traffic generated from the site is a concern, along with the vehicular access which is so close to the bridge. The model used for assessing traffic along London Road was not a true reflection; a real survey taken on a Friday afternoon or a weekday peak-time morning would be more representative of the real situation. This would still not take into account the traffic generated from the thousands of properties being built south of this site in Fernwood and Balderton.

Capacity of Physical Infrastructure

This would have yet more impact on the surface water drainage system. Balderton’s sewage works require substantial upgrading (as highlighted in a report commissioned by N&SDC in 2009); these have not yet been undertaken.

Deficiencies in Social Facilities

The existing village schools are already at capacity.

Loss of Privacy

Several existing properties will suffer from a lack of privacy and will, in turn be able to look directly into some of the dwellings.

Newark Town Council

Comments received 3 March 2017:

With regard to the 3rd application (17/00357/FULM) it was unanimously decided to OBJECT to this application on the following grounds:

- (i) It will result in the loss of green/open space between Newark and Balderton and a total loss of 24 high value trees within the TPO for the site, with lesser native replacements in gardens which offer no permanence of planting. This also increases the loss of privacy to existing residents.
- (ii) The biodiversity statement is now outdated and needs revisiting and the ecological barriers within the site (width, height and location) are insufficient for ecology and inappropriate for privacy screening.
- (iii) The Traffic Impact Assessment has not been updated or reviewed to take into account the increase in units and revised entry road, nor for the southern urban extension (including Fernwood) and predictable traffic volume increases on London Road. The proposed Travel Plans and 5% traffic reduction target are not thought to be a meaningful or realistic means of addressing concerns. It is iterated that the original TIA was not thought appropriate for assessing impacts at peak time.
- (iv) Reassurance is sought that there will be a planning condition requiring a full archaeological management plan which, in turn, is endorsed by Nottinghamshire County Council.
- (v) The development remains over-intensive with inappropriate boundary treatments to mitigate noise and the loss of privacy (both to existing premises and 'new' neighbours), especially for 27 London Road, Nos 31 & 33 Glebe Park and 11a The Woodwards, whereupon rear parking (contested by NCC Highways) will increase noise levels adjacent to existing premises. As such, it is contested that the application mitigates the specific comments made by the Inspector in the Appeal Hearing with regard to noise and privacy/overlooking to existing *and* new residents. Furthermore, with the increase in units and revised entry road proposal, the impact will be experienced by more residences within The Woodwards and by 29 London Road.
- (vi) There is no provision for any recreational or community facilities, e.g. children's play area, which for a housing development of this size is considered to be essential. Neither is there any re-provision for the open space that would be lost as a result of this development. To cite that the footpath to Barnby Road (ownership not clarified) gives access to play facilities adjacent to Barnby Academy via a road with poor pedestrian facilities, is not considered a meaningful response.
- (vii) There is concern that there is a lack of Primary school capacity to accommodate additional pupils arising from the development. There is also no provision for any Section 106 funding to mitigate the impact on local schools.
- (viii) There is no revised viability assessment available with the application. However, it is contested that the increased units and reduction in facilities (MUGA) require that any assessment is reviewed with specific regard to S106 for community/play facilities, public transport and school provision. Any viability assessment will reflect the costs of intensive drainage treatments, however, these are such due to the intensive development proposals and reduction in permeable open space and are, as such, not considered to be a justiciable cost assessment.

In addition under both applications, assurances are sought for planning conditions and clarity of ownership, to maintain access for existing residents to boundary treatments and for traffic routing during construction.

Environment Agency

Comments received 28 February 2017:

We have reviewed the application which falls into Flood Zone 1 and is considered a Low Risk site. For surface water management see paragraph below.

Please note that as of April 2015, the responsibility for surface water management on developments of this scale passed to Nottinghamshire County Council as Lead Local Flood Authority and we recommend that they be consulted prior to determination of this application.

Severn Trent Water

Comments received 17 March 2017:

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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

Reason

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

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Natural England – No comments received to date.

Historic England

Comments received 28 February 2017:

On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

Sport England

Further comments received 4 May 2017:

The submitted Sports Pitch Provision Statement covers all of the issues which were discussed at the meeting, particularly the benefits to sport which accrue from the development compared to the loss of a small part of the school playing field. Importantly the report deals with the point that the school's ability to deliver sport is not compromised and that there are additional improvements which are delivered by the development both for the school and the community.

In view of the playing field and sports facility mitigation measures that have been proposed, I am satisfied that the potential sports development benefits of the proposals would outweigh the detriment caused by the impact on the playing field. Sport England does not wish to raise an objection to this application therefore as it is considered to broadly meet exception E5 of the above policy.

Comments received 13 March 2017:

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

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

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

The Proposal and Impact on Playing Field

The proposal involves a revision to a previous scheme which was refused and the appeal subsequently supported that decision. The refusal was based on a number of points but our main area of concern was the impact of residential amenity as a result of the relocation of playing fields and the creation of a sand dressed Artificial Gras Pitch/MUGA. The revised proposal does not require the replacement of pitches located to the west of the school. The proposal does however involve the loss of Baileys Field, Sport England has already accepted that Baileys field is no longer considered to be a playing field. The loss of Baileys field is not an issue for Sport England.

The proposal does however have an impact on playing field area;

1. The Land on the frontage of the school constitutes a playing field as defined (see below) the plan suggests the apparent retention of the pitch on the frontage it is our role to protect the whole of an area which contains a pitch not just the area currently marked out. In addition this area has also been used for cricket which indicates a use of the whole area.

2. The proposal would involve the provision of a drainage solution which cross the existing/retained playing field sport England would need to understand how this part of the proposal impacts on the playing field and what mitigation would be required to ensure the works do not make the playing field unusable.

The submission does not provide any information which acknowledges the loss of part of this area and how this impacts on school sports delivery, there is no apparent reference to the Newark and Sherwood Playing Pitch Strategy nor is there any reference to paragraph 74 of NPPF

Sport England will reconsider its position if the following issues are addressed:

- How will the loss of playing field area be mitigated (cricket and Football) with regard to Sport England policy para 74.
- Information as to how the loss impacts upon the Newark and Sherwood PPS.
- Further details of the proposed retention of a pitch, to the frontage of the site.
- Further details of the impact of the drainage route on the existing (retained) grass pitches) including timeframe and remediation proposals.
- As a final point the original plans indicated an increase in parking provision for the school there does not appear as yet to be proposed.

Conclusion

Sport England therefore submits a holding objection until such time as the abovementioned information is submitted to confirm that the proposal meets the requirements of our policy and NPPF and it is then agreed by Sport England as meeting one of our exceptions and NPPF.

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

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Police Architectural Liaison Officer

Comments received 10 April 2017:

There are a number of issues I wish to address in relation to the design of the proposed development which could increase crime and disorder if the design was to remain as it currently is proposed.

To ensure all new developments are as sustainable from a crime and disorder viewpoint it is necessary that all steps are taken to remove opportunities for crime & disorder. The NPPF states in paragraph 58: "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

There are several statements within the Design & Access Statement for this proposal, that in my opinion have not been appropriately considered to reduce the opportunities for crime and disorder, these are:-

- Crime and Disorder - the potential for the creation of crime and disorder should be considered and designed out as appropriate;
- Security and natural surveillance - creating places which are properly overlooked making for effective passive and active security.

There are a number of issues, relating to vehicle parking where the two statements above have not been considered. There are a number of Plots where vehicle parking is proposed to the rear of the home, in areas in which the vehicle cannot be seen by the respective vehicle owner, including plots 7, 61-62 & 68. In addition Plots 9-19 have their vehicles parked in areas directly behind the homes via gated driveways, again in areas which cannot be seen by the respective owners, due to privacy fencing between the parking areas and the homes. In relation to the Plots 9-19, there appears to be a route directly adjacent to the neighbouring fencing that would allow persons to have access to all these parking areas without being seen by the householders, this is not acceptable for the sustainability of crime & disorder. I note the rear parking areas have a proposed gate, but unless the gate is automatic and has electronic access control and a minimum height of 2.4m then the gate would not provide any security to these parking areas.

To quote from 'By Design Better places to live': "Servicing dwellings from within the block (such as Jesmond, Poundbury and Thorny Lane) can improve the appearance of the streetscape in terms of car parking and refuse collection and enable residents to have access to the rear of gardens. However, these advantages need to be carefully balanced against other concerns. In particular: (1) rear servicing can undermine the security of dwellings by allowing strangers access to the rear of the dwellings; (2) without very careful attention to detailed design, rear parking areas and alleyways can become hostile places; (3) rear parking areas can reduce the area available for back gardens and the coming and going of cars can detract from the tranquillity of garden areas.

In addition to the concerns over the proposed parking, the D&A Statement makes reference to creating a new pedestrian link, ie to "Create a new pedestrian link through the site, from the main access point to the north west corner, to allow pedestrians to access the development and improve connectivity;"

I would question the need for such a footpath link as the footpath access onto Barnby Road, does not give residents access to local services, shops or public transport, and I would be concerned regarding a footpath that is only overlooked at the area of the new homes, would become a haven for crime and anti-social behaviour. I understand there is a local primary school nearby that could be accessed by this proposed footpath, however there is a well-used footpath/cycle path in use a few meters from the site on London Road, in my opinion a link from the proposed new residential site to this existing footpath would be a better more open and surveyed option than the link proposed.

If the residential proposal does receive planning approval in the future, then the following would be relevant:-

- From 1st October 2016 all new homes will be required to meet the new building regulation Part Q, or Approved Document Q, and fit enhanced security doors and windows to all new homes

- Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.
- Secured by Design can assist with the requirements of ADQ and help the developer meet the requirements of the new building regulation.
- For many years Secured by Design has required that doors and windows are not only tested by the product manufacturer, but that independent third-party certification from a UKAS accredited independent third-party certification authority is in place. This requirement exceeds the requirements of Approved Document Q.
- The Secured by Design Award has now been expanded to include Gold, Silver and Bronze levels. In order to achieve the Gold Award, the property has to achieve the requirements of Approved Document Q and also show that the development layout and some ancillary security requirements, such as lighting and cycle storage, have been met. The Silver Award fully discharges the requirements of Approved Document Q and, in addition, requires certification from independent third-party certification bodies. Secured by Design Bronze is primarily for the refurbishment market but, where issued in respect of a new home with 'bespoke' products, it can also satisfy the requirements of Approved Document Q.

Nottinghamshire County Council (Highways Authority)

Additional Comments Received 15 August 2017:

We have been in correspondence with Severn Trent Water in relation to surface water drainage from this development. Severn Trent Water are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer we are satisfied that the highway drainage issues are able to be resolved.

Additional Comments Received 29 June 2017:

Further to Point 2 within the comments received on 17 March 2017, the County Council's Highways Officer confirmed that a private management/maintenance arrangement regarding highway water drainage would not be acceptable to the Highway Authority, and that the developer should seek ways to discharge directly into a Severn Trent system.

Additional comments received 11 May 2017:

The County Council's Highways team have identified that a travel plan monitoring fee would be required, associated with future monitoring of the travel plan. They identify that the travel plan should also require the developer to carry out traffic counts in order to determine whether or not it is meeting its overall trip reduction targets.

Comments received 17 March 2017:

I refer to drawings HIGH-PL-002 and Transport Assessment Addendum (Feb.2017).

1. Confirmation is required that the footpath link to Barnby Road will remain privately owned/maintained.
2. An agreed strategy to deal with highway drainage is awaited, but will require resolution prior to any formal highway adoption agreement with the Highway Authority. I understand that if

this strategy cannot be agreed the ground conditions are such that alternative drainage arrangements may require ground levels to be elevated.

3. Along the initial length of access road off London Road, the footway deviates away from the carriageway. It is uncertain how it is intended for highway adoption to take place in this area e.g. will the grass and tree be expected to become part of the public highway? Clarification is sought.
4. Details of the forward visibility splay around the bend outside plot 6 should be sought to ensure a safe distance is provided.
5. In line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £14,200 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - a. Provide real time display and bus stop clearway at bus stop NS0446 The Woodwards (London Road). Approx. cost £7,100
 - b. Provide a real time display and bus stop clearway at bus stop NS0779 The Woodwards (London Road). Approx. cost £7,100.
6. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement will be required to ensure that extraneous traffic is kept out of Newark town centre.
7. It is recognised that no part of the development shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with drawing no. 13-202-TR-001A (or similar as agreed with the Highway Authority).
8. I believe comments on the Travel Plan are outstanding and I will chase this up with colleagues.

I believe the above points should be addressed prior to the Authority raising no objections to the proposal and suggesting suitable planning conditions to protect highway interests.

Nottinghamshire County Council (Planning Policy) –

Further comments received 7 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The response from ECUS (27 April 2017) seeks to address a number of issues. The following points are highlighted:

- Further details are provided of several trees in relation to their potential to support roosting bats, and mitigation proposed.
- It remains the case that the scheme will result in the net loss of approximately 2.25ha of neutral grassland (albeit not species-rich), used by reptile and amphibian species.
- It is stated that *'the ecology corridors are anticipated to provide movement corridors along the site boundaries for reptiles and amphibians'*. These 'corridors' are just 2 metres wide, and are basically a hedgerow sandwiched between the back garden fences of the new properties and existing adjacent properties. Whether they will retain ecological connectivity and allow the movement reptiles between the Ballast Pit LWS and allotments to the west, and retained grassland and allotments to the west is, to my mind, highly questionable, and I do not consider that they provide substantial or sufficient mitigation for the impacts of the development. The Hedgeline publication "How to Manage your Hedges for Grass Snakes (available at: http://hedgeline.org.uk/cms/cms_content/files/36_grass_snakes_%26_hedges_leaflet.pdf) states that *'A good hedge for grass snakes is one that is south-facing and includes four key hedge components. The hedge should have a varied vegetation structure and height with wet and dry habitats (for them to warm up and cool down), brambly/thorny areas (offering*

shelter), a field margin with a wet ditch (for hunting), an unshaded, sunny, field margin (for basking), preferably with small banks, hummocks, hollows (for more protection and easier hunting)'. It is clear that this cannot be achieved in a 2m corridor, and as per my March 2017 comments, I remain of the view that a reasonable solution would be to rationalise the corridors such that there is a single 10-15m wide corridor along the northern boundary to the east and along the southern boundary to the west, linked along the retained internal hedgerow (see below).

- It is stated that *'retention of the central hedgerow cannot be accommodated within the current scheme'*. Clearly, the central hedgerow could be readily accommodated by redesigning the scheme layout, to retain an established green corridor across the site of benefit to both wildlife and new residents. That the applicant has made no efforts to do this is very disappointing, as I can see no reason why it could not be achieved.

Further ecological survey work has been completed or is underway, as previously requested:

- The continued presence of Grass Snakes at the site is confirmed, with 6 individuals recorded during surveys in May including juveniles, indicating this species is breeding on or near the application site. Grass Snakes (and Common Toads) are a 'Species of Principle Importance for the Conservation of Biodiversity in England' by virtue of Section 41 of the Natural Environment and Rural Communities Act 2006. It should be noted that Policy DM7 of the Newark & Sherwood Allocations & Development Management DPD states that *'On sites... supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site'* and that *'significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation... provided...'*
- A single bat activity survey (plus static monitoring) has been completed during May, with a low level of bat activity recorded. It is noted that two further surveys are planned, in the summer and late summer/autumn, the results of which are not yet available. It is asserted that the internal hedgerow (to be removed to accommodate the development) is not of great importance for foraging and commuting bats. However, without the result of the two further surveys, it is not possible to confirm this (noting that bat activity surveys have been requested since November 2014).
- A single Common Toad was recorded during the reptile survey. Whilst this suggests that the rough grassland on the site does not support a large population of this species, it remains unknown what level of importance the site has for migrating toads, known to use the LWS pond site to the west (and for which there is a toad crossing on Barnby Road).

In the event that planning permission is granted, conditions will be required to cover the following:

- Implementation of the Reptile and Amphibian Mitigation Strategy; if 17/00357/FULM is approved, a revised Reptile and Amphibian Mitigation Strategy will be required, due to the different scheme layout.
- A separate condition requiring that the Reptile Method Statement that forms Appendix 1 of the Reptile and Amphibian Mitigation Strategy is implemented prior to the commencement of any ground clearance works at the site
- The production of detailed road designs to incorporate underpasses and drop kerbs as per the Reptile and Amphibian Mitigation Strategy
- Production of a Biodiversity Management Plan, to guide ongoing management of retained and created habitats within the development site
- The submission of a detailed Landscaping Scheme, to make use of native species of tree and shrub along site boundaries and within areas of public open space, selected with reference to

the relevant Landscape Character Assessment species list available at: <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>

- Details of measure to protect retained vegetation (including hedgerows and trees) during construction, including through the use of temporary protective fencing
- Adherence to sensitive working practices in relation to the felling of trees with low potential to support roosting bats, as set out in paragraph 4.4.8 of the Ecological Appraisal dated November 2016
- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- The application of best practice working methods in relation to mammals as set out in paragraph 4.4.5 of the Ecological Appraisal dated November 2016
- The submission of a bat-sensitive lighting scheme, developed with reference to the Bat Conservation Trust (2014) publication '*Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting*'
- The installation of integrated bird and bat boxes, incorporated into the fabric 20% of the proposed dwellings/their garages

In addition, a S106 agreement will presumably also be required to deliver the initial and ongoing offsite habitat works referred to in the Reptile and Amphibian Mitigation Strategy.

In summary, I am unable to support this application, but in the event that planning permission is granted, it must be controlled through conditions, as requested.

Comments received 14 March 2017:

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

County Planning Matters

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site lies within a Mineral Safeguarding and Consultation Areas for sand and gravel and gypsum. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Submission Draft (2016) sets out a policy (DM13) concerning these areas. However, as the site lies within the Main Urban Area of Newark (as defined by the Newark and Sherwood Core Strategy DPD) and is surrounded by existing development, the proposal can be considered as infill development. Infill development is excluded from the provisions of policy DM13. Thus, the County Council would raise no mineral policy objection to the proposal.

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding our existing waste management facilities (as per Policy WCS10). The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for any subsequent planning application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Strategic Highway

NCC can advise that we do not have any strategic transport planning observations to make since NSDC operates a CIL policy and monies will be taken from the applicant towards strategic highway infrastructure improvements planned in Newark town centre.

Ecology

Surveys carried out in support of a previous application covering part of the application site. Of particular note was the confirmed presence of grass snakes (a protected species) on the site. It should be noted that the redline boundary for this application includes areas which were not previously subject to survey.

In any event, the previous surveys are now out of date; the original field survey was undertaken in June 2013, whilst the reptile survey was carried out in September 2013. It should be noted that British Standard 42020:2013 (Biodiversity – Code of practice for planning and development) states that ecological investigation and study should be sufficient in terms of being "sufficiently up to date, e.g. not normally more than two/three years old". In this case the survey work for reptiles is now in excess of three and a half years old, and therefore out of date.

In addition, it should be noted that the NPPF, in paragraph 165, states that "*Planning... decisions should be based on up-to-date information about the natural environment...*", and Government Circular 01/2005 states, in paragraph 99, that: "*it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...*".

It should also be noted that no/insufficient bat surveys were carried out in support of the previous application (relating to the potential for roosting bats and bat activity across the site, noting the proposed loss of trees and hedgerows), and the importance of the site for common toads (a Species of Principal Importance) was never properly established.

Therefore it is **essential** that updated ecological surveys, comprising an Extended Phase 1 Habitat Survey and surveys for reptiles, amphibians and bats (roosting and activity) are carried out and submitted, prior to the determination of this application.

Site Layout and Mitigation

In relation to the previous application, I had a number of concerns about the layout of the application site. One of these related to the proposed 'ecological corridors' (which continue to be shown on the site masterplan), which had the aim of mitigating against fragmentation effects on grass snakes. NCC was (and remain) concerned that these were very narrow, at just 2m wide. This new application provides an opportunity to revisit these, and significantly enlarge them; NCC would suggest that as a minimum, these corridors should be no less than 10-15m wide, to ensure they function.

They could perhaps be rationalised to a single corridor along the northern boundary of the site, or along the northern boundary to the east and along the southern boundary to the west, linked along the internal hedgerow (see below).

In addition, the site layout should be amended to retain the existing internal hedgerow; this would help retain some north-south ecological connectivity across the site.

The Reptile and Amphibian Mitigation Strategy, submitted with the previous application, will need up-dating (in light of updated surveys and different application boundaries) and resubmitting with this application.

No substantive mitigation is provided for the loss of 2.25ha of neutral grassland, which provides habitat for grass snakes and amphibians.

Therefore, NCC cannot support this application, or indeed provide any further comments until the ecological survey work requested above has been supplied.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottscc.gov.uk or 01159 939 309) with any queries regarding developer contributions. Andrew will contact you directly in due course regarding developer contributions for the proposed development.

Conclusion

The County Council raises no strategic planning objection to the proposal. It is suggested that the District Council may wish to require a bat scoping survey of the building, to ensure that potential impacts on European Protected species are fully taken into account. Details of requested contributions to bus stop infrastructure improvements have been provided.

Nottinghamshire County Council (Developer Contributions) –

Comments received 13 March 2017:

In respect of education; on 18th August 2016 the County Council submitted a full response to the previous application: 16/01134/FULM which was for 89 dwellings. I can confirm that our primary education requirements will now increase to £229,100 (20 x £11,455) which is based on the increase in proposed dwellings from 89 to 95. Any secondary contributions would be covered by CIL.

In respect of libraries; we would seek a developer contribution for the additional stock that would be required to meet the needs of the 228 population that would be occupying the new dwellings. This is costed at 228 (population) x 1.532 (items) x £12.50 (cost per item) = £4,366.

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

Comments received 9 March 2017:

No objections in principle subject to the following:

1. A detailed surface water design and management plan is approved by the LPA prior to any construction starting on site.
2. Discharges from the site must be restricted to Qbar.
3. Evidence must be provided to show the proposed ownership and maintenance regime for all SUDs features for the lifetime of the development.

Nottinghamshire Wildlife Trust

Further comments received 9 August 2017 in relation to the additional submitted ecology surveys (August 2017):

We note from the results in the ecology report, Highfields School, Newark-on Trent 2017 Ecology Surveys (ECUS), that only a low level of bat activity was recorded on site during the three transects and associated static monitoring. We are satisfied that hedgerows H1 and H2 are not particularly important to commuting and foraging bats. We therefore have no further objections to the proposals. In addition to concerns raised in our previous correspondence we would like the following to be taken into consideration. We fully support the recommendation by the applicant's ecologist that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. Sensitive areas should be identified by an ecologist and a lighting plan then drafted by the lighting engineers.

Further comments received 3 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The updated survey revealed a peak count of six grass snakes and a single toad record. We are satisfied with the conclusion that there is a low population of grass snake using the site and reptiles are strongly associated with the long grassland and the margins of the site. The impacts of the proposed scheme will result in total loss of tall sward grassland across the site and reduce/sever connectivity between other suitable habitats in the area. The applicant's ecologist states that *'loss of semi improved grassland in the absence of mitigation would further reduce local availability of semi natural habitats and could be considered of up to local importance to grass snake populations'*

To mitigate the above impacts, a Reptile and Amphibian Mitigation Strategy has been developed that includes the creation of two connective corridors, offsite enhancement and the incorporation of amphibian/reptile friendly features within road design. The reptile surveys conducted to date have not, however, enabled an assessment of the value of the site as a migration route for toads due to the time of the year they were conducted. This information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. This aspect of the development still causes us concern.

Such an assessment could have revealed, for example, that establishing amphibian corridors around existing ecological features such as the internal hedgerows would be a more appropriate strategy. Common Toad is a species of conservation concern and is listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Bats

We welcome the intention to assess the value of the site for foraging bats through a bat activity transect survey in May 2017 and static monitoring during the period 26 April-1 May at two locations. A low level of bat activity was recorded during the transect survey undertaken on 3rd May 2017 with the majority of recorded activity pertaining to common pipistrelle and soprano pipistrelle, with brown long-eared bats also recorded. At the time of writing information on the other two surveys does not appear to be available. In order to be in a position to comment fully on impacts to foraging bats we will need to see the results of all of the activity surveys.

Until such time that the results of the bat activity surveys are made available we maintain our objection to the proposed development at Highfields School.

Further comments received 5 April 2017:

Subsequent to our letter dated 23 March 2017, the current planning application for Highfields School has been discussed more widely within Nottinghamshire Wildlife Trust (NWT) and we would like to take this opportunity to provide additional comments. Our comments are based on concerns raised in a number of responses to planning applications for the site.

Offsite Enhancement

We note that offsite enhancement is proposed in the Reptile and Amphibian Mitigation Strategy (ECUS 2016). Section 2.1.20 of the mitigation strategy states that “*offsite habitat enhancement works will be undertaken on land around Ballast Pit Local Wildlife Site on behalf of Avant Homes to contribute to offsetting the land take of grass snake habitat that will result from the adjacent development*”. Section 2.1.23 states that the land is currently owned by the charitable organisation Railway Paths Ltd and managed in partnership between Sustrans and the local fishing club and that Avant Homes are entering into a legal agreement with Railway Paths Ltd to purchase the lake and surrounding land. The LWS is not included in the red line boundary and we are therefore concerned that the offsite element of the mitigation strategy will not be able to be secured through the planning system. If this is the case then it seems appropriate to have the legal agreement in place, including funding for on-going management, before the planning application is decided so that the planning authority is able to make a fully informed decision about the mitigation package as a whole. If it is possible to secure the offsite mitigation through a Section 106 agreement then we would expect this to be in place before any development commences.

Reptiles and Amphibians

We have previously stated that an updated reptile survey is required because the Reptile and Amphibian Mitigation Strategy (ECUS November 2016) is based on reptile surveys undertaken in May 2013 and therefore the survey information is outside the standard guidelines. The NPPF states, in paragraph 165, that planning decisions should be based on up to date environmental information. We still believe these surveys are necessary. In addition to the reptiles surveys, we strongly believe that amphibian surveys are also required. In our letter dated 28th November 2014 we highlighted the importance of Barnby Road as an amphibian migratory route (between the

level crossing and Barnby Road Academy). The route is included on the Department of Transport (DOT) register of amphibian migratory crossings (Site ID 237). The register is held by Froglife on behalf of DoT. <http://www.froglife.org/what-we-do/toads-on-roads/tormap>

Records indicate that there has been a decrease in the number of toads recorded during the crossing. A net loss of habitat due to housing development in the area may have been a major factor to the decline in amphibian numbers. Toad numbers are in decline in the UK and as a result are a species of conservation concern and are listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. We therefore strongly believe that amphibian surveys are justified to establish the importance of the area for toads, provide more detailed evidence of the potential ecological impacts of the proposed development and ensure that the mitigation strategy is fit for purpose. The need for reptile and amphibian surveys is also supported by Nottinghamshire County Council in their comments dated 14 March 2017.

Until such time the above issues of concern are satisfactorily resolved we find we must **object** to the planning application at Highfields School.

Comments received 23 March 2017:

Surveys

Reptile and Amphibian Mitigation Strategy

We acknowledge the updated Reptile and Amphibian Mitigation Strategy (ECUS November 2016) but this strategy is based on reptile surveys undertaken in May 2013. The ecological survey work undertaken is almost 4 years old. The NPPF states, in paragraph 165, that planning decisions should be based on up to date environmental information. We would expect therefore, **updated reptile and amphibian surveys** to be undertaken in order to ascertain the current status of reptiles and amphibians within the site. This will ensure that the mitigation strategy is fit for purpose.

Paragraph 99 of ODPM Circular 06/2005 states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’

Bat Surveys

The current planning application proposes to remove 24 trees. The tree report, however, suggests that 52 trees and three tree groups within the red-line boundary need to be removed to facilitate the development. In addition to this, the tree report highlights six individual trees and one tree group as ‘unsuitable for retention’ and recommends removal. Clarity is therefore required on the actual number of trees to be removed. It is clear, however, that the current application does involve a significant increase in the number of trees to be removed in comparison to the 8 in previous applications. The applicant’s ecologist states in Section 4.4.11 that ‘the habitats on site may provide some limited foraging opportunity for bats’. In the absence of activity surveys,

however, the level of importance remains unknown. Given the extent of tree removal we feel that bat activity surveys are now required in order to establish the value of the site for foraging bats. This is in addition to the presence / absence surveys of buildings B1 and B2 that the applicant's ecologist states are required.

Drainage Issues

We note that part of the drainage scheme for the development will involve run-off from roofs and hard standing entering a drainage easement that then feeds into an unnamed watercourse on the western boundary. This watercourse is connected to Ballast Pit Local Wildlife Site and we are therefore, concerned about impacts on water quality within the LWS. We would like to see a monitoring regime established to monitor water quality of the LWS should the development proceed.

NHS England – No comments received.

Network Rail

Comments received 13 March 2017:

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met:

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

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

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

I would advise that in particular the drainage should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

NSDC (Parks and Amenities)

Comments received 16 March 2017:

As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of 95 dwellings will need to make provision for public open space in the form of provision for children and young people (18m² per dwelling), amenity green space (14.4m² per dwelling) and natural and semi-natural greenspace.

The landscape masterplan for the development shows an area of amenity space and a 'feature space' which will go some way towards satisfying the provision of amenity green space however I do not believe that their area fully satisfies the requirement and the masterplan key states that the feature space will be 'conveyed to plot' which suggests that it might not be publicly accessible.

There is no provision of children's playing space on the development and the nearest existing play facility is over 300m away and access will partly involve walking alongside a busy road which has no pavement in places.

As pointed out by Sport England the current layout involves the loss of sports pitches, with the sports area to the south-west of the site being reduced in size by the provision of the new access road. No compensatory measures are described for this.

Finally the development will result in the loss of a significant number of high value trees (some of which are the subject of protection orders) and there appear to be limited compensatory measures for this and no obvious provision of natural and semi-natural green space.

NSDC Conservation

Further comments received 5 May 2017:

Additional observations were received from the Conservation Officer confirming that it is acknowledged that the application proposal would involve development within part of the former landscaped grounds and formal gardens of Highfields House, and that there would be some harm to the significance of the heritage asset in this context. They confirm that their comments have not materially altered from their earlier comments in this regard, but identify that it would be helpful to have an archaeological input.

Further comments received 6 April 2017:

Additional observations were received from the Conservation Officer highlighting that the hedgerow which lies within the site and is proposed to be removed, may constitute an 'important' hedgerow in the context of the Hedgerow Regulations 1997 given that it appears to reflect a historic parish boundary. As such they have requested that the potential historical significance of this boundary be factored in to the planning balance.

Comments received 24 March 2017:

Highfields School is within Highfields House, a large Victorian villa, set within landscaped grounds. Highfields House should be regarded as a non-designated heritage asset. The building is not in a Conservation Area.

The historic map from 1884-1885 shows that the obviously landscaped grounds associated with the House were not as large as the current school estate.

Today the House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remain undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen in the above historic map. This wall is now very degraded and only survives in

very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias lodge, a nice historic building in its own right and part of the character of this high status site.

I am familiar with the site having been involved in the 2014 application 14/01964/FULM. Given that the majority of the proposed new housing for the 2014 and this current application is on land to the north of the House, with no obvious landscape association with the House, I think the site could accommodate new housing in this area without necessarily having an adverse impact upon the setting of Highfields House. The key to this will be landscaping, in particular retaining a good tree belt between the House and the housing to its north. As per my earlier advice, retention of any trees marked as historic specimen trees should be encouraged.

This application differs significantly from the 2014 application by now having housing proposed in front of the house, between London Road and the House. This is on land which historically did, and still does, form part of the grounds of the House. As explained above, this land has remained relatively unaltered and does provide a spacious, green and landscaped setting to this non-designated heritage asset.

In terms of historic plan form and historic significance there is some degree to harm to the setting of the House from the proposed new housing in this area to the front. However, the House is so set back from the road and so surrounded by greenery that it has remarkably little visual impact from London Road, so the main impact will be felt from within the site itself. I am also aware that there will be a good degree of physical separation still between the House and proposed new development to its south, including areas of trees and landscaping. So while it will not enjoy the large grounds it once enjoyed, the encroachment is relatively minor and the harm to setting is small. I also appreciate that the development closest to the Lodge has been set back and I do not feel this small but attractive structure will be crowded or harmed by the proposed new development.

Given that the majority of Highfield House and its Lodge's significance would survive unharmed, and that the impact on setting is partially mitigated by landscaping and distance, the overall harm to significance is limited. The NPPF states at paragraph 135, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

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

NSDC Environmental Health Officer (Noise)

Comments received 10 March 2017:

Provided the protection offered by the acoustic screen is integral to this development then I have no further comments to make.

NSDC Environmental Health Officer (Contaminated Land)

Comments received 27 February 2017:

I have no comments to make in respect of the above application regarding contaminated land at this site since my recommendation to discharge the contamination planning condition attached to 14/01964/FULM on 06.02.2015.

NSDC Strategic Housing – No comments received to date.

NSDC Access and Equalities Officer

Comments received 27 February 2017:

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable' dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals.

In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Tree Officer

Comments received 21 March 2017:

This revised scheme seems to reflect the on-site discussions and should address the majority of my previous comments. The re-positioning of the road toward the sports field may limit the scope of any replacement planting unless we can negotiate some off site. I would recommend robust conditions are attached to any approval requesting full tree protection measures and proposed soft landscaping.

Trent Valley Internal Drainage Board

Comments received 15 March 2017:

The majority of the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment, except for the most easterly section of the site which is within the Trent Valley Internal Drainage Board's district.

There are no Board maintained watercourses in close proximity to the site.

The applicant states that surface water will be discharged via the sustainable urban drainage systems (SUDS). Prior to planning permission being granted the Board recommends that the use of SUDS is agreed with the Lead Local Flood Authority (LLFA). If the use of SUDS is not agreed the applicant should resubmit amended proposals demonstrating how surface water will be drained.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Board's District:

- Existing catchments and sub-catchments to be maintained
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments
- Surface water run-off limited to the greenfield rate for other gravity systems.

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

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such

systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life of the development must also be considered.

Representations from a total of 43 properties have been received (some of these local properties have submitted numerous letters of representation). In addition a representation has been submitted on behalf of 16 local residents, a representation has been submitted by a Planning Consultant on behalf of 20 local residents, and a representation has been submitted by an Architectural Practice on behalf of a number of local residents. All of the comments are summarised below:

Principle

- There are plenty of alternative brownfield sites within Newark which could accommodate housing development.
- The site is not allocated for development within the development plan.
- There are already enough sites identified to meet Newark and Sherwood’s housing requirement for the next 10 – 15 years and therefore there is no need for this windfall site.
- There are not enough 2 and 3 bedroom houses proposed which is what is really required in Newark. The houses are large 4 and 5 bedroom houses aimed at those affluent enough to send their children to Highfields School.
- Even applying the Objectively Assessed Need housing figure derived from the appeal decision at Land at Southwell Road (Farnsfield), the shortfall against this figure in terms of five year housing land supply is limited. Should paragraph 49 of the NPPF be invoked, it does not make ‘out-of date’ policies for the supply of housing irrelevant in the determination of applications.
- The emerging Local Plan should be given weight in the determination of this application.
- The application is materially different to previous proposals on this site and therefore the applicability of the Statement of Common Ground between the local planning authority and Avant Homes in relation to the earlier appeal is limited.

Highways

- There should be a second vehicular access point to the development.
- The siting of the vehicular access point just below the blind railway bridge on London Road is dangerous.
- The Transport Assessment data is now considerably out of date, and does not take in to account any of the recently completed and other proposed developments such as at Fernwood, at Newark Academy, and the new Lidl store.
- The development will create five left turns between the bridge and The Grove School which raises highway safety issues.
- The Transport Assessment underestimates the number of vehicle movements that would be generated by the proposed development.
- Having a single vehicular access point serving the school and the proposed development would raise highway safety issues.
- The Transport Assessment is based on an assessment of 83 houses, however this application is for 95 dwellings.

- There has been an increase in the number of pupils at the school since the Transport Assessment was undertaken. The assessment should be based on vehicle movements associated with the school's full capacity (including its nursery).
- The Transport Assessment underestimates the existing situation in terms of vehicles queuing on London Road to turn in to Highfield School during peak times. The proposed white lining on London Road would fail to address this in terms of providing a sufficiently long refuge for right turning vehicles.
- The existing school access point to London Road would comprise only two lanes. It currently operates informally with three, with two lanes forming to turn left and right from Highfields School on to London Road. The proposed junction alignment would therefore result in a reduction in the number of lanes and result in longer queues of vehicles exiting the site.
- The Transport Assessment does not assess the impact of additional vehicle movements on the safety of the cycle lane on London Road.
- The swept path analysis and visibility assessment drawing is incorrect and fails to properly reflect refuse and larger vehicle movements in to the site from London Road.
- The Transport Assessment should be extended to assess the impact of the proposed development on the junctions of London Road with Sherwood Avenue (Newark), and Main Street (Balderton).
- The Transport Assessment fails to consider the impact of construction traffic on the London Road junction during the construction phase, and how this can be safely separated out from pupils and the public.
- Whilst the existing car parking provision is generally adequate for normal school activities, there is insufficient car parking for school events such as Sports Day, which results in cars being parked on the grass verge to London Road which impacts on highway safety. The proposed development should be required to install measures to prevent parking on these grass verges and on the spine road serving the development.
- The positioning of the highway footpath which is shown crossing the spine road to serve the school is unsafe.
- The proposed dwellings would be between 600m and 850m walking distance from the nearest bus stop. 400m is considered as the maximum recommended distance.
- The two 'potential links' shown on the layout plan should not be used to provide future access to Barnby Road or Glebe Park.
- The Transport Assessment does not incorporate road accident data and proposes no highway safety improvements.
- Existing traffic flows on London Road make turning right out of existing developments problematic, and this would be exacerbated by the proposed development.
- Traffic diverts via London Road when there has been an accident on the A1.
- Additional traffic generated by the proposal will increase the use of Milner Street and its parallel roads as a rat run to avoid the London Road / Bowbridge Road junction.
- The use of elongated shared driveways serving plots 7 to 21 would encourage residents of these properties to park on the road rather than use their allocated parking spaces. This would cause obstruction to the highway and issues of safety.

Character and Design

- The development is over intensive for this site and is too tightly spaced which is not reflective of adjoining development.
- The development would have dominating effect on the Lodge and Highfield House.
- The backs of garages will back on to London Road, resulting in an eyesore.
- The development will have an adverse effect on the London Road streetscene.

- Plots 1 – 6 will back on to London Road, which is not in keeping with the character of the surrounding area where properties face London Road. Due their siting, scale and massing they will also fail to respect the setting of Highfield House and The Lodge.
- The design of the new dwellings is not in keeping with the character of the surrounding area.

Landscape

- This will result in the loss of the only green space between Newark and Balderton and the loss of a significant number of trees. This will cause permanent and irreversible harm to the landscape character and local distinctiveness of the area. The proposal is contrary to the findings of the Landscape Character Assessment and will cause significant harm to the visual appearance of the area.
- The existing natural land buffer will be replaced with structures and hard surfaces.
- The development would involve the loss of an important hedgerow between Fields 4 and 5, which qualifies as an 'important hedgerow' under the Hedgerow Regulations 1997. The hedgerow has been in existence since at least 1875 and marks the Balderton / Newark parish boundary. There is a presumption in favour of protecting important hedgerows under the Regulations and the Council would be required to provide reasons to justify its removal.
- The application site lies within the East Nottinghamshire Sandlands, Winthorpe Village Farmlands landscape character area, identified in the Newark and Sherwood Landscape Character Assessment. The development would introduce an overtly urban form of development that would be highly incongruous within its landscape setting. As such the development would cause significant harm in landscape character and visual impact terms. There would be significant harm to the visual appearance of the area when viewed from London Road, Glebe Park and Barnby Road, together with the rising land of Beaconhill to the north.

Trees

- This application would result in the loss of even more trees that are subject to a Tree Preservation Order.
- London Road is green and leafy and the proposed development will result in the loss of at least 59 trees which will take away much of its charm.
- Why should the removal of over 60 trees be allowed when householders are prevented from even trimming branches on TPO trees.
- The majority of the tree removal is due to Plots 1 – 6 and 95, and the benefit resulting from these additional plots does not outweigh the impact of the loss of these trees. These plots should be removed.
- The Tree Survey accompanying the application confirms the proposal would involve the substantial removal of trees and does not conclude that this level of loss would be acceptable. The loss includes, as a minimum: 64 trees and tree groups (4 of the tree groups are in part), and 29 of these trees/groups are subject to Tree Preservation Orders.
- The tree loss is likely to be greater than identified given the Tree Survey has failed to assess the impact of the drainage strategy, utility services or site level changes on existing trees.
- Additional Beech trees, some subject to TPOs are at risk of loss due to their proximity to development.
- The description of development is inaccurate and misleading as it refers to the removal of 24 TPO trees, however the Tree Survey confirms 29 trees (and tree groups) subject to TPO are proposed for removal.

Natural Environment

- The proposed drainage works to Ballast Pit (a Site of Interest for Nature Conservation) may impact on its nature conservation value and have a devastating effect on fish.
- The proposal would have an unacceptable adverse impact on bats and toads and potentially other species, and would prevent the movement of wildlife across the site.
- The ecology and wildlife surveys were undertaken outside of the optimal survey period for key species.
- The proposed ecology corridors will become overgrown and unable to be maintained. They may be used for the dumping of waste by some homeowners.
- The ecology corridors are insufficient to mitigate the ecological impact of the proposed development.

Open Space and Sports Pitches

- The proposal will result in the loss of playing fields, and no suitable replacement pitch is proposed. The development encroaches onto the hockey pitch to the front of the school building and its associated 'run-off area' which together form a 'playing pitch' within Sport England's definition. The applicant illustrates a smaller re-orientated playing pitch, but this replacement pitch is only an illustration, falling outside the application site and does not form part of the development proposals. There is therefore no certainty that the pitch will be replaced.
- Sport England have objected to the planning application.
- The infant school playing field will be surrounded by a main road, and will have a 5ft high metal fence around it.
- The proposal makes no provision for amenity space or a children's play area, there is just a verge at the side of the main road. The scheme should make provision for a central area of open space with play equipment.

Amenity

- The development will result in overlooking and a loss of privacy for adjoining dwellings and their gardens at No. 27 London Road, Nos. 1, 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings and their gardens will be overlooked by existing dwellings at No. 27 London Road, Nos. 1, 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park, resulting in a loss of privacy for future occupiers of the proposed new dwellings.
- The proposed siting of the garages to the rear of Plots 7 – 21 will not prevent overlooking of the existing dwellings and their gardens at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The additional traffic would result in unacceptable levels of noise and disturbance for neighbouring residents.
- The proposal fails to protect the amenity and living conditions of neighbouring properties and would be an overbearing form of development which results in privacy loss and overlooking.
- Vehicle headlights and the noise from the access road would impact on the amenity of local residents.
- Vehicle noise and vehicle headlights associated with the garages and parking spaces to the rear of Plots 7 – 21 will impact on the amenity of the adjoining dwellings at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings on Plots 1 – 6 would result in a loss of amenity for properties on the opposite side of London Road.

- The siting of the new access road will undermine the peaceful and quiet nature of this part of the site, and have an unacceptable impact on the amenity of Nos. 27 and 29 London Road, and No. 1 The Woodwards due to noise from vehicles and vehicle headlights.
- There would be a significant adverse impact on the amenity of existing properties during the construction period, which could be up to five years.
- Section 5.12 of the Planning Statement is incorrect as 11A The Woodwards is some 1m higher than the new development therefore the line of sight calculations and assumptions for privacy are flawed.
- The previous site access arrangement under 16/01134/FULM is far more suitable from a residential amenity perspective as it avoids the need to direct a large amount of traffic in close proximity to existing properties.
- Plots 7 and 8 should be combined as a single dwelling to ensure that the residential amenity of No. 27 London Road is protected.
- Screening should be introduced to protect the amenity of the first floor window in the west elevation of No. 27 London Road, in the context of the removal of trees in this location and the siting of the proposed access road.
- The amenity impacts of the proposed pitch on existing and new dwellings will need to be assessed.
- There would be an unacceptable relationship between The Lodge and Plot 1, which would result in an unacceptable impact for both properties in terms of amenity.
- The proposed garages serving Plots 7 to 21 would due to their scale and position close to the application site's southern boundary, have an unacceptable overbearing impact on the amenity of adjoining dwellings No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- A condition should be imposed to prevent loft conversions in Plots 7 – 21 to prevent overlooking and loss of privacy to existing adjoining properties.
- The foul pumping station has the potential to cause noise disturbance to neighbouring residential properties.

Flooding and Drainage

- The lakes are not big enough to accommodate surface water from the development.
- The proposal fails to assess the groundwater flooding impact. The overflow from Balderton Lake could be blocked which would potentially result in flooding.
- The sewage system is already under pressure in this area.
- London Road is subject to frequent flooding and the proposed development will make this worse.
- Reference is made within the Flood Risk Assessment to the southern portion of the site being located within an area with > 75% chance of suffering from groundwater flooding. No site investigation / infiltration testing has been undertaken within the southern part of the site.

Consultation

- There has been a lack of consultation with local residents.

Other

- The development will compromise security for existing properties, and would create increased opportunities for crime. It would open the site up to public access and create new access points. The Highfields School site is relatively well secured at present with the Lodge and entrance gates acting as a security feature.
- The proposal will compromise the ability of the site to meet future education needs.

- There is a lack of supporting infrastructure (e.g. education, health and open space). The development makes no provision for community facilities, such as a youth club or a village hall.
- The development would make no s106 contribution to infrastructure, and provide no affordable housing.
- The development will make Highfields School less attractive to prospective parents, and it is already struggling and down on pupil numbers.
- The additional traffic will result in an increase in air pollution which will affect the health of local residents and pupils at Highfields School.
- Highfields School grounds should be protected as a 'community asset'.
- A property opposite the school gates was refused consent to change to a HMO on the grounds of highway impact, so how can this scheme be acceptable.
- Newark Civic Trust objects to the proposal.
- The land owned by the Oliver Quibell Trust was leased to the school for a period of 40 years for the sole purpose of 'extending the School playing fields'.
- The proposed raising of the land level on the application site would impact on the structural integrity of No. 27 London Road, where the property's northern wall adjoins the site. It would also prevent access to No.27 London Road for future maintenance.
- The accessway to the garage of Plot 7 is ungated, providing an area of concealment immediately adjacent to No. 27 London Road.
- There are inaccuracies within the Design and Access Statement which reference the previous schemes for this site.
- The raising of land levels on the site has the potential to impact on the damp proof course and soakaway of No. 27 London Road.
- Tree planting within the ecology corridor has the potential to cause structural damage to No. 27 London Road.
- The development will contribute to the urban heat island effect by removing tree cover and increasing hard surfaces and built development across the site.
- The grounds together with any artefacts and remnants of the formal gardens of Highfields House are of local significance as they were developed by William Quibell who was a significant figure in the history of Newark.
- The archaeological significance of that part of the site which historically formed part of the grounds of Highfields House has not been assessed to date.

Comments of Business Manager

Principle of Development

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

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

The application site is unallocated within the development plan. The application site is located within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided that it is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, *"boost significantly the supply of housing"*. Paragraph 17 states further that the planning system should *"proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area."* The NPPF indicates that this will be achieved first and foremost, by local planning authorities, *"using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period."*

The recently published Housing White Paper also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology.

In order to address its housing requirement, Ashfield, Mansfield and Newark & Sherwood District Councils produced a Strategic Housing Market Assessment (SHMA) for the Nottingham Outer Housing Market Area. The SHMA produced an OAN for NSDC of 454 dwellings per annum, although this figure is yet to be tested through an Examination In Public (EIP).

In January 2016 an Appeal in Farnsfield was dismissed on the basis that the Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 500-550 dwellings per annum. The Council has re-visited the OAN with all of the Nottinghamshire Authorities, including its two constituent Housing Market Area colleagues of Ashfield and Mansfield. This led to the publication of the July 2016 Farnsfield Appeal Statement Position Statement.

Moreover, this Council has now set out its preferred approach for spatial development (July 2016) and has just closed (1st September) on consultation for the Publication Amended Core Strategy. It is proposed that the Council's draft Core Strategy will be submitted to the Planning Inspectorate following ratification by a special Full Council meeting on the 26th September 2017.

Whilst it is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan, the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision. The OAN is the only available, up-to-date and robust evidence available to this Authority to determine its housing supply target. The Council's position against this target based using housing completions as of 31st March 2017 was published in July 2017. This confirms that the Council has a 6.2 year supply based on a housing target of 454 dwellings per annum. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has confirmed that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector concluded that any shortfall would most likely be made up by windfall schemes, which this proposal represents. Given this position the Council considers that it does currently have a 5 year housing land supply and as such the policies of the Development Plan are up-to-date for the purpose of decision making.

In relation to the previous appeal on the application site (14/01964/FULM), the principle of development and the overall quantum of development proposed was not disputed by the appeal Inspector or the Council. This was despite the Council at that time equally having a 5 year land supply. Whilst the application site is not an allocated site within the development plan, it is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. The settlement hierarchy defined in Spatial Policy 1 identifies that the Newark Urban Area will be the focus for housing and employment growth, and the main location for investment for new services and facilities within the District. Paragraph 17 of the NPPF encourages the reuse of previously developed land, but this does not imply a sequential approach to the development of sites. As such, it is considered that the principle of housing development on this site is in accordance with the Development Plan and the NPPF.

Loss of Playing Fields

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

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

The proposal would involve the loss of land that has formerly been used for playing fields, in terms of the land known as Baileys Field. It would also involve the loss of part of an area of land which is currently used as playing fields, which lies between the school buildings and London Road. Part of this land would be occupied by the proposed access road. Whilst a playing field would be retained on this land (lying outside of the application red line boundary, but within the school grounds), this would represent a smaller area than is currently available for playing field use.

In relation to the land known as Baileys Field, Sport England confirmed that this is no longer considered to be a playing field given that it has not been used as such for an extensive period of time, and as such Sport England raise no objection in relation to the development of this land. This is also consistent with the previous appeal decision.

In relation to the land which lies between the school buildings and London Road which is currently used as a playing field, Sport England identified that this would have the potential to prejudice the use, or lead to the loss of use, of land being used as a playing field. As such, in Sport England's initial response to the application they submitted a holding objection on the basis that the proposal would prejudice the use, or lead to the loss of use, of land being used as a playing field.

The applicant met with Sport England to discuss the points raised in their response, and on the basis of this discussion, the applicant submitted a Sports Pitch Provision Statement to clarify the position in this regard. This proposes enhanced provision across the school's wider site. The statement confirms that the area of land to the front of the school has mainly been used in the past for football during the winter months, and for cricket during the summer. The size of the existing pitch area would be reduced in order to facilitate the construction of the site access road, but the remaining grassed area would still be of a sufficient size to accommodate a 5 v 5 football pitch.

The Newark and Sherwood Playing Pitch Strategy (September 2014) references a mini rugby pitch, a cricket pitch and two tennis/netball courts (over marked) at Highfields School, but notes that there is currently no community use of the school's sports facilities.

The Sports Pitch Provision Statement confirms that the delivery of the application proposal will allow the school to undertake a scheme of works that will include the resurfacing of the existing tennis courts to become a new Multi Use Games Area, the provision of a new all-weather Kwik cricket square, and confirms that the school will maintain provision for sport pitches across its playing fields to accommodate a 7 v 7 football pitch, a 7 v 7 hockey pitch, a 5 v 5 football pitch, a U11/U12 Rugby Pitch and a Kwik cricket square. As such the statement confirms that there will be no overall loss of pitch provision, but a notable improvement in terms of the quality of facilities. In addition, the statement contains a letter from Highfields School which confirms their intention to make the school's sports facilities available for wider community use outside of school hours.

Sport England have reviewed the submitted Sports Pitch Provision Statement and have confirmed that they are satisfied that the potential sports development benefits of the proposal would outweigh the detriment caused by the impact in terms of the reduction in the size of the existing playing field which lies to the front of the school buildings. As such, Sport England confirm that no objection is raised and that the application would meet the requirements of Sport England's Policy Exception E5 in this regard in that *"the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields"*.

Given that the school's playing pitches lie outside of the application red line boundary, it is not possible to secure a community use agreement via condition. The school has therefore confirmed its agreement that the future community use of the school's sports facilities would be secured via the legal agreement associated with any grant of consent, to which the school would be bound as a signatory.

On this basis, subject to securing future community use of the school's sports facilities via legal agreement, it is considered that the application proposal would deliver suitable sports provision to outweigh the detriment cause by the loss of playing field land, in accordance with the requirements of Spatial Policy 8 of the Core Strategy, Sport England's exception policy, and the NPPF.

Housing Numbers, Density and Mix

Core Policy 3 of the Core Strategy states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need. The need to achieve a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities is also reflected in the NPPF.

The table below summarises the proposed housing mix:

Type	No. of Plots	% of total dwellings
2-bed semi-detached	12	12.6%
3-bed semi-detached	8	16.8%
3-bed detached	8	
4-bed detached	39	41.1%
5-bed detached	28	29.5%
Total	95	100%

The scheme would provide a broad range of dwelling types and sizes and as such I am satisfied that the scheme offers a balanced housing mix in line with the needs of the area and national and local policy requirements.

The scheme represents a density of approximately 22 dwellings per hectare (when excluding the proposed amenity space from the calculation). Core Policy 3 of the Core Strategy identifies that development densities in housing developments should normally be no lower than an average 30 dwellings per hectare net. Whilst the proposed development would achieve a density below this figure, it is recognised that there are other considerations in relation to this site which necessarily impact on the appropriate average density. These include having regard to the density and character of surrounding housing development, including the developments at The Woodwards and Glebe Park which are of a low density, together with the proposed retention of the majority of mature trees within the site, and the need to have regard to issues of amenity and privacy in relation to adjoining properties which were subject to detailed consideration by the Planning Inspector in relation to the previously refused application. Overall taking these matters into account I consider that the density and mix is now acceptable in line with Core Policy 3 and the NPPF.

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

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping with the effect of an application on the significance of a non-designated heritage asset taken into account in determining an application. Core Policy 9 of the Core Strategy requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the Allocations and Development Management DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The design approach for each plot is generally consistent with the appeal scheme, a matter the appeal Inspector found acceptable. However, one must still assess the overall design of the layout and its consequential impacts on heritage assets and character.

Heritage

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

Paragraph 135 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Given that the majority of the proposed new housing is on land to the north known as Baileys Field and Quibell Field which have no obvious landscape association with the House, it is considered that the site could accommodate new housing in these areas without necessarily having an adverse impact upon the setting of Highfields House.

The application proposal would also involve the development of seven dwellings on part of the land which lies between the school buildings and London Road, together with the laying out of the site access road which would run to the south and east of the school buildings, serving the proposed housing development at Baileys and Quibell Fields to the rear. An area of open land would be maintained to the front of Highfields House, to accommodate a playing field serving the school.

The Conservation Officer highlights that this land historically formed part of the grounds of the House and has remained relatively unaltered to date, providing a spacious, green and landscaped setting to the front of Highfields House. In this context, the Conservation Officer considers that the proposed development would result in some degree of harm to the setting of the House, albeit that this would be largely experienced from within the site itself rather than from London Road, given the extent to which the House is set back within its grounds and the significant screening afforded by tree cover along the London Road frontage. Similarly, the Conservation Officer highlights that there would be some limited harm to the significance of Highfields House as a non-designated heritage asset, recognising that the proposal would include some development within the former landscaped grounds and formal gardens of the House. In the context of the substantial area of open land which would be maintained to the front of Highfields House, the Conservation Officer considers that the degree of encroachment would be relatively minor and that the harm to the setting of this non-designated heritage asset would be limited. The Conservation Officer has also confirmed that they note the proposed dwellings on Plots 1 to 6 have been set back in relation to the Lodge and as such they do not consider that the Lodge would be crowded or harmed by the proposed development.

In relation to St Mary's Church, it is not considered that the proposal would result in any impact on the setting of this Grade I listed building, as whilst the spire of the church is visible from Baileys Field this is an incidental view from private land and is not considered to contribute to the setting of the church.

On this basis, the Conservation Officer concludes that the application proposal would result in only limited harm to the setting of Highfields House as a non-designated heritage asset. Given that the proposed site layout has been designed having regard to the setting of Highfields House, and that a substantial area of open land and existing mature tree cover would be maintained to the front of the House, it is considered that the proposed development would result in a very limited degree of harm to the setting of this non-designated heritage asset. Having regard to paragraph 135 of the NPPF in this context, it is considered that this limited degree of harm, when balanced against the significance of Highfields House, will not result in any unacceptable impact in this regard.

Design

The submitted Design and Access Statement identifies that the proposal *"has taken cues from the Victorian and Edwardian styles seen in the vicinity of the site. This has been embellished through the selection of materials, building details and form which include gable detailing with bargeboard overhangs, raked eaves, bay windows, fenestration treatments and styles."*

In terms of the character of the surrounding area, to the south east of the application site, the dwellings at The Woodwards and Glebe Park comprise modern detached properties set within substantial gardens. Dwellings to the south of London Road are predominately large semi-detached dwellings, again with substantial gardens. Dwellings on Barnby Road are more mixed in character and include a bungalow, a row of terraces and detached dwellings.

For the reasons set out above in relation to housing density, it is considered that the proposed development strikes an appropriate balance between the requirements of Core Policy 3 which identifies that new housing development should normally achieve densities of 30 dwellings per hectare or above, and the character of surrounding development which is typically of a lower density reflecting that the much of the surrounding development was built before density standards were introduced.

The layout of dwellings across the site has been designed to positively address street frontage and create varied and interesting streetscenes through the use of a wide range of house types. In terms of the design and detailing of the proposed dwellings, these reflect traditional elements from the established Victorian and Edwardian dwellings to the south of London Road. All of the proposed dwellings would be two storey in scale, reflecting the scale and character of dwellings across the surrounding area.

As set out above, the dwellings on Plots 1 to 6 have been designed to respect the setting of Highfields House. Whilst the dwellings would not front London Road, this is in order that the majority of the mature trees which line the London Road frontage to the site can be retained. In this context it is noted that the existing developments at The Woodwards and Glebe Park which lie to the south east of the application site also do not present frontage to London Road, with c.2m high fencing forming the rear boundaries of these properties to London Road. Given that the dwellings on Plots 1 to 6 have been set back from London Road, and that the majority of the existing mature tree cover would be retained, it is not considered that this would result in any detrimental impact from a design or streetscene perspective when viewed from London Road. The positioning of these dwellings is also considered to respect the setting of the Lodge and would not result in any unacceptable impact in this regard.

Landscape Character

Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

The application site lies within the East Nottinghamshire Sandlands landscape character area as identified within the SPD, and within this it lies within Policy Zone ES PZ 04 Winthorpe Village Farmlands. This reflects a relatively large Policy Zone which covers much of the eastern extent of the District beyond Newark and Balderton, and comprises a flat and gently undulating arable landscape with woodland blocks. The SPD notes that there exist a diverse variety of land uses across this Policy Zone, due to its proximity to Newark and being typical of urban fringe locations. The character assessment identifies the landscape condition of this Policy Zone as moderate, and also identifies its landscape sensitivity as moderate. In terms of the objectives for new development, the assessment identifies that the focus is to conserve what remains of the rural landscape by concentrating new development around existing settlements and to create new development which reflects the built vernacular. In terms of the objectives for landscape features, it identifies that existing field patterns and hedgerows should be conserved where feasible to contain new development with historic boundaries, and that tree cover and landscape planting should be conserved and enhanced.

The application site lies at the edge of the built up area of Newark, and does not have a particularly open aspect within the wider landscape setting. To the south, the site adjoins the built up urban area of Newark, whilst to the north the site is bounded by linear housing development along Barnby Road, beyond which is the East Coast Mainline. As such, the site occupies an urban fringe location, and as identified within the SPD, this is the type of location where new development is to be focused in order to conserve what remains of the rural landscape. The application proposal would largely retain existing field boundaries and the associated hedgerows and trees which line its perimeter. It would involve the removal of one stretch of hedgerow which presently separates Baileys Field and Quibell Field, and this is addressed in further detail below. In this context, it is considered that the application proposal addresses the implications of the Landscape Policy Zone within which it lies, in accordance with the requirements of Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD.

Trees and Hedgerow

Core Policy 12 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

A Tree Survey report has been submitted alongside this planning application. It identifies that a total of 258 individual trees and 26 tree groups were surveyed, including a range of native and ornamental species. The majority of trees surveyed were considered to be of moderate amenity value and were placed within category B (moderate quality and value). A total of 25 trees were considered to be of high value due to their size and situation within the landscape and as such were placed within category A (high quality and value). Nine trees and one tree group were categorized as unsuitable for retention (category U) and the remainder were placed within category C (low quality and value, and trees less than 15cm diameter).

The submitted Tree Survey includes an Arboricultural Impact Assessment of the proposed site plan to assess the likely impact of the development on existing trees and tree groups. The report identifies that a total of 67 trees, four tree groups and parts of seven other tree groups will need to be removed. 26 of these trees and three of these tree groups are covered by a group Tree Preservation Order (ref. N215). In addition, the report recommends the removal of two horse chestnut trees within the school grounds which are showing signs of bleeding canker. Whilst these two trees are covered by the group Tree Preservation Order they lie outside the application site boundary. The majority of the protected trees which are proposed for removal lie to the south of the school buildings on the land that lies between Highfields House and London Road. The site layout has been designed such that the line of trees along the site's frontage to London Road would be retained, but that the band of trees which lies to the north of this would be removed to facilitate the construction of Plots 1 to 6. A cluster of protected trees would also be removed to facilitate the new access road serving the development, and trees within a number of protected groups to the east of the school buildings would also be removed to facilitate the access road and the foul pumping station. A number of other trees which are not protected by the group TPO would also be removed, which include a number of trees towards the south eastern corner of the site to facilitate development on Plot 95, a number of trees at the western extent of the site to facilitate the surface water drainage outfall, and a number of further trees which are scattered along the boundaries of Baileys Field and Quibell Field.

The layout of the scheme has been developed through liaison with the Council's Tree Officer. Whilst the application proposal would involve the removal of a considerable number of trees within the site, the layout has been designed in order to ensure that the existing trees which line the site's frontage to London Road would be retained. The trees which are to be removed to facilitate the development of Plots 1 – 6 and Plot 95 lie to the north of the trees to be retained and therefore make a more limited contribution in terms of visual amenity when viewed from public vantage points.

The band of trees to be retained along the site's frontage would wrap around Plots 1 – 6 to the north west, south west and south east, such that the existing trees which characterise the site's frontage to London Road would be retained. These trees would lie outside of the plots of these dwellings, and the ongoing management responsibility of these areas would therefore lie the management company which is to take over responsibility for the amenity space and ecology corridors across the development. Excluding these trees from these dwellings' plots would safeguard their future retention by reducing the potential for unauthorised works or pressure for future pruning of these trees.

In this context the Tree Officer raises no objection subject to conditions being attached to any grant of consent to require tree protection measures and replacement planting via proposed soft landscaping. The loss of a considerable number of trees, including 26 protected trees, is regrettable and will clearly result in a degree of harm. It is however recognised that the scheme layout has been designed in order to retain those trees which make the most significant contribution in terms of visual amenity when viewed from public vantage points. The contribution of those trees which are to be removed is predominantly experienced from within the school site itself, and to a lesser degree from a number of adjoining private residential properties. As such, the trees to be removed make a more limited contribution in terms of visual amenity from public vantage points. It must also be recognised that the site presently accommodates a very significant number of trees, and therefore the number of trees to be removed must be considered in this context. The impact of the proposed loss of trees is assessed at the end of this report as part of the planning balance.

The submission of an Arboricultural Method Statement would be required via condition, which would ensure the protection during the construction phase of the trees and hedgerows which are to be retained. Conditions are also recommended in relation to submission of a landscaping scheme and its subsequent implementation. This would provide for the provision of replacement trees and hedgerow for that which is to be lost.

The application proposal would involve the loss of approximately 95m of existing hedgerow that separates Baileys Field and Quibell Field. The Hedgerow Regulations 1997 define 'important' hedgerow as that which has existed for 30 years or more, and meets at least one of the criteria within Schedule 1 Part II. One of these criteria is that the hedgerow marks a pre-1850 parish or township boundary. The hedgerow marks the parish boundary between Newark and Balderton and on the basis of historic mapping that is available, it is likely that this has marked the parish boundary since prior to 1850. In this context, it would be considered to constitute an 'important' hedgerow in the context of the Hedgerow Regulations, and has historical significance in this context. The Hedgerow Regulations afford protection to hedgerow and require permission for its removal. Where removal of a hedgerow is required to implement a planning permission, then no separate consent for hedgerow removal is required. There is a presumption in favour of protecting 'important' hedgerow under the Regulations. The loss of hedgerow in this context is regrettable and will clearly result in a degree of harm. The impact of this is assessed at the end of this report as part of the planning balance.

Summary

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

Impact on Highway Safety

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

A Transport Assessment (TA) and Addendum has been submitted with the application which demonstrates that access to the site is safe and satisfactory. This concludes that the *"the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. It is, therefore, considered that the residual cumulative impact of the proposal will not be severe"*. The Transport Assessment was initially undertaken in October 2014 in support of the previous application for 83 dwellings (14/01964/FULM), and has been updated for this current application via an addendum report to reflect the increase in the number of proposed dwellings to 95, and to reflect updates to policy, conditions on the local highway network, and any changes to sustainable transport infrastructure. I do note that highways was not a reason for dismissal at the previous appeal.

The Transport Assessment identifies that the site occupies a sustainable location approximately 1.7km south east of Newark town centre, and being accessed off London Road which is a major bus corridor and with National Cycle Route 64 running adjacent to the southern boundary of the site and providing a designated off-road cycle route. The Traffic Survey which informed the Transport Assessment was undertaken in February 2014. The Transport Assessment identifies that given there have been no major developments and that local highway conditions have remained unchanged in the vicinity of the site since this time, these surveys from 2014 are considered to demonstrate an appropriate existing situation. The recorded traffic flows have been growthed to a future year of 2021 in order to reflect any phasing of the development. It identifies that the proposed development would generate 60 two-way peak hour vehicle trips during each of the morning and evening peak periods, which equates to approximately 1 additional vehicle movement per minute, which it concludes would be unlikely to be perceivable to road users. As such, the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours.

The site would be served by means of a right turn ghost island priority controlled T-junction with London Road and a condition is recommended in this regard to secure a white lining improvement scheme on London Road to facilitate this.

The County Highways Officer has reviewed the submitted information and raises no objection on highway grounds. In relation to the concerns raised by those objecting to the planning application that the traffic survey data on which the Transport Assessment is based is out of date, the County Highways Officer has confirmed that utilising the February 2014 traffic survey data does not make the assessment out of date, and that given the operational capacity of the highway network at London Road, the proposed development raises no concern in terms of highway capacity even once recent developments are taken into account.

In relation to the detailed points raised within the County Highways Officer's comments (17 March 2017), the applicant has confirmed that the ongoing management and maintenance of the footpath link to Barnby Road will be included as part of the transfer to a management company for the site. This would be secured via legal agreement. The comments regarding turning heads and visibility splays have been accommodated through minor revisions to the site layout plan. In terms of highway drainage, the County Highways Officer has confirmed that following correspondence with Severn Trent Water, Severn Trent have confirmed that they are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer, the County Highways Officer has confirmed that he is satisfied that the highway drainage issues can be resolved. Conditions are recommended in this regard, requiring submission and approval of drainage details and plans for the disposal of surface water and foul sewage, and details of the surface water drainage scheme.

The proposed development would be subject to a legal agreement to include a contribution towards bus stop improvements and a lorry routing plan to ensure that extraneous traffic is kept out of Newark town centre (as included in the Summary of Developer Contributions table below). Planning conditions relating to access construction, visibility splays, set back of garage doors, surfacing, and the white lining scheme are also recommended.

In this context it is considered that the proposed development would be acceptable in highway terms, subject to the relevant conditions, in accordance with the requirements of Spatial Policy 7 of the Core Strategy.

Impact on Flood Risk and Drainage

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

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

A Drainage Statement has been submitted as part of the application. In terms of foul sewerage generated by the development, this is to be discharged to the public sewer network at a manhole located in London Road close to the site entrance. In terms of surface water drainage, ground investigation and soakaway testing has demonstrated that the prevalent ground conditions are acceptable from an infiltration perspective and therefore the site would be suitable to accommodate a Sustainable Drainage Scheme (SuDS).

As such, it is proposed that the dwellings would drain to shallow soakaways within garden areas to serve individual plots, or to a shared soakaway in a suitable location. These will be designed to a 1 in 100 year storm event (plus allowance for climate change) in order to ensure that extreme conditions can be accommodated and thereby not presenting a flood risk to either the proposed or existing surrounding properties. The applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land from Railway Paths Ltd in order to facilitate this. A piped storage system located within the highways together with a flow control device would limit discharge rate. An assessment of the ecological impact of this proposed approach is addressed below under 'Impact on Ecology'.

In accordance with the recommendations of the Flood Risk Assessment, a condition is recommended which would ensure that internal finished floor levels within the proposed dwellings be set no lower than 150mm than adjacent external ground levels. In addition, a condition is also recommended requiring submission of details of a surface water drainage scheme based on sustainable drainage principles in response to comments received from the Lead Local Flood Authority. Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved.

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

Impact on Ecology

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

The applicant submitted an Ecological Appraisal (November 2016) as part of the application submission. This was informed by a detailed habitat survey undertaken in June 2013 (which accompanied the previous application 14/01964/FULM), and this was updated with a further survey in October 2016 to reflect the amended red line boundary as part of the current application which incorporates land between the school buildings and London Road which was not subject to the earlier survey. Approximately 55m to the west of the application site lies Ballast Pit which is an identified Local Wildlife Site (LWS). Ballast Pit comprises a large fishing lake with willow carr (waterlogged woodland).

The Ecological Appraisal identifies a range of existing habitats within the site, with neutral semi-improved grassland habitat on the land at Baileys Field and Quibell Field, together with hedgerow, trees and scrub on parts of the site. In terms of species, the Appraisal identifies that the site is used by a number of protected and priority species. The survey work identifies use of the land at Baileys Field and Quibell Field by grass snake as they move between areas of suitable habitat (such as Ballast Pit LWS, and the allotments which lie to the east and west of the site). Grass snakes are a protected species under the Wildlife and Countryside Act 1981. The survey also identifies use of the site as a migratory route for the common toad which is a priority species under the Natural Environment and Rural Communities Act 2006. In addition, the survey work identifies that foraging badgers may move across the site from time to time (although they are not considered resident within the site), and there is some potential for bats within The Lodge and its outbuilding, and low potential for bats within the trees to be removed.

The Ecological Appraisal sets out a detailed package of mitigation measures in order to mitigate any impact in relation to these habitats and species. The key element of this is the delivery of a Reptile and Amphibian Mitigation Strategy (November 2016), which would comprise the following:

- Creation of two ecology corridors which would run east/west across the site in order to retain connectivity between Ballast Pit LWS and the allotments, and allow for the movement of wildlife. The corridors would lie along the northern and southern boundaries of the land known as Baileys Field and Quibell Field and would each be approximately 2m in width. The northern corridor would comprise new hedgerow planting to complement the existing hedgerow along this boundary, and the southern boundary would comprise a mixture of structure planting along the school boundary and rough grassland along the boundary with properties on The Woodwards / Glebe Park.
- Creation of a wildlife underpass beneath the estate road at the point where it crosses the ecology corridor along the southern boundary, in order to provide safe passage for amphibians and reptiles.
- Retention of all existing sections of hedgerow along the site's northern boundary. Whilst approximately 95m of hedgerow would be lost (the hedgerow that separates Baileys Field from Quibell Field), compensatory planting along the northern boundary will involve planting to establish / consolidate approximately 305m of native hedgerow.

- Off-site habitat enhancement works at Ballast Pit LWS and biodiversity enhancement works within the school's grounds, adjoining the application site. In terms of Ballast Pit LWS, this would involve habitat enhancement works, including hibernacula creation and thinning existing scrub.
- Installation of dropped kerbs and wildlife kerbs across the development to provide a means of escape for any amphibians that may enter the road network.

The future management of the on-site mitigation works (including the ecology corridors), together with the implementation and management of the off-site works, would be undertaken by a management company.

In addition to the Reptile and Amphibian Mitigation Strategy, the Ecological Appraisal contains a series of detailed recommendations in order to mitigate any impact on habitats and species. These include delivery of an ecologically sensitive landscaping scheme with native and wildlife-attracting species, root protection measures for all trees and hedgerows to be retained, additional tree planting with native species, bat sensitive lighting for street lighting across the development, and the use of sensitive working practices in order to protect any species which may be present on the site during the construction phase.

The delivery of the mitigation measures identified within the Ecological Appraisal and the Reptile and Amphibian Mitigation Strategy would be secured via condition, and the delivery and maintenance of the off-site works at Ballast Pit LWS and within the school grounds would be secured via legal agreement.

In relation to the Ecological Appraisal which accompanied the application, objections were raised by both the County Ecologist and Nottinghamshire Wildlife Trust on the basis that the ecological survey work which underpins the appraisal is considered out of date, and that additional surveys are required. In response to these comments, in April 2017 the applicant commissioned an updated reptile survey and bat activity surveys.

The updated reptile survey recorded the presence of a low population of grass snake on the site, together with a single toad. The applicant's consultant ecologist concludes that this corroborates the findings of the 2013 based survey in that whilst the site is considered to be of importance to reptiles at a local level, only low populations have been recorded within the site and as such the site's role in this regard is likely to be as a migratory route between surrounding sites. As such, the applicant's consultant ecologist concludes that the outcome of the updated reptile survey does not indicate that any changes are required to the proposed approach set out within the Reptile and Amphibian Mitigation Strategy.

In relation to the bat activity surveys, three surveys have now been undertaken on the site during the active bat season. All of the surveys recorded a low level of bat activity on site during the three transects and associated static monitoring.

The applicant's consultant ecologist has also assessed the hedgerow which lies between Baileys and Quibell Fields in terms of the Hedgerow Regulations 1997 on the basis of the ecological criteria. They have confirmed that the hedgerows are not classified as important hedgerows in the context of the defined ecological criteria under the Hedgerow Regulations 1997.

In relation to the additional information submitted, the Nottinghamshire Wildlife Trust has confirmed that they are satisfied with the submitted bat surveys and as such withdraw their previous objection to the application. The Wildlife Trust recommend that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. A condition is proposed in this regard. The Wildlife Trust does also highlight some concerns with regard to the reptile surveys conducted to date, which they consider have not enabled a full assessment of the value of the site as a migration route for toads. The Wildlife Trust consider that this information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. In relation to these comments of the Wildlife Trust, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable following detailed discussions in relation to the previous application scheme (14/01964/FULM).

The response of the County Council's Ecology team to the additional information submitted raises concern as to whether the proposed ecology corridors would effectively function as intended to allow ecological connectivity and allow the movement of reptiles. The County Council's Ecology team considers that the 2m width of these corridors may limit their functionality and a better solution would be the provision of a 10-15m wide corridor through the site. As cited above, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable in relation to the previous application scheme. The applicant's ecological consultant has advised that the ecology corridors would be sufficient to provide movement corridors along the site boundaries for reptiles and amphibians. The corridors are designed to be discrete pathways for wildlife, which are inaccessible to the general public, and the Reptile and Amphibian Mitigation Strategy confirms that access will be created between rear gardens and the ecology corridors via small gaps or raised fencing to provide additional habitat for reptiles, amphibians and small mammals.

In relation to the comments of both the Nottinghamshire Wildlife Trust and the County Council's Ecology team, it is proposed that the implementation and ongoing maintenance of the off-site works at Ballast Pit LWS would be secured via legal agreement and this would therefore address the cited concerns in this regard.

As set out above under 'Impact on Flood Risk and Drainage' the applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land in order to facilitate this. In relation to concerns cited regarding the ecological impact of this drainage on Ballast Pit LWS, the applicant's drainage consultant has confirmed a hydrodynamic vortex separator may be incorporated downstream of the proposed flow control device to provide treatment of runoff and that permeable paving may also be incorporated across private driveways to provide additional treatment of runoff. As such, the applicant's drainage consultant confirms that the potential impact on water quality of surface water discharged to Ballast Pit is expected to be minimal. A condition is proposed requiring submission of full details of the proposed surface water drainage scheme, and this provides the means to ensure that the sustainable drainage scheme would be acceptable in terms of both its drainage and ecological impact.

In summary, the Nottinghamshire Wildlife Trust have confirmed that they would remove their objection to the proposed development subject to the two further bat surveys confirming low activity levels on the site. The County Council's Ecology team have confirmed that they are unable to support the application, but that in the event planning permission is granted it should be controlled via a detailed series of conditions together with a legal agreement to ensure the delivery and long-term management of the off-site ecological mitigation works. All of these recommendations have been addressed as part of the proposed conditions.

Taking into account all ecology comments from consultees and interested parties and the additional information submitted by the applicant, and subject to securing appropriate mitigation measures via the imposition of conditions and via legal agreement for the implementation and maintenance of those off-site works, it is considered that the proposal accords with the requirements of Core Policy 12, Policy DM5 of the Allocations and Development Management DPD, and the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. There are several strands to amenity which are discussed by topic area below.

Noise

The application proposal includes a foul pumping station to be located centrally within the site at the north east corner of the school grounds. This pumping station would be located in proximity to a number of residential properties, including the existing neighbouring property at No.27 London Road (a distance of approximately 22m would be maintained between the pumping station and the closest part of the dwelling), and the proposed dwellings on Plots 38 and 69 (a distance of approximately 15m and 20m respectively would be maintained between the pumping station and the closest part of the dwellings).

In order to ensure no unacceptable noise impact from the operation of the proposed pumping station on neighbouring properties, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. This would be required prior to first operation of the foul pumping station. Given the enclosed nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development.

The proposed layout would involve the dwellings on Plots 1 – 6 and Plot 95 overlooking a grassed area which would be used as playing fields by the school. Where an acoustic barrier was necessary in relation to the proposed Multi-Use Games Area proposed under application 16/01134/FULM, as a grassed area that would not be subject to floodlighting, it is not considered that an acoustic barrier is necessary in this context to protect the amenity of these neighbouring properties. In addition, the main school playing fields would continue to be on the land to the west of the school buildings, with this grassed area to the south of the school only being suitable to accommodate a 5 v 5 football pitch due to its reduced size.

As such it is not considered that the proposed development would result in any unacceptable noise impact in accordance with Policy DM5 of the Allocations and Development Management DPD and the requirements of the NPPF.

Overlooking, Privacy and Amenity

Policy DM5 of the Allocations and Development Management DPD states that new developments shall be assessed against a number of criteria including that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. There is no prescriptive guidance in terms of appropriate separation distances, and paragraph 7.18 of the reasoned justification to Policy DM5 states that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

The application site is bounded by a number of residential properties. The eastern parcel of land known as Quibell Field is bounded to the south by residential properties at No. 27 London Road, Nos. 11a and 12 The Woodwards, and Nos. 31 and 33 Glebe Park. Part of this southern boundary is formed by a brick wall of approximately 2m in height, with the remainder formed by wood panelled fencing of between approximately 1.8m and 2m in height. In addition, along parts of this boundary there is mature hedging and trees which provide additional screening. Residential properties at No. 29 London Road and No. 1 The Woodwards lie to the south east of the southern parcel of land which lies between London Road and Baileys Field. In addition, the application site is also bounded by residential properties on Barnby Road along much of its northern boundary.

In relation to the appeal against refusal of the previous application (14/01964/FULM), the effect of the proposed development on the living conditions of neighbouring residents with particular regard to privacy was a key issue considered in detail by the Inspector. The Inspector concluded that the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy. In relation to the relationship between the proposed development and No. 12 The Woodwards, the Inspector found that the proposed development would not lead to an unacceptable level of overlooking of, or loss of privacy to, the occupiers of No. 12 in their dwelling or rear garden.

The layout of the eastern parcel of land (Quibell Field) has been designed in order to specifically address the Inspector's findings in this regard. As such, the dwellings which would adjoin these existing properties have been designed and positioned so as to allow for a considerably greater separation distance between the proposed and existing properties. The impact in relation to each of these existing properties is detailed below:

No. 27 London Road – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 12m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 27 London Road would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21m and 24.5m. In addition, by positioning the double garages serving Plots 9 to 11 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 12 The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 13m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 12 The Woodwards, taken together with the fact that No.12 is itself set back from the boundary by around 20m, would mean that no unacceptable level of overlooking or loss of privacy would result. Under this new application, the separation distances between the first floor rear elevation of the proposed dwellings and the boundary with No. 12 The Woodwards have been further increased to between 23.5m and 27m, and the double garages serving Plots 12 and 13 have been positioned to the rear of these plots.

No. 11a The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 11m and 13m between the first floor rear elevations of the proposed dwellings and the boundary with No. 11a The Woodwards would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21.5m and 23m. In addition, by positioning the double garages serving Plots 14 and 15 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 31 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 15m and 16m between the first floor rear elevations of the proposed dwellings and the boundary with No. 31 Glebe Park would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21.5m and 28.5m. In addition, by positioning the double garages serving Plots 16 to 19 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 33 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the given orientation of the proposed dwelling on the plot adjoining the northern boundary of No. 33 Glebe Park, there would be some overlooking and loss of privacy to these neighbouring residents within their rear garden. Under this new application, the dwelling on Plot 21 is a Westbury house type. In common with the previous scheme, at first floor level in the side elevation facing No. 33 Glebe Park the only window within this side elevation would be obscure glazed serving a bathroom. Therefore there would be no potential for overlooking from the side elevation. In response to the Inspector's findings, the dwelling on Plot 21 has been oriented away from No. 33 Glebe Park. In addition, the internal layout of the Westbury house type on Plot 21 means that in its rear elevation there are no windows in that part of the dwelling which lies closest to the common boundary. The nearest window in the Westbury house type at first floor would lie towards the centre of its rear elevation, and taken together with the orientation of the dwelling away from No. 33 Glebe Park it is not considered that there would be any unacceptable level of overlooking or loss of privacy to the occupiers of No. 33 Glebe Park.

In relation to the relationship with the existing dwellings on Barnby Road which lie adjacent to the site's northern boundary, this relationship remains largely unchanged from the previous application which was considered acceptable in this context. Grove Bungalow is the closest dwelling to the north of the site and a separation distance in excess of 20m would be maintained between the rear of this dwelling and the application site.

The new site layout under this application introduces a relationship between the Hartlebury house type proposed on Plot 95 and the rear elevation of No. 1 The Woodwards. Lying between the application site and the rear boundary of No. 1 The Woodwards is the private driveway serving Nos. 27 and 29 London Road. No. 1 The Woodwards has a single storey extension to the rear with

extensive glazing in its north western elevation facing towards the application site. The extension projects 4.5m from the main rear elevation of the dwelling. The flat-roofed extension accommodates an extensive outdoor balcony at first floor level.

A separation distance of approximately 22.5m would be maintained between the rear elevation of the Hartlebury dwelling on Plot 95 and the boundary of the rear garden of No. 1 The Woodwards. A separation distance of approximately 36m would be maintained between the facing rear elevations of the properties at first floor level, with this reducing to approximately 31.5m at ground floor due to the single storey rear extension at No. 1 The Woodwards. At ground floor level, the existing boundary treatment to the rear of No. 1 The Woodwards would prevent any direct overlooking between the properties. At first floor level, the Hartlebury dwelling on Plot 95 would feature one habitable room window within its rear elevation, serving a bedroom. There would also be a window serving the stairwell / landing, and an obscure glazed window serving a bathroom. The Hartlebury house type has been oriented such that the bedroom window would be located towards the southern end of the rear elevation where it would be afforded additional screening by the tree canopy within this part of its rear garden. In the context of the separation distances which would be maintained it is not considered that there would result any unacceptable level of overlooking or loss of privacy to the occupiers of No. 1 The Woodwards. Whilst there is some potential for the rear garden area of Plot 95 to have the perception of being overlooked by the first floor balcony of No. 1 The Woodwards, it must be recognised that as an outdoor balcony area the space is subject to seasonal use for specific periods of time. In addition, there would be a separation distance of approximately 20m between the closest point of the balcony and the rear garden of Plot 95 at its closest point. As such, it is not considered that there would be an unacceptable degree of overlooking or loss of privacy for the occupiers of Plot 95. Furthermore, the future purchasers of Plot 95 would be aware in purchasing this property of the potential for some limited degree of overlooking when the balcony is being used.

An objection also has been received in terms of the relationship between the Hartlebury house type proposed on Plot 95 and the rear elevation of No. 2 The Woodwards. In this context, a distance of approximately 36m would be maintained between the first floor habitable room window in the rear elevation of the Hartlebury house type and the nearest part of the rear garden area of No. 2 The Woodwards. Due to the orientation of the dwellings there would be no directly facing habitable room windows, and in any case a distance of approximately 60m would be maintained between the two rear elevations. As such it is not considered that any unacceptable impact in terms of overlooking and privacy would result.

The new site layout under this application also introduces a relationship between the existing Lodge (which is occupied as a residential dwelling) located at the entrance to the site, and the proposed dwelling on Plot 1. Due to the proposed orientation of the dwelling on Plot 1, there would be no directly facing windows between the two properties. At first floor level, the Lodge has a window in its south east facing elevation however this is obscure glazed and as such is not considered to result in any unacceptable impact in terms of overlooking on the rear garden area of Plot 1. The Hartlebury house type on Plot 1 would have habitable room windows at both first and ground floor level in its north west (side) and south west (rear) elevations. The Lodge does not currently enjoy any degree of privacy to the small outdoor amenity space which surrounds it, recognising that the only boundary treatment is a low hedge which partially encloses its amenity space. As such, and in the context of the separation distance between Plot 1 and the Lodge it is not considered that this relationship would result in any unacceptable impact on amenity for either dwelling.

As such it is not considered that the application proposal would result in any unacceptable impact in terms of amenity, overbearing or privacy, in accordance with Policy DM5 of the Allocations and Development Management DPD.

In relation to the siting of the proposed garages serving Plots 7 to 19 close to the common boundary with these existing neighbouring properties, it is not considered that this would result in any unacceptable impact in terms of amenity for existing occupiers. The garages would be sited approximately 3.5m from the boundary with the existing properties, reflecting that one of the proposed ecology corridors would lie between the proposed dwellings and the existing properties. The layout plan indicates that the garages have been designed such that the ridge lines would be positioned such that they run parallel to the common boundary and therefore on those elevations closest to the common boundary the garages would have a height to eaves of approximately 2.5m. As such it is not considered that this would result in any overbearing impact on the garden areas of adjacent properties. Similarly in relation to the impact of vehicle headlights and noise from vehicle movements, it is not considered that the siting of the proposed garages would result in any unacceptable impact on the amenity of neighbouring properties. Noise levels would be no different to those that occur within all other residential developments across the country as and when neighbours use their cars and garages. As such there are no noise standards that are applicable to this type of activity nor are there any noise assessment procedures that would suggest such infrequent noise events would affect the residential amenity of existing residents.

Whilst there would be no unacceptable impact in this regard, the applicant has confirmed that they propose to install soft closing garage doors for these plots and that these driveways would be hard surfaced for their full length, as a courtesy to the expressed concerns of neighbouring occupiers. It is not however appropriate to condition this, as it not considered to meet the tests for planning conditions in terms of being necessary and reasonable.

Security

The Police Architectural Liaison Officer has raised a number of concerns regarding the layout of car parking spaces to the rear of a number of the proposed dwellings. The Architectural Liaison Officer highlights Plots 9 to 19 and Plots 61 and 62 in this context, where the parking areas are located to the rear of the dwellings. Whilst there would be limited visibility of these driveways from the dwellings, the layout plan does however indicate that there would be gates installed at the head of each of these driveways in order to prevent unauthorised access to the parking areas and garages serving these properties. The Architectural Liaison Officer also questions the potential for the rear of these properties (and thereby their parking areas and garages) to be accessed via the ecology corridor which would lie to the rear. For clarity, the ecology corridors are to be gated and there would be no public access via these routes, therefore it is not considered that this presents any issue from a crime and disorder perspective.

In addition, the Architectural Liaison Officer highlights Plots 7 and 68 where the driveways would also lie to the rear of the proposed dwellings. Whilst the layout plan does not identify gates to these parking areas, it is considered that the boundary treatment of these plots could readily be configured such that gates could be installed to secure the driveways.

In this context, a condition is recommended requiring submission of all boundary treatments, and for the avoidance of doubt a specific reference has been incorporated within this condition to make clear that the driveways serving Plots 7, 9 – 21, 61, 62, and 68 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

The Architectural Liaison Officer also highlights concerns regarding the proposed footpath link to Barnby Road. The development layout has been designed to ensure overlooking of this route so far as is practicable within the site itself, where the dwellings on Plots 63 and 64 have been oriented with their front elevations facing west to overlook the access point to the proposed footpath link. The footpath would be approximately 100m in length, and would be bounded by allotments to the west and by a smallholding / agricultural buildings to the east. In this context, there would be limited overlooking of the footpath other than casual surveillance from the allotments when in use. Whilst there is therefore a potential risk in terms of anti-social behavior on this route, this would be no different than the level of risk for many other footpath connections which have limited levels of direct overlooking. The existing footpath / cycleway that runs between London Road and Barnby Road to which the Architectural Liaison Officer refers in their response has very limited levels of overlooking, being bounded by the rear of dwellings and school playing fields. The proposed footpath link would provide a valuable connection between the development and Barnby Road Primary School and Community Park, as well as improving pedestrian permeability across the wider area. As such it is considered that the benefits of the proposed footpath link outweigh the risk of potential anti-social behavior.

In this context it is considered that the proposed development would be in accordance with the requirements of Core Policy 9 of the Core Strategy in terms of reducing the opportunities for crime and the fear of crime, disorder and anti-social behavior.

Summary

In conclusion it is considered that subject to relevant conditions as recommended, the proposed development would result in no significant detrimental impact on the amenity of future occupiers of the proposed dwellings or dwellings adjacent to the application site in accordance with Policy DM5 of the Allocations and Development Management DPD.

Public Open Space

The application proposal would include an area of amenity space towards the centre of the site and alongside the site access road. This area of amenity space would extend to approximately 1,690m² which exceeds the local standard for amenity green space provision as defined in the Newark and Sherwood Green Spaces Strategy, which for a development of 95 dwellings would amount to 1,368m² (on the basis of the 14.4m² per dwelling standard). The application also proposes the reinstatement of a footpath link to Barnby Road which would facilitate access to Barnby Road Community Park and Locally Equipped Area of Play (LEAP) for residents of the proposed development. Recognising the limited on-site provision of public open space, financial contributions towards off-site provision would be sought, and this is detailed below under 'Viability of Development and Developer Contributions'.

Impact on Archaeology

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

An Archaeological Evaluation Report (September 2014) and an Archaeological Mitigation Strategy (February 2015) have been submitted with the application, which were prepared in order to support the previous application (14/01964/FULM). As part of the archaeological investigation, fourteen trenches were excavated to investigate anomalies identified by a preceding geophysical survey. The investigation revealed a complex of ditches and occasional pits to the north and east of the school buildings, and dating evidence indicates small scale activity in the Iron Age and Roman periods associated with an enclosure to the north of the school, and medieval and post-medieval agricultural activity.

Nottingham County Council Archaeology have not provided comments to date in relation to this application, however in relation to application 16/01134/FULM they commented that the proposed development site has high archaeological potential, as confirmed by the Archaeological Evaluation Report. The County Council Archaeology confirmed that they were content with the work that had been undertaken, and that the archaeological mitigation strategy was acceptable. As such they raised no objections subject to a condition requiring implementation of the submitted archaeological mitigation strategy.

It is however recognised that this application incorporates an area of land (the land which lies between the school buildings and London Road) which was not subject to archaeological investigation as part of the submitted Archaeological Evaluation Report and also lies outside the scope of the Archaeological Mitigation Strategy. As such, a condition is attached which requires that no development shall take place until an updated Archaeological Evaluation Report and Archaeological Mitigation Strategy which assesses all parts of the site which lie within the application red line boundary has been submitted and approved in writing. It also requires that all archaeological site work be undertaken in full accordance with the agreed written scheme.

Subject to this condition the proposal is therefore considered to raise no issues in relation to Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD.

Viability of Development and Developer Contributions

Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms. Members will note that viability was considered as part of the previous appeal, with the more marginal nature of the scheme being proved to the satisfaction of the appointed Inspector to such a degree that significantly reduced contributions were deemed acceptable.

In relation to this application there have been on-going negotiations with regard to viability. The applicant submitted viability evidence which identified that the scheme would be unable to support the full scale of the planning obligation requirement, in addition to the CIL liability.

An independent viability assessment of the proposed development has been undertaken by the Council's appointed viability consultant. On the basis of these negotiations, the applicant has agreed to contribute £200,000 towards s106 contributions (which would be in addition to the full CIL liability). The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

The policy starting point for developer contributions is set out below together with details of the developer offer being proposed. It is important to note that the developer is willing for the overall financial offer to be distributed as the Local Planning Authority and County Council consider appropriate.

Affordable Housing

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based on the application proposal of 95 dwellings, this would amount to a requirement for 28 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing.

The application proposal would involve no provision of affordable housing and it is recognised that this would represent a shortfall in the policy requirement to the detriment of local affordable housing needs. However, paragraph 173 of the NPPF makes clear that pursuing sustainable development requires careful attention to viability and costs in decision taking. The Planning Practice Guidance expands on this and states that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations. The Guidance highlights that this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. The Guidance states that these contributions should not be sought without regard to individual scheme viability.

Overall, the application proposal falls short of the policy requirement to secure affordable housing provision. However, the applicant has proven to the satisfaction of the Council's independent advisor that the full scale of required contributions cannot be provided in the context of the scheme's viability. As such, having regard to the NPPF and Planning Practice Guidance and the viability position, it is not considered that the lack of affordable provision would outweigh the other benefits of the proposed development and the presumption in favour of sustainable development.

Community Facilities

The Developer Contributions SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1,433.32 per dwelling (including indexation) to be sought. The application scheme of 95 dwellings would equate to a community facilities contribution of £136,165.40 (including indexation). On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support a community facilities contribution and would fail to meet the SPD requirement in this regard.

Education

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

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

The application scheme of 95 dwellings would generate 20 additional primary school places which requires a developer contribution of £229,100. On the basis of the agreed viability evidence, the scheme would not be able to support the full requirement in this regard. It is recommended that with the exception of the transport contribution, all remaining contributions would be directed towards education. As such, a total of £185,800 would be available to be directed towards education provision, which would reflect approximately 16 additional primary places (at £11,455 per place). As such, whilst the proposed development would not meet the SPD requirement in full, it would make a substantial contribution towards meeting the requirement in this regard.

Highways / Integrated Transport

In accordance with the Developer Contributions SPD, the Highways Officer has confirmed that they require £14,200 towards the provision of a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road), and it is recommended that this full amount be secured as part of the legal agreement in accordance with the requirements of the SPD.

Health

For developments of 65 dwellings or more that increase pressure on the health service, DM3 and the Developer Contributions SPD allow for contributions to be sought (£982.62 per dwelling, including indexation) where there is an identified need in the locality. However in this case, no response has been received from NHS England to justify any such request and consequently no provision is being sought.

Open Space

In accordance with the requirements of the Developer Contributions SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the proposed layout plan includes an area of amenity space adjacent to the proposed access road totalling 1,690m², which exceeds the SPD requirement in terms of amenity green space provision per dwelling.

The SPD also requires all residents to live within 300m of an area of between 0.2Ha and 1Ha in size of natural or semi-natural green space. Whilst all of the dwellings would be within 300m of the proposed area of green space, given that its size falls below the 0.2Ha threshold, the proposal is not therefore considered to comply with the requirements of the SPD in this respect. In addition, a footpath link to Barnby Road is proposed which would provide improved access to the Barnby Road Community Park and LEAP play area for future residents (albeit that this would also be more than 300m away).

None of the open space shown is specifically designed as children and young people’s playing space and it would ordinarily be considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children’s playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at £927.26 per dwelling (including indexation) plus £1,031.30 per dwelling (including indexation) towards maintenance costs that would need to be agreed as part of any legal agreement. The application scheme of 95 dwellings would require a contribution of £186,063.20 in this regard. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support an open space contribution and would fail to meet the SPD requirement in this regard.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. At an average of 2.4 persons per dwelling, the application scheme of 95 dwellings would increase the existing library’s catchment area population by 228 persons. The County Council has therefore confirmed that a developer contribution of £4,516.30 (including indexation) would be required towards the additional stock that would be required to meet the needs of increase in population. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support the libraries contribution and would fail to meet the SPD requirement in this regard.

Summary of Developer Contributions and Conclusions on Viability

A summary of developer contributions / s106 requirements is set out in the table below. This summary is based on the Officer judgement as to the most appropriate contributions to secure in the context of the total agreed scale of contribution having regard to the viability position:

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Affordable Housing	30% on-site provision or £896,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £186,063.20 (including indexation)	No provision either on-site or by financial contribution
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200
Education	£229,100 to provide 20 additional primary places (at £11,455 per place)	£185,800 to provide approx 16 additional primary places (at £11,455 per place)
Community Facilities	£1,433.32 per dwelling = £136,165.40 (including indexation)	No provision either on-site or by financial contribution

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE BASED ON 95 UNITS REQUIREMENT	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Libraries	£4,516.30 (including indexation)	No financial contribution
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (November 2016 by Ecus Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to construction works commencing to allow habitat for any reptiles displaced during the construction works.	See first column for requirement
Maintenance of on-site open space and ecology corridors and off-site ecology enhancement areas	Maintenance of on-site open space and ecology corridors, and off-site ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include: a) description and evaluation of the features and species to be managed; b) ecological trends and constraints on site that may influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions; f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) personnel responsible for the implementation of the plan; h) monitoring and remedial/contingency measures triggered by monitoring.	See first column for requirement
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement
Community use agreement for school sports facilities	A community use agreement to secure community use (outside of school hours) of the sports facilities of Highfields School.	See first column for requirement
TOTAL	30% on site affordable housing provision and £570,044.90 developer contributions (plus CIL)	No affordable housing provision and £200,000 developer contributions (plus CIL)

The scheme comprises a developer offer of £200,000 towards developer contributions as detailed in the table above. The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

Aside from affordable housing which is considered in detail above, the other contributions which are not being met in by this proposal relate to community facilities, library stock provision, and public open space in the form of natural/semi-natural green space, and children's and young person's play space. In relation to education provision, the proposal would not meet the SPD requirement in full but would make a substantial contribution towards meeting the requirement in this regard.

Whilst the scheme would not make provision for children's and young person's play space or a financial contribution towards community facilities or library stock provision, I do give some weight to the fact that there would be community benefit associated with wider community use of the school sports facilities, which would be secured via legal agreement. Paragraph 176 of the NPPF makes clear that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. In relation to this case, I do not consider that the identified requirements constitute necessary safeguards essential to making the development acceptable in planning terms, and given the agreed viability position their non-provision cannot therefore justify refusal of the application. Overall, whilst the proposal falls short of the policy requirements, I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Conclusion and Planning Balance

Paragraph 14 of the NPPF confirms that at the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 7 of the Framework confirms that there are three dimensions to sustainable development: economic, social, and environmental.

i) Economic

The NPPF defines the economic role as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure."

The Government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. Although the applicant has not sought to quantify the economic benefits of the scheme, it is accepted that there will be considerable economic benefits both during the construction phase and following completion of the development through increased spending within the area. In light of the Government's push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement) it is considered that moderate weight in favour of the application can be afforded to these benefits.

ii) Social

The NPPF defines the social role as *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”*

The scheme will deliver 95 new dwellings reflecting a broad range of dwelling types, including 2, 3, 4 and 5-bed houses which will support the creation of a balanced community and contribute towards meeting the district’s identified housing need. Whilst the scheme will not deliver any affordable housing, for the reasons set out above, it is considered that this has been robustly justified on the basis of scheme viability having regard to the clear guidance within the NPPF and Planning Practice Guidance on this issue. The application proposal would result in a high quality development of new homes in a sustainable location on the edge of Newark. It will incorporate on-site open space provision, improve permeability through the creation of a new footpath link to Barnby Road, and will facilitate enhanced community use of the sports facilities at Highfields School which will be secured via legal agreement. In addition, the development will make a contribution towards local infrastructure via planning obligation contributions, albeit that it is recognised that these are below the full level that would be required by the Developer Contributions and Planning Obligations SPD. The social benefits of the development are therefore considered to be significant and must be afforded considerable weight in favour of the application.

iii) Environmental

The NPPF defines the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

In relation to the historic environment, the application proposal has been sensitively designed having regard to the setting of Highfields House as a non-designated heritage asset, and conditions are recommended in relation to archaeological survey and investigation. In terms of ecological impact, a series of detailed mitigation measures are proposed in order to mitigate the loss of habitat and to ensure the protection of species. These measures would be secured by means of planning conditions and through legal agreement. The application proposal will involve the loss of a considerable number of trees, including those which are protected by TPO. It is however recognised that the layout of the proposed development has been designed to minimise the impact of this loss in terms of the visual amenity of the wider area, with the contribution of those trees which would require removal being predominantly experienced from within the site itself. The application would also involve the loss of a stretch of hedgerow which comprises ‘important’ hedgerow in the context of the Hedgerow Regulations 1997. It should however be recognised that the majority of existing hedgerows on the site would be retained, and there would be enhancement through additional hedgerow planting along both the northern and southern boundaries of the land known as Baileys Field and Quibell Field. In terms of landscape impact, given that the site lies on the edge of the built up area and does not have a particularly open aspect, it is considered that the development does not conflict with the objectives of the Landscape Character Assessment SPD which identifies that the focus for this landscape character area is to conserve what remains of the rural landscape by concentrating new development around existing settlements.

As set out within the appraisal above, the Council considers that it can demonstrate a five year housing land supply, and therefore in accordance with the paragraph 49 of the NPPF, relevant policies for the supply of housing should be considered up to date. The application site is not an allocated site within the development plan, but is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy which identifies that the Newark Urban Area will be the focus for housing and employment growth within the district.

The application is not considered to result in any adverse impact in terms of highway safety, flood risk or drainage, archaeology or visual amenity subject to conditions. In relation to the impact on residential amenity in terms of privacy and overlooking, it is considered that the application effectively addresses all the points raised by the Inspector in relation to the previously refused scheme. It is not considered that the proposed development would result in any unacceptable reduction in amenity for occupiers of neighbouring dwellings, and that no unacceptable standard of amenity would result for future occupiers of the proposed new dwellings, in accordance with the requirements of Policy DM5 of the Allocations and Development Management DPD. In relation to sports provision, it has been demonstrated that the development will not compromise the school's requirements in terms of sports provision and Sport England have raised no objection in this regard. By securing improved community use of the school's sports facilities via legal agreement, the wider community value of the school's existing facilities will be improved.

The proposed development will result in the loss of a considerable number of trees (including those protected by group TPO) and the loss of important hedgerow. Whilst the scheme has been designed to minimise the impact of the loss and to afford mitigation via replacement planting, it is considered that there will still be some detrimental impact in this regard. In balancing this detrimental impact against the wider benefits of the proposal, it is however considered the benefits of the development outweigh this harm. The replacement planting in terms of both trees and hedgerow will over time contribute towards mitigating the loss of these features. The substantial social and economic benefits of the scheme through the provision of new housing are considered to outweigh the detrimental impact in this regard.

Consideration has been given to all material comments from neighbours, interested parties and consultees. Recognising that there will be a degree of harm in terms of the loss of existing trees and hedgerow, but acceptance in other regards on balance I consider that this would be outweighed by the benefits of the development. I therefore consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations and recommend approval subject to conditions and completion of a legal agreement.

RECOMMENDATION

That full planning permission is granted subject to:

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

01 Time Period

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

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

02 Approved Plans

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

PL-001 – Site Location Plan

HIGH-PL-002 (Rev A) – Planning Layout

HIGH-PL-003 – Landscape Masterplan

AM.222316.107 Rev A – Site Sections

AM.211713.110 – Kilmington Detached Elevations

AM.211713.111 – Kilmington Detached Plans

AM.211713.112 – Kilmington Elevations

AM.211713.113 – Kilmington Plans

AM.211713.114 – Coleford Elevations

AM.211713.115 – Coleford Plans

AM.211713.116 – Norbury Elevations

AM.211713.117 – Norbury Plans

AM.211713.118 – Tetbury Elevations

AM.211713.119 – Tetbury Plans

AM.211713.120 Rev A – Westbury Elevations

AM.211713.121 Rev A – Westbury Elevations

AM.211713.122 – Westbury Plans

AM.211713.123 – Durham Elevations

AM.211713.124 – Durham Plans

AM.211713.125 – Kirkham Elevations

AM.211713.126 – Kirkham Plans

AM.211713.127 – Oakham Elevations

AM.211713.128 – Oakham Plans

AM.211713.129 – Hartlebury Elevations

AM.211713.130 – Hartlebury Plans

AM.211713.131 – Hartlebury Alt Elevations

AM.211713.132 – Hartlebury Alt Plans

AM.211713.133 – Garages Single and Double – Plans & Elevations

AM.211713.134 – Garages Triple – Plans & Elevations

AM.211713.135 – Hartlebury Alt Elevations

Tree Survey Report (ECUS Ltd, June 2017)

Tree Survey and Constraints Plan L4630/02 (Figure 2 within Tree Survey Report (ECUS Ltd, June 2017))

Tree Protection Plan L4630/03 (Figure 3 within Tree Survey Report (ECUS Ltd, June 2017))

ELL-189-AHN-B-700 Rev E – Swept Path Analysis & Visibility Assessment

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

Reason: So as to define this permission.

03 Surface and Foul Water Drainage

The development hereby permitted shall not commence until drainage details and plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, this shall include details of the proposed management and maintenance regime and reflect that highways drainage should only be connected to adopted Severn Trent drainage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

04 Flood Risk Assessment and Finished Floor Levels

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 3688/FRA/Final/v1.0/2017-02-10 prepared by Weetwood Services Ltd in February 2017, and internal finished floor levels shall be set at least 150mm above adjacent external ground levels.

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

05 Surface Water Drainage Scheme

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

- Demonstrate that drainage from the site will be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- Limit the maximum discharge to the greenfield run-off rate (Qbar) from the area. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- Demonstrate that the site drainage system will cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% climate change event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- Demonstrate that consideration has been given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- Include details of any SUDS showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

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

06 Suspended Solids in Surface Water Run-Off

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

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

07 Archaeological Investigation

No development shall take place (including any works of excavation) until an updated Archaeological Evaluation Report and Archaeological Mitigation Strategy which assesses all parts of the site which lie within the application red line boundary, has been submitted to and approved in writing by the Local Planning Authority. All archaeological site work shall be undertaken in full accordance with the agreed written scheme of archaeological investigation and no variation shall take place without prior written consent of the Local Planning Authority.

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

08 Ecology Mitigation Measures

The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out in the submitted Ecological Appraisal (Ecus Ltd, November 2016). For the avoidance of doubt, this shall include the measures set out within the Botanical and Reptile Survey Report at Appendix 5, and the offsite enhancement measures set out within the Reptile and Amphibian Mitigation Strategy at Appendix 6 and shall include:

- The use of general construction safeguards, including good working methods to protect badgers and other mammals;
- Ground clearance works should be undertaken under the supervision of an Ecologist; and
- The use of sensitive working practices in relation to the felling of trees with low potential to support roosting bats.

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

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

09 Reptile and Amphibian Mitigation Programme

No development or ground clearance works shall be commenced until an implementation and phasing programme for the delivery of the mitigation measures set out in the Reptile and Amphibian Mitigation Strategy which forms Appendix 6 of the Ecological Appraisal (Ecus Ltd, November 2016) (and which reflects the Reptile Method Statement which forms Appendix 1 to the Reptile and Amphibian Mitigation Strategy) has been submitted to and approved in writing by

the Local Planning Authority. This shall include details of timescales for the submission of an outcome and findings report following the full implementation of the Reptile and Amphibian Mitigation Strategy and include details of the number of amphibians and reptiles encountered during the clearance works. It shall also include details of road designs to incorporate underpasses and dropped kerbs to facilitate wildlife movement. All works should then proceed in accordance with the approved Strategy and programme unless otherwise agreed in writing, by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation of any dwellings on site unless otherwise agreed in writing, by the Local Planning Authority.

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

10 Biodiversity Management Plan

No building on site shall be occupied until a biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out management measures for the Ballast Pit and for the ecology corridors within the development site in order to ensure that habitats are managed appropriately in the long-term to maximise their wildlife value. The agreed management plan shall be implemented as such thereafter.

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

11 Bat and Bird Boxes and/or Bricks

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

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

12 External Lighting Scheme for Public Realm

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

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

13 Nesting Birds

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

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

14 Arboricultural Method Statement

Notwithstanding the submitted Tree Survey Report (ECUS Ltd, June 2017), prior to the commencement of the development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting indicated as to be retained and future management thereof shall be submitted to and be approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerows and trees (which are shown on the Planning Layout as being retained) and include identification of those individual trees within a group which need to be removed or pruned. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the Local Planning Authority.

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

15 Landscaping Details

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

- an implementation and phasing programme;
- details of existing trees and hedgerows, which are to be retained;
- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs, hedgerow and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- proposed finished ground levels or contours;
- means of enclosure;
- access control barriers;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.;
- driveway materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

For the avoidance of doubt, hedgerow planting shall be undertaken in accordance with the Wildlife Corridors and Planting section of the Reptile and Amphibian Mitigation Strategy which forms Appendix 6 of the Ecological Appraisal (Ecus Ltd, November 2016).

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

16 Implementation of Landscaping

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

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

17 Bus Stop Enhancements

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on London Road (NS0416 and NS0779) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel

18 Laying Out of Access Road

The access road off London Road hereby approved shall be laid out in accordance with drawing HIGH-PL-002 (Rev A) and constructed in accordance with details to be first submitted and agreed in writing by the Local Planning Authority in liaison with the Highway Authority.

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

19 Visibility Splays

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

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

20 Garage Doors

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

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

21 White Lining to London Road

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

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

22 Hard Surfacing to Driveways

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

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

23 Noise Mitigation Measures in Relation to Foul Pumping Station

Prior to the first operation of the foul pumping station hereby approved, a noise assessment report undertaken in accordance with BS4142 2014 that assesses the noise impact of the pumping station on surrounding residential properties shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures identified within the agreed noise assessment as being necessary in order to ensure no unacceptable impact on the amenity of surrounding residential properties shall be implemented prior to first operation of the foul pumping station.

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

24 Details of Proposed Ground Levels and Finished Floor Levels

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

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

25 Construction Hours

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

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

26 Boundary Treatments

The dwellings hereby approved shall not be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless

otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the driveways serving Plots 7, 9 – 21, 61, 62, and 68 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

27 Materials

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

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

28 Removal of Permitted Development Rights Relating to Boundary Treatments

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

Schedule 2, Part 2: Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

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

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

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

29 Detailed Appearance of Those Units Fronting the School Building as a Non-Designated Heritage Asset

No development shall be commenced in respect of Plots 1 - 6 and Plot 95 in relation to the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes
Airbricks
Soil and vent pipes

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

30 Travel Plan

Prior to the first occupation of any of the dwellings hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

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

31 Obscure Glazing to Side Window of Plot 21

The first floor window on the south facing first floor side elevation of Plot 21 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

Notes to Applicant

01

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

02

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

03

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

04

Nottinghamshire County Council (Highways Authority) advise that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no

control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act or commission the County Council to carry out the work on your behalf. Please contact David Albans tel. 01623 520735 david.albans@nottsc.gov.uk for further details.

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

05

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

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

			A	B	C	
Dev Types	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
Residential (C3)	14,838.59	0	14,838.59	£45	288	£874,127.85

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

06

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

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

08

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

09

The applicant is advised that badgers are a protected species under the Protection of Badgers Act 1992. Any works carried out or interference in the area of a sett used by badgers or where the works or interference causes death or injury to the protected animal are illegal. For further information contact Natural England on: Tel: 0115 929 1191 Email: eastmidlands@naturalengland.org.uk

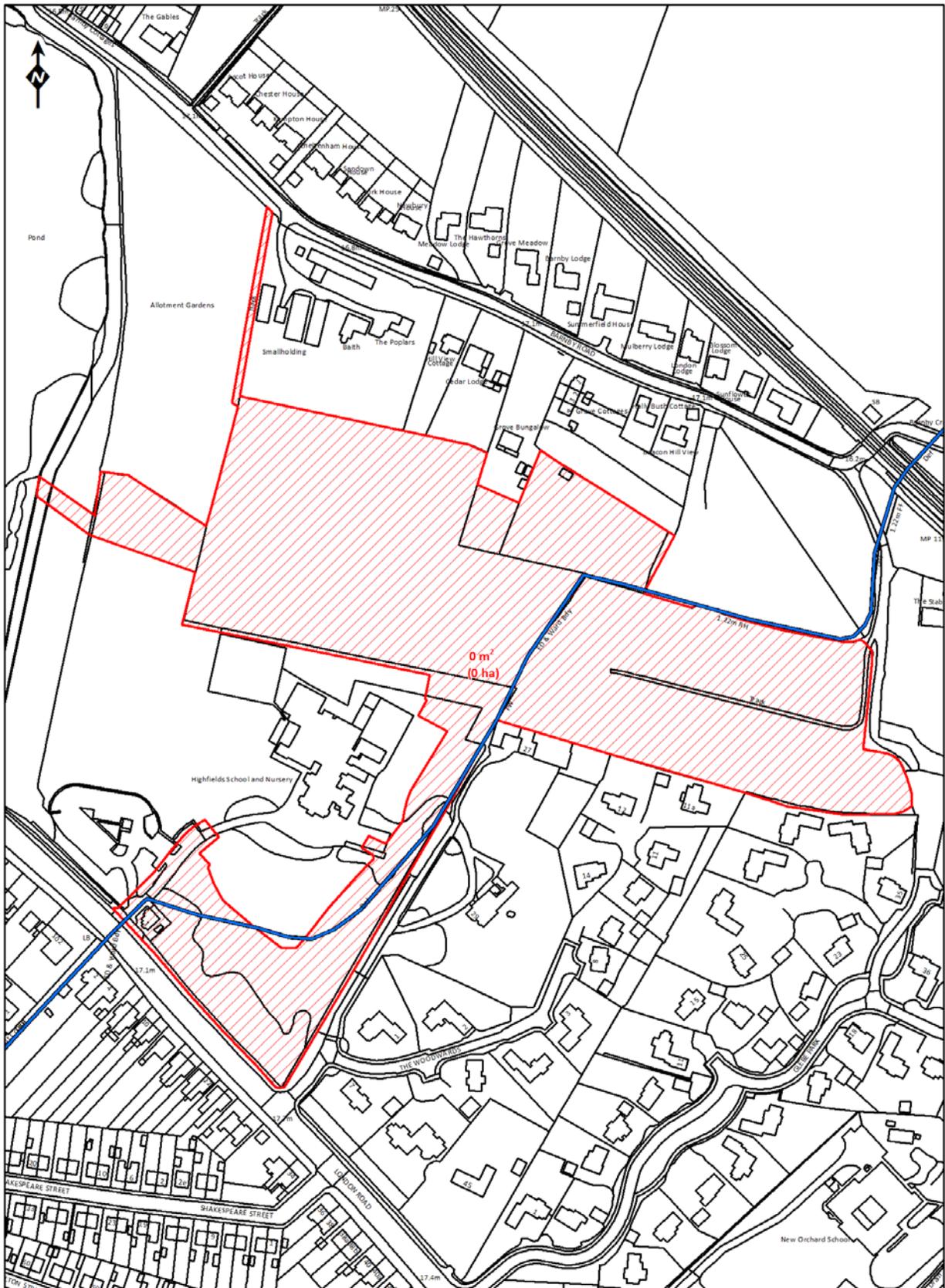
Background Papers

Application case file.

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 17/00357/FULM



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Application No:	14/00465/OUTM
Proposal:	Proposed residential development for up to 1050 dwellings and associated facilities (Education & Recreation) infrastructure and utilities; application for outline planning permission (including access)
Location:	Land North and East of Fernwood, West and East of Hollowdyke/Spring Lane, South of A1 and West of Railway Line, Fernwood
Applicant:	Barratt Homes North Midlands
Registered:	13.03.2014
	Target Date: 03.07.2014
	Extension of Time Agreed in Principle

Existing Site Context

The existing settlement of Fernwood lies south of Balderton and comprises approximately 1133 dwellings on the site of the former Balderton Hospital and its extensive grounds. Some of the dwellings, Dale Crescent (to the north-west) and those on Spring Drive were already in existence and were originally associated with the former hospital but the majority (c1,099) are modern, newly built dwellings designed and constructed as part of the new village that was conceived in the early 1990's and delivered (or being delivered) over various phases since. The main spine round that loops around the estate has now been adopted by the County Council, albeit some of the estate to the north-east is not yet adopted.

There is an existing local centre within Fernwood village which is located centrally. This comprises a Village hall, Children's Day Nursery, 'One Stop' Convenience Store with some smaller retail units adjacent. There is also an Annexe of Chuter Ede Primary School (built in 2012) located to the north-eastern corner of the site which originally catered for 75 pupils and had 3 classrooms. This has been extended (known as Phase 2) and now has capacity for 210 pupils (single form entry). Balderton Hall, a former private banker's residence dated 1840 and now commercial offices remain on site as does the former water tower, a local landmark building which remains unconverted.

The development is set amongst areas of public open space, punctuated by mature trees (many of which are protected by preservation orders) and there is recreational space on site which includes a football pitch, 3 tennis courts and children's play areas.

The existing settlement is accessed off the B6326 Great North Road (which leads from the A1 Trunk Road towards Balderton) via two roundabouts. The existing settlement is bound to the east by Spring Lane, to the south by Hollowdyke Lane and to the west by the B6326 Great North Road. To the north there is an open field and beyond this is the A1.

To the west of the B6326 is a site identified as a high quality B1 Business Park. Development that has taken place so far includes some offices to the north-west, a public house (The Tawny Owl) and Lancaster Care Home.

Background

The land around Fernwood is identified as a strategic site (NAP 2C) as part of Newark's Growth Point status which is set out in the Council's Core Strategy. This strategic site has been identified for a mixed use development for in the region of 3,200 dwellings, a business park, local centre comprising retail, service, employment and community uses and associated green transport and other infrastructure.

This application was the first to be submitted representing part of an overall strategic site, and was due to be considered alongside an application relating to the land to the south of Fernwood (promoted by Persimmon Homes) which now has a resolution from the Planning Committee (September 2016) for approval of 1800 homes (plus infrastructure) and the Section 106 Agreement is now close to be finalised. Further details of this scheme are provided later in this report. However just prior to the finalisation of the committee report, the applicant set out viability issues which meant the application was not ready to be considered. These issues have now been addressed to such a degree that a determination can be made.

The Application Site

The application site itself has been amended very slightly during the course of the application which now incorporates a small parcel of agricultural land adjacent to the railway on the sites eastern boundary which was previously omitted.

The application site comprises approximately 57.94 hectares (increased from an original 57.91 ha) of land that wraps around the existing settlement of Fernwood to the north and east and extends to where the A1 Trunk Road meets the East Coast railway line, to approximately 50m north of Spring Drive. Spring Lane (which turns into Hollowdyke Lane) is a narrow single track rural lane with soft verges and no footpaths which forms part of the application site and runs south dividing the development site into two. This lane continues south, turns 90° and meets the B6326 Great North Road to the west. Spring Lane currently links Fernwood with Balderton and Coddington to the north and north-east respectively.

The northern part of the site comprises agricultural fields between the existing settlement and the A1. This has a gently undulating land form with land falling away to the north as it extends towards the A1. The boundaries are generally formed by mature landscaping and hedgerows (particularly alongside the A1) and there are some trees and shrubs periodically within the site. A drain crosses through the field from east to west and there are some nesting boxes sited adjacent to this. An oil pipeline runs alongside the northern site boundary. The application site excludes an abandoned scrapyards accessed off Spring Lane and another piece of land further to the west (adjacent to the fork in the A1) is owned by a third party.

The eastern part of the site comprises arable land between Spring Lane and the East Coast railway line. There are various drains crossing the site. Mature hedgerows form most site boundaries and in places cross the site, most notably the hedgerow that zigzags, visible from aerial views. A buried gas pipeline crosses part of the eastern section of the site from north to south and has a 25m easement associated with it. Power lines cross the south-easternmost tip of the application site.

A large wedge of the site (the south-eastern tip) lies within flood zones 2 and 3. The nearest SINC (Biosinc NBGRC2012, Railway Pond, Balderton) is located to the north (beyond the railway line) and this is important scrub and open water habitat developed on a long disused ballast pit.

Public footpaths run across the site from north-west (FP10) linking to FP4 that crosses the south-east and through the existing settlement in part. These were recently diverted to follow the road network of new housing at Fernwood.

Fen Lane Farm lies to the north on the other side of the railway line, along with some sporadic dwellings.

Land to the south of the application site is open countryside and also forms part of the Strategic site which will form a scheme currently being promoted by Persimmon Homes and other later phases of the allocated site.

The nearest settlements are Newark and Balderton to the north, Hawton village c3.3km to the west, Barnby-in-the-Willows c2.6km to the north-east and Claypole (within South Kesteven District Council's jurisdiction) c2.1km to the south-east. The B6326 Great North Road provides access over the A1 trunk Road towards the main urban areas of Balderton and Newark.

Relevant Planning History

03/92/0421 - Proposed new village of 1,150 dwellings and to include residential, retail A1, A2, A3, Business B1, school, village hall and roads. Outline permission granted 3rd March 1999.

00/00141/FUL - Variation of Conditions 2, 3, 5 and 8 of outline planning permission 92/0421. Outline permission granted.

Hereafter there have been various applications for reserved matters approval for the many phases of development that have since taken place. Only the most recent are listed below.

11/00675/VAR106 - Amendment to Masterplan to relocate proposed primary school and allocate existing school site for residential development and removal of bunding/planting/ buffer zones along parts of northern and north-eastern boundaries. Application permitted by Planning Committee in June 2011.

11/00664/RMAM – Proposed re-plan of the former school site off Marron Close encompassing 39 dwellings. Approved by Planning Committee as recommended in June 2011.

11/00665/RMAM – Proposed re-plan of phases 6 & 7 encompassing 202 new dwelling (including 38 affordable units) siting of primary school and removal of bunding/planting /buffer zones to part of northern and north-eastern boundaries. Approved by Planning Committee as recommended in June 2011.

Other Current Applications Relating to the Wider Strategic Site

16/00506/OUTM – Land south of Fernwood, site promoted by Persimmon Homes – Members resolved in September 2016 to approve outline permission for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches, pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved. This permission has not yet been issued pending finalising of a Section 106 Agreement to secure developer contributions.

17/01266/OUTM – Land at Fernwood Meadows (the land between Fernwood South and the existing settlement off Hollowdyke Lane) – an outline application, promoted by Larkfleet Homes, was submitted on 19th July 2017 with a current target date for determination of 8th November 2017. This is for the construction of up to 350 dwellings. This includes formal and informal open space, structural green space, surface water drainage infrastructure and access from the B6326. All other matters are reserved.

The Proposal

Outline consent was originally sought for up to 950 dwellings but was amended (June 2016) to 1050 dwellings comprising a mix of sizes, tenures and types over 29.12 hectares of the site. The only matter for detailed consideration is the means of access(es) with all other matters being reserved for subsequent consideration.

It is proposed that the development area to the east would be accessed from two points within the existing Fernwood settlement (one of which is an extension to Phoenix Lane and the other is an extension to the existing cul-de-sac adjacent to the school which would loop around the north of the school site to link to the new development), from Dale Crescent to the north, and from an upgraded Spring /Hollowdyke Lane which would be the principal route for construction traffic. Improvements to Hollowdyke Lane from its junction with the Great North Road (B6326) involve the use of passing bays rather than its wholesale widening.

Spring Lane is proposed to be realigned and would eventually be closed northbound for all vehicular traffic except for buses, cyclists and pedestrians (that would have their own route through the development linking Spring Lane to the north) and would be regulated by the installation of bus gates to the north of the residential area.

Off-site highway improvements are proposed to mitigate highway impacts and this package of works is detailed in the transport section of this report and shown in Appendix 1.

A financial contribution is proposed to fund the 'Phase 3' extension of the existing Chuter Ede Primary School (Fernwood Annexe) which currently accommodates 220 pupils. This contribution will be paid to NCC (or passported to them via the District Council) and will fund (with indexation) the expanded school. Given that it will be for NCC to deliver the expanded school the land upon which the school will be sited needs to be safeguarded. The proposals therefore includes a requirement make the total school site (upon which the expansion will go) up to 2.2 hectares in size.

Comprehensive green infrastructure and open space comprising 21.88ha would be provided which includes provision for children and young people, amenity green space, outdoor sports facilities, community gardens, natural and semi-natural green space, sustainable urban drainage systems (SUDs) including attenuation ponds and noise mitigation. This is shown on the amended Illustrative Master Plan and amended Illustrative Master Plan: Provision of Public Open Space Strategy. Changes from the original submission include the removal of a Locally Equipped Area of Play (LEAP) from the playing pitch area and an enlarged middle green; and relocation of provision of open/recreational space for children and young people and the allotment area has also been relocated from near the scrap yard. The sports pitches to be provided are as follows; 1 x cricket pitch 167m x 125m, 2 x seniors (11v11) sports pitches, 1 x 9v9 pitch, 1 7v7 pitch and 1 5v5 pitch plus sports pavilion compliant with Sport England Guidance and associated parking for c30 cars.

An Indicative Phasing Plan (as amended, Figure 2.6 of ES) has been submitted which shows how the developer envisages the scheme coming forward. Nine phases are shown that indicate the development would come forward from the east in an anti-clockwise direction of build (i.e. with areas H and J being delivered first with B and A being the final phases). This will not be fixed unless and until a reserved matters application is approved in due course following any Outline Planning Permission being granted, should Members be minded to approve.

Subject to gaining outline consent and associated reserved matters approval, the developer anticipates lodging a reserved matters application in October 2017 and commencing on site in April 2018 with infrastructure works and first phases. Build-out rates were previously indicated as being 75-80 dwellings per year and the build programme is anticipated as lasting approximately 14-16 years.

An amended Parameters Plan and amended Residential Areas Plan show the broad locations of proposed land uses (such as houses, school, open space) typical building scales (2 and 3 storey homes with a maximum roof height of 12 metres) and access routes within the site including a bus link via Hollowdyke Lane.

The application has been accompanied by a full Environmental Statement. The scope of the Statement relates to not only this application site but also land south-west of Fernwood, also part of the Strategic Site. Addendums (x2; first set in March/April 2105 ad second in June 2016) to the Environmental Statement have also been received in response to comments and queries raised during the lifetime of the application. The Environmental Statement (ES) update embraces revisions to the following chapters: 2 (Site description and Proposed Development, first addendum only, 3 (Planning Policy Context) second addendum only, 4 (Socio-Economic Issues) second addendum only, 5 (Landscape and Visual Issues) first addendum only, 6 (Ecology and Nature Conservation) first addendum only, 8 (Transport) which is a *replacement* chapter in the second addendum, 9 (Air Quality) second addendum only, 10 (Noise and Vibration) second addendum only, 15 (Summary) and Non-Technical Summary.

Other submissions include the following:

- Drainage Statement and Strategy
- Transport Assessment (Addendum June 2016)
- Public Transport Proposals (March 2015)
- Preliminary Design Stage Non-Motorised User Audit Report
- Revised Framework Travel Plan (March 2015)
- Illustrative Cross Sections and Photomontages demonstrating the loss of vegetation *if* Hollowdyke Lane were to be widened in full to the north (which is not proposed)
- Updated Tree Survey and Arboricultural Impact Assessment (March 2015)
- Supporting Ecological Surveys
- Design and Access Statement (June 2016)
- Statement of Community Involvement
- Planning Statement
- Draft S106 Planning Agreement
- Amended application site boundaries and EIA Scoping Boundaries

In March 2017 the applicants formally presented a viability case to the Council for consideration.

Given the passage of time, an updated Ecological Assessment and an update to the Environmental Impact Assessment (received 5th June 2017) have been provided to support the application.

Departure/Public Advertisement Procedure

Originally occupiers of 1239 neighbouring properties (both residential and commercial) were individually notified by letter. In relation to the amended suite of information (including revisions/addendums to the ES) further rounds of public consultation has taken place in respect of each addendum. Site notices have been displayed at various locations in and around the site and a press advert has been placed in the local press for the original ES and both addendums. Additional consultation has also been undertaken in respect of the most up to date ecological information with the relevant consultees.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy (Adopted March 2011)

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

Newark and Sherwood Allocations & Development Plan Document (adopted July 2013)

- 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 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)
- National Planning Policy Framework 2012.
- National Planning Policy Guidance, March 2014.
- 6 C's Design Guide

Consultations

All consultees, 1234 neighbours and interested parties have been notified individually of the application by letters (or email where appropriate) and given a minimum of 21 days in which to respond. Both the original application and the two sets of amendments have been subject to full rounds of re-consultation. Advertisements in the local press and site notices have been displayed at the site, as required on all three occasions. In addition, further consultation has taken place with the relevant ecological bodies in respect of the most up to date ecological appraisal.

Responses are detailed below including original comments where appropriate and their updated positions.

Fernwood Parish Council – Various comments have been made as follows:

Comments made on 23/04/14:

“Further to our recent meeting of the 4th instant with various officers at both the District & County Council as well as our District and County Councillors, it would be appreciated if the following overview could be presented on behalf of Fernwood Parish Council. Cross-reference has been made against the various “A Building for 12 Assessment” contained within the outline planning documentation:

Connections

- There is no indication when Hollowdyle Lane will be upgraded in relation to the proposed build programme
- No traffic measurements have been taken of the movement of traffic through the existing village
- Agreed that links as part of Farndon Ward seems a strange alliance

Facilities and Services

- It is true that the proposed North development does have adequate green spaces allocated for play and leisure, however no measurement has been taken of the actual usage of the village hall, shops and parking ie. as well as access
- any proposals for increased facilities within the North build will form part of a Section 106 Agreement (ie. similar to the arrangements that are in place for the existing Fernwood. Therefore imperative that any ideas should be formulated by the residents at this point – otherwise none are provisioned. The recent meeting with residents and the subsequent report produced should be highlighted as part of the discussions
- feedback from residents ie. by specific issues is not cross-referenced within their document entitled “Statement of Community involvement”
- provision of children’s play when housing 70% completed
- allotments have been provided – but location near to the existing scrap yard
- mention of the need for additional health care facilities but not necessarily with Fernwood – “within close proximity of the development

Public Transport

- The latter statement is a ‘woolly’ and needs definite promises of enhanced services esp. when looking at the Environmental statement states: “existing sustainable travel opportunities are reasonable”.

- The only promise of a bus stop is at the northern end of the development on Hollowdyke Lane nr. the A1 bridge
- planning agreement advises that services will be provided “through the existing Fernwood development” – reassurances required to this effect

Meeting Local Housing Requirements

- it should be noted that local housing demands appear to be indicating a 30% build of Affordable Housing – and largely of flats, maisonettes and semi-detached homes. In principle we cannot object to the need for housing support of this nature (it would be improper to do so) – however, we have repeatedly advised that any housing build programme must reflect what has been developed in the existing village.
- In rough terms the development will form a crescent type formation with the larger housing towards the perimeter, and the smaller units (the densely built apartments/flats/ maisonettes towards the centre – potential to exacerbate the parking problems experienced on Goldstraw Lane. Lessons, apparently, have not been ‘learned’. It has been acknowledged that there is a distinct difference in character between Fernwood’s Phase 1 and Phase 2
- however, overall design is quite sympathetically presented – with avenues and streets which break up the blocks of housing

Character

- overall design is quite sympathetically presented – with avenues and streets which break up the blocks of housing – however, caution re. density of the Affordable Housing towards the centre of the proposed development

Working with the Site and its Context

- it is astonishing to note that the scrap yard (“metal recycling operation”) on Hollowdyke Lane near the A1 bridge is to be maintained since it is totally out of character with the residential nature of the development – this should be subject to a compulsory purchase order
- the site fall within a low risk flood zone – more threats from the neighbouring Claypole area incl the Shire Dyke and the River Witham
- due consideration has been paid to the foul and surface water drainage infrastructure including the development of attenuation ponds – however need for reassurance that a surface water management strategy will be in place
- surprisingly, a survey has revealed little impact on wildlife – the sparseness of suitable breeding habitat was highlighted
- it is intended that a management team will be appointed to attend to the communal areas – no mention has been made of just how long this particular contractual arrangement will last and determining of charges. However, any agreement will be in place prior to the commencement of the build programme

Creating Well Defined Streets and Spaces

- overall design is quite sympathetic – but primarily this is a housing estate with green/play areas and without any other central facilities.
- no defining features – as far the house build programme is concerned – have been highlighted

Easy to Find Your Way Around

- at least there is no identifiable circular route and which should discourage the ‘boy racers’ to use the scheme as a race track

- problems will come to the fore when residents of the North development seek to use the existing facilities especially at the turning on Plum Way and at the proposed access points between the two villages

Streets for All

- certainly an improvement over the existing Fernwood development with its main circular access Goldstraw through to Dale Way.

Car Parking

- guidelines indicate that there will now be a minimum of 2 car parking spaces per household (which is an improvement from the 1.5 allowed within the existing Fernwood development) – however, there will still be problems within the high density build and which forms the central part of the North development
- no assessment has yet been completed on the impact of the existing Fernwood where it is determined that many more car parking spaces are required

Public and private Spaces

- there will be minimal impact as far as loss of existing trees are concerned – replanting via hedgerows and other schemes along the border between the North and existing village

External storage and amenity space

- no mention of actual bin collections – now to include ‘brown’ bin collections?

Employment

- there is no apparent plan to attract businesses into the area ie. to ensure that the employment opportunities can sustain a growing population

Fernwood S West development

- the plans show a development to the S West and which incorporates 300 homes plus a general understanding that other support facilities being developed (incl. school and shops, meeting place. There appears to be (apart from the outline non specific graphics for the build programme intended for the build to the east of Hollowdyke Lane leading off from the Gt North Rd

At a meeting with residents on Tuesday 22nd April 2014 all of the above issues were discussed but the following were highlighted for especial consideration at the next Planning Review meeting:

- Hollowdyke Lane – its suitability as the primary access route questioned in terms of structure and access.
- Access to the existing Central shop and community areas – considered to be difficult as is without any further traffic
- Facilities – considered inadequate for the extended Central and North village.
- Character of the North development – proportion of Affordable Housing considered inappropriate when viewed against the existing Central development.
- Public transportation – findings disputed to the effect that they are inadequate.”

Comments made 28/05/15:

“Of note, and probably not highlighted in our previous submission to the District Council are the following considerations:

Hedgerows – the plans are of such a scale that it has been difficult to determine the impact of their removal (plus proposed replanting) and primarily to the north and east of the development (a stretch of 153 metres), and queries have been raised whether what is intended meets the overview correct Landscape Policy Zone. The area to the south seems to be largely unaffected with no road widening of Hollowdyke Lane proposed – simply a provision for bus passing lanes with the exception of a roundabout or clear passing area where the north/east meets the south roadway of Hollowdyke Lane

Transport – there will be a proposed bus link running from Balderton and covering the boundary road between the two halves of the village (Hollowdyke Lane) ie. and there is a proposal for a bus to travel round the existing Dale Way – Goldstrawe Lane circuit road as well as the industrial park. Whatever bus system (to be run by Stagecoach – No 3 service extension) is proposed it will have links to the rail stations and with services commencing at 6.30am – with proposed last bus at 7.30pm). An incentive is proposed for the new households (Sustainable Travel Packs) in as much as free passes could be introduced for a period of 3+ months – to discourage use of individual motor vehicles (and should be extended to the existing village) – an innovative initiative. However, and if a full service is to be introduced for the entire village, Stagecoach have intimated that an extra bus would be required @ £150k pa.

No real viable alternatives offered – apart from mention of the No 41 bus. As previously intimated there will be no general vehicular access underneath the A1 bridge leading to Balderton.

Site access – there access routes between the existing Fernwood and the north build are now planned as follows – via an extension to Phoenix Lane (at 2 points – one near to the school) leading to Hollowdyke Lane, Dale Crescent (a new proposed route via access in the general vicinity of the area near the water tower) ie. as well Hollowdyke lane itself – pedestrian access. Still leaves the problem of how traffic flows are managed between the new and existing builds – only one way in and out of the existing village hall and shops. Some widening of the road at the south end of Hollowdyke Lane (B6326) – and this needs clarification but unlikely to affect the hedgerows

Pedestrian access – appears that adequate provision has been made

Plan Overview – the scrap yard still remains despite our strong representations to compulsorily purchase. The blocks of new builds have been altered from that originally envisaged – and more sensibly our opinion if the percentage of affordable housing (at 30%+) remains – some high density builds about the scrap yard (perhaps would have been better to have extended the proposed allotments to have created a distinct barrier

Comments received 26 July 2016 (apparently made in collaboration with Balderton and Claypole Parish Councils but submitted only by Fernwood):

“As a result of the meeting that took place on Wednesday, 29th June 2016, I have been asked to write to you to communicate the concerns of the Parish Councils whose Parishes are going to be directly impacted on by the proposed developments of Barrett/David Wilson Homes (B/DWH) and Persimmon Homes.

Fernwood currently, is a small village with the road infrastructure and amenities to match. Historically the B6326 was a country road which serviced the local villages of Balderton, Claypole, Dry Doddington, Stubton, Fenton and the area which was once RAF Balderton. This road has change very little in the last 100 years.

The development of Fernwood Central, as it is now known, has brought with it highway issues, not only in the Village itself but also on the B6326. It is not unusual to have major traffic congestion on this road when an accident happens on the A1 stretch of road between Long Bennington and the A46. This traffic congestion impacts on Claypole, Balderton and Newark when vehicle drivers try to circumnavigate traffic congestion by using Shire Lane, Hollowdyke Lane and London Road.

With the submission of the proposed developments in the area, Persimmon Homes to the South which includes the development of 1800 dwellings and B/DWH to the North and their revised plans to build 1050 dwellings, Parish Councils of the villages above are very concerned that very little is being done with regard to improving the highways infrastructure in the area.

It seems that current plans have focussed on present road usage and not future usage. When the various developments are looked at along with an increase in vehicle usage, the outlook for residents in the various Parishes and their ability to commute from A to B is very bleak. Fernwood Parish Council has estimated the increase of vehicles per development in and around the area to be as follows:

Fernwood North 1050 dwellings — additional 1500+ privately owned vehicles
Fernwood South 1800 dwellings — additional 3000+ privately owned vehicles
Bowbridge Lane 3150 dwellings — additional 6500+ privately owned vehicles
Single carriageway southern relief road — usage unknown.

The totals above do not take into account haulage vehicles, farm, bus provision or vehicles used to access the business park.

When considering the applications put forward by the above developers and the limited highway improvements proposed, we would like to draw your attention to paragraphs 64, 66 and 70 of the National Planning Policy Framework:

- Paragraph 64 which states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the *way it functions*.'
- Paragraph 66 which states 'Applicants will be expected to work closely with those directly affected by their proposals to *evolve designs* that take account of *the views of the community*.'
- Paragraph 70 which states 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to *enhance the sustainability of communities* and residential environments;
 - ensure that established shops, facilities and services are able to *develop and modernise in a way that is sustainable*, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses *and community facilities and services*.'

The lack of vision in highways infrastructure in the area displayed by the developers and to a degree, Newark and Sherwood District Council, is of serious concern to the residents that live in the area and it will be these residents who will be directly impacted on during the developments and for many years after completion. B/DWH for example, intend to block off Hollowdyke Lane which would in effect isolate residents of Fernwood, Claypole and surrounding villages in the event of an accident on the A1, A1 bridge or London Road. We would also draw your attention to the design and safety issues arising from the impact on Shire Lane contained in Claypole Parish Council's well –argued submission, and the sensible alternative they put forward.

The Parish Councils would urge NSDC, NCC and Government to rethink its approach to development and move away from the piecemeal approach and consider an approach that includes sustainable highway infrastructure that services the ongoing developments in an area, a highway infrastructure that enhances business opportunities, identifies and obtains additional funding requirements outside of that provided by the developers in order to provide an effective and efficient transport infrastructure for the long term and an infrastructure that takes into account the health and wellbeing of the current and future residents of the area.”

Letter addressed to Councillors (sent by email 28th July 2016)

‘Please accept this letter expressing - once again - our deep concern about the new builds adjacent to Fernwood.

The latest proposal from Barratts/David Wilson is far from satisfactory and the proposal to use residential roads for construction traffic i.e. Goldstraw Lane, Phoenix Lane and Dale Crescent will put unnecessary pressure on an extremely busy area and could endanger the residents who live there.

The proposed use of Hollowdyke Lane will block off the only alternative route out of Fernwood for residents in the event of a hold up on the A1. The only other route out of Fernwood is the A1 Bridge on the Great North Road. If that is cut off for any reason then access/egress to Newark for work, schools, hospitals, trains, etc. will be totally impossible.

Please do not be blinded by offers to widen and strengthen the A1 bridge, or the enhancement of roundabouts. All this will achieve will be a temporary respite – a sticking plaster which will eventually cost more to put right.

We must urge you to make planning consider other relief routes and road infrastructure before any new builds begin.’

Newark Town Council – Comment as follows:

27/07/16 – “No Objection was raised to the increase in the number of dwellings but concern was expressed with regards to the increased traffic travelling through Balderton and Newark. Concerns were also expressed about the lack of sustainability of new service provisions being required on a site by site basis rather than assessing the provisions across the wider Newark conurbation.”

02/04/14 - ‘This application was discussed in detail. Members were concerned about the impact that this development would have on traffic flows in Newark arising from construction traffic and residents when the houses are completed.

Concerns were raised that this would have an adverse impact on traffic movements through the town centre.

Members felt that this development being brought forward means that early implementation of the planned Southern Relief Road is even more important to alleviate the concerns raised above.

In conclusion, Members welcomed the fact that this development was now making progress and No Objection was raised to this application.’

Balderton Parish Council –Comment in respect of original scheme:

‘Members of Balderton Parish Council’s planning committee considered the above planning application at a meeting held on Monday April 14th 2014, and would like to submit the following comments:

Concerns are expressed regarding sewage and drainage implications from the development as Balderton has historically experienced, and continues to experience, considerable problems with both these issues. In a report commissioned by Newark and Sherwood District Council in 2009 it was highlighted that Balderton’s sewage works on Lowfield Lane could not cope with any further capacity without a *substantial* upgrade; this has not yet taken place.

Members are also concerned about the impact of increased traffic upon Balderton’s roads, particularly Main Street from the Hollowdyke Lane junction. The developer has indicated that a ‘bus gate’ will be in place there, only enabling the road to be used by buses, cycles and pedestrians; some reassurance, both that this will be the case, and that the condition **will be enforced** would be essential to prevent village roads from being gridlocked, and to help prevent accidents at this renowned hazardous section of Main Street.

We trust these comments will be taken into account.’

01/08/16 – “Members are very concerned about the impact upon the local infrastructure which cannot cope with the extra traffic generated from this development.

Members consider that the Southern Link Road should be completed fully before the major developments in the area are commenced and are seeking the support of the local M.P. in this respect.

Balderton’s sewage system cannot cope with any additional development without substantial upgrading; should Anglian Water be approached and asked to consider providing a separate system for the Fernwood area?

Use of Hollowdyke Lane for both works traffic and ultimately traffic from the residential development should not be allowed; the junction with Main Street, Balderton is considered to be one of the most hazardous in the vicinity and must be avoided to prevent further congestion along Main Street.”

29/04/15 – “Members would like to submit the following comments in relation to the above application please:

No objections but can reassurance be given please that the only vehicles using Hollowdyke Lane to access Main Street Balderton will be buses and cycles? Is it possible to establish who will maintain the attenuation pond adjacent to the A1 carriageway?”

Cotham Parish Council – No response has been received.

Hawton Parish Council – No response has been received.

Farndon Parish Council – No response has been received.

Coddington Parish Council – ‘Coddington Parish Council welcomes the proposal to close Hollow Dyke Lane to motor vehicles other than buses, and create a pedestrian and cycle route. However, Councillors questioned why a bus route would be needed there.’

Barnby-in-the-Willows Parish Council – ‘Barnby Parish Council is concerned about the lack of infrastructure to cope with so many additional houses, particularly the daily congestion on London Road at peak times and in Newark town centre. A southern ring road link to the A46 is essential.’

Claypole Parish Council – No response to date but have confirmed they will pass on any comments from their meeting on Monday 5th September 2016 shortly after that time.

South Kesteven District Council – (12/05/15) No objections. No further comments have been submitted in respect of the increase in numbers of dwellings.

Lincolnshire County Council – No response to date.

Highways England (formerly the Highways Agency) – Responded with a TR110 Direction on 28/04/2014, 28/07/2014, 28/10/14 and 28/01/2015 directing that permission not be granted for a 3 month period due to insufficient information being provided in respect of impacts upon the A1 Trunk Road. The following comments were attached to the first TR110 received:

“I am in receipt of the above planning application received by the Highways Agency in Birmingham on 19th March 2014.

We commissioned our spatial planning consultants, AECOM, to review the Transport Assessment (TA) prepared by Waterman Group Plc dated February 2014 in support of this application for the proposed Fernwood Extension – North Development. I attach a copy of the Technical Note (TN) prepared by AECOM (ref. no. 60318047).

At this stage the TA has not considered the impact of the proposals upon the wider transport network (including the Strategic Road Network (SRN)). The impact on the SRN will need to be considered further once sufficient information is provided by the applicant as, at this stage, insufficient information has been provided to enable the impact on the SRN to be considered. The information we require is detailed in the attached TN.

Since there are still unresolved transportation issues, the application, as it stands, has insufficient information to warrant a substantive response from the Highways Agency. Therefore, under the Town and Country Planning (Development Management Procedure) (England) Order 2010 the information submitted is incomplete and the 21-day response period cannot start.

However, should you wish to determine this application please find attached a TR110 form directing that permission not be granted until the Highways Agency’s concerns have been fully addressed.”

27/08/15 – Removal of Holding Objection:

“Referring to the notification of a planning application dated 19 March 2014 referenced above in connection with the A1 for the proposed residential development at land north and east of Fernwood, Nottinghamshire, notice is hereby given that Highways England’s formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Re Highways Act Section 175B: Not relevant as **no new access** is being proposed along the common boundary between the planning site and the SRN.

This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you must consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dft.gsi.gov.uk.

Annex A Highways England recommended Planning Conditions

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to Planning Application Reference 14/00465/OUTM and has been prepared by Emma Stewart.

1. Prior to the commencement of any part of the development hereby approved, details of the form of the B6326 / Goldstraw Lane roundabout shall be submitted to and agreed by the Local Planning Authority in consultation with Northamptonshire County Council (acting as Local Highway Authority) and Highways England.

2. No part of part of the development hereby approved shall be occupied until improvements to the B6326 / Goldstraw Lane roundabout as shown in Waterman drawing *Goldstraw Lane Roundabout* dated 27/07/2015 are complete and open to traffic, subject to Condition 1, Detailed Design and Road Safety Audit.

INFORMATIVE NOTE TO APPLICANT

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency (the Agency) therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Agency's Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk.

06/09/2017 – 'The conditions recommended by Highways England (22 and 23) are indeed covered by the local highway authority's proposed condition 32, and we are therefore content with 22 and 23 being removed.

We would however request that the final sentence of condition 32 be reworded to include the final scheme being agreed through consultation with Highways England'

Nottinghamshire County Council (Highways Authority) – 05/09/2017:

“Over the last two years meetings and correspondence between the Planning Authority, the Highway Authority, Highways England and the Developer/Agent have taken place to consider the impact of the proposed development on the highway network. The developer was provided with traffic flows that were derived by the Highway Authority in liaison with the Planning Authority and analysis carried out using the Newark Traffic Model operated by White Young Green. The developer has used these flows to determine the type and scale of highway improvements required to mitigate the impact of the traffic generated by the development. This has gone through a design iteration process to arrive at proposals that are broadly agreed for the Great North Road B6326 corridor. The Highway Authority traffic flow figures used for this process have considered the ‘worse case scenarios’ of total build-out of all development at Fernwood according to the LDF Allocation including the highest peak hour generation figures for potential commercial development (i.e. offices). It is acknowledged that this will take decades to come to fruition and may not be fully realised e.g. commercial development is unlikely to be office dominated, work travel patterns may become more flexible and more home working increase. Notwithstanding this, the methodology has ensured that mitigation measures are fully robust.

In terms of a **Section 106 Agreement**, whilst largely addressed by the conditions below, consideration may be given to whether or not to include the following matters within an Agreement:

- Bus service provision and potential subsidy.
- Lorry Routing (see conditions 2 & 3), construction traffic wheel-washing and compound lighting.
- Commissioning a Traffic Regulation Order and paying associated costs (condition 5).
- Commissioning and implementation of a School Safety Zone and paying associated costs (condition 7).
- Commissioning of traffic counter and paying associated costs (condition 8).
- Implementation, monitoring and review of the Travel Plan.
- Bus stop infrastructure.

It is concluded that the proposal can be approved subject to the following conditions:

Conditions

01

Notwithstanding the submitted indicative masterplan and layout drawings, all site highway layouts should comply with the 6Cs design guide unless otherwise agreed by the Highway Authority (see www.leics.gov.uk/index/6csdg) and be submitted to and agreed in writing by the LPA.

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

02

Before occupation of the 51st dwelling, improvements to Hollowdyke Lane shall be delivered and made available to traffic as illustrated by drawing 210354-005.4E (or subsequent revised and agreed drawing) and thereafter Hollowdyke Lane shall be the exclusive route for construction traffic and appropriately sign posted in accordance with details of a traffic management and signing scheme to be first submitted to and agreed in writing by the LPA. No other route for construction traffic shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to protect the amenity of residential areas.

03

Before Condition 2 is satisfied, construction traffic shall only use the route from the B6326 Great North Road via Goldstraw Lane and Phoenix Lane. This route will be sign posted in accordance with details of a traffic management and signing scheme to be first submitted to and agreed in writing by the LPA.

Reason: To minimise the temporary loss of amenity to residents.

04

Before occupation of the 100th dwelling, improvements to the Goldstraw Lane/B6326 Great North Road roundabout and B6326 Great North Road between Goldstraw Lane and Dale Way junctions shall be delivered and made available to traffic as illustrated by drawing 210354-008.A03 (or subsequent revised and agreed drawing) and the works shall tie in with the existing highway network. These works shall be subject to a detailed Design and Road Safety Audit which shall be carried out in accordance with a timetable to be first agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and capacity.

05

Notwithstanding drawing 210354-006D already submitted, before the provision of a road linking the existing Fernwood development to Hollowdyke Lane, a scheme shall be first submitted to and approved in writing by the LPA to improve Hollowdyke Lane between the proposed development hereby approved and Main Street, Balderton that will include a restriction to allow buses and cycles only unless otherwise agreed in writing. Such a scheme shall include a trigger point for implementation which shall thereafter be delivered and open to traffic in accordance with an agreed programme (or revised programme that may be agreed from time to time).

Reason: In order to promote sustainable transport and to restrict traffic from rat-running via Main Street, Balderton and Coddington village.

06

No dwelling shall be occupied until the associated parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The areas so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

07

No school extension shall be occupied until an additional school safety zone is in place which shall include appropriate signing, lining, traffic calming, coloured surfacing, and parking restrictions, in accordance with details to be first submitted to and agreed in writing by the LPA.

Reason: In the interest of highway safety.

08

Prior to occupation of the 1st dwelling of the development hereby approved, a permanent 24 hour traffic counter shall be commissioned from the Highway Authority and be available for use at the B6326 Great North Road (near the A1 overbridge)

Reason: To monitor traffic generation in order to inform the highway infrastructure improvement programme and travel plan targets.

Notes to Applicant:

Section 38 Agreement (Highways Act 1980)

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

Section 278 Agreement (Highways Act 1980)

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 01158 040015

Condition 6 requires an application to be made to the Highway Authority for a Traffic Regulation Order. It is recommended that early contact be made with the Highway Authority to allow timescales to be met.

It may be appropriate/helpful to submit a Design Code to include details of:

- street type/function;
- the principal dimensions of streets and boundary treatments include sight lines
- (visibility splays);
- junctions and types of traffic calming;
- treatment of major junctions public transport links;
- location and standards for on and off-street parking, including cycle parking, car parks and parking courts, and related specifications;
- street lighting and street furniture specifications and locations;
- pedestrian and cycle links including appropriate crossing facilities between all
- existing and proposed infrastructure;
- drainage which shall accompany any road layout submission;
- routeing and details of public utilities which shall accompany any proposed road layout submission;
- arrangements for maintenance and servicing including refuse collection/bin storage"

NCC (Transport and Travel Services) 05/09/17 – Comment as follows:

1. Even though the County Council has not been involved in any of the discussions between the developer and Stagecoach, we feel the sum and timeline is probably reasonable taking into account the size of the development and the bus services provided in the Newark area.
2. In regard to the agreement of the £750k I would recommend this sum is net of revenue, which should mean the services will run for longer than 5 years and have more chance of being commercial or sustainable over the build out of the development and beyond.
3. In regard to triggers we would recommend that it's not on 1st occupation but after the occupation of 100 houses.
4. That if Stagecoach are no longer operating in Newark or no longer want to provide a service, a comparable service will be put in place by the developer in conjunction with Notts County Council as the Local Transport Authority.
5. In regard to any Travel Plan that is associated with the application, please can we make sure any travel incentives such as ticketing; it is stipulated that these are distributed as 'smart' tickets and the operator is paid on usage and any unspent monies is recycled for further ticketing initiatives/ promotional activities.
6. That any bus service from the development will have to meet and Quality Partnership requirements in place under the Transport Act 2000 or Bus Act 2017 within the service operating area.
7. That any bus services accepts any Integrated ticket in place during the operation of the bus service.

My colleague has provided details regarding the bus stops queries and the 6C's guidance."

16/04/15 – "General Observations

The planning application covers an area to the South of Newark, East of the A1, North and East of the village of Fernwood, with a proposed development of 950 dwellings.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Whilst Balderton has frequent services in to Newark operated commercially by Stagecoach the services further south are sparse. Centrebus operate an hourly off peak service along the main road passing close to Fernwood en route from Newark to Grantham. A local authority funded service provided by Cotswold Travel operates during off peak times between Fernwood and Newark.

The current services would need to be enhanced in order to serve any new development.

As this is a large residential development Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding provision of appropriate bus service enhancements to serve the site. Whilst the developer states they are in contact with Stagecoach regarding these enhancements, Transport & Travel Services need to be included in these discussions to clarify how long the developer is likely to support the service financially to avoid the Council having to provide future funding should the service not become commercially viable.

Comments on the Public Transport Proposals March 2015 document:

Paragraph 3.1 states *“The public transport scheme described in this report should enable bus service 3 operated by Stagecoach to be extended beyond its present route, so as to directly penetrate the FE North site utilising Hollowdyke lane (North) as its access/egress. This would enable the site to be served by a frequent bus service to Balderton, Newark Town Centre and Newark rail stations.”*

The developer would need to confirm that the local bus operator is happy to extend the current route to service the new development and provide funding to provide the bus service enhancements required for a suitable period of time.

Paragraph 7.2 states *“During the early phase of construction it is expected that residents of the FE North would utilise existing services operating in the vicinity of the site.”*

The Council requests that both bus service support and bus stop infrastructure are introduced throughout the build-out phases of the development to allow new residents to access public transport as early as possible to help increase sustainability and reduce the use of the private car.

Transport & Travel Services support Paragraph 7.4 which states *“In addition to these initiatives, through the provision of the ‘New Household Local Sustainable Travel Packs’ the Plan would provide vouchers for 2 free bus passes for each household for 3 months or 1 free bus pass per dwelling for 6 months. Such provision during the early phases, prior to the extension of Service 3, could influence the travel patterns of residents in favour of public transport and this would be promoted in the sales material for the units.”*

Section 9 details the Service Specification including possible vehicles that would be introduced as part of an extended Service 3, the developer will need to confirm with the local bus operator what type of bus is viable for the route and the funding of such vehicle(s).

Infrastructure

Transport & Travel Services require new bus stop infrastructure to be installed close to or within the development through Section 38 and Section 278 agreements where appropriate. This includes the standards below at all relevant bus stops:

- Bus Stop Pole inc. Flag
- Bus Shelter
- Solar Lighting in Bus Shelter
- Raised Kerb
- Real Time Displays and Associated Electrical Connections
- Bus Stop Clearway
- Additional Hard Stand (if required)

Transport & Travel Services request that the proposed new bus stop locations and accessibility isochrones meeting 6Cs design guidelines are marked on all relevant plans going forward. The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

The provision of detailed bus stop locations will mean this information is in the public domain for comment from adjacent properties / prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.

Transport & Travel Services will wish to negotiate with the developer and Highway Development Control regarding new bus stop infrastructure that will need to be installed throughout the development.

Comments on the Public Transport Proposals March 2015 document:

Paragraph 3.8 is supported by Transport & Travel Services, Figure 1 contains images of infrastructure in place in Nottingham City Centre which is of a different style to that in the Nottinghamshire County Council area, the infrastructure to be installed should meet the standards detailed above.

Paragraphs 3.12 and 5.11 state “Appropriate bus infrastructure would be provided within / adjacent to the development site in the form of bus stops with timetable information, level access kerbs and advanced works for future provision of real time passenger information.”

Transport & Travel Services would expect the above standards at appropriate bus stops within/adjacent to the development site which include Bus Shelters, Lighting, Real Time Displays and Associated Electrical Connections and Bus Stop Clearways

Paragraph 7.2 states “During the early phase of construction it is expected that residents of the FE North would utilise existing services operating in the vicinity of the site.”

The Council requests that both bus service support and bus stop infrastructure are introduced throughout the build-out phases of the development to allow new residents to access public transport as early as possible to help increase sustainability and reduce the use of the private car.

Further information can be supplied through developer contact with Transport & Travel Services.”

17/09/15 – Travel Plan (v2) can now be approved.

Nottinghamshire County Council (Rights of Way) – Comment as follows:

“The existing public rights of way on this site are Balderton FPs 10 and 4 which are shown on the developers Design and Access Statement plans.

However, I should point out that Balderton FP 4 was diverted in 1983 and the route shown on the plans has been superseded by one which meets Spring Lane around 500m south of the route shown in the statement. I enclose a plan (FP4ExtinguishmentPlan.pdf) showing the current and closed routes of FP4. The closed route of FP4 which is still shown on our maps will be removed in due course.

FP 10 has been diverted as part of the first stage of the Fernwood Development and is correctly shown on the plans.

FP 10 links to Balderton but currently crosses the A1 at grade which severely limits its usefulness. However, a walk from Fernwood to Main Street Balderton would be around 1km each way so the development could generate an increased use of the grade crossing over the A1. It would be worth discussing the impact of the development on the crossing with the Highways Agency. The proposed pedestrian and cycling link via Hollowdyke Lane will be welcome but it adds around 300 metres compared to FP 10 to a journey from the centre of the Fernwood extension to the facilities on Main Street Balderton.

I have attached a plan (FernwoodWalkingRoutes.pdf) showing the three possible walking routes between Fernwood and Balderton and the location of facilities.

A footbridge across the A1 would make FP10 into the most convenient walking route from a large part of Fernwood to the facilities in Balderton. I suggest that a study into the feasibility and cost of a bridge crossing should be carried out with involvement from the Highways Agency.

I would also note that there is a clear walked line in the grass verge from Hollowdyke Lane to Fen Lane suggesting a demand for an improved pedestrian route between the 2 roads.”

Nottinghamshire County Council (Archaeology) – Commented on 15/12/14:

“Thank you for asking me to provide comments on this application. Apologies for the late response.

I have read with interest the archaeological chapter of the Environmental Assessment, Section 7. I have a number of issues with the process which has been followed, or at least with the application of the process. I am not going to comment in detail, but have picked a number of issues which I believe demonstrate my concerns.

Overall, the chapter assesses the identified archaeological heritage assets as being of low or very low significance in spite of the fact that the nature, date, survival and condition of the sites’ archaeological assets – and therefore their importance - has not been ascertained. Therefore despite the likelihood that the development will result in partial to total destruction of the archaeological resource, most of the development’s impacts on buried archaeological issues are assessed as minor or moderate adverse. I cannot accept this, because I do not have sufficient information to assess the importance of the archaeology affected. The archaeological work so far consists of a desk based assessment, supported by extensive geophysical investigation. No fieldwork has been undertaken, so our knowledge of what lies beneath the ground is understood only through remote means. The report states, correctly, that geophysical investigation has a good track record of locating buried archaeological features. This is, however, entirely dependant on non-archaeological factors such as ground water levels and - possibly above all - geology. It appears not to be understood by the authors of the report that this particular geology is particularly bad at giving consistent results from geophysical investigation. We have extensive experience of the Bantycok Opencast site, adjacent to this proposed development site and on the same or similar geology. There, we have stopped using geophysical investigation as a primary evaluation technique because the results can vary between excellent to very poor within metres. On one occasion geophysical investigation provided results which indicated half of a postulated ring ditch, or potential Bronze Age burial monument, but when the site was stripped what was revealed was an unusual oval archaeological ditched feature straddling two different geologies, one apparently better at revealing archaeological features through geophysical investigation than the other. This was completely unknowable from the surface. The ditch fills of the feature

contained a regionally significant collection of Iron Age pottery and an assemblage of human remains, nicely demonstrating the kinds of risks that a lack of field evaluation can provide to a potential developer. The results of the archaeological work at Bantymock opencast quarry are, I believe, directly relevant to the two sites covered by this application. The Bantymock site is only separated from FE South-West by the A1, it is on the same geology, and it too was previously part of the WWII airfield. Therefore the nature survival and density of remains are likely to be similar across the two sites. The FE North site is on similar geology, but we may still expect a similar level of past human activity, with the real possibility of better survival of archaeological remains because of the lack of damage from airfield construction.

The Bantymock site has been subject to widespread topsoil and subsoil stripping under archaeological supervision, accompanied by set piece archaeological excavation over specific foci of Roman settlement activity. The work has revealed an extensive Mid to Late Iron Age landscape of dispersed farmsteads, set amongst large fields. By the Roman period, the dispersed settlement has become nucleated with at least three hamlets of hut circles and livestock enclosures. Associated with these are burial plots containing in some cases relatively well preserved skeletal material. There are water holes and wells containing good palaeoenvironmental survival of organic material and plant remains. In addition there have been a small number of earlier prehistoric features, including ring ditches, which are probably the remains of Bronze Age burial mounds, and a possible burnt mound. This kind of archaeology has great potential and value to feed into regional research frameworks, including, for instance Research Objectives 4E, Assess the evidence for the evolution of settlement hierarchies, and 4F Investigate intra-regional variations in the development of fields and linear boundary systems. By the terms of table 7.1 "Criteria for assessing cultural heritage value", these remains are of at least medium value. I would fully expect this landscape to continue across the two proposed developments sites, and in this regard have to assume that the geophysical results are significantly misleading and unreliable.

On this basis, I have to reject significant parts of the chapter on Archaeology and Cultural Heritage, including the assessment of "likely significant effects" as described in 7.5.11, and can state further that I think it highly likely that there will be within one or other of these sites at least one area of archaeology which will warrant preservation in situ.

In conclusion, I have no option but to reject the assessment of the proposed developments' impacts on archaeology, and I therefore recommend refusal of the application until these issues have been fully addressed."

In response to Rebuttal (submitted from Cotswold Archaeology 05/01/2015) **further comments were made as follows** (14/04/2015):

'My concerns about proceeding to a decision with relatively little information on the archaeological issues still worries me greatly. Part of my concern arises from the fact that I think the archaeological consultant is confident that archaeological issues can be dealt with in an appropriate manner, but that is not the same as saying the site has only limited archaeological interest. Unfortunately, I think it would be very easy for the applicants to understand this to mean there will not be very much archaeology to deal with. In my earlier comments I pointed out the similarity between this site and the opencast mine at Bantymock, where we have been dealing with a range of archaeological issues through archaeological supervision of topsoil strips as well as full scale set piece large open area excavations. The archaeological remains at Bantymock have been seriously truncated by the development of the land as an airfield; better survival might have meant that preservation in situ of some areas of archaeological activity would have been

preferable to preserving them by record. I am expecting the Fernwood sites to have a similar level of archaeological interest, but certainly in the Northern part of the application, outside the airfield, there is far less truncation of archaeological levels, meaning the potential of better preservation. I also note slightly different geological issues in this Northern area, with a slightly raised area of sandy rather than clay deposits looking a very likely site for prehistoric settlement activity.

I have today spoken with Duncan Coe of Cotswold Archaeology, and raised the issue of the applicants' expectations. He is confident that his clients are aware of the need for further archaeological work. I have asked him to discuss with them whether it would be possible to have confirmation of their expectations of further archaeological works, to ensure that the nature and extent of post determination works is fully appreciated. He has agreed to talk with the appropriate people to secure such confirmation. In the interim, and in the expectation of appropriate words of comfort, I am content to modify my earlier recommendations and suggest that if the planning application is to be determined, this should be conditional upon an extensive programme of archaeological works being undertaken. I foresee that this will involve archaeological field evaluation involving trial trenching across the site, to inform individual areas of the development site and indicate further archaeological mitigation works. It is possible that the method of working we have adopted at Bantymock may also need to be used here, if standard evaluation techniques fail to provide good enough results to allow a level of secure predictability for the presence/ absence of archaeological remains. I think it would also be wise to ensure that if archaeological remains of more than regional significance are located, there is potential to secure their preservation in situ. I also expect that the archaeological works will take place in a phased manner, and that early and ongoing phases of development will feed information into a developing set of archaeological procedures across the site. This is the approach which Catesby's archaeological consultants are developing for the Newark South development areas; it is an approach which has much to commend it. The following condition may be appropriate;

"No development shall take place within the application site until details of an archaeological scheme of treatment has been submitted to and approved in writing by the LPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

Ideally, this should be applied to each phase of the development, so that an overarching approach to the archaeological issues is developed, which is then in turn implemented for each individual phase of development, allowing an interactive approach to developing archaeological techniques which work in the light of this specific development proposal.'

Nottinghamshire County Council (Education) – No objection subject to securing an education contribution of £3.715m. See detailed comments received throughout the course of the application:

07/10/14

"As you are aware, the County Council have been working closely with Newark and Sherwood District Council in relation to the future education requirements to mitigate the proposed growth identified within Newark and Sherwood's Local Plan.

In light of the ongoing discussions regarding the County Council's education requirements in terms of the proposed development of up to 950 dwellings at Fernwood, the County Council would require an extension to the recently constructed new primary school which would increase its capacity from a 210 place primary school to a 420 place primary school.

To provide context/clarity to the above requirement:

The National Planning Policy Framework (NPPF) is clear in that Sustainable Development is about changes for the better. Two of the three roles (economic, social and environmental) identified by the Government relate to infrastructure and local services:

- *Economic Role: ...coordinating development requirements, including infrastructure”*
- *Social Role: ... creating a high quality built environment with accessible local services...”*

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

- *Give great weight to the need to create, expand or alter school; and*
- *Work with schools promoters to identify and resolve key planning issues before applications are submitted”*

The County Council’s requirements for education provision are set out in the Planning Obligations Strategy which was reviewed in 2013 and adopted by the County Council in April 2014.

Primary School Provision

The County Council plan in areas to enable maximum flexibility in providing places there is no surplus capacity within the area to accommodate the primary age pupils generated from the proposed 950 new dwellings at Fernwood which will yield 200 primary age children in total. The costs (at 3Q2014) to develop the required extension in a single phase would be £2.8 million.

Based on the information provided by the developer in terms of projected build rates/ trajectory the primary pupil yield is as follows:

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Cumulative no. Dwellings	70	140	210	280	350	420	490	560	630	700	770	850	920	950
Cumulative no. Pupils	15	30	45	60	75	90	105	120	135	150	165	180	195	200

In light of discussions between the County Council, Newark and Sherwood District Council and the developers and bearing in mind the above trajectory, the required extension could be delivered in two phases with the costs (at 3Q2014) being £3.2 million.

In light of the above information and if the requirement for 210 primary provision was to be delivered in two phases, the County Council requests the following triggers be applied:

1. 10% on commencement for design and feasibility work;
2. 60% on occupation of the 100th dwelling **or** 18months from 1st occupation (whichever is the sooner) for the development of 4 classrooms plus associated infrastructure;
3. 30% on occupation of 350th dwelling for the development of 3 classrooms.”

5/12/14 - Further comments were made:

“Further to the queries raised by Robert Galij (Barratt Homes) in the form of two emails dated 16th and 20th October, I have the following response:

1. The initial costs identified by Nottinghamshire County Council for the building of the required extension to the primary school (£2.8M or £3.2M) were based on a new school with necessary infrastructure based on similar builds elsewhere. The County Council have considered the specific requirements for the extension in relation to the existing primary school, and have concluded that there are a number of infrastructure elements that would have normally been required for school extensions which were already included in the building of the 2nd phase of the school due to the ‘futureproofing’

It should be noted that the ‘futureproofing’ was undertaken at the County Council’s expense from its own capital funding budget.

Bearing in mind the above, property colleagues have carried out some detailed costing works for the requirements specific to this school (basically ‘bolting-on’ 7 classrooms) and have arrived at the following budget costs:

- a) Phase 3A (120 places): £1,400,000
- b) Phase 3B (90 places): £ 865,000
- c) Phases 3A & 3B (210 places): £2,100,000

Note: The above costs are based on 4Q2014 prices

2. The County Council cannot assume that the 200 primary age children generated from the proposed development will be evenly distributed across the primary set of cohorts and as such a degree of flexibility must be included within requirements for new schools. For example, if we assume that the new dwellings produce an imbalance of ages in Key Stage 1, then there would be no places for a proportion of children from the development. It is useful to note that when the Department for Education (DfE) basic need allocations are calculated, they include an assumption of an additional 2% funding to account for this flexibility as it is recognised nationally and in addition, the County Council is aware that this 2% flexibility may be increased nationally. Also, the DfE have previously stated the need to provide a percentage surplus provision to allow for parental preference’ and have selected Nottinghamshire County Council to be consulted on the approach to the management of surplus accommodation as it is their intention to produce guidance on the need to build in flexibility with place provision.

Bearing in mid the above information, it is not appropriate to purely base the build costs on the exact number of places for the required mitigation.

It is important to note that unless the appropriate number of places are provided then it is likely that children from the new development will not be accommodated in the new school and as a result will not have any option than to attend the nearest available school outside the area.

3. The proposed triggers contained in Robert's emails are unacceptable to the County Council. If the County Council were to allow for the 60% payment at the 350th dwelling then the time involved to build the school would need to be factored in and, based on the estimated build rate of 70 dwellings per annum, the first phase of the school will mean that the school would be unlikely to be available until the 420th dwelling which would equate to an additional 88 primary age pupils.

Phase 1 will only provide 120 places and the 2nd phase payment at 600 dwellings, will yield 126 primary places, or 141 factoring in a 1 year build, again with no capacity at the school to accommodate these pupils.

Considering the problems and complaints that Barratt's received from residents moving into the original Balderton Hospital (Fernwood) development when the new school was not available, the County Council is surprised that the applicant would wish to repeat that experience!

During a meeting regarding this proposed development at County Hall and Barratt's earlier in 2014, Robert Galij produced a draft copy of a S106 agreement in which the triggers detailed are far more acceptable than those now being proposed by Robert in his emails of 16th and 20th October 2014. These triggers are as follows:

To pay the County Council the primary contributions as follows:

10% on receipt of written confirmation from the CC that the CC is to commence design of the Primary School Extension;

45% on receipt of written confirmation from the CC that they have committed to issue a contract for the construction of the Primary School Extension;

45% on the first anniversary of the payment made pursuant to 9.3.2 above.

These triggers would allow the County Council to build the school at the required time to ensure that the required places are made available to mitigate the impact of the proposed development."

14/10/16

'Following discussions with colleagues in education I can confirm that the County Council have given consideration to the surplus 42 places which would be available within the school being provided as part of the scheme proposed by Permisson Homes under planning application 16/00506/OUTM). These places, along with the school expansion land (0.8ha) which is included as part of this scheme are required to future proof the provision of education that may be required as a result of the 2 further sites which may come forward within the Fernwood area.

As a result it is not possible to use this capacity to also accommodate the additional education requirement that would be generated as a result of the Fernwood North scheme increasing from 950 to 1,050 dwellings. As such I can confirm that, as set out in our e-mail of the 30th August, the County Council's requirements would increase from the need to provide a 420 place (a 210 place annexe having already been constructed) primary school to a 525 place primary school.

In respect of the costs, I am currently seeking clarification as to the progress of the work being undertaken to identify this and will contact you when I receive further information.'

14/11/16

'I am contacting you following the County Council's previous response regarding the education requirements that would be needed for the Fernwood North development, in particular the area of land required and the costs of provision.

I can confirm that if the development goes to 1,050 dwellings then we will need an additional 315 places which means that we will need to increase the land requirement to 2.2 hectares. It also means that we will have had to revise the build area to 1,313sq m and as a result the estimated cost will be £3.715m based on 4th Qtr 2016...'

Nottinghamshire County Council (Lead Flood Authority) – 'NCC as LLFA have no additional flooding information to the surface water flooding maps which are available to the local planning authority. We have therefore no specific comments to make.' Confirm they have no further comments to make following the multi-agency drainage meeting.

16/06/15 - Further comments were as follows:

- 1 "The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3rd party properties both adjacent and at distance from the proposed sites. The risk to new properties within the proposed development are also considered.
- 2 The site **is not shown** within an area indicated on contemporary records as susceptible to fluvial flooding with an annual probability of occurring between 0.1 & 1%. The minor watercourse that are not included in the mapping shown on the Environment Agency website could nevertheless pose a flooding risk to parts of the site. The FRA produced by BWB **did not** discuss this aspect of fluvial flood risk in detail.
- 3 The site **is shown** within an area indicated on contemporary records as susceptible to pluvial flooding and development of the site may increase the risk by creating depressions and impermeable areas that may collect or intercept rainwater run-off. In particular the areas within the northern part of the site adjacent to the Hollowdyke? watercourse located between the existing Fernwood development and the A1 road. This part of the site may not have been shown as subjected to a pluvial flooding risk when the FRA was first produced by BWB however it is shown at risk on the latest maps available on the Environment Agency website using the following link <http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=ufmfsw&scale=10&ep=map&layerGroups=default&lang=e&y=350500&x=482500#x=482492&y=350707&scale=11>
- 4 The site levels design should consider this revised information and also the effect that the siting of a balancing pond immediately downstream of the flood risk area would make to the pluvial flood risk if drainage was compromised due to high retained water levels in the drainage system and watercourses. Simply constructing a raised platform in this area is unlikely to be an acceptable approach as such action may displace floodwater elsewhere. **Further investigation of this risk in terms of frequency, depth and rate of onset of flooding should form a part of the detailed site design.**
- 5 The topography of the proposed site falls both northwest and south east from a central ridgeline. The gradients of the slopes tend to be shallow however relatively impermeable substrate materials could give rise to some overland flows and sheet run-off if the ground became saturated.

- 6 BGS sheet 126 (Nottingham) shows alluvial deposits and head materials overlying mudstones of the Scunthorpe group. The site investigation trial pit logs (see Geo-environmental assessment document produced by BWB) note clay deposits close to the surface therefore in this respect it is unlikely that infiltration drainage would prove effective unless a significant area was given over to this type of system. Some localised permeable pavements etc may nevertheless provide a pre-treatment and attenuation option for surface water in some parts of the site.
- 7 If infiltration drainage is not feasible, the site would need to attenuate water to the greenfield run-off rate indicated in the Flood Risk Assessment produced by BWB. This has noted greenfield run-off rates of approximately 3.7 l/sec/ha for the north-western discharge and 1.4 l/sec/ha for the south-eastern catchment. The 'work in progress' drainage strategy plan no. SK002 rev A 'Proofing layout' produced by Barratt Homes and submitted 15th April 2015 uses this approach.
- 8 Calculations need to be provided to demonstrate that the system will accommodate all events upto a 100yr + 30% climate change severity with all attenuated water remaining within the site boundary. The drainage strategy document produced by Armstrong Stokes Clayton (dated March 13th 2015 and submitted to the Environment Agency) refers to storage in in number of locations around the site. As part of the detailed design for the site, these areas will need to be identified.
- 9 A flood routing plan should be provided to show exceedance routes for the surface water drainage system. The flood routing plan should be based upon a detailed levels design for the site and clearly show the levels on the site and finished contours. It is important that all flood routing is directed within the site and towards the attenuation system rather than across the site boundaries at various points. Site levels and plot designs should aim to route exceedance flows towards the road infrastructure where they may be transferred into swales and onward towards the main site attenuation systems.
- 10 The information provided at the present time from the various documents and investigations indicates that the designers are aware of the need to manage the rainfall run-off although further detail would be required before approval of the drainage systems may be granted. **Nevertheless the strategy is broadly acceptable to Nottinghamshire County Council as a basis for surface water management on the proposed development.** This statement is however qualified by the need for detailed design documentation to be provided at a later date to justify the assumptions and statements made in the strategy documents submitted as part of this outline application.
- 11 The Flood & Water Management Act 2010 recognises the need for engineered management of the flooding risks from surface water and much work has been done by DEFRA, Lead Local Flood Authorities, the Environment Agency and many other organisations to consider the appropriate approaches to reducing the flooding risk to existing properties from existing pluvial & fluvial sources. In addition to this, the mitigation of any increase in flood risk arising from new development or redevelopment has been recognised as a priority for Local Planning Authorities and Lead Local Flood Authorities.
- 12 Nottinghamshire County Council as LLFA considers that the proposals for the development of the site could potentially increase the risk of flooding to 3rd party properties and local infrastructure as well as create a potential flooding risk to new properties on the estate therefore further work is necessary to enable a reasoned evaluation of the proposals to take place. Nottingham County Council is also aware that the application is for outline planning permission and that the detailed drainage design is not yet available.

13 Further information required to support the determination of the planning application: A condition should be added to any granting of planning permission for the site requiring further drainage design information to be submitted in advance of a commencement of works on the site. The detailed design information should include:

- 13.1 Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- 13.2 Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding on the northern part of the site either side of the watercourse as shown on the Environment Agency surface water flood risk plans.
- 13.3 Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding.
- 13.4 Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways.
- 13.5 All infiltration areas with supporting specification, calculations and construction details.
- 13.6 Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- 13.7 Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- 13.8 Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- 13.9 All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.”

23/08/16 – Please take our original comments as current.

Nottinghamshire County Council (Strategic Planning) – Comment as follows:

28/07/16 - “Thank you for your letter dated 4 July 2016 concerning the revisions as set out above. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make specifically on the change, in addition to those made by the County Council at previous stages. Unless otherwise stated, comments made during previously still stand.

These comments have been agreed with the Chairman of Environment and Sustainability Committee.

County Planning Context

As detailed previously, the County Council would not raise any objection to the proposal in relation to the safeguarding of minerals and our existing waste management infrastructure (in line with the relevant policies of the adopted and emerging Waste and Minerals Local Plans). Public Health The local health report (see Appendix A) identifies that many of the health indicators local to the proposal are similar to and no better than the England average.

The National Planning Policy Framework seeks to promote healthy communities. Paragraphs 69-78 set out the ways in which the planning system can play an important role in facilitating social interaction and create healthy, inclusive environment. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population. This states the importance that the natural and built environment have on health. The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire.

Nottinghamshire County Council Health and Wellbeing Board have approved the Spatial Planning for the Health and Wellbeing of Nottinghamshire, Nottingham City and Erewash Document (<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>). The document provides guidance on addressing the impact of a proposal or plan on the health and wellbeing of the population and provides a planning and health checklist to be used when assessing planning applications.

Obesity is a major public health challenge for Nottinghamshire. It is recommended that the six themes recommended by the TCPA document 'Planning Healthy Weight Environments' are considered so that a healthy lifestyle is promoted. The six themes are:

- Movement and access: walking environment, cycling environment and local transport services
- Open space, recreation and play: open spaces, natural environment, leisure and recreational spaces, play spaces
- Food: food retail (including production, supply and diversity), food growing and access
- Neighborhood spaces: community and social infrastructure and public spaces
- Building design: homes and other buildings
- Local economy: town centres and high streets, job opportunities and access.

Strategic Highways

The County Council, as highways authority, has been working closely with Newark and Sherwood District Council, Highways England and a consortium of landowners and interested parties including the applicant (re 14/00465/OUTM) to establish the strategic transport infrastructure requirements to support the cumulative impact of proposed development of the Greater

Fernwood site in Newark. The Newark traffic model, operated by WYG on behalf of the respective planning and highways authorities has been used to establish the likely traffic impacts of development at Greater Fernwood and establish schemes of transport mitigation to accommodate the forecast traffic (i.e. once the developments are fully built out). A series of link and junction improvements along the B6326 are required to accommodate forecast traffic levels, including a modified junction with the A1/B6326 and widening of the B6326 overbridge amongst others. The latter improvement has been added to the Newark and Sherwood CIL Regulation 123 List for delivery via CIL funding. The consortium of landowners have suggested trigger points and a delivery strategy to bring forward these improvements to coincide with the phasing of the development. The County Council has considered in detail the transport modeling to support the planning application and the wider development on the Fernwood site and would offer no objections on strategic transport grounds but recommend planning conditions be applied to any planning permission to govern and control the provision of all necessary supporting transport infrastructure. A more detailed response to this application will be submitted directly to Newark and Sherwood District Council in due course.

Ecology

The proposed increase in housing numbers, which appears to be delivered by increasing housing density, is unlikely to have any impact above and beyond those already assessed as part of the previous proposals. In fact, the County Council note that the amended layout delivers slightly increased levels of natural and semi-natural greenspace (14.019ha compared to 12.450ha previously). Therefore, the County Council have no further comments to make in relation to ecology.

Landscape

As there would appear to be no additional impact on the extent and treatment of landscape and green infrastructure facilities within the development, the County Council has no additional comment to make in this respect. The additional dwellings would appear to have been accommodated purely through an increase in building density within the already defined built form. Other than the revision to the layout, there is no reference to how the increase in density will be achieved and what impact it may therefore have on townscape within the built development form.

The landscape proposals of the previously submitted addendum sought to mitigate impact by:

- The form of built development including: creation of view corridors out to key historic buildings and wider countryside, partial safeguarding of some vegetation, grading of development height out from 3 storey development in central core to lower rise development nearer open countryside, created connected series of multifunctional open spaces and greenways.
- Creation of 6 greenways, hubs and strategic landscaping including areas of new structural planting which will offer landscape and recreational opportunity as well as location of SuDS infrastructure.

From the indicative layout, the width of the greenway adjacent to the East Coast Mainline appeared quite narrow; the County Council previously stated that this will have to be addressed more fully through reserved matters.

Both of these positive elements have the potential to be adversely effected by an increase in building density, even if actual land take remains the same. Whilst the applicant asserts that detail of the layout is a matter for consideration at the reserved matters stage, the increase in density will presumably impact on the generosity of the layout around view corridors, safeguarding of existing vegetation and creation of new landscape and GI network, particularly at the interface between built and open areas.

There is insufficient information available to evaluate the magnitude of this effect at this stage and so the County Council can not object to the proposed increase in numbers and associated highways improvements in this regard. This possible impact will however have to be considered carefully when more detailed information becomes available at the reserved matters stage.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will continue to work with the applicant and the Local Planning Authority to ensure all requirements are met.

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants.

These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site."

(30/04/14) Comments have been submitted which have been agreed with their Chairman of Environment and Sustainability Committee. These comments set out the national planning policy context, local planning context as well as setting out their position on the following topic areas. *The comments in italic text below represent their updated comments as of 24/04/15;*

Introduction

Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the above pre-planning application and this letter compiles responses from Departments involved in providing comments and observations on such matters.

This response is based on the information submitted with the application in the context of national, regional and local policy.

National Planning Context

One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. To support this Local Planning Authorities are tasked with involving all sections of the community in the development of Local Plans and in planning decisions. Planning policies should in turn aim to achieve places which promote:

- *Safe and accessible environments*
- *High quality public spaces*
- *Recreational space/sports facilities*
- *Community facilities*
- *Public rights of way*

Paragraph 72 of the NPPF states that,

“The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *Give great weight to the need to create, expand or alter schools; and*
- *Work with school promoters to identify and resolve key planning issues before applications are submitted”*

Paragraph 171 of the NPPF relates to Health and well-being and encourages Local Planning Authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

“Highways

Discussions with regard to Highways requirements as a result of the proposed development are currently on-going between Nottinghamshire County Council, Newark and Sherwood Council and the applicants.

As I am sure you are aware there have been extensive discussions between the applicant and County Council officers re transport and traffic impacts of the proposed development on land at Fernwood. This has culminated in an addendum to the Environmental Assessment (volume 3a: addendum Transport Assessment and revised Framework Travel Plan). County Council Officers are currently considering the content of the addendum TA and are due to meet further with the applicant before being able to formulate a definitive response on highway and transport matters. In which case, the County Council will not be able to provide a detailed response at this time. The County Council’s highways development control response will be provided directly to the district council.

Travel and Transport

Bus Service Support

The Council has conducted an initial assessment of this site in the context of the local public transport network.

At this time it is envisaged that the Council will wish to negotiate with the developer regarding provision of appropriate bus service enhancements to serve the site.

Infrastructure

The Council reserves the right to consider appropriate enhancements to bus stop infrastructure in the vicinity of the development. Further information about specific enhancements can be discussed with the developer by direct contact with Transport & Travel Services.

The Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

Nottinghamshire County Council requests that the proposed new bus stop locations and accessibility isochrones meeting 6Cs design guidelines are marked on all relevant plans going forward. The Council specification for bus stop facilities includes real time departure displays and raised kerbs and should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

The provision of detailed bus stop locations will mean this information is in the public domain for comment from adjacent properties / prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.

Further information can be supplied through developer contact with Transport & Travel Services upon receipt of the full planning application.

Landscape and Visual Impact

The proposed development layout offers a logical response to the constraints and opportunities offered by the site. However, it is considered that the landscape strategy should extend further south along Hollowdyke Lane to take account of the upgrading works and associated vegetation loss along the east and south edges of Fernwood.

The assessment of landscape impacts on the physical landscape resource has unfortunately been premised on an incorrect transcription of Landscape Character Policy Zone assessment and therefore overly low 'scoring' of existing landscape condition and sensitivity. This would appear to have led to an overly positive assessment of landscape impacts ranging from minor adverse on completion through to neutral to minor beneficial on completion. It is suggested that this assessment is reviewed by the applicant in light of the error in transcription of existing landscape character at the local policy zone and with more particular consideration development impacts on Hollowdyke Lane.

The verification of assessment of visual impact is hindered by the omission of key point most particularly occupiers of housing within the existing Fernwood. The location and orientation of viewpoints needs to be reviewed and expanded so that they offer a representative indication of impact on all key features. Further, it would be useful to illustrate the stated screening impact of the railway line, A1 embankments and existing Fernwood development on visual impact through provision of Zone of Visual Influence or similar.

It is considered that the proposed revisions will allow proper assessment of both landscape and visual impacts. (Detailed comments are provided within **Appendix**).

Ecology

In terms of Ecology the County Council have a number of concerns in relation to the need for the applicant to update amphibian, reptile, bat, badger and vole surveys, in addition the loss of hedgerow should be qualified. If planning permission were to be granted it is suggested that a number of planning conditions be attached to the permission in relation to the production of a Construction Environmental Management Plan, a detailed landscaping scheme and the provision of bird and bat boxes. (They go on to provide detailed comments as an **Appendix**.)

In response to the ES Addendum further comments have been received (23/04/2015) from the County Ecologist set out below:

Vegetation Removal along Hollowdyke Lane

It is pleasing to note that the highway improvements to Hollowdyke Lane have been amended such that the vast majority of the hedgerow on the northern/western side of the lane is now being retained. A section, along with two trees, will need to be removed on the corner of the lane (as shown on figure 2.8) to accommodate a visibility splay, but this is only a small proportion of the whole hedge. The two trees have been assessed for their potential to support roosting bats, as requested, and both were found to have negligible potential in that respect. I am therefore satisfied that this issue has been resolved.

In addition, three further sections of hedgerow now need removal; one to accommodate a new footway, and two to accommodate a bus link at the northern end of Hollowdyke Lane. Whilst regrettable, mitigation is proposed whereby these hedgerow sections would be replanted at a location set back from their current position.

Surveys

As requested, a plan has been submitted showing the location of refugia used during the 2010 reptile survey. This is welcomed, and confirms that the locations of the refugia were appropriate.

In addition, an updated walkover survey of the site has been carried out, which confirms that the site remains much as it was during the previous survey, with no significant habitat changes which might necessitate updated protected species surveys at this stage.

Nevertheless, to account for potential future changes during the lifetime of the development, and in addition to the conditions previously recommended, it is requested that a **condition** is used to require an updated Extended Phase 1 Habitat Survey to be carried out in advance of each phase of development, with any protected surveys identified as being required also completed before development commences, so that any mitigation which may be required can be put in place.

Other Matters

In my previous written response the matter of badgers was highlighted, and discussed at some length during the meeting with the applicant's agent in December 2014. Unfortunately, no further information appears to have been submitted in this respect, so further comment is sought, specifically in relation to the feasibility of retaining the main sett.

In addition, I had also queried why no static detectors were used during the bat surveys that were completed. Again, no comment on this appears to have been provided.

Regarding the Landscape Masterplan, I had previously stated that it was unclear what the habitat creation works in the eastern corner of the site were trying to achieve, and I had suggested that because this area was currently used by birds associated with farmland habitats, the planting of woodland may not be appropriate; nor is it clear how this area will integrate with areas of open space associated with future development land to the south. It is therefore requested that a condition is used to require the submission of a revised Landscaping Plan, to be informed by further consultation between the applicant and myself (and NWT).

In response to clarity provided by the applicants further comments were provided on 30/04/15

"Thanks for forwarding this additional information relating to badgers, which provides a useful clarification of the situation. It is my view that it would be appropriate to use a condition in this respect, whereby a Badger Mitigation Plan is produced for any phase of development where badgers/badger setts are affected. The condition which I believe you are imposing relating to updated ecological surveys in advance of development of each phase will determine whether a Badger Mitigation Plan is required in each case."

In response to the updated ecological appraisal further comments were provided on 14/05/17

"It is noted that an Ecological Clarification Note has been produced due to the elapsed time since the original ecological survey. This indicates that the conclusion made in the original ecological survey still remains valid due to the updated assessment finding that the habitats within the site and their value to support a range of faunal species are largely unchanged. Therefore the likely significant effects, mitigation proposals or conclusions of the Environmental Statement and Addendum ES are considered to remain valid."

Developer Contributions

Should the applications proceed, Nottinghamshire County Council will seek developer contributions relating to the County Council's responsibilities in line with the Council's adopted Planning Contributions Strategy and the Developer Contributions Team will work with the applicant and Gedling Borough Council and Ashfield District Council to ensure all requirements are met.

Libraries

At an average of 2.4 persons per dwelling this proposed development would add 2280 to the existing library's catchment area population. The nearest existing library to the proposed development is Newark Library. The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a standard stock figure of 1,532 items per 1,000 population.

The County Council would seek a developer contribution for the additional stock that would be required to meet the needs of the 2280 population that would be occupying the new dwellings. This is costed at 2280 (population) x 1,532 (items) x £10.53 (cost per item) = **£36,780**.

(On 24/08/16, NCC confirmed that despite the uplift in numbers to 1050, they would still only request £36,780)

Education

Discussions with regard to education requirements as a result of the proposed development are currently on-going between Nottinghamshire County Council, Newark and Sherwood Council and the applicants.

Minerals

The site does not lie within a Mineral Safeguarding and Consultation Area and as such the mineral safeguarding policy set out in the emerging Minerals Local Plan does not need to be considered. The County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

In terms of the Nottinghamshire Waste Core Strategy December 2013, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding the existing waste management facilities (as per Policy WCS10).

As a major new housing development the County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

Overall Conclusions

Discussions with regard to Highways requirements as a result of the proposed development are currently on-going between Nottinghamshire County Council, Newark and Sherwood Council and the applicants.

In terms of Landscape and Visual Impact, the County Council consider that additional work in relation to Landscape Character Policy Zone Assessment is undertaken and that the location and orientation of viewpoints should be reviewed and expanded in order to offer a representative indication of the likely impacts on all key features.

In terms of Ecology the County Council have a number of concerns in relation to the need to update amphibian, reptile, bat, badger and vole surveys and the loss of hedgerow should be quantified. If planning permission were to be granted it is suggested that a number of planning conditions be attached to the permission in relation to the production of a Construction Environment Management Plan, a detailed landscaping scheme and the provision of bat and bird boxes.

The County Council would seek a developer contribution for the additional stock that would be required to meet the needs of the 2280 population that would be occupying the new dwellings. This is costed at 2280 (population) x 1,532 (items) x £10.53 (cost per item) = £36,780.

Discussions with regard to education requirements as a result of the proposed development are currently on-going between Nottinghamshire County Council, Newark and Sherwood Council and the applicants.

The County Council does not wish to raise any objections to the proposal from a minerals or waste perspective.

It should be noted that all comments contained above could be subject to change, as a result of on-going negotiations between Nottinghamshire County Council, the Local Authority and the applicants.”

Lincolnshire County Council – Comment as follows (12/09/16)

“The only comment from LCC on this application is on education provision. There is no concern on primary provision as the development has a primary school, and the development can be supported from a secondary perspective due to available capacity close to the border, although it is assumed that there will be sufficient capacity in Nottinghamshire for the development anyway.

LCC has no specific comments on the update to application no 16/00506/OUTM for Fernwood South.”

NHS England – Comment as follows (20/05/14):

‘You will be aware that the ‘NHS England Call to Action’ was published on 11th July setting out the national context within which the NHS is now working. Further detail of this can be found at <http://www.england.nhs.uk/2013/07/11/call-to-action/>.

This reinforced the message that the NHS is in an extremely financially constrained environment and cannot continue to do things the way we always did (e.g. in terms of further investments).

In response to this the Area Team has embarked on a programme of work with each of our 10 CCGs to define a primary care strategy for each locality that will sustainably meet these national challenges together with meeting local needs such as population growth associated with new housing developments.

Whilst the Primary Care Strategy is being worked up we are continuing to use the PCT / local authority pre-agreed formula which calculates a total contribution based on a cost of £855 per dwelling.

It is unlikely that the Area Team would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. We would wish to explore further in conjunction with the CCG and other stakeholders including what options are available and ensure value for money for all parties.

Based on an average 2.3 people per household this will be an increase of approximately 2185 patients which will likely register at Balderton Primary Care Centre which is the closest to the development. This increased number of patients will mean that the practice will need to employ additional clinical capacity to support the increase and to review their existing premises design to release the additional space to deliver the required level of capacity.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with section 106 contributions.

I hope this provides a useful update on our current position and our emerging primary care strategy and provides you with the information you require to meet your deadlines. If I can help further please do not hesitate to contact me directly,'

12/09/14 – NHS England clarified that the figure per dwelling should be £950 per dwelling for Nottinghamshire schemes. Whilst they say it would be useful to have 50% at commencement of the development to fund any alterations to the Balderton clinic, and then staged thereafter for every 200 houses to ensure the development of services can take place alongside the population growth as it comes on stream they also state they are happy to be flexible in considering alternative proposals.

20/10/15 - As discussed, for the purposes of your records I write to confirm our position as follows;

“For the Barratts phase 1 development we can confirm that we do wish to opt for the s106 financial contribution, and will clarify in due course phasing and how such funds will be spent. You are right to draw the inference that they may not all be directly invested in Balderton Primary Care Centre, but we will confirm in due course. We are having an internal discussion on this in early November, and will provide further feedback on the Barratt’s application proposal only at this stage. Please be assured that we recognise the requirement for our requests to be CIL compliant and that financial contributions will be only made with reference to agreed SPD requirements. I trust that this provides sufficient reassurance that we are seeking to resolve these matters.”

Heritage England (formerly English Heritage) – No comments, the application should be determined with national and local policy guidance and on the basis of your specialist conservation advice. This advice remains for both sets of amendments.

The Georgian Group - No response has been received.

SPAB - No response has been received.

Victorian Society – No response has been received.

CBA – No response has been received.

Ancient Monument Society - No response has been received.

Twentieth Century Society - No response has been received.

Sport England – Originally objected 08/04/2014. However in response to the amendments which included a revised sports pitch offer, this objection was withdrawn on 21/04/2015 as follows:

“...You will recall that Sport England advised that the development will create additional demand on existing and proposed off-site facilities. The amended application suggests the provision of on-site changing facilities. The provision of on-site facilities which secure the future retention and sustainability of the proposed facilities would be supported.

It is for the council to assess if the provision of sustainable on site facilities better meet the needs of the development as the costs of the proposed changing facilities reflect the costs identified by the Sports Facility Calculator. This would include having regard to the most current evidence to establish the impact of this development on existing or proposed sports facilities and to assess the type of contribution relevant. Given that population growth for Newark has been modelled to establish the facilities required to meet current and future demand and to provide evidence for the facilities strategy, on site facilities would appear to be the most relevant option.

Given the information submitted Sport England is able to withdraw our earlier objection to the development.”

14/07/2016 – Sport England confirm they have no objection to the revisions.

DEFRA – No response

Natural England - ‘Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Town and Country Planning Act 1990

No objection

Green Infrastructure and Priority Habitat

We note the proposal includes provision of green space which we believe has the potential to contribute to the creation of an enhanced green infrastructure network, helping deliver more resilient and coherent ecological networks, healthy and well-functioning ecosystems, which deliver multiple benefits for wildlife and people. 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. GI can improve connectivity to other green spaces provide opportunities for recreation, promote sustainable transport and improve conservation and biodiversity, as demonstrated in the following case studies; Wynyard Woodland and Blyth Estuary Green Travel Project. We would encourage the design of the scheme to maximise any opportunities to link the GI and wildlife corridors delivered as part of this development to the main strategic corridors as identified in Newark and Sherwood's Green Infrastructure Strategy.

GI can be designed to maximise the opportunities to increase biodiversity, by expanding the priority habitats across the site, improving ecological connectivity and contributing to the Nottinghamshire Biodiversity Action Plan. The nature conservation value of the site can be improved through the provision of new and restored habitats. Habitat creation should try to link to existing landscape features in the surrounding area to strengthen green corridors that provide nesting and foraging habitat for wildlife. We recommend the landscaping scheme is appropriate and seeks to enhance local landscape character and where possible uses native species of local provenance to further improve the biodiversity value of the site.

We consider it imperative to incorporate infrastructure into the design that improves access and encourages the use of more sustainable modes of transport by providing an enhanced right of way network. There should be ease of access to an efficient and effective, integrated public transport system and a network of improved pedestrian and cycle routes provided as part of new development and linking this site to the surrounding area. Therefore we are pleased the scheme incorporates a number of greenways which should allow residents opportunities for informal recreation, sustainable travel and access to nature.

The National Character Areas divide England into 159 natural areas, each defined by a unique combination of landscape, biodiversity, geodiversity and economic and cultural activity. The new NCA profiles provide an integrated, locally specific evidence base that can be used for making decisions about the natural environment. The NCAs highlight the significant opportunities in each area and therefore provide a useful planning tool that can help guide the design of projects so that they are appropriate to the locality and deliver the maximum benefits for the natural environment.

The relevant NCA Profile: 48 Trent and Belvoir Vales (NE509) can be accessed at http://www.naturalengland.org.uk/publications/nca/trent_and_belvoir_vales.aspx.

We strongly encourage you to share this advice 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.

Other Advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Soils and Land Quality

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework). However Natural England draws your Authority's attention to the following land quality and soil considerations:

Based on the information provided with the planning application, it appears that the proposed development comprises approximately 57.9 ha of agricultural land, including 19.5 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). There are 4 ha of Grade 2 and 15.5 ha of Sub-grade 3a.

It appears the majority of this BMV land lies under the areas planned for development and would be irreversibly lost. However it is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as green space etc.).

Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks)* and we recommend that this is followed.

Protected Species

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted 060 0789. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Nottinghamshire Wildlife Trust – No objection subject to conditions. Previous comments are given below:

01/05/14 -Issued a holding objection due to insufficient information. Comments were as follows:

“Thank you for consulting Nottinghamshire Wildlife Trust on the planning application detailed above. We have reviewed the plans and supporting documentation, specifically the Environmental Statement (ES Chapter 6: Ecology and Nature Conservation) and Appendix 6 (Baseline Ecological Assessment) and wish to make the following comments:

Badgers

There is a main badger sett on site and an outlier sett just off-site on the railway land, although we are not sure how thoroughly the latter sett has been surveyed given its location (ES paragraph 5.4.6 states that a detailed examination of this sett was not possible due to the proximity of the railway line).

The ES chapter is not clear whether the sett would be retained (6.5.11 and 6.5.45). We recommend seeking clarification on this as currently the ES fails to establish precise impacts. In this context, we wish to point out that Natural England standing advice states that natural setts are favoured over artificial ones; therefore we would prefer the sett to be retained in situ with sufficient terrestrial habitat provided around the sett and that well-defined links are provided to surrounding foraging habitat. We recommend scrub is allowed to develop around the sett entrances to protect it from future increase in disturbance. We note that a LEAP is proposed to be located near to the sett and, if retained in situ, we wonder whether this could cause any problems for the badgers.

The proposed mitigation scheme (if required) does not identify a precise location for the artificial sett. Paragraph 6.5.45 notes potential locations include the northern corner or the east of FE north within the proposed green infrastructure. If the original sett is to be lost we strongly recommend an artificial sett location should be selected and clearly shown on a plan. When considering replacement sett locations, it is worth bearing in mind that the sett, if sited in the east of the site, should not be positioned too close to the proposed sports pitches as there could be future conflicts if the badgers were to forage on the pitches (should they be made of turf).

We would find further clarification helpful with regard to the location of the extensive areas of alternative foraging habitat (6.4.45). We also cannot currently understand the justification for stating that there would be an enhancement over the existing situation. This is because to access the main foraging areas (large “eco-hub” at south east corner of site), badgers will have to move around the northern and eastern edges, following the green arrow marked as green infrastructure on figure 5.6. We are not sure how wide these corridors are so can’t make an assessment as to their suitability in terms of providing movement corridors/ foraging habitat.

Bats

ES paragraph 6.4.14 states that no foraging/ commuting survey was carried out of the woodland W1 (plan ECO4) as the red line boundary has been altered to accommodate a new access route. We don’t agree that it can be concluded, “Given the lack of bat activity across the FE North and FE South West that activity within and around W1 is also likely to be low”.

A bat activity survey should be carried out within the woodland and along Hollowdyke Lane and Spring Lane given that we understand the plans are to upgrade these county lanes to create a main access route to serve the development and that woodland/ hedgerow is likely to be removed to implement the proposal.

We wish to highlight that these further surveys should be carried out prior to determination of the application, in accordance with Natural England Standing Advice¹.

The potential effects assessment for bats (6.5.6 and 6.5.7) fails to establish how many trees will be felled with roosting potential (Category 1 and 2 trees). We would also like to find out at what stage would the detailed surveys of Category 1 trees be carried out? As above, we recommend full surveys should be carried out prior to determination, in line with Standing Advice¹.

Whilst measures such as bat tubes/ bricks and boxes on trees and buildings are always welcome (6.5.42), we currently see no clear mechanism proposed to secure these. Similarly, we would wish to see a mechanism to secure the artificial nest sites for birds (6.5.58).

¹<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx#q5>

Reptiles

Based on the information submitted we cannot fully assess suitability of the survey work. The survey methodology is described at 2.4.24 of the detailed report (Appendix 6) but there is no information provided on how many refugia were deployed in each of the rough grassland areas on plans ECO4 and 5.

Paragraph 6.4.28 states a single adult grass snake and a single adult common lizard were found within the eastern boundary of FE North. We wish to seek clarification that the ecology technical appendix is erroneous as it states in table 6 that slowworm were also found on the site.

It sounds like the mitigation proposed at paragraph 6.5.24 is displacement via habitat manipulation (strimming vegetation to 15cm). It also mentions that reptiles (in the unlikely event they are found during works) will be placed in adjacent suitable areas of retained habitat. We would like to enquire where they are. Also, we wonder what is proposed in terms of compensation for loss of this habitat area? We suggest there is potential scope for habitat provision (both in terms of basking habitat and potentially as hibernacula) on the noise bunds, provided they can be managed under a sympathetic regime.

Amphibians

ES paragraph 6.2.5 notes that following the ecologist's discussions with us we are happy that the results from previous surveys for great crested newts and reptiles remain current. We did state in this correspondence that we would draw the LPA's attention to Natural England's Protected Species Standing Advice, which states that surveys should not be over 2-3 years old and that we would recommend an update survey in 2014 if the allocation doesn't come forward in the next 9 months (at June 2013). The survey data is now almost four years old.

In this correspondence we also specifically asked if the Balderton Railway Pond Local Wildlife Site had been surveyed for amphibians (pond 3 in the report). We wonder why this pond was not subject to survey (paragraph 2.4.15 confirms just ponds 4 and 5 were surveyed). We consider that the area mapped as rough grassland and scrub on plan ECO4 to support potential terrestrial habitat for amphibians, which we understand is within the development area and will be cleared. We do not consider the railway line to be a significant barrier for dispersal of amphibians. In fact, great crested newts have been found on stretches of railway in the northern part of Nottinghamshire (pers comm. with Network Rail).

We therefore strongly recommend a great crested newt survey is carried out of Balderton Railway Pond (unless the pond is scoped out, for instance if it is dry but the LWS citation does describe the site as supporting open water). We think this request is justified given the close proximity to the development (less than 20 metres) and the removal of potential amphibian terrestrial habitat.

Water Voles

We note that signs of water voles have been found on water course WC2 (refer to plan ECO4). It appears that no detailed drainage plans are available at the current stage. We strongly recommend that an ecologist should have an input into the detailed drainage design plans as there could be potential for disturbance during installation of drainage systems (e.g. if new pipes are connected to WC2) or if flows/ water quality are changed.

We also see an opportunity for biodiversity gain for water vole if the south western surface water attenuation area is designed to hold permanent areas of water and is designed sympathetically for water voles. In this context we would like to refer the scheme designers to the Million Ponds Project Water Vole Dossier published by the Freshwater Habitats Trust and available at:

<http://www.freshwaterhabitats.org.uk/habitats/pond/identifying-creatures-pond/water-voles/> .

Habitats/Green infrastructure

We cannot see that any significant effort has been made in the ES to quantify losses of habitats in terms of areas/ length of hedges, grassland, scrub, woodland, trees etc removed. This is a basic level of information we would normally expect to see in a ES.

Hedgerows H13 on plan ECO4 will be lost according to paragraph 6.5.32 of the ES. Hedges, particularly those that qualify as important under the Hedgerow Regulations are a valuable resources and we would prefer to see the scheme altered to retain this hedge. We are also disappointed to see the existing grassland / scrub habitats along the northern boundary of the existing Fernwood housing area being removed by the proposed urban extension and we think it would be worthwhile if these areas could also be retained and incorporated in the green infrastructure. In terms of layout, we are unclear how wide the green infrastructure proposed parallel to the railway is. We would wish to see this as wide as possible, given that transport corridors such as roads and railway provide good habitat links and dispersal routes for many species.

There is reference to provision of replacement habitats in the ES (at 6.5.31). These are described in broad terms and green infrastructure areas are shown on the Illustrative Master Plan and further details are shown on Figure 5.6. The GI appears to be concentrated on land parallel to the A1 Dual Carriageway and at the south eastern tip of the site (marked as proposed ecological hub on Figure 5.6). Again, we would wish to see a plan and information to quantify the areas and types of habitat to be created and how they fit in with the Nottinghamshire Local Biodiversity Action Plan (as you will be aware Core Policy 12 of NSDC's Adopted Core Strategy March 2011 refers to LBAP habitats).

Implementation

In relation to implementation of the scheme, if approved, we recommend that the following is secured via condition:

- A construction environmental management plan, with details of procedures/ timing of works to avoid impacts on protected species and retained habitats.
- Detailed plans for green infrastructure (this should include species lists for hedges, trees, shrubs, meadows etc).
- Details on management of new habitats during the establishment phase.
- A habitat/ biodiversity management plan, which should include a monitoring element.
- A mechanism to secure implementation of the management plan in the long-term must be put in place (i.e. funding must be available for the developer, local council or another organisation to cover habitat management/ maintenance costs).

In conclusion, we find that we must register a **holding objection** to the proposal. This is because we currently consider there is insufficient information available to determine the ecological impacts of the proposals, specifically in relation to amphibians, bats and reptiles and habitat losses/ gains. Please do not hesitate to contact me on 0115 958 8242 should you require any further information."

In response to the ES Addendum, NWT make the following additional comments (11/05/15):

Badgers

We remain concerned about the potential impact of the proposal on the badgers occupying the western sett. A green infrastructure corridor is proposed around the edge of the site, which could potentially maintain connectivity with wider foraging opportunity, provided it is wide enough and constitutes a continuous linkage. We understand that the area in question is largely within the later phases of development and would therefore accept a condition requiring updated survey and detailed mitigation prior to commencement of each phase. We would still support retention of the sett, with consideration given at this stage to incorporating planting immediately around the sett within the Illustrative Masterplan. As previously raised, we recommend scrub is allowed to develop around the sett entrances to protect it from future increase in disturbance.

Bats

We welcome that further consideration has been given to the impact of changes to Hollowdyke Lane and that hedgerows and trees to the south are now being largely retained, with passing places being out in place. There is still some considerable loss of H8, although replacement planting is proposed. We would wish to point out that replacement planting, as is proposed, would take some years to mature and become a fully functioning replacement and therefore request that more mature plantings are used to enable more rapid establishment.

Reptiles

The location of reptile survey tins has now been provided, although there is still no indication of exactly where reptiles were recorded. It would be useful to see this information, including clarification of which species were found, which should also inform detailed mitigation for each phase of construction. From our previous discussions, we believe that it is anticipated that suitable reptile habitat would be created on the noise attenuation bunds surrounding the site.

Amphibians

We are satisfied that updated amphibian surveys could be conditioned to be carried out in advance of each phase of development. These should include Balderton Pond, or if access is not possible, presence of GCN would be assumed and a formal mitigation scheme submitted.

Habitats/Green Infrastructure

We welcome that the ES Addendum Ecology Chapter suggests habitat creation in the south-east area of the site to include 'areas of damp grassland and a network of ponds, along with new mosaics of long-sward wildflower grasslands and scattered scrub'. However, we note that the Revised Illustrated Landscape Masterplan shows woodland planting in this area. As previously discussed, we believe that there is a great opportunity to retain an open feel to this area, including creation of wet/damp grassland, scrapes etc and making enhancements to the ditch network which would benefit a wide range of species.

Implementation

Our comments regarding implementation remain unchanged - in relation to implementation of the scheme, if approved, we recommend that the following is secured via condition:

- A construction environmental management plan, with details of procedures/ timing of works to avoid impacts on protected species and retained habitats.
- Detailed plans for green infrastructure (this should include species lists for hedges, trees, shrubs, meadows etc).
- Details on management of new habitats during the establishment phase.
- A habitat/ biodiversity management plan, which should include a monitoring element.

- A mechanism to secure implementation of the management plan in the long-term must be put in place (i.e. funding must be available for the developer, local council or another organisation to cover habitat management/ maintenance costs).

In summary, further information has now been submitted regarding reptiles, amphibians, bats and habitat losses. However, as previously requested, we would still wish to see a plan and information to quantify the areas and types of habitat to be created and how they fit in with the Nottinghamshire Local Biodiversity Action Plan (as you will be aware Core Policy 12 of NSDC's Adopted Core Strategy March 2011 refers to LBAP habitats). As this relates to the layout of the whole development, we would be keen to secure an appropriately detailed plan at this stage, rather than relying on a phased approach. Some degree of flexibility will be required, however, depending on the results of the updated survey work prior to commencement of each phase and any necessary mitigation.

02/08/16 - In response to amendments they comment:

"Thank you for consulting Nottinghamshire Wildlife Trust on the amendment to the above application. It appears that the increase in number of dwellings would be contained within the previously proposed built footprint. Also, the revised D&A suggests that an increased area for green infrastructure is now proposed. With this in mind, we have no additional comments to make regarding ecological considerations and our previous responses remain valid."

12/06/17 – In relation to the updated ecological appraisal they comment:

'Thank you for re-consulting on the above. We are pleased to note the inclusion of the Ecology Clarification Note (Aspect Ecology, May 2017) which provides some information regarding an updated Phase 1 habitat survey carried out this year. The NPPF is clear that planning decisions should be based on up to date environmental information.

Whilst a full report is not provided, the technical note outlines the minor habitat changes that have occurred and we generally concur with the assessment that these changes are unlikely to have significantly altered faunal use of the site and that the conclusions of the original ES (and Addendum ES) therefore remain valid.

We have previously discussed proposals for more detailed updates prior to each phase of development and would still be supportive of this approach. Other previous comments relating to a CEMP, green infrastructure, landscaping and biodiversity plans, badgers and funding for long term management remain valid.'

RSPB - No response has been received.

Severn Trent Water – No objections subject to the inclusion of a condition to control surface and foul water drainage.

A specific request was made of STW to confirm the position with regards foul sewage capacity and they confirmed they have no concerns. This is because they would have to provide capacity within their network of sewers and pumping stations and the treatment work upgrades if required. The only issue is timescales. They state that schemes of this size invariably go to sewer modelling and then after the initial model is run to measure the impact on the existing network, they would further model to see what mitigation works they would need to accommodate the new flows in

the system. This would then determine how they do that, whether by upsizing sewers, and stations and whether any extra capacity is required at the treatment works. They state that options can vary and it may be that the easiest and most cost effective option would be some kind of catchment transfer, i.e. a new sewer or rising main (pumped sewer) to the nearest suitable capacity point in another area.

The actual works that would be carried out could not be specified at this time, nor could they say whether those works would be off site. A variety of solutions could be implemented dependent upon the impact on the networks a development will have, and what drainage issues are in that area. Severn Trent will always try to ensure that any money spent on a scheme to provide extra capacity is good value for money especially for their customers, therefore the resolving of any existing flooding issues in the area could well also form part of a scheme. Typical improvement works could be the upsizing of sewer pipes, up rating of pumps, upsizing emergency/storm storage at a station, or providing extra/upsized storage tanks at the treatment works. They advise that at the moment improvement works are likely to taking between 18 – 24 months to complete, but could take longer depending upon the full remit of the scheme.

16/08/16 – Re-confirmed no objection plus the following additional comments:

“Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Additional Drainage Requirements

The developer must produce a comprehensive drainage strategy for the site. This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means. Surface water should be drained using sustainable techniques.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The strategy will also demonstrate how any land drainage issues will be resolved.

The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.

If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Should you require any further information please contact us on the telephone number or email below.”

Environment Agency – No objections.

The EA initially requested a multi-agency drainage meeting in order to inform and identify details to be included in a surface water condition together with any constraints that drainage might impose on the final layout and design of the development. This meeting was held in July 2014 with all relevant drainage bodies invited.

On 23/02/15 further comments were received: “Further to the meeting in July 2014 regarding this application the Environment Agency agreed on a few key points where additional information was required to address our outstanding objection to the application.

- A Drainage Strategy for the proposed development is to be prepared and submitted for comment, this will be supported by a plan which show the principle Skeleton Surface Water network used to convey and attenuate flows within the site. This will take into account the two catchment splits within the development and the requirements of the receiving drainage authority allowable discharge rates.
- The drainage strategy will demonstrate how SUDS has been considered and where possible incorporated into the surface water design for the proposed development. It will also identify possible authorities/organisations who will be responsible for the long term maintenance of the surface water network.
- It was agreed that the surface water attenuation ponds are to be located in Flood Zone 1.

As significant time has passed since that meeting and the original proposal was to have a follow up meeting in August/September we would recommend that a meeting is arranged with the interested parties to discuss any progress made to date and the requirements for further works. This will need to consider the associated changes to NPPF and statutory consultee role from April in regards to the LLFA and the EA.”

A Drainage Statement and Strategy has since been provided and the EA are yet to comment upon this.

17/08/16 – “If this site falls in Flood Zone 1 we defer the decision on surface water disposal to the Lead Local Flood Authority.” Clarification was provided that some of the site also lies within zones 2 and 3.

24/08/16 – “I refer to the above application which was originally received on the 19 March 2014 and held in abeyance for various issues, now resolved.

Following the update of the Upper Witham Model we have amended the Flood Zones in and around the proposed development and have flood depth data available for the site. This new data was not included in the original flood risk assessment therefore the proposed flood risk recommendations are out of date. To ensure flood risk is appropriately addressed we recommend the following condition:

Condition

No development shall take place until the finished floor level of the proposed residential dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To reduce flood risk to the proposed development.

NOTE TO LPA:

The Environment Agency no longer comment on Surface Water aspect following the implementation of the Flood and Water Management Act.

To reduce the risk of pollution during the very early stages of development the following condition will also be applicable:

Condition

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

Reason: To reduce the risk of silt pollution to watercourse and surface water sewer.

INFORMATION:

Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution."

Network Rail – (01/05/2014) Comment as follows: "Thank you for your letter of 19 March 2014 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

Given the size and proximity of the development in relation to the railway and in particular the emphasis on improved cycle links it is considered appropriate that a contribution is sought from the developer towards station facility improvements, and would suggest an additional 10 Sheffield cycle stands. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed.

Drainage

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

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

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence for all of the boundary to the east side of the development adjacent to Network Rail's boundary, including the strip of land at E: 483073 N: 351399 (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. Developers may be asked to pay for bridge protection barriers.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

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

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

The method statement will need to be agreed with the Asset Protection Project Manager...”

Upper Witham Drainage Board – Initially objected commenting there was insufficient information submitted and requested a multi-agency drainage meeting. Following the MAM they withdraw their objection on 01/12/14.

24/03/2015 (in response to Drainage Statement and Strategy) – “The Board is satisfied with the surface water drainage principles within the *‘Surface Water Drainage Strategy and Statement’*, However it should be noted that from the 6th April 2015 a site of this size would be expected to fully implement SuDS for the management of run-off and the strategy together provisional layout would be agreed at a pre-planning stage. The final details of the surface water system would be expected to be resolved at the detailed planning stage.

The Applicant should be aware that the Environment Agency is currently in the process of updating the River Witham model and the results are expected to change the flood zone outlines. This may impact on the site layout.

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 6 metres of the top of the bank of any watercourse within the Board’s District..

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or waterlogging on adjacent property.”

08/04/15 – No further comments to make to those already submitted.

27/07/16 – No further comments to make.

Trent Valley Internal Drainage Board – ‘The application site is outside of the Trent Valley IDB district. Water flowing west from the site flows into an EA Main River soon after entering the Board’s district. We are therefore satisfied with the proposals and do not consider our attendance (at a Multi Agency Meeting) is required provided drainage details are agreed between EA (Trent and Witham catchments), NCC (LLFA), Upper Witham IDB, Severn Trent and Anglian Water.’

Anglian Water Services – No response has been received.

Fire Brigade Headquarters - No response has been received.

British Gas plc – No response has been received.

Ramblers – (20/04/15) “Both Central Government and Local Government policies promote the need to improve health and wellbeing and provide ‘non---motorised vehicle’ travel opportunities.

For the development to be considered sustainable it needs to take into account residents need for exercise and connection with ‘green space’. External to the developments the need for connections to the ROW network and Newark need addressing as do internal movement routes.

Whilst the application partially addresses the need for ‘non-motorised vehicle’ links to Balderton and Newark there is no mention of the links to the wider ‘green access’ network.

The Fernwood developments sites are particularly isolated by their position between the A1, The East Coast Mainline and the Shire Dyke so it is important that the ROW network and green spaces are linked up across the wider site and into the countryside to the south and east.

We have already discussed with Newark & Sherwood Planning Officers the need for an overall plan for all the developments around Fernwood with ‘green access’ routes south along the Shire Dyke and gas pipeline corridor.

These would provide

- Sustainable intercommunity links within and between all the developments.
- Create sustainable travel links between all the developments and Newark.
- Open up circular routes on the public right of way network through the countryside around Claypole.

The submitted plan shows that Hollowdyke Lane will be upgraded to an access road for the development and will carry significant motor vehicular traffic.

In view of this an off road ‘green route’ for cycling and walking (public bridleway designation) is needed from the vehicle barriers on Hollowdyke Lane to the proposed routes through the developments to the south. The former route of Balderton FP4 would have been ideal. We would want to see this set a condition of planning consent. Attached is a plan of our proposals for the wider development site.

We would want to see this set a condition of planning consent. Attached is a plan of our proposals for the wider development site. The current situation with FP10 situation is lethal. The footpath starts at the bottom of Worthington Road, Balderton where there is a wooden staircase leading onto the A1. This has become a little overgrown but is perfectly serviceable --- represents a challenge to the youth of the neighbourhood to try and sprint across the A1.

To quote from pg. 33 of the Design and Access Statement --- "potential to enhance the existing footpath route providing a stronger link to Balderton". In the absence of the FP10 footbridge this will presumably mean Hollowdyke Lane --- we also note that a "Hollowdyke Greenway" is mentioned on p61. In the absence of a footbridge to carry it across the A1, FP10 should be replaced by an improved route along Hollowdyke Lane to connect to FP4, thereby providing a continuous route from Balderton to Claypole."

SUSTRANS - No response has been received.

Police Architectural Liaison Officer – No response has been received.

NSDC - Access and Equalities Officer – No comments or observations at this stage.

NSDC- Environmental Health Contamination: 'A Phase I Geo Environmental assessment report for the Greater Fernwood development area has identified a number of historic and current contaminative uses which may impact on the development area, for this land parcel there is an adjacent scrapyard and railway line. The report recommends further phases of investigation to be targeted at such uses and this can be controlled through the use of appropriate conditions. As such I would request that our standard phased contamination conditions are attached to the planning consent.'

NSDC- Environmental Health – (original comments from 2014)

"Noise

'The noise report is a substantial piece of work dealing with the outline application issues. The finding of the report indicate that detailed noise mitigation measures will need to be submitted with any future application for detailed approval, were the scheme to progress. At that time it would also be wise to ask for details in relation to noise and dust reduction measure in respect of the construction stage.'

21/04/2015 – 'For the purposes of implementing [Directive 2002/49/EC](#) (Environmental Noise) this area along the west side of the A1 has been identified by DEFRA noise mapping (copy attached) as an area with elevated levels from road traffic noise and an action plan is already in place: if the land to the east of the A1 were already developed it would undoubtedly have been included. The high levels of noise from road traffic is confirmed in the applicants own monitoring.

Additionally there is a feasibility study being conducted by Network Rail into the closing of level crossings on the East Coast Main Line between London and Doncaster as part of their commitment to deliver a safer, more efficient and reliable railway. It has been identified that this will increase rail speeds and train numbers, which is likely to have an impact on noise levels.

Without a detailed layout it is hard to establish whether noise mitigation controls by the developer would achieve a reduction of noise from road traffic or rail to acceptable levels as stated by the World Health Organization and therefore I would suggest whether it is prudent to use this land for residential purposes without the use of effective noise mitigation measures.

Air Quality

The updated Chapter 9 has been reviewed and in summary, EHO are satisfied with this detailed assessment, they are not aware of any air quality issue at the locations described and so are in agreement with their prediction that the impact of the development on air quality will be minor.”

18/07/16 – Air Quality - “I have now had the opportunity to view the air quality chapter in the Second Addendum Environmental Statement for the above application. This latest version uses more up to date data for making the assessment, however broadly speaking the outcome is very similar to the previous assessment with no exceedances of air quality objectives predicted.

Whilst we are generally in agreement with the outcome of this report, we would welcome the incorporation of any measures that could contribute to improving air quality, despite predicted levels being below air quality objectives. For example a travel plan (as suggested) and incorporation electric vehicle charging points at a proportion of residential dwellings etc.

We concur with the report’s recommendation for a dust management plan for the demolition and constructions stages and shall await its submission in due course.

Please note that there were no updates to the previously submitted contaminated land documentation and so our previous comments still apply, please contact me if you require anything further”

18/08/16 – Noise and Vibration “I have had a look at the revised Environmental Statement 1.7.2016. In relation to noise and vibration, at my request they identified categories as shown within the now defunct PPG24. They provide some illumination on the noise and vibration concerns on this site. Due the presence of the ECML and A1 trunk road noise levels are high as would be expected. Mitigation measures are needed to achieve a reasonable level of protection not only inside the dwellings but also in respect of outdoor space, to avoid the creation of so called “acoustic prisons”. The detail of these measures is not yet set out and would form part of a detailed revised matters submission.

On that basis, were any approval to be given, then details of the proposed noise and vibration protection measures must be clearly set out at that stage including all recommendations from the Environmental Statement.”

NSDC (Emergency and CCTV Planning Co-ordinator) No response has been received.

NSDC (Strategic Housing) – No response has been received.

“(We) have discussed both scenarios put forward on the Barratt David Wilson proposal at Fernwood. We are all in agreeance with yourself that scenario 2 is the most suitable as the first option is not defined as ‘affordable housing’. That said, we are obviously disappointed with a 11.5% provision but as you point out, viability has been robustly conducted in this case.

Our preference however is for the intermediate contribution to be for shared ownership. This product will meet a wider range of affordability issues as ownership can start at 25% on initial purchase up to 75% and leaseholders can staircase up to 100% ownership in this location. We have concerns regarding the DOMV product i.e. limited mortgage availability, competition from the help to buy scheme (or future Government initiative), the impact on the local housing market and the potential resource impact on the Council if we have any involvement in ongoing management of such a product, especially if linked to a local connection criteria in the S106.”

NSDC (Conservation) - Comment as follows (15/08/16):

“Many thanks for consulting Conservation on the outline scheme for the above.

‘Fernwood North’ is a strategic housing site identified in the Council’s Core Strategy LDF DPD, and forms part of the delivery of the Newark Growth Point (an outline planning application has also been submitted for an urban extension to the south of Newark (ref 16/00506/OUTM) which seeks outline permission for up to 1800 dwellings, and amongst other things, a new southern link road).

The submitted scheme seeks outline permission for up to 1050 houses and associated facilities with all matters reserved other than access. The existing site is predominantly agricultural land. By virtue of its scale, form and potential layout, the proposed Fernwood North proposals are capable of affecting the historic environment.

Legal and Policy Considerations

The NPPF sets out a "presumption in favour of sustainable development" within 12 core land-use planning principles that underpin both plan-making and decision-taking. The historic environment is addressed in paragraphs 17 and 126-141, among others. Annex 2 of the NPPF defines the ‘historic environment’ as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. A ‘heritage asset’ furthermore, is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets such as listed buildings, conservation areas and scheduled monuments, as well as assets identified by the local planning authority, including local interest buildings and other non-designated heritage assets. Heritage assets with archaeological interest are so defined if they hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

The DCLG Planning Practice Guidance (PPG) should be read in conjunction with the NPPF and includes guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. In addition, Historic England have produced a series of Good Practice Advice (GPA) notes that provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be put into practice. It follows the main themes of the planning system - planning-making and decision-taking - and other issues significant for good decision-making affecting heritage assets. GPA2 – Managing Significance in Decision-Taking in the Historic Environment and GPA3 – Setting and Views are relevant in this case, as well as HE Advice Note 2 – Changes to heritage assets and HE Advice Note 3 – Site allocations.

The proposal site does not contain any designated heritage assets. There are a number of designated heritage assets within the wider area, however, including the important landmark Church of St Giles in Balderton (Grade I listed; also within Balderton Conservation Area), the Church of St Mary Magdalene in Newark (Grade I), the Church of All Saints at Barnby in the Willows (Grade I) and the Church of St Peter at Claypole (also Grade I; within South Kesteven District). Impact on the setting and significance of nationally significant landmark buildings such as these is an important consideration. In accordance with section 66 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process.

Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

Observations

Conservation has reviewed the submitted information and has no significant objection to the proposals. The proposal represents a large development on the northern side of Fernwood, which is in itself a large urban extension. Furthermore, given the existing built form of Balderton and Fernwood, it is felt that the proposal is not likely to compromise designated heritage assets in Balderton or Newark, and I am satisfied that topography and relative distances between receptors and the proposal site ensure that impact in the wider landscape is not likely to result in any specific material harm to the setting or significance of the Church of St Giles in Balderton or Church of St Mary Magdalene in Newark.

Nevertheless, given the scale of the development, it is possible that it could have an impact on the wider landscape setting of designated heritage assets, and therefore any proposals to reinforce and improve green infrastructure within and to the edges of the proposal site could help mitigate impact on the wider landscape setting of landmark churches.

Other matters

The development site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies three sites of interest within the Fernwood North site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. The effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 of the NPPF. In

weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139 of the NPPF). I defer to the County Archaeologist Ursilla Spence on these matters.”

NSDC (Parks and Amenities) – Made a number of comments in relation to the original scheme which were as follows:

As a development of 950 dwellings this scheme will need to make provision for public open space in the form of amenity green space (14.4m²/dwelling), provision for children and young people (18m²/dwelling), outdoor sports facilities (52.8m²/dwelling), allotments and community gardens (12m²/dwelling) and natural and semi-natural green space. The ‘Illustrative Master Plan: Provision of Open Space Strategy’ shows a deficit in provision for outdoor sports facilities of 1.556ha and allotments and community gardens of 0.222ha and a surplus in provision of amenity green space of 0.009ha. There is thus an overall deficit in provision of 1.76ha. Considering each type of open space individually I would comment as follows:

Amenity green space – fully provided for.

Provision for children and young people – fully provided for however the Provision of Open Space Strategy plan shows an area of c1ha of provision for children and young people adjacent to the outdoor sports facilities in which the ‘Fernwood (North) Newark – Illustrative Master Plan’ shows a football pitch being located. The Illustrative Master Plan also shows a Local Equipped Area for Play in this location. I believe it would be preferable for this area to be designated as outdoor sports facilities as this would go some way to making up the deficit and would also allow for a more meaningful and usable area for sports pitches and ancillary facilities. I believe the loss of this area of provision for children and young people should be compensated for by an increase in the area of provision adjacent to the primary school. Returning this area to the size shown on the ‘Fernwood, Newark Parameters Plan’ would make the Middle Green area a more usable and attractive space with sufficient room for the buffer zones that are required for a Neighbourhood Equipped Area for Play. The LEAP shown in the sports area would not be required however the LEAP shown to the west of the development should be retained. Details of how the LEAP and NEAP should be laid out are contained in the Fields in Trust publication ‘Planning and Design for Outdoor Sport and Play’ and I would recommend that a landscape architect be involved in the design of these spaces.

Outdoor Sports Facilities – as outlined above in order to create sufficient space to allow for an appropriate range of team sports I believe the sports area should be extended to include the area to the south currently shown as provision for young people. This would reduce the deficit in provision to c0.3ha. Rather than the developer laying out the pitches and providing towards the ancillary facilities (pavilion, car parking etc.) I suggest that it would be more appropriate for the developer to make a financial contribution towards them. As detailed in the Council’s Developer Contributions SPD the amount per dwelling for outdoor sports facilities is £718.70 per dwelling (2013 prices) and the total contribution based on 950 dwellings will thus be £682,765. However an allowance needs to be made to take into account the fact that the developer is providing the land for the sports facilities and an appropriate figure calculated for this (taking into account the fact that the land in question is in a Zone 2 flood plain). The question of the future maintenance of the sports facilities also needs to be taken into account and I believe it is justifiable to seek a financial contribution from the developer towards this.

Allotments and community gardens – the location of these on either side of a scrap yard is not ideal and there is a deficit in provision of 0.222ha which equates to 11no 200m² plots.

Natural and Semi Natural Green Space – I welcome the provision of green corridors and the retention of some hedgerows. However the scheme does result in the loss of some wildlife habitat and wherever possible this should be retained and incorporated into the development. In addition I believe a mechanism to secure the management of the natural and semi-natural green spaces by an appropriate organisation, and funding to assist with this, needs to be put in place.

In response to the first amendments, the Parks and Amenity Manager has confirmed that he is satisfied with the scheme and has made the following comments in relation to the NEAP. The NEAP should be provided in accordance with the specification for a Neighbourhood Equipped Area for Play taken from the Fields in Trust publication 'Planning and Design for outdoor Sport and Play'. Its difficult to specify what actual equipment should be provided as this would be better decided in consultation with the new community. However the following points are relevant:

- The NEAP should occupy a well-drained site, with both grass and hard surfaced areas, together with impact absorbing surfaces beneath and around play equipment or structures as appropriate
- It should include an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football)
- A buffer zone of 30 metres minimum depth should separate the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided. The buffer zone should include varied planting to provide a mix of scent, colour and texture
- It should provide a stimulating and challenging play experience that includes equipment and other features providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play, natural play, ball games, wheeled sports or other activities. There should be a minimum of nine play experiences included
- Seating for accompanying adults and siblings should be provided, together with one or more litter bins
- The older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps
- There should be a sign indicating that the area is for children and young people's play and that dogs are not welcome. The name and telephone number of the facility operator should be provided, together with an invitation to report any incident or damage to the NEAP

NSDC (Community Sports and Arts) - 'I support the principle of this development and would request that full consideration of the impact of the proposals will be recognised through suitable and sufficient Community Facility contributions to ensure that appropriate community infrastructure is provided in a coherent and pragmatic manner. I would welcome the opportunity of discussing the proposals further with the developers to ensure the above is achieved in a satisfactory and timely manner as the proposed new build develops.' *Meetings and discussions with the developers have since taken place and the provision agreed.*

MOD – No safeguarding objections. (Re-confirmed 03/08/16)

National Grid – Comment as follows:

28/03/14 ‘Regarding the enquiry above (your ref. 14/00465/OUTM), there is a High Pressure Gas Pipeline in the proposed development area.

A HSE PADHI assessment should be completed in order to determine the suitability of the development. I would ask that if approved, a stipulation is made on the approval to contact National Grid in advance of any works so that provisions can be agreed with regards to construction etc.’

28/04/2014 - No objections from the Asset Protection Team to the proposal which is in close proximity to a High Voltage Transmission Overhead Line – 4VK. (they enclose map showing the location).

22/07/2016 (received) - No objections. Note to applicant needed.

Health and Safety Executive – “HSE does not advise, on safety grounds, against the granting of planning permission in this case.

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain

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- The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE’s advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice is produced on behalf of the Head of the Hazardous Installations Directorate, HSE.”

Fisher German (re Government Pipelines and Storage Systems GPSS, CLH Pipeline System Ltd) –

Initially raised concern, following lengthy discussions between the LPA, Barratt and the CLH and various site meetings, their engineer (Richard Coulson) has noted (on 7th November 2016) that the development is okay to proceed and recommend the lifting of the objection. To date this has not been formalised by his colleagues although requests have been made.

The following comments have been made previously:

19/03/2014 – “We can confirm that our client’s apparatus, the Government Pipelines and Storage System (GPSS), may be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the accurate location of the pipeline in conjunction with your proposals you should contact OPA Central Services, to arrange a site visit.

When contacting OPA Central Services, please quote the File Ref/Unique Number given at the top of this letter, which is specific to this enquiry. Please note that you should contact OPA Central Services within 28 days of the date of this letter in order to validate this enquiry otherwise it will become void.

You should note that the interests of the GPSS are conserved by means of the Land Powers (Defence) Act 1958, in particular Section 16 of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Land Powers (Defence) Act 1958 that specifically prohibits any development and most intrusive activities within a GPSS Wayleave without specific consent from the Secretary of State for Defence. GPSS Wayleaves are generally 6 metres wide and bestride the pipeline 3 metres on either side and can incorporate other associated GPSS facilities. OPA Central Services will be able to provide guidance on the required procedures for entering into a Section 16 Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining Section 16 Consent can take between four and six weeks depending on circumstances at the time of application.

To reiterate, you should not undertake any work or activity without first contacting the GPSS Operator for advice and, if required, Section 16 Consent. For your additional information please visit www.linsearch.org, subheading useful information, standard requirements for working/crossing Government pipelines.

You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage GPSS apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline.

Examples of such works are mineral extraction, mining, explosives, piling and windfarms. Please note that implementation of any unapproved work that affects a GPSS Wayleave may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage. Should you require any further assistance regarding this letter please contact the undersigned or alternatively, you can contact the OPA Central Services using the details provided above.”

Site visit was undertaken in September 2014 and engineer on site was satisfied that the pipeline would be unaffected.

16/06/15 - Make general observations pointing out that their client’s apparatus, the Government Pipelines and Storage System (GPSS), may be affected by the proposal. They point out that the Land Powers (Defence) Act 1958 specifically prohibits any development and most intrusive activities within a GPSS Wayleave without specific consent from the Secretary of State for Defence. GPSS Wayleaves are generally 6 metres wide and bestride the pipeline 3 metres on

either side and can incorporate other associated GPSS facilities. They also point out that the developer may need to enter into a Section 16 Consent and provide confirmation on permitted development and intrusive activities. They point out that landowners and third parties have a duty of care not to carry out any works that have the potential to damage GPSS apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline.

06/07/16 - Confirm their clients apparatus the CLH Pipeline System – Energy Act 2013 may be affected by the proposals given it is located within 3m of the pipeline and advise that works would require consent which would not be granted as it would restrict access to the pipeline for maintenance and in an emergency.

12/08/16 – “I write in response to your email dated 12th August. Having discussed the matter in detail with CLH-PS it is our understanding that the proposed building layouts (both 950 and 1050 houses) are based on pipeline date which has not yet been confirmed by the site visits. The previous correspondence (June 2015) to which you refer discusses the requirements to contact Central Services to arrange a site visit which, from what I understand, did not take place. As such we have lodged an objection to the second application to facilitate these requirements being actioned. I’m sure you will understand that CLH-PS need to protect the integrity of and access to their infrastructure, therefore it is fundamental that the exact location of the pipeline is confirmed before agreeing to any work or change of land use above or surrounding their pipeline. It is likely that trial holes will be required to confirm this information following which CLH will be able to discuss their requirements and approve amended development plans, if necessary. The developer will need to discuss to arrange a visit with the local CLH-PS pipeline technical via the CLH-PS Saffron Walden Right of Way Office.

British Horse Society - No response has been received.

National Planning Casework Unit (NPCU) - No response has been received.

58 individual representations were received in relation to the original application (6 were supportive with concerns with the remaining being objections or concerns). A petition raising objections was also been received containing a total of 67 signatures;

Summarised comments objecting/raising concern:

Principle

- There are other allocated brownfield sites (such as those within the land south of Newark) which should be an alternative;
- Development should not take place in the countryside;
- Object to development on green field site without any conservation/preservation benefits;
- Requests the LPA consider the application against the Local Plan policies;
- Fernwood will become over populated and over developed, taking up too much countryside;
- If they must build more houses they should go on the other side (phase 1) of Fernwood where there is less houses and traffic;
- We were told in 2010 when we bought the house it would be at least 10 years before any more houses would be considered;
- The developer's public consultation meeting/display in Fernwood Village Hall in December 2013 gave the impression that the development was certain to proceed. This confidence seems to emanate from and be supported by Core Strategy which is disturbing;
- Concern about the volume of housing proposed for Fernwood;

- So many new houses is not sustainable in this area;
- Fernwood is big enough already;
- Destruction of green belt land;
- Consideration should be given to renovating and refurbishing slum areas with dilapidated buildings already in situ;
- Soil survey on behalf of Ministry of Agriculture describes it as fertile soil;
- There are areas of higher ground with poorer quality land that are more appropriate for development;

Infrastructure (lack of)

- Expansion of the school is already causing problems with cars, kids with bikes and scooters;
- The fundamentals such as infrastructure is not there, we do not want retrospective engineering;
- Shortage of school places at Chuter Ede Annex school
- There needs to be more shops, a larger village hall, schooling not only for younger children
- As Fernwood is planned to grow it should be granted Parish status and will require a place of CofE Worship.
- There is a need for a doctors and dentist service to be provided for the new and current residents of Fernwood. The current NHS services are located away from the estate and there is nothing to support the residents.
- Supporting facilities need to be established alongside houses, such as a Post Office, Banking and doctors and shops;
- Green spaces within the site are not good enough. Not everyone wants to kick a football. Developers need to provide indoor facilities (squash, badminton) and invite businesses to get on board to provide residents with choice/
- Strain this will put on resources
- Small commercial centre in Fernwood it is often very busy with the existing inhabitants. The addition of nearly a thousand new homes will make this already congested area even more difficult to access.
- Village centre is already close to capacity
- All works, build and enhancements to Fernwood Central should be completed prior to commencement of the development
- No provision is being made for a doctors surgery or chemist
- Need more shops
- Need more recreational/sporting facilities
- Fernwood suffers from low water pressure. A mains upgrade is required
- Poor telecommunications network is already in issue;
- A one way system should be introduced through the existing village shops and community centre by negotiating a separate access via Balderton Hall;
- Build new overflow carpark adjacent to the village hall;
- New access road into central area via the existing roundabout leading to Goldstraw Lane;
- There is no provision for the introduction of further shopping and community facilities within the new development. Bearing in mind the problems of access and parking provision to the existing centre (now referred to as Fernwood Central) the outline plan should be re-visited to accommodate such arrangements. There absolutely should have been some measurement of the traffic movement through the Central area, use of the shop units and the village hall – initial investigations would have revealed that usage and access is at near capacity.
- Sporting facilities within flood zone 3 means there is no possibility of a changing room or car parking which is important;

- Little regard for infrastructure issues.
- here is such a large population going to shop, have adequate medical (when local facilities are struggling) and schooling provision (a long standing problem for Newark's under-achieving ,bused-out children) and find real recreational facilities?
- We don't think the token football pitches shown on the proposed plans would be viable with hostile water levels. Even their suggestion appears a cynical sop
- Public spaces are crucial to social lifestyle satisfaction.
- Real social issues
- Parking will need to be provided with recreational facilities to accommodate other teams.

Natural Environment

Many of the following comments relate to the loss of trees/hedging along Hollowdyke/Spring Lane:

- The wildlife and the environment will suffer;
- Existing trees should be kept and large numbers of saplings should be planted during the duration of the build, with the plans including substantial green areas;
- Loss of hedgerow means loss of habitat including for bats, owls, deer, hedgehogs, pheasants, woodpeckers, jays, thrushes, ladybirds, dragonflies, robins etc;
- Concern and objection to loss of ancient hedgerow along Hollowdyke Lane (H36);
- H36 is natural wonder which reflects the changing seasons and is sanctuary and food source for countless forms of wildlife including numerous bird species and Pipistrelle bats;
- Bats can be seen circling the hedge just after dusk during the summer months in search of their prey within the hedge;
- So called "mitigation planting" will not compensate for this proposed vandalism. Presumably the builder believes that planting the odd specimen tree here and there is going to make up for the wholesale destruction of the countryside?;
- If removal of hedgerow is approved legal help will be sought citing the 1765 "Inclosure Act" which has been successfully ruled on in similar situations. In essence the act states that a hedge such as H36 must be maintained "forever" where the hedge concerned borders a road and therefore is considered to be of "legitimate public interest";
- Removal of large amounts of irreplaceable hedgerow which not only affects the long established environment but also may be in contravention of the Flamborough Inclosure Act 1765;
- The importance of hedges is well summarised in the following quote: "*Trees and hedgerows are valuable for many reasons. They provide us with oxygen, help with pollution, reduce the sound of traffic, make our towns and villages more pleasant and attractive and add value to our properties. They provide essential habitats for our wildlife and provide a living link to the past*" This is quoted from the Newark and Sherwood District Council website.
- Widening Hollowdyke Lane will destroy hedgerows and increase carbon footprint.
- Will these be replaced by 2026?;

Residential Amenity

- The noise, mess and inconvenience (from construction traffic through existing Fernwood) to current residents would be insufferable;
- Residents have had 10 years of this situation to date. Another 10 years of this would be insufferable;
- Loss of privacy as at present it is a field view and not over looked at all which we would not want to lose;
- This could lead to a loss of quality of life for the current residents of Fernwood;

- There should be planting strip between houses on north-west side of Johnsons Road as shown on the plans (this was removed);
- Much lower density housing should be planned all the way along the back of Johnsons Road;
- Properties built so close to the noisy, busy, polluted A1 would be unacceptable;
- Adverse impact on properties that back onto the Hollowdyke Lane and road widening would remove the opportunity for many people to walk, run, cycle and enjoy the countryside;
- Residents do not wish to overlook a major, busy and noisy road;
- Loss of trees to Hollowdyke Lane would increase noise;
- Extra traffic (construction and then residents) will destroy peace and quiet;
- Removal of trees along Hollowdyke Lane will have significant impact upon residents due to loss of privacy and security.

Flooding and Drainage

- Reassurances are required that there is no risk to the proposed development and that it will not impact on existing village;
- There are serious concerns about flooding in Fernwood generally with the ever increasing houses being built using concrete and tarmac hence the inability for water to soak away;
- Questions if there is any provision for any form of flood defences such as banks to avoid flooding to the proposed houses nearby;
- What actions have the developers taken to reduce the risk of flooding generated by the removal of farmland and increase in surface runoff areas:
- The area can be seen to covered in flood and ground water at most time of the year after heavy rain. The builders should be required to ensure that the design of the estate includes rain capture and flood defences to provide protection.
- Serious reservations about sewerage capacity;
- There have been existing problems with drainage ditches and flooding within the existing Fernwood;
- Developers have cleared silt from their estate outflow and re-graded the drainage ditch past the rear of Fernwood houses to an adjoining drainage ditch that flows to Shire Dyke and into the Upper Witham;
- Has pumping capacity been increased downstream to cope with this extreme increase of outflow?;
- There also appears to be a children and young people's provision in close proximity to the pond!!
- Where will water from pond to the South of the proposed estate be pumped to?
- Who will be responsible for the maintenance of the balance ponds?
- Why don't you insist that the ponds are Subterranean;
- Very little information to be confident regarding the impact on my environmental needs;
- Flood events are happening more often and modelling programmes are having to be updated to suit. What programmes have been used if any to determine flows?
- Will there be adequate removal of excess surface water into current drainage system
- Would dykes be filled in and would flood risk increase?

Transport

- It is understood Hollowdyke Lane/Spring Lane would be primary route although no details on upgrade have been provided;
- At what point will improvements happen to Hollowdyke Lane?
- Blocking north end of Hollowdyke/Spring Lane will isolate Fernwood from Balderton;

- Hollowdyke Lane route retains the extremely tight right-angle bend. As this is envisaged to be a major route for the movement of plant machinery and materials for the build the retention of this element makes little sense. A more sustainable approach would be to remove this bend by taking the road across to the Claypole Road rather than follow the existing line;
- At least 3800 car journeys per day along roads;
- Other accesses should be investigated such as the design of a purpose built road in the vicinity of the turn off for Claypole village;
- Entrance to Hollowdyke Lane is blind spot and very dangerous, even widening it would alter that fact.
- Concern about which route new residents would take to gain access to Great North Road (through busy residential estate having to navigate parked cars and traffic calming measures or along Hollowdyke Lane)
- There is insufficient information provided to determine the potential impact on the roads.
- How are the farm vehicles that use Spring Lane/Hollowdyke Lane and also travel to Claypole going to be routed assuming the 'bus gate' will be adopted? Will they have to travel down Main Street?
- Where is the detail for the widening of Spring Lane/Hollowdyke Lane with bike/footpath?
- Questions if there scope for the developers to fund extending bus service 2 into Fernwood for a period of time whilst the development is taking place and to fund extra services to the 41 service.
- Already parking problems and lots of traffic,
- Parking at Fernwood is terrible and very dangerous as people are parked on pavements, corner of junctions and both side of the road making it dangerous not only to cars that are moving but to pedestrians as they have to go onto to the road to get past park cars
- The main road into Balderton isn't sufficient for the traffic.
- Building an additional 950 houses will make this even more a death trap with the parking and traffic
- Dale Way is becoming a very busy road as the number of houses increases on the estate. Increased traffic has seen a number of incidents in the last few years;
- The road is not wide enough or designed to take a large volume of traffic;
- Another 950 houses will render the spine road significantly more dangerous;
- Initial plans appear to indicate only Goldstraw Lane and Dale Way will be used as access to the new houses and that Hollowdyke Lane remains as it is. This does not take into account the volume of traffic and safety of this stretch on Dale Way.
- Questions what actions the developers have taken in increasing the number and safety of the main routes into the estate?
- The current roads with the Fernwood estate should be adopted prior to the next stage of the project to ensure the builders handover the estate to the Council.
- Currently Goldstraw lane is heavily congested due to poor road design and vehicles parking on the road. If Goldstraw Lane was to be the main access to the new builds this would be a major issue. Another access route will be required to access the new estate, such as Hollowdyke lane being widened.
- The new estate should be designed in such a manner that Goldstraw Lane and Dale Way are not capable of being used as shortcuts and run through to the new estate.
- Access to Hollowdyke and Spring Lane would involve major widening with the dykes and lagoon creating expensive problems .The proposed increased population would have a totally inadequate and dangerously overloaded road infrastructure at the NE end towards the A1 bridge.

- The volume of traffic which is bound to increase and hence probably pass along London Road on their way to Newark needs to be taken into account. Again this needs to be viewed along with the remainder of the proposed developments in the future and appropriate exit/access points established to cope with the ever likely increase in traffic in the future when the other 2500 houses are built.
- The residents at the bottom end of the new development may wish to use the route past the current scrap yard to leave, which would take them under the A1 bridge and to the awkward junction soon afterwards. Some arrangements to road improvement needs to be made in this area;
- Fernwood is already congested on Rubys Avenue;
- Cars are parked on the kerbs, double parked and the shops regularly receive deliveries which causes chaos;
- In terms of the access to the estate there would need to be serious consultation about access to the new proposed area of Fernwood north as traffic off the A1 at peak times is concerning;
- Hollowdyke Lane is in very poor state of repair and not made for lots of traffic. The road is used by large agricultural machinery especially during the summer months;
- Particular concern about the proposal for Hollowdyke and Spring Lane.
- We cannot believe that if the development of over 900 houses has to go ahead that this is the best option for site access. There must be more suitable alternatives that will not have such a significant impact on so many people.
- Application presents a highly optimistic and biased view of the current public transport provisions. There are very limited options for those without access to a car.
- Wildlife and domestic pets are regularly killed on Dale Way and concern there will be human fatalities.
- Roads still are not adopted;
- Reservations as to whether Hollowdyke Lane as primary access is the best option.
- Spring Lane and Hollowdyke Lane are currently used for cycling, dog walking and jogging.
- There will be a risk to pedestrians and cyclists from the large increase in traffic levels and the higher risk of speeding traffic. Loss of hedgerows would leave properties with no protection from damage from vehicles and people.
- Instead of widening Hollowdyke/Spring Lane a third roundabout could be built at junction with Shire Lane, with access routes via Broad Fen Lane or a new road
- Existing accesses into Fernwood are insufficient and new route in needs to be found
- Failure to supply a 2nd crossing point for the proposed expansion site will risk generation of high levels of congestion and potential isolation for those residents moving into the expansion zone who do not own personal transport. Failure to supply such a crossing will encourage car usage whereas a more direct, pedestrian/cycle route into Balderton/Newark will reduce this risk.
- Spine road will require traffic calming along its entire length and a 20mph speed limit would be preferable to minimise risk associated with urban traffic.
- Northern Newark by-pass cannot cope with the traffic being delivered into it for the recently duelled A46, Expansion will only add to this problem. A southern by-pass, to join the A1 at Balderton is required as part of any further expansion of Newark if the problem is not to be made worse and ultimately lead to traffic flow collapse.
- Closing off Spring Lane with bus gate will isolate Fernwood from Balderton. The bus gate will not materialise and if it does it will be at the end of the development
- Balderton will benefit from increased population but will not be adversely impacted by it with burden placed upon Hollowdyke Lane.

- Road in Balderton is already serving as a main road, has better public transport and better disposed to handle increased traffic, yet it is being denied vehicular access from Fernwood and vice versa.
- Concern that junction of Hollowdyke Lane and Great North Road only caters for traffic to the site;
- Traffic will increase risk – has risk assessment taken into account the age demographic of the area?

Construction Traffic

- Building should not impact on the current residents such as the transporting of HGV's and plant equipment through the current estate.
- Existing roads are covered in mud from existing construction traffic;
- Residents having to tolerate construction traffic with no end in sight;
- Construction traffic should not prevent the bus service as it currently has within the estate.
- Roads are not sufficient and/or appropriate for heavy construction vehicles and subsequent doubling of traffic from the influx of future residents.
- Extensive and expensive development of access and egress roads will be necessary.
- This will only add to the already extended disruption at Fernwood through Balderton and subsequently an already extremely busy London Road and congested Newark town centre.
- Noise and vibration to residents;
- It is unlikely that heavy vehicles will be permitted to use Main Street Balderton. That was apparent when work began on Fernwood phase 1 in the late 1990s. The use of Dale Way would raise significant objections;
- Utilising Hollowdyke Lane for construction traffic merely transfers impact from one site of residents to another set for a long period;
- The access to the new areas of development need to be considered. This is of great importance during the construction stages, which will last many years.
- There is no way that construction traffic should be allowed through the current, almost completed, development. There appears to be no obvious link of current main roads to the new build areas anyway.
- The route will therefore need to be through Balderton (unhappy residents) or along Hollowdyke Lane etc which are currently in a state of disrepair and would break up very quickly.
- You need to consider how the next phase after this will be serviced and you may have a solution in that a new road is needed from the 'A1' along to the new developments outside the current village boundaries. This will act as a spine to the future building program featuring the additional 2500 houses.
- If access to Fernwood North is to be via Hollowdyke/Spring Lane, then this should be a fully scoped road. It should not just use the existing verges and ditches that Barratt Homes happen to already own, or have access to. They should buy land immediately to the south and east of Hollowdyke/Spring Lane to expand the road onto - leaving the existing ditches, trees and verges as buffers.

Public Transport

- Bus service is total inadequate;
- Lack of public transport will lead to constant use of cars;
- Existing bus service is not practical as takes 45 minutes to get into Newark because it goes through villages first;

- Consideration should be given to transport links to train station(s) and planning with these transport companies, to ensure these links continue to operate during maturity of the development - Fernwoods transport links are okay if you drive and have a car!
- The bus services must be improved. Timing of the existing services is poor and the routing is inappropriate. It is there purely to serve non-working residents who have no time pressures and need a ride into Newark.
- There must be an integrated transport plan for residents, not simply offering a bus when one is available and not being used for other means.
- No logic to making the north end of this road as bus lane only. This limits access to the area and will cause significantly more traffic to pass through the congested Fernwood area and nearer the primary school.

Other

- Ripping out hedges is cheapest and easiest option
- rectify the existing problems and prevent them on the new development
- Occupiers must have long term career opportunities, created by working with local manufactures (some precision), schools etc, to ensure that companies choose to base, grow & continue to operate their companies within Newark.
- Maintenance charges need to be addressed to avoid anomalies; residents feel they are being financially exploited by the management company and having to pay full council tax as well;
- There should be a management group to allow residents, NSDC, developers and the PC to be involved in the delivery of the new build programme;
- 30% social housing is too high (shortage of parking for these dwellings) and does not reflect the 10% affordable at existing Fernwood
- With this many affordable houses Fernwood would no longer be exclusive and just another overpopulated common housing estate
- Will/can Fernwood continue to be called a village? Would the name be changed to Fernwood town if this was given the go ahead.
- What will happen to scrap yard?
- It's a shame that the "Salvage Yard" has not been acquired by compulsory purchase.
- Street lights will pollute the night sky
- Planners and developers should learn from previous mistakes at Fernwood (such as sufficient parking for all dwellings)
- Concerns regarding high density of housing built in the more recent Fernwood phases.
- Criticisms of existing Fernwood development (missed opportunities)
- The developers' profit motives appear to outway quality of life considerations.
- NSDC has failed to show adequate interest in Fernwood
- Concerned that the extreme will take place, density, changes from bungalows to 3 storey high houses – loss of privacy etc.
- Concerned that the social challenges and development will be adequately and robustly examined by NSDC.
- 30% affordable housing is too much and would not reflect the character of the build programme within the existing village at 10%.
- The existing affordable housing within Fernwood causes problems re. parking and speeding;
- Development must be separate to existing Fernwood although pedestrian access could be permitted.
- Object to artificial lighting to Hollowdyke Lane

- Construction within existing Fernwood are not yet complete and developer has said publically they would not start new build until last house is complete. This is not within the planning statement
- Statement of Community Involvement is disputed as comments have not been taken on board NSD Council should adopt the public open space and should not be run by a management company;
- Illustrative Layout Plan does not indicate any vehicular linkage from the application site onto other land (1.5 ha) also identified as being part of the Strategic Site.

Design

- All properties should include solar hot water.
- Adequate parking provision should be made at frontage of each dwelling
- Development should be attractive and have good landscaping
- Loss of hedgerow would adversely affect character and aesthetics

Summarised comments in Support of the proposal:

- Well thought out and comprehensive;
- We welcome Fernwoods further development to help alleviate the housing problem in this country, even though it impacts on our retirement home and environment.

In relation to the First Addendum to the ES, 42 further comments from local residents were received in respect of the first set of amendments to the scheme. Of these 5 were supportive with comments/concerns with the remaining representations raising concerns/objections. These are summarised as follows:

General

- Previous concerns still stand;
- Objections heightened by the prospect of Persimmon constructing to the South of Fernwood;
- It should be noted that some residents have mistakenly commented on the wholesale widening of Hollowdyke/Spring Lane which is not being sought and the impacts upon wildlife and their amenity;
- Pressure to build more houses should not be at the detriment to an existing community that is already faces day to day challenges due to previous poor planning and infrastructure decisions;
- Issues with maintenance of existing public open space through a private management company. This needs to be looked at and could be managed by the Parish Council;
- Barratts and Persimmon should be working collaboratively;
- Development should start from the south and work northwards;
- Development should be planned as a whole;
- To leave the old breakers yard located directly next to the development out of the scheme when it has been an eyesore for 15 years is bizarre;
- Contrary to Paragraphs 64 and 66 of the NPPF;
- Developers have sold a village concept which is now becoming a town;

Amenity

- Potential for loss of amenity such as overshadowing;
- It's close proximity to the A1 dual carriageway, for noise and pollution;
- Noise from A1 due to loss of woodland;
- Amenity will be disturbed via traffic using existing spine road (see highway/traffic section for more comments);

Highway/Traffic

- Fernwood spine roads were not designed for the volume of traffic it is now expected to take;
- Double yellow lines should be added to spine road;
- Modifications to Hollowdyke Lane of biggest concern;
- Why has the alternative option of new road from the Claypole direction not been explored?
- Traffic comments/hazards to existing Fernwood (as previously raised);
- Question why Hollowdyke Lane isn't being widened to accommodate all traffic expectations along its full length. The passing bay option is not enough;
- Which access route will construction traffic take and how will it be managed?
- Concerns regarding the proposal to use Hollowdyke Lane for all construction traffic;
- Already problems with rat running through the estate, insufficient parking allocations for existing houses and consequently cars parked on pavements and dangerous places;
- Road access is already restricted with number of parked cars and more traffic would further add to the bottleneck and hinder access including that for emergency services;
- Fernwood cannot cope with the amount of traffic that would be coming through the village via Phoenix Lane to access the new homes – not safe for the numbers of children that play outside their properties;
- Badly thought out road access and no new provision for infrastructure to relieve the already overstretched demands of the existing homes of "Fernwood Central";
- Concern at the closure of the northern end of Spring lane to cars, presumably because our neighbours in Balderton don't want the extra traffic coming through their village from Fernwood;
- Fernwood would become isolated by blocking access north of Hollowdyke Lane;
- The Bus Lane for access to Balderton is not acceptable as this means the only viable access to Balderton & Newark is using the bridge over the A1;
- Only have access via the bridge over the A1. If the bridge is out of action how will traffic access or be accessed?
- No suitable access to the site;
- A 2nd entrance/exit point, circumventing the A1 bridge and creation of a rat-run through the middle of the village is essential;
- Impact of all extra traffic from the development plus that generated by the proposed Persimmon development will have on the Great North Road. Failure to consider the future developments as a whole is one of the reason Fernwood finds itself in such a mess;
- Failure to consider cumulative traffic impacts would be negligent;
- Public Transport - Problem residents find is linking public transport to the railway stations as there are no buses to get one to the station to enable an early a.m. commute to London and the same in the evenings. Not convenient for non-working residents. When this issue will be addressed?
- Object to the two entrances/egresses (Goldstraw/Dale Lane and Hollowdyke Lane) - will potentially make entering driveways dangerous, particularly given the parked cars on the road;
- Majority of the traffic to the new development would pass the extended school with great concern to the children families;
- Why can't the important new road access be provided to the south and east of the existing Spring/Hollowdyke Lane. It is very short term planning to allow access along here with passing places. Leave this country lane intact and compulsory purchase, if necessary, the land required to build a full width road;
- New residential area should not rely on the existing Fernwood state for residential access;
- Developers should join forces instead of looking at the site in a piecemeal way;

- Hollowdyke lane should be left open to provide better access;
- Deficiencies in the Transport Assessment (TA) (does not consider HGV's in the demand data);
- All roads should be kept away from Fernwood school for safety reasons;
- There should be no construction lorries through the estate;

Infrastructure

- Existing infrastructure and support services cannot cope with the existing population;
- Existing local centre is already congested;
- The parking area next to the village shops, nursery and football pitch is small. No new parking areas are proposed in the centre, so where will people from the 950 houses park when using the amenities;
- Sewage / water pressure is currently low and new dwellings would further hinder. Drainage system is already badly maintained;
- No additional Health Care facilities are proposed and suspect that existing facilities in Balderton will not cope with demand and feel that some recognition of this need is required;
- New school and doctors should be built;
- More shops are required;
- Ground maintenance company needs to expand employed to maintain the grounds;
- Development may affect water supply for properties at Long Bennington – expect developers to re-provide supply pipe if affected.

Loss of Hedgerow/Wildlife

- Loss of small wooded area which reduces noise pollution from the A1 but would also effect the bird wildlife in the area if removed;
- Approval is sought to tear up existing ancient hedgerow although in reality they are healthy trees.

Flood Risk

- Plans to build homes on a functional floodplain is in direct conflict with national planning policy;
- Legal redress will be sought if valid flooding concerns are ignored then homes flood in addition to causing negative PR;
- Flood risk concerns as property is already on a slope.

Persimmon Homes made comments (April 2015) relating to the need to take into account cumulative impacts, particularly in respect of highway infrastructure. Their position was that this application should not be determined until there was an understanding of the mitigation package required for all committed development and that all development should be required to mitigate their own schemes and contribute appropriately for any other measures arising from the full quantum of development.

In respect of the 2nd Addendum of the ES (relating to the increase in proposed dwellings) a further 29 additional comments from local residents have been received to date. Of these 4 comments were neutral, 2 were supportive with comments/concerns with the remaining continuing to raise concerns/objections. The comments can be summarised as follows:

General

- Far too many houses
- Repetition of previous concerns

- How will gas/oil pipeline be accessed for maintenance?
- Flood risk concerns
- No end in sight to the disruption from construction
- Detrimental impact upon residential amenity
- NSDC ought to take on maintenance of the open space as residents will pay twice (through Council Tax and through a Management Company) – it should be fair to all residents with everyone paying towards the upkeep through Council Tax
- Drainage – No more Balance Ponds please as they have to be maintained and are not so safe and if all surface water is to be piped to the Upper Witham or Shire Dyke (if it still exists) query if will they cope without waste gating.
- Water pressure in our home has been virtually halved over the last year or two.
- Existing concept of Fernwood "space to live" has been abandoned as more houses have been squeezed in.
- The imbalance of social housing has created its own problems including anti-social behaviour issues which will worsen if population increases.
- Sewerage – no more cheap pumps please – Rolls Royce bladed masticating pumps first time.

Highway/Traffic

- There should be no access allowed through Fernwood village;
- There should be other access to the development including via Hollowdyke Lane (HDL) to the Great North Road or a new road if it isn't possible and via HDL to Balderton and Coddington thus sharing out the traffic rather than relying solely on the A1 overbridge;
- Never been adequate public transport linking Fernwood to the train stations or town which would be of any use for work;
- Buses cannot service the village as the roads remain unadopted after 14 years
- Road network cannot cope as existing let alone with this scheme added
- Newark town should be made one-way to reduce weekly mayhem
- 2000 more cars driving on roads
- Current estate roads won't be adopted and therefore plan of yellow lines could not be enforced;
- School will need second access from HDL to relieve strain on surrounding roads;
- Existing roads already struggle due to parking on roads;
- Developers should work together to create new road system;
- Plans for strengthening and widening the A1 bridge and enhancing roundabouts will not fix traffic problems – will be a temporary fix;
- Hollowdyke Lane needs to be two lanes wide if accidents are to be avoided as it is a busy road which will get busier;
- HDR currently used for biking and walking and if A1 is blocked this provides an alternative (emergency) route;
- Concerns regarding traffic impact, especially construction traffic on residents of Spring Lane;
- Major problems with parked cars/congestion near to the school
- Lorries delivering to homes often get stuck because of parked cars;
- Concern regarding construction traffic
- Concern that Blackberry Way (with its 6 existing houses) which is narrow will be used as a through road which will give rise to safety concerns (with cars parked on the street and blind corners) which will change character of the cul-de-sac
- Hollowdyke Lane needs to be two lanes wide if accidents are to be avoided as it is a busy road which will get busier;

- A road linking Balderton Hall to Dale way is now being included which will add further stress to part of Dale Way which already includes 2 blind bends.
- A new road linking the shops to the proposed new parking area by what was the Walled Garden and through Gilbert Way to Dale Way appears much safer
- In addition the proposed lorry park near the Industrial Estate area will result in greatly increased traffic in the area and put further strain on the B6326 slip road, which will make things increasingly difficult for all.
- The traffic assessments seem to imply that lots of people from the new development will be walking to existing local facilities. This is very doubtful considering the distances involved.
- Parking must be adequate for each dwelling or it will repeat previous mistakes and cars being parked on the roadside

Natural Environment

- Adverse impact on ecology/wildlife (particularly bats, water voles and brown hares)
- Buffer zones should be utilised for ecological value as well as screening for residents – these areas will not become established for 8+ years and exposed to higher level of noise and lighting so not as attractive to wildlife
- Impacts on wildlife will be greater than concluded in the Environmental Statement based on residents own observations and scheme should be redesigned to protect existing wildlife.
- Removal of hedgerows would be unlawful given the Enclosure Act 1765
- Green spaces must be connected by hedgerows to provide wildlife corridors by additional planting and retaining existing;
- The possible extension of Hollowdyke Lane threatens the band of trees surrounding Fernwood.
- Oppose the removal of mature hedgerows from Hollowdyke Lane as impact is too severe.
- Developers should purchase more land to widen HDL if necessary as hedges must be retained
- Hedgerow H36 should not be destroyed either side of footpath from Thomas Road to HDL

Infrastructure

- Lack of infrastructure (shops etc)
- Schools need to be built when no more than 200 dwellings have been built;
- Shops need to be added at the start of the development;
- Medical facilities in the area are already stretched and comfort is needed in securing the provision of more
- No facilities planned except football pitches with no parking
- Local provision for facilities is poor e.g. post offices with the closest one over 30mins walk away.
- Existing car park near the Village Hall is hardly adequate now and will no doubt become quite inadequate should the proposed number of extra houses be built.
- Residents did not anticipate its growth into a small town lacking amenities and recreational facilities which would swallow up valuable arable land.
- Newark has not adapted to meet needs of youngsters and there is little to engage teenagers which this application does nothing to address and will make matters worse.

Comments in Support

- We welcome and embrace the Fernwood Development that has grown around us since we moved onto Fernwood over 10 years ago.
- Both the Persimmon Development and Barratt David Wilson Homes are needed urgently.

Comments of the Business Manager

The Principle

Fernwood, along with Newark and Balderton forms the 'Sub Regional Centre' identified in Spatial Policy 1 and is expected, based on Core Strategy Spatial Policy 2, to accommodate around 70% of the district's overall growth over the Development Plan period. It is noted that the Development Plan is currently under review, albeit the need and promotion of the District Council for this site, alongside Strategic Urban Extensions (SUE's) around Newark remains.

Core Strategy Policy NAP 2C sets out that land around Fernwood has been identified as a Strategic Site for housing (for in the region of around 3,200 dwellings, 2,200 of which were envisaged to be constructed in the Plan Period up to 2026) a high quality business park of 15 hectares, a local centre comprising retail, service, employment and community uses together with associated green, transport and other infrastructure.

NAP2C envisaged, amongst other things, that the development for housing would come forward in 3 phases of between 750-1000 dwellings with average density levels of 30-50 dwellings per hectare. Higher levels were potentially envisaged in areas of greater accessibility. In addition it is anticipated that affordable housing in line with CP1 will be delivered and the incorporation of sustainable development principles and construction methods.

Whilst NAP2C indicates that a Masterplan for the whole site should be forthcoming with such an application, this in reality was not possible at the time of original submission given that the applicant, a national housebuilder in the form of Barratt David Wilson Homes (BDW) did not own or control any of the adjoining land. What was critical, however, was that the applicant was able to demonstrate that the scheme would not prejudice the remainder of the site from coming forward. This includes a need for cumulative impacts to be properly considered and mitigated, a matter which I address where relevant below. For the avoidance of doubt an ES and all technical appendices have been produced (many on several occasions via addendums) in order to robustly address environmental, socio-economic, and cumulative issues. Further, in recent years remaining land within the Fernwood allocation is now being promoted by other housebuilders in the form of Persimmon homes (1800 units), Larkfleet Homes (350 units) and the Strawson Knightwood Group (mix of residential (c300 units) and commercial in the form of Fernwood Business Park). Persimmon, BDW and Kightwood have all worked closely with the District Council and other stakeholders notably the Highway Authorities in order to holistically consider wider cumulative impacts.

This part of the Strategic Site represents a scheme for up to 1050 dwellings together with associated infrastructure which would be split into multiple phases. Whilst this phasing was not as envisaged in the Core Strategy site allocation policy this need not be fatal in itself. The rate at which a build out can be achieved is, of course, market driven. Further, overall quantum's of development, even when this site is considered alongside other land parcels (including the pending Persimmon Homes and Larkfleet Home schemes) do not exceed those originally envisaged (as detailed below all impacts in cumulative terms have been based on 3500 dwellings).

This part of the strategic site will assist in consolidating the existing development at Fernwood as is envisaged by Policy NAP2C. Indeed, the diagram accompanying this policy (which I note has not significantly changed via the ongoing Plan Review) envisaged development through the existing Fernwood estate to the north/north east. Therefore, the principle of residential development is established by the Strategic Site status, subject to detailed consideration regarding the various impacts of the development which are discussed in turn below in applying and overall planning balance.

The issue of assessing likely cumulative impacts remains important in planning terms, but this is particularly true for the Fernwood allocation. Unlike the other strategic sites (which have/are being progressed by a single site promoter/developer), the Fernwood site has come forward in tranches, each promoted by different landowners/developers. This application was the first submitted (but second to be considered) on land around Fernwood, noting the first was submitted by Persimmon Homes (which has a resolution of approval from Committee with the S106 agreement pending). The remainder of the Fernwood allocation includes two more substantive landowners, those in control of land to the west of the B6326 and those in control of land between the Persimmon and BDW schemes. Officers, developers, and land owners have engaged on a number of cumulative matters, both in terms of allowing the completion of the respective Environmental Statements (ES) but equally in terms of highways impacts and mitigation, again as detailed below.

In policy terms the scheme is acceptable, subject an assessment of technical impacts, all of which I address below.

Environmental Impact Assessment

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. The EIA Regulations were amended coming into force on 15th April 2015 which changes the threshold for developments constituting an EIA. For the avoidance of doubt the project would still constitute an EIA development given its size.

An Environmental Statement (ES) has been submitted as part of the Outline Planning Application. This has been prepared for BDW for the application site but also comprises another parcel of land to the south-west (that does not form part of this application) controlled by Knightwood Developments Ltd/Strawsons. To reflect the proposed changes resulting from on-going negotiations and comments from consultees, the EIA has been updated (with addendums) during the lifetime of the application. The ES covers the following environmental issues associated with the proposed development:

- Site Description and Proposed Development (amended by 1st and 2nd addendum)
- Planning Policy Context and Alternatives (amended by 2nd addendum)
- Socio Economic Issues (amended by 2nd addendum)
- Landscape and Visual Issues (amended by 1st addendum)
- Ecology and Nature Conservation (amended by 1st addendum and again in June 2017)
- Archaeology and Cultural Heritage (amendments but does not form part of EIA)
- Transport (amended by 1st and 2nd addendum)
- Air Quality (amended by 1st and 2nd addendum)
- Noise Environment and Vibration (amended by 1st and 2nd addendum)
- Drainage and Flood Risk
- Geo-environmental and Land Contamination
- Agricultural Circumstances
- Utilities and Services

The aim of an Environmental Impact Assessment (also referred to as an Environmental Statement) is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

The ES and its Addendums consider the development in isolation but also in combination with a number of other assessment scenarios. These include the development with the Fernwood extension to the south-west (Knightwood; for which the EIA has also been prepared), the development that comprises Core Strategy Policy NAP2C (all of the land around Fernwood) and with other Core Strategy Allocations all together. The Second Addendum relates to the increase in dwelling numbers (from 950 as originally submitted to 1050) and also updates the traffic modelling (and resultant matters that flow from this) that have been refined since the original and first submissions particularly in relation to the cumulative assessments.

Whilst there are some minor errors (e.g. incorrect policies are quoted) within the ES and places where there are gaps of information, I consider that the ES (including its Addendums) now provides sufficient information to enable a proper assessment of likely significant impacts, including cumulative impacts upon the environment. In respect of the recent review of the EIA, the findings have not changed and I am satisfied that the ES remains valid for the purposes of determining the application now.

Alternatives

The EIA regulations stipulate that the ES must include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choices, taking into account the environmental effects. Appropriate consideration of alternative sites is a material consideration in the determination of the application. The ES addresses the alternatives on a chapter by chapter basis. The principle of development on the site has already undergone a rigorous testing and independent examination as part of the preparation of the Core Strategy. It is therefore agreed that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site. The revised masterplan and associated plan submitted represent a logical but more importantly deliverable solution to development within the site. Officers are satisfied that there are no other alternatives which would present the opportunity to deliver the development envisaged through the allocation of the strategic site.

5 Year Housing Land Supply

Members will be fully aware of the Council's position with regards to its 5 year housing land supply. I will not rehearse the full details as these are set out in the Council's Statement of Five Year Housing Land Supply dated 1st April 2017. This concludes that the council can demonstrate a 5 year supply of housing land when assessed against the OAN figure of 454 dwellings per annum with supply as at 31 March 2017 being shown to be 6.2 years. The LPA consider that the OAN (and the Council's required supply), undertaken via the Duty to Cooperate, is robust and defensible albeit it can only carry full weight following Examination of the Plan Review. The OAN of 454 dwellings per annum is currently the only available robust OAN figure against which to assess whether the Authority can achieve its 5 year land supply. A recent Appeal Hearing decision (August 2017) has accepted that this Authority has a 5 year land supply against a 454 and 500 OAN figure. I am therefore confident that the plan can be considered up-to-date and that appropriate weight can be afforded to the Development Plan policies. Specifically, with reference to this

application the scheme is promoted by a national housebuilder, following many years of negotiation. The delivery of this site forms part of the contribution to this Council being able to demonstrate a 5 year land supply, a matter which carries significant weight in an overall planning balance.

Disposition and Appropriateness of Uses and Amount

Given that the scheme is outline, many of the details are for consideration at reserved matters stage. However the disposition of land uses is shown on the Illustrative Master Plan with indicative phasing shown on the amended Phasing Plan (March 2015) enables a broad assessment regarding the disposition of land uses and timings.

Residential development would likely come forward in 9 phases with affordable housing in most, if not all phases (albeit this is a matter best dealt with at reserved matters stage, subject to controls to secure affordable units in some form in early phases in order to avoid back-loading and risk of non-delivery, a matter for the Section 106 Agreement).

Based on the developable area of the site for housing (29.12 hectares which represents approximately 50% of the site) the maximum number of dwellings would represent an average density of c36 per hectare (it was previously 32 dph based on 950 dwellings), which accords with policies NAP2 and CP3, which seek to achieve average densities of between 30-50ph. I am therefore satisfied that on this part of the Strategic Site the revised quantum of development proposed is appropriate and consequently (in quantum and infrastructure terms) would not prejudice the ability of the remainder of the site to deliver the overall numbers of housing envisaged (which was a minimum not a ceiling) over the Development Plan period.

The scale of the development is indicated as being a maximum of 12m (up to three-storey in height) in some areas from ground level which is considered appropriate in the context of existing Fernwood. The areas identified as the tallest buildings (on the Parameters Plan) are the parcels of residential land immediately abutting existing residential development and the school, which subject to achieving adequate separation distances to meets the needs of privacy (a detail to be achieved through reserved matters) would in my view be appropriate and read visually as a true extension to the settlement, as opposed to a separate entity. Indeed, the proposed new road network within the site would provide connections at two key points along Spring Lane linking the existing settlement with the new development and one to the north at Dale Crescent which will help solidify the expansion of Fernwood.

One of the main areas of public open space would be located adjacent to (the north-east) of the school site. This 'Middle Green' would have a neighbourhood equipped area of play (NEAP) which will comprise activity space for children and young people including teenagers provision. There would be a minimum distance of 30m of the core activity areas to the boundary of any dwelling in order to protect residential amenity, in line with Fields In Trust guidelines. Details of what the equipment would comprise would be determined by the LPA in consultation with the Parish Council and would be secured as part of the Section 106 Agreement. Another locally equipped area of play (LEAP) would be located to the north-western part of the development. Other pockets of open space would be dotted throughout the development and there are also green space buffers and space for acoustic mitigation alongside the A1 and railway line to assist with noise impacts and to enhance ecology. The green infrastructure would also incorporate the necessary attenuation ponds required for drainage within the site.

Sports pitch provision would be located towards the south-east of the site in the flood zone (zone 3) but where this type of development is considered to be less vulnerable to flood risk and can be adequately drained. As the land immediately to the south is also in the flood zone it is most likely that the land to the south will also come forward as open space and there would be opportunities to link this green infrastructure across the wider site. Land in the eastern most corner of the site would be given over for ecological enhancements and green infrastructure. The proposed attenuation pond would be located adjacent to the pitch provision providing opportunities for further ecological enhancements. It is considered that these locations are acceptable for these uses.

The proposed allotments would be located to the north of the site close to the disused scrap yard and adjacent to the A1. This is considered appropriate and it would assist in providing a suitable buffer between the A1 trunk road, former scrap yard and proposed houses.

It is not considered that the disposition of the development hereby proposed would in principle have an adverse impact upon the amenity of existing dwellings or land uses, subject to detailed siting considerations at Reserved Matters stage. The broad disposition of land uses and indicative phasing to be appropriate to accommodate the scale of development sought and it is recommended that the development should be conditioned to require that the reserved matters applications broadly reflect the illustrative phasing plan and illustrative Master Plan, unless otherwise agreed by the LPA in granting subsequent Reserved Matters approvals.

Infrastructure (excluding highways)

It is noted that many local residents have raised comments concerning infrastructure (or perceived lack of it) to serve the proposed development. Some make comments that the existing settlement is not sufficiently provided for and this would make matters worse.

Firstly, I am not in a position to conclude that there are existing infrastructure issues within existing Fernwood insofar as the infrastructure provided is in full accordance with that required for the original Balderton Hospital development, albeit we are the best part of 20 years on from that consent. Secondly, even if there were measurable deficiencies at present Members will be aware that it is not for this scheme to resolve perceived existing problems. It is however necessary to ensure that the development does not make a situation worse. In this case, as one would expect, the Council has consulted with a range of infrastructure providers and relevant professionals to understand the level of mitigation for this scheme required. Such consultations are against an additional backdrop that the concept for the development to the north of Fernwood, a matter acknowledged by the Policy NAP2C, has always been to consolidate the existing village and not end up with having two centres in such close proximity (it would be 3 no. centres in reality given the local centre at Fernwood South agreed via the Persimmon development).

The forecasted increases in population to both this development and the wider Fernwood site will, without mitigation, put unacceptable pressure on existing services and facilities; particularly education, health and recreational facilities and the ES finds that this would be a 'moderate' to 'major' negative impact (for the avoidance of doubt such terms are taken from language comment in Environmental Statements). A range of mitigation measures are being offered to counteract the negative impacts.

The application will make significant contributions to local infrastructure such as increasing the school's capacity (and physical size in land take terms) from 220 pupils to 525 pupils, the provision of over £1m towards health within the NHS (to be spend on identified priorities with the NHS/CCG), new sports pitches and association pavilion and parking, as well as large areas of green infrastructure equating to over 40% of the site area. A contribution will be paid for community facilities (as defined in the Council's Developer Contributions SPD) which includes for a sizeable sum of £300k being paid early on in the development to allow improvements at an earlier stage. These improvements could, for example, be modifications to the bat hibernaculum to create a changing facility to serve the existing pitches and perhaps look at increasing car parking in the central area but will be subject to negotiation with the Parish Council at a later stage. All these matters are covered in more detail in the Developer Contributions section later in this report and would be secured at appropriate intervals in the development.

Some residents have expressed concern that there are no shops proposed as part of this development. It should be noted that a new 'Local Centre', as was envisaged when the site was allocated, will be provided further south within the wider Fernwood site (on the Persimmon scheme). There is already a convenience store on the existing Fernwood and it is unlikely that a second operator would be attracted to a retail shop with an existing operator in such close proximity particularly during the early phases of build when there would be unlikely to be sufficient catchment to make it viable. That is not to say that the Council could not consider a scheme at a much later date and if this is a viable option this is something that could be promoted at that time. It is not considered necessary or reasonable for the purposes of granting this consent.

Overall once mitigation has been implemented as proposed (which must be controlled by conditions and S106 Agreement), the ES concludes that it is not anticipated that there would be any significant effects from the developments. I concur with this assessment.

Impact on Highways Network

The originally submitted application was lacking the necessary information on highway impacts given that at the time of submission the applicants did not have access to a suitable highway model. Since then, through negotiation with the LPA and the Highways Authorities, the use of the strategic VISUM Newark and Sherwood Area Wide Traffic Model (hereafter referred to as 'the Model'), which is now owned and controlled by the District Council, was agreed. This enabled an assessment to be made of impacts in relation to wider highway network for the development in isolation and in combination with other sites that will likely come forward (based on an assumed quantum of 3500 dwellings and all of the employment land at Fernwood). The ES Addendum replaces that originally submitted and the first addendum.

Perhaps unsurprisingly given the scale of the development, the majority of objections received from interested parties have focused on the implications of the development on the highway network. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG, and Core Strategy Policy NAP2C which sets out that transport measures should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities and minimise the impact of the development on the existing transport network. It goes on to say that these will include high quality passenger transport links to Newark and Balderton town centres and safe, convenient pedestrian and cycle routes within and adjoining the development.

As detailed above it remains a requirement of the planning system to have regard to cumulative impacts, including in the case of Fernwood given its location upon both the local and strategic highway network. It was clear to the Local Planning Authority early on in negotiations with both BDW and Persimmon that there was a need for not only a cumulative approach, but equally a collaborative one. Within this part of Newark Urban Area there are local highways offering access into Claypole and Balderton, the strategic access to and from the A1, and the access east that would follow upon completion of the Phase 1 of the Newark Southern Link Road connecting the A1 end with the A46.

Since late 2014 the LPA has led and coordinated transport discussions between the highway authorities (NCC and HE), the developers/land owners (Persimmon, BDW, and Strawsons/Knightwood Group and more recently Larkfleets), and unusually for a District Council like ourselves (bearing in mind that we are not the highway authority) our own highway consultants WYG Environment Planning Transport Ltd (WYG). Unusually the Council also has sole control and ability to use the Newark Highway Model (NHM), a strategic tool for allowing highway scenarios and impacts to be tested. Baseline traffic conditions on the highway network traffic flow data has been obtained from this model. A brief summary of the discussions and conclusions is contained within the WYG letter attached as Appendix 1 to this report. What is important to note in this instance is that the developers have been asked to design and mitigate for traffic flows which have been presented to them by the highways authorities and WYG. This is based on an absolute worst case scenario if all developments were to come forward at the very upper limits of quantum's that could be accommodated within the land area available.

It is important to also note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. Provision of infrastructure must also be viable (NPPF) and include an assessment of the quality and capacity of existing infrastructure for transport (NPPF).

Construction Traffic Impacts and Mitigation

It is likely that construction would take place over a 14-16 year period in phases. It is estimated that 50 -100 two way HGV movements would take place per day during this development, based on a worse-case scenario. It is not possible to be precise about the actual number due to the complexity of and length of the construction period. However this range has been assumed based on previous analysis undertaken during the lifetime of the existing Fernwood development when it was under construction. Construction traffic would *primarily* be routed via Hollowdyke Lane to avoid the need for HGV's to go through the existing estate. Initially, the applicant is promoting that construction traffic in respect of the occupation of the first 51 dwellings should go through the existing estate. This is promoted on the basis that the existing Fernwood development has now finished, with the developer having actually built out 52 units less than consented via the umbrella outline. Whilst the ES does not explicitly mention this, it is alluded to within the (2nd Addendum) Transport Assessment (which the applicant has confirmed is the case). I consider that the impacts of this can be assessed without a further addendum being provided.

This construction traffic proposal reflects the fact that there are still 52 dwellings that have been consented, but not built, under the original outline permission for existing Fernwood, representing what the applicant refers to as 'spare capacity' whereby there is no requirement for any remedial or mitigation works to allow build out. Until December 2015 the developers we still building out on site and utilising the existing estate roads for construction traffic. It was always the intention that the developer would commence Fernwood North (if approved) quickly whilst they still had a

site presence. However delays in considering cumulative highway impacts and latterly viability issues, has meant that the developers are now off-site having completed existing Fernwood. This would therefore mean that construction traffic for a limited period would recommence through the existing estate.

It is fully appreciated that this will be considered as unpalatable and an inconvenience for many residents. However, there is no reason in highway safety terms alone why this should be resisted given that it has already been accepted through the extant consent. Even in amenity terms an occupation period linked to 51 units is likely to be viewed as relatively short term and acceptable (subject to the normal controls of considerate contractors working, wheel washing, street cleaning, etc). Policy NAP2C seeks to 'minimise adverse impacts in the transport network'. It states this against a diagram which shows access through the existing Fernwood and its reasoned justification does not prevent construction traffic from utilising the existing roads per se, unless of course existing roads were deemed unfit for purpose, which is not the case.

In this context and given this situation outlined, it is considered a reasonable approach by Officers to allow some construction traffic at the start of the build via the existing estate, particularly given that the estate roads are designed to the highest current standards (I explore this further below) and can physically accommodate/cope with the construction traffic, as has already been established through the granting of the original Fernwood development back in 1999. This approach would allow for simultaneous works to Hollowdyke Lane (junction improvement and passing bays) to take place which would then allow for the alternate and latterly sole route for construction traffic to be made available for the remainder of the development. In order to ensure that construction through existing Fernwood is indeed time limited it is recommended that a condition be imposed to any consent requiring that construction ceases using existing Fernwood either prior to occupation of the 52nd unit or 24 months after the commencement of development, whichever is the sooner.

For the remaining number of units (the 999 units remaining) in order to deal with increases in traffic during the construction period the following mitigation is proposed;

- **Widening Hollowdyke Lane at its junction** with the B6326 Great North Road to 6m wide for a distance of approximately 30m;
- **Increasing the corner radii on Hollowdyke Lane** to 10m (at its junction with the B6326 Great North Road);
- **Passing bays** strategically placed along Hollowdyke Lane. This would comprises 9 passing bays whereby the width of Hollowdyke Lane is widened for short intervals to 6m mainly to the south side (and along Spring Lane to the east side) sufficient to allow 2 HGV vehicles to pass one another. The lane widens to the north side close to, and at the bend where it turns 90 degree north.
- **Localised widening on the existing bend.**

Once construction traffic starts to utilise the upgraded Hollowdyke Lane, there is expected to be a significant increase in vehicle movements over a day, being a 'minor adverse' effect during the construction phase (in ES terms). It is considered that it would be necessary to require the developers to submit a Construction Management Plan in advance of commencement to control matters such as timings and deliveries to avoid the a.m. and p.m. peaks as well as securing best working practices and provisions including the provision of wheel and vehicle body washing facilities; provision of road sweeping facilities; defined hours of working, deliveries and removals to/from the site to be co-ordinated by a logistics manager in order to prevent queuing of vehicles on the surrounding highway network and to agree a routing and signing strategy. This would mitigate impacts from construction traffic to an acceptable level.

Following the end of the construction phase a scheme would be required to either restore Hollowdyke Lane to its condition at the start of the build (including surfacing treatment, removal of passing bays, etc) or to agree that certain works (eg. the kerb radii) are left in place. A condition is recommended to control this following the end of construction.

Impacts from Operational Development and Mitigation (including Cumulative Assessment)

I have established above that in technical terms construction traffic is able to use the existing Fernwood estate road. I have equally suggested that this is unpalatable and not preferred with Hollowdyke Lane representing a more suitable construction access. If Members accept this position it means that one needs to tackle the issue of what happens to residential traffic as the scheme is built out. If one were to expect residents of the 1050 units now sought to access their dwellings via Hollowdyke Lane in addition to all of the construction traffic one would immediately build in a conflict between construction and residential users. The LHA and I accept that this position is inappropriate.

In amenity and traffic and transportation terms it is appropriate for residential traffic to access the proposed units from within the existing Fernwood estate, subject to this estate road being fit for purpose to accommodate such volumes of traffic.

As I have already identified, the Core Strategy policy and accompanying diagram promote residential access via the Fernwood estate. The estate was designed to be expanded internally at a later date (with configuration of accesses, widths, and turning heads). In traffic and transportation terms the applicant has demonstrated to the satisfaction of the highways authority that the existing estate roads that would form access/egress to the new development is acceptable. Indeed, they are at the higher end of design standard (in terms of road widths) that would be sought for this quantum of development being technically capable of accommodating more than the additional 1050 dwellings promoted. On this basis, I am of the opinion that residential access via the existing Fernwood estate is both appropriate and acceptable.

Beyond 'estate' impacts it is also clearly necessary to address impacts upon the wider road network. The ES and Transport Assessment as amended seek to identify anticipated highway impacts and thus likely mitigation/intervention required to address the issue. In accordance with the Institute of Environmental Assessments Guidelines increases in traffic flow below 10% are generally considered to be insignificant. It is important to note that such assessments are based on % changes in traffic flows. There needs then to be an additional assessment as to whether the highway network/particular junction/roundabout is still acceptable (either with or without mitigation) with this additional level of flow.

The ES and TA identify a number of locations where it is predicted there would be significant increases (in this case an increase in excess of 10%) in traffic flow as a result of the development even with mitigation. The results show that there would be significant increases in traffic at the following locations:

- Off-slip of A1 towards Goldstraw Lane Roundabout (28%, link 13)
- B6326 Great North Road between SLR and Goldstraw Lane Roundabouts (17%, link 27)
- Goldstraw Lane approach to the GSL roundabout from within the existing estate (157%, link 200). In reality, this will equate to an additional 6-8 vehicles per minute in the a.m. and p.m. peaks

- Hollowdyke Lane approach to the HDL/B6326 priority junction (99%, Link 231) 2 additional vehicles per minute during the a.m. peak and 1 per minute during the p.m. peak
- Dale Way approach to the DW Roundabout (Link 220) would have to deal with an additional 2 vehicles per minute during the a.m. peak (minor-adverse effect in ES terms) with a predicted 8 vehicles during the p.m. peak (negligible effect in ES terms)

It should be noted that the most significant increases are to estate roads within existing Fernwood. However, it is equally important to note that the increases are so significant because the baseline (particularly for link 231) is relatively low within the overall capacity of the estate roads being designed for and therefore able to cope (in design standard terms) with significantly more, as detailed above.

The comprehensive work undertaken in the preparation of the Transport Assessment, in line with discussions with relevant bodies such as NCC Highways and Highways England, has identified a number of mitigation measures required by the current application. For the development (in isolation) when fully operational, the following mitigation measures are required in order to bring any impacts to an acceptable level, as identified in the ES:

- **A new dedicated Bus/Cycle/Pedestrian Link** would be proposed to the northern part of Spring Lane/Hollowdyke Lane from the northern-most new point of access (i.e. the new road that will loop around the north of the school site). From this point the lane would be for buses and cycles only, essentially closing off Hollowdyke/ Spring Lane to cars and other vehicles thus restricting/managing access to this part of Balderton and Coddington beyond.
- This bus link would be physically controlled by **signage and two bus gates** (comprising a narrowing of the road with bollards and automated lane blocker) with one just north of the northern link road and the other provided adjacent to the disused scrap yard. The bus gates would prevent access by non-authorized motor vehicles
- A **turning head** would also be provided on Hollowdyke Lane North (to accommodate a car sized vehicle) should an attempt be made by a car to access the bus route.
- Provision of a **dedicated bus service** would be implemented to/from the proposed development and Newark (including a subsidized new bus to extend the service for a 5 year period)

(These mitigation measures would involve the loss of vegetation and these impacts are detailed and appraised in the sections below in visual, landscape and ecological terms.)

In addition a range of other highway works are required to mitigate the impacts of the development. These are detailed below and are consistent with, and fit alongside the Permission requirements (I note for awareness that this will need to also be considered by Larkfleets homes proposals which are currently pending determination for the southern side of Hollowdyke Lane).

Table of Works for Barratt in Isolation

Highway Work	Proposed Mitigation	Drawing No./ Location	Trigger for Delivery
Goldstraw Lane/B6326 Roundabout & between Goldstraw Roundabout and	Works involve: <ul style="list-style-type: none"> • Increased flare length on Goldstraw Lane to extend the 2 lane entry; 	Watermans; 210354/06/008/A03 <i>Appendix I of Barratt/DWH Transport Assessment</i>	Triggered on commencement of development for the Barratt/DWH scheme with completion required prior to first occupation of the 100 th dwelling on the Barratt/DWH

Dale Way Roundabout	<ul style="list-style-type: none"> • Increased flare length on the B6326 southern arm to extend 2 lane exit; • Widening of the B6326 on the norther arm to provide a 2 lane exit; • Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry 	<i>(application submission 14/00465/OUTM)</i> 210354/06/016 <i>(Overall Network Improvements)</i> Milestone: 14106/038 <i>Annex 2 of Technical Note from Milestone Transport 28.06.2016</i>	scheme
A1 Over-bridge	Widening to provide to 2 lanes north bound towards Newark	Watermans - 210354/06/15 A01	For NSDC to take forward through CIL
Hollowdyke Lane/B6326 Great North Road Junction	Improvements to visibility; <ul style="list-style-type: none"> • Widening of HDL at its junction with the B6326 to 6m wide for a distance of approx.30m • Increasing the corner radii on HDL to 10m Hollowdyke wider works including passing bays	Watermans: 210354/03/005.4 Rev E <i>Appendix C of Barratt/DWH Transport Assessment (application submission 14/00465/OUTM)</i>	Prior to occupation of 51 units.

The measures outlined for each of the locations are at a scale so as to address any residual impact of development. As set out above, the detail of these works has been subject to numerous discussions during the lifetime of the application. The above mitigation measures represent measures attributable, on a proportionate basis, to solely the BDW development.

In addition to this, there is a wider package of highway mitigation as detailed in the table below. For the avoidance of doubt highway junctions between the Balderton roundabout and the A1 South can be attributed to each of the developments on the basis of a clear majority impact. This is not the case for the A1 over-bridge (which requires a 2 lane northbound solution) given that all developments have an impact on this part of the network. Members will be aware following the full Council resolution on 12 July 2016 that the A1 over-bridge is now on the CIL 123 List, with CIL receipts from Fernwood developments expecting to more than provide for the capital costs of works.

Cumulative impacts have been considered taking into account the application on its own and together with all committed and consented development plugged in (including the wider site allocations). In order to control the predicted environmental effects of the forecast traffic, a package of mitigation measures have been proposed with a significant element of these measures being to concentrate forecast traffic onto appropriate routes.

The following table outlines the highway requirements which fall beyond the responsibility of BDW:

Table of Highway works (Cumulative)

Highway Work	Proposed Mitigation	Drawing No. / Location	Trigger for Delivery
A1 South/B6326 Fernwood South	Various works including <ul style="list-style-type: none"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development 	14106/027 C <i>Appendix 11 of Persimmon Transport Assessment</i>	1a) banning right turn out and extension of the right turn filter will be completed prior to first occupation of the 100 th dwelling on the Persimmon scheme; 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th dwelling on the Persimmon scheme
B6326 Great North Road/Sylvan Way	Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction and give way sign	14106/026 Rev A <i>Appendix 14 of Persimmon Transport Assessment</i>	Works to be completed prior to occupation of Phase 2 of Persimmon scheme.
B6326 Great North Road/C421 Shire Lane junction	Change existing give way controlled junction to a new roundabout	14106/025 D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 th dwelling on the Persimmon scheme
C421 Shire Lane Corridor improvements	Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving; <ul style="list-style-type: none"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m footway on the southern side of the carriageway 	14106/018 rev E <i>Appendix 20 of Persimmon Transport Assessment</i> 14/106/025 Rev D <i>Appendix 16 of Persimmon Transport Assessment</i>	Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)	Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway	14106/016 Rev D <i>Appendix 19 of Persimmon Transport Assessment</i>	Works to be completed prior to first occupation of the 50 th dwelling of the Persimmon development

B6326/London Road Balderton Roundabout	Widening of the B6326 southern arm to create two lanes to accommodate continuous 2 x 3.3m lane approach	Watermans: 210354/06/010	This improvement is not triggered until the much later in the Great Fernwood Allocation delivery and would not be triggered by Barratt or Persimmon
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It is worth noting at this stage the comments of Fernwood Parish Council and local residents alike with respect to the lack of a coordinated/comprehensive approach to highways impacts and a request for a new A1 over-bridge. I have already commented on the collaborative approach between agencies, landowners, developers, and our own highway consultants. On the issue of a second and therefore additional A1 over-bridge, whilst I concede this is desirable it is not, based on all statutory agencies (and indeed the evidence presented by the applicants) necessary. This was accepted by the Planning Committee when the Persimmon proposals were considered in September 2016. In any event it is likely to be cost abortive based on span, landownership, and design constraints. In terms of the existing A1 over-bridge the applicant's responsibility would be to pay any CIL monies when due. It would be for the collecting authority (in this case NSDC) to deliver the bridge at a time it deems it appropriate (dependent on the level of development coming forward), in conjunction with the highway authorities.

Other strategic road networks likely to be affected by the development include the A46 itself (which would be easily accessible upon completion of the NSLR). Highways England have made clear that any impact upon the A46 network are for any wider capital scheme to consider following two successive Autumn Statements (2014, 2015) confirming a commitment to the A46 proposals as part of the Road Investment Strategy. Discussions with Officers continue, with work on the design phase within this RIS programme progressing.

The mitigation measures attributed to the applicant would be secured through conditions and an accompanying S106 agreement. This will ensure that any off-site mitigation measures are implemented at the appropriate trigger points (including long-stop dates in the event that some developers do not build out) subsequently ensuring that any potential adverse effects of the additional traffic arising from the development are addressed and that any cumulative impacts are not unacceptable. It should be noted that the conditions suggested by NCC Highways Authority have been imposed largely as suggested (albeit redrafted where appropriate to make them more robust). NCC's suggested condition 8 (requiring a traffic counter) is currently in dispute by the applicants. I have not included this within the draft list of suggested conditions as this would be more appropriately secured through S106 in any event, should Members consider this is required. It should also be noted that Highways England have also responded in respect of the draft conditions to confirm that their suggested conditions can be removed as they are covered by the conditions recommended by NCC Highways Authority as amended. Accordingly the list of draft conditions has been amended to reflect these comments.

Public Transport and Sustainable Travel

One of the core planning principles outlined by paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Policy NAP2C provides that transportation measures should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities, minimise the impact of the development on the existing transport network and will include high quality passenger transport links to Newark and Balderton town centre and safe, convenient pedestrian and cycle routes within and adjoining the development.

The submissions make clear that the scheme has sought to encourage travel by sustainable modes. At reserved matters stage the layout will be designed so as to provide pedestrians and cyclists priority over vehicles. A Framework Travel Plan (TP) has been prepared and accompanies this application which sets out the long-term management strategy for the site to deliver its sustainable transport objectives.

Public transport (or the perceived inadequacies of it at existing Fernwood) is a matter that has been raised by local residents in the consultation process. I acknowledge that the bus service has taken a long time to become operational. For many years the spine road within existing Fernwood was unadopted (during the construction phase) resulting in the bus operator being unwilling to utilise the road unless they were indemnified from a public liability aspect. The roads are now adopted and the bus infrastructure is in place but not yet in use. Whilst as I have rehearsed above it is not for this submission to address any existing issues it is for this scheme to utilise any opportunities offered by the now adopted road to allow bus penetration into Fernwood (and in doing so also benefit existing residents). If necessary this should include subsidising service(s) in the initial years in conjunction with providers, a matter I explore below.

In terms of existing infrastructure the nearest operational bus stops to the proposed site are located on Dale Way and Goldstraw Lane approximately 500m to the south-west of the centre of the site. The scheme being promoted in the applicants Public Transport Proposal (PTP) document is an enabling approach to allow existing bus service No. 3 operated by Stagecoach to be extended beyond its existing route using the proposed new bus link as its access/egress. Various options are given for this. The submission states that appropriate infrastructure would be provided in the form of new bus stops and timetable information, level kerbs and works for the future provision of real time passenger information. These will need to be secured by the S106 agreement and/or conditions at appropriate triggers throughout the development.

The Highways Authority have stated that current services need to be enhanced in order to serve the development and this is an expectation as set out in Policy NAP2C in line with sustainable travel principles. Stagecoach, the existing bus operator at Fernwood have now confirmed to the developers that the existing bus route No. 3 can be extended to and from the existing Fernwood settlement. Discussions have established that in order to provide this necessary enhanced service a bus subsidy is required of £150,000 per annum for a period of 5 years reflecting 'best practice' given it is an 'extension' to an existing service rather than provision of an entirely new one is the revenue that needs to be generated per annum in order for the service to become viable. This contribution is considered to be reasonable and appropriate.

Other measures are also offered to influence sustainable travel patterns. They include the distribution of travel packs to new occupiers (providing useful information to help residents make informed choices on transport)) and the provision of incentives such as free bus passes to new householders for 3 months (or 1 free bus pass per dwelling for 6 months) in an attempt to influence travel patterns.

A Travel Plan Coordinator (from Waterman who have relevant experience) will be appointed by the developer 3 months before occupation of the first dwelling to drive the TP forward and gain support from local residents and others. Their role would be to assess, monitor, implement and manage the TP objectives moving forward as well as liaise with all parties on all matters of transport, including organizing/chairing a TA Steering Group.

It is noted that provision is being made towards aspects of public transport in the form of the physical bus link (off site within the public highway); bus penetration (on site) via the spine road; bus stops and associated paraphernalia (within the highway) and travel initiatives to comprise household packs and bus passes. These represent facilitating works and actions to enhance sustainability as part of an overall package of highway/transport measures. This, together with a substantial bus subsidy, show that the applicant has made every effort to ensure that the proposed development in design and sustainability terms can accommodate buses thereby encouraging the use of public transport in line with policy. I do also note that such mitigation measures will further assist issues identified above in terms of highway capacity and flows albeit the assessment which has been made is based on the situation without the Travel Plan measures in order to represent a worst-case scenario.

Network Rail suggested in their consultation response that the developer should pay a commuted sum in order to provide additional cycle stands at the local railway stations. I consider that it would be difficult to justify that this type of contribution would be directly attributable of this development of 1050 dwellings and in my view this would fail the test set out in the CIL Regulations 2010. The matter has not therefore been pursued.

As part of the scheme, it is proposed that the northern part of Hollowdyke Lane will become a dedicated bus/cycle/pedestrian route only and will be closed off to other vehicles. This would link existing footways with those at the Coddington Road junction in Balderton. It is considered that the provision of the 'bus/cycle/pedestrian only' link meets with the sustainable objectives of SP7 and NAP2C.

Access to the existing public footpath will be maintained. Footpath No. 10 currently crosses the A1 from Worthington Road in Balderton (a wooden staircase leads onto the A1) and onto the fields that form this site in a south-easterly direction. The Ramblers rightly point out that this situation is dangerous. The County Rights of Way Officer initially requested that consideration be given to the developer undertaking feasibility work in conjunction with the Highways Agency so as to provide a footbridge over the A1. However there are existing footpaths/routes linking Fernwood to Balderton (the A1 Overbridge and improved footways to the underpass to the northern tip of the site) that provide safe and convenient routes to and from Fernwood. It is therefore not considered that the development would justify the considerable cost of this piece of infrastructure and the matter has not been pursued as it is considered unreasonable and would not meet the tests of the NPPF and the CIL Regulations.

Footpath No. 10 however would be improved with new surfacing, lighting and surveillance where appropriate as part of the proposals, which can be controlled at reserved matters stage.

It is noted that the Ramblers have suggested that because Hollowdyke Lane will carry significantly more traffic as a result of the development, a green route for cycling and walking with a public bridleway designation should be provided preferably on the route of the former Footpath no. 4. However much of FP4 is actually outside of the application site (the route they mention carries on from FP10 south) and it is therefore not possible to secure this by condition as they request. In any event the widening of Hollowdyke Lane on its southern side could be delivered as remaining parts of the site allocation come forward for development and that would be an appropriate time to consider the additional of such measures.

Within the site itself it is proposed that pedestrian and cycle paths will be provided alongside streets through shared surface routes with the potential to include informal routes around the site periphery creating recreational routes for walking. The network of footways will provide linkages from residential areas to the on-site public open space and play areas. The concept of this is in line with NAP2C but is best considered in more detail at reserved matters stage.

Highway Matters Raised through Public Consultation

It is noted that many residents have raised concerns regarding the implications of traffic congestion in the area generally, in the event of an accident on the A1 (whereby traffic gets diverted to the surrounding local network) and the B6326 which has knock on consequences for the road network surrounding the site.

This is noted and understood. On the occasion that accidents do occur, appropriate diversion routes can be put into place by the appropriate authorities. For example the bus gates that will close off the northern end of Fernwood to Balderton could be lifted to provide an alternative route into Newark and Balderton in an emergency situation. However from extensive discussions with the relevant highways authorities and the Council's highway consultant, it is not considered necessary in highway capacity terms to retain a free-for-all access to the north of Hollowdyke/Spring Lane at all times.

Impact on Trees, Ecology and Nature Conservation

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

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires that, in determining planning applications, the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

Trees

An Arboricultural Impact Assessment (which comprises an Addendum dated March 2015) and survey has been carried out to ascertain and qualify the impacts of the development.

No trees impacted by the development are currently protected by a tree preservation order and the site is not within a Conservation Area. Just under half of the specimens being assessed were categorised as grade B (moderate quality with a life expectancy of 20-40 years) with the remainder being grade C (being poor, with a life expectancy of 10-20 years) or ungraded (not suitable for retention given their very poor condition).

To facilitate residential development, impacts would include the removal of a relatively young hedgerow that zigzags across the eastern part of the site. This follows old field boundaries and has a high proportion of gaps. Other parts of hedgerows to be lost are along Spring Lane/Hollowdyke Lane to allow road widening and visibility splays to be formed. A group of Hawthorn (G9) would

need to be removed to facilitate the excavation of drainage attenuation to the northwest. Another short section of group of C graded hawthorn, rose, blackthorn and ash would be lost to facilitate a road section of a principal road. Three standalone trees would also be removed on the north-eastern part of the site near the railway line but these are categorised as ungraded trees.

The removal of three semi-mature groups (G1-3) of trees to the north of housing alongside existing Fernwood is proposed. These were originally planted (in the last decade) to provide a strategic landscape buffer to screen the existing settlement from the A1/countryside beyond and are well established but not yet matured with their loss being of medium significance in ES terms. With development proposed immediately to the north, this buffer would be no longer required and in any event would be replaced with a new landscape buffer alongside the A1 further north.

The Addendum to the AIA sets out the impacts now that the highway implications are known. With regard to the provision of the bus link the impacts are limited to the following; a programme of regular pruning/pollarding would be required for 3 crack willow trees that overhang the carriageway (to the north close to the A1) and the loss of two native stretches of hedgerows c153m in linear meterage and groups (H16 and G17) on the eastern side of Hollowdyke Lane for road widening and improved visibility.

To mitigate, a new hedgerow of similar length with trees would be planted to the eastern side of the widened road to be secured through condition. Some minor crown lifting works and the cutting back/coppicing at the southern end of hedgerow (H39) on eastern side of the lane would be required.

With regards the improvements to Hollowdyke Lane (passing bays) the following impacts are expected;

- A run of native hedgerow H23 (c115m) would be removed for widening;
- 214m² of a total 26,730m² group area (G38) would be removed for the creation of a visibility splay on sharp bend. There are 2 trees within this group that would be felled. To mitigate, new tree and shrub planting would be provided elsewhere (to be controlled by condition);
- Tree protection plan (condition) to be in accordance with an approved arboricultural method statement.

The ES contains an error in that it states that the level of trees and groups to be removed from site amounts to 21% of existing coverage. However this is incorrect as they have based it on 10,025m² instead of 1,025m² (the correct amount) thus reducing the figure to 2.1%, which is an acceptable amount of loss. For hedgerow removal the figure is 34% of existing hedgerow which is clearly higher but together with mitigation, I consider that the levels are acceptable and unlikely to significantly harm the environment.

None of the trees to be removed are 'A' graded trees (high quality with an estimated life expectancy of 40 or more years) albeit it is accepted that even lower category trees can collectively contribute positively to the visual amenity of the area. However I agree with the conclusions drawn that the removal of woody vegetation has been minimised through design and that its loss can be mitigated commensurately by additional landscaping. Having assessed the arboricultural impact and significance, I consider that the proposal is acceptable and this is also accepted by relevant consultees.

Ecology

Clearly the loss of trees and hedgerows would have an impact upon ecology and nature conservation. The ES deals with this topic and includes a number of protected species surveys, plus an Arboricultural Impact Assessment in support of the planning application. The survey work was originally carried out in 2010 with much of it updated in 2013, 2015, and 2017. The range and scope of surveys is considered to be appropriate and the majority are up-to-date. However given the development will take several years to deliver (and the ecological situation may change over time) it is recommended that an updated Extended Phase 1 Habitat Survey accompanies each reserved matters application with any protected surveys identified as being required also completed before development commences, so that any mitigation which may be required can be put in place. This approach meets with the approval of the County Ecologist.

Following initial concerns and queries raised by the County Ecologist and Nottinghamshire Wildlife Trust an Addendum to the ES in relation to Ecology and Nature Conservation was received which clarifies the impacts and deals with matters raised by consultees during the lifetime of the application. The impacts arising from the development are now largely clarified in the ES and are assessed in more detail below.

The passing bays proposal along Hollowdyke/Spring Lane which this application is now seeking to promote has been carefully designed to minimise ecological impacts. The location of the passing bays would require the loss of two semi-mature Ash trees close to the 90° corner of Hollowdyke Lane.

Had the alternative wholesale widening proposal have been pursued the impacts would have been far greater (albeit it was not previously fully quantified due to unresolved highway matters) as it would have necessitated the removal of semi-mature and mature trees as well as extensive areas of hedgerows which are likely to support a range of wildlife and severe connectivity along this lane. This approach had raised concerns with the County Ecologist and Nottinghamshire Wildlife Trust because of the likely level of impacts but also as there was no certainty in terms of impacts.

The site itself is not subject to any European, national or local level designations. The nearest nature reserve is almost 4km away, and a number of local level designations near to the site have been taken into account as part of the assessment, the nearest being Balderton Railway Pond (a scrub and open water habitat within a disused ballast pit 0.02km east) and Shire Dyke Balderton (stretch of species rich drain 0.1km south).

Protected Species Impacts

Standing advice (Natural England) has been used to assess the impacts upon protected species.

Badgers

Survey work indicated that there was an active badger sett present on site and an outlier just off site. Concern was raised originally by the County Ecologist and NWT that the ES didn't address specific mitigation. It is unclear at the present time whether it would be practical for the sett to remain in situ given the application is outline and details of the development are not yet fixed. The ES Addendum is silent on the matter but is clarified in the 2017 update as still being present and active. At a meeting with the relevant consultees prior to the preparation of the Addendum it was agreed that a sensible approach would be that reserved matters applications should be accompanied by updated surveys and if found on site, a Badger Mitigation Strategy should be submitted to deal with active setts. I consider that this adequately deals with the matter.

Bats

All species of British bats and their resting places are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

The original ES concluded that the site was of low value for foraging and commuting bats as only low levels of activity was recorded during activity surveys. NWT raised issue with this given that at that time there were plans to upgrade Hollowdyke Lane and it would have resulted in loss of trees and hedgerows albeit there was no certainty regarding how many trees would be felled with roosting potential. The ES Addendum clarifies the impact.

Affected trees have now been surveyed and assessed (including both trees to be removed plus the 4 trees closest to them; totalling 6 trees) for their likely potential to support roosting bats by a qualified ecologist in line with criteria set out in the Bat Conservation Trust guidelines. The findings for 5 of the trees were that there was negligible potential to support bats with one of the Ash trees (not one of trees to be removed) having moderate potential given it had a woodpecker hole and number of splits within its main trunk. However the impact of the trees to be lost has been judged to have an adverse effect but of low significance in relation to bat habitat. I would agree with this conclusion and I note that the wildlife experts have raised no objections. It is also worthwhile pointing out habitat creation including the provision of bat tubes, bricks and boxes would be expected as set out in the ES which would also be secured by condition on a phased basis.

Reptiles

The reptile survey findings from 2010 were that low populations of reptiles were recorded and given the sites agricultural use there were limited opportunities on site for them. Given the survey dates from 2010 and is therefore not up-to-date and in response to queries raised by NWT, a rapid walkover survey was undertaken in February 2015 following the survey methodology set out in the January 2014 ES. This reveals that conditions have not changed since the previous survey and opportunities for reptiles remain limited. The County Ecologist has recommended that the LPA secure a Reptile Mitigation Plan to avoid the killing of reptiles present within the development area and to make provision for their passive displacement or translocation to areas outside of the development footprint, which will be included in a condition.

Amphibians and Water Voles

The site contains no existing ponds thus breeding opportunities within the site itself are low. A number of ponds are within 250m of the site, one of which is Balderton Railway Pond (LWS) less than 20m from the site which was not subject to a survey because of access limitations. NWT consider that this could support amphibians and strongly recommend that a Great Crested Newt survey is carried out. This would be subject to condition.

Signs of water voles have been found on water course WC2 (plan ECO4) and NWT request that an ecologist has an input into the design of the drainage plans as there is potential for disturbance during the installation phase. This is noted and will be flagged by an informative on any decision notice but is a matter for reserved matters approval.

Nesting Birds

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Given that hedgerow and some trees on site are to be removed there is potential for this to provide habitat for nesting birds. It is therefore recommended that ground clearance works are undertaken outside of the bird nesting season unless otherwise agreed (such that a qualified ecologist undertakes a thorough search before works commence). These precautionary measures would be secured via an appropriately worded condition. Whilst new nesting opportunities will be secured through the new habitat creation, these will take time to mature and therefore more immediate enhancements will be secured through requiring nest boxes on trees and boxes and/or bricks on new buildings as is suggested in the ES at 6.5.58. This is matter that should be controlled by condition.

Loss of Hedgerow Habitat

The revisions to the bus link and to Hollowdyke Lane have undergone a number of revisions which would necessitate the removal of two hedgerows; H2 and H8.

Most of hedgerow H2 (hawthorn, ash, elm) is thin, outgrown and gappy and contains a number of dead elm, although a short section of c40m is well managed overall the quality is low giving a 'minor adverse' significance in ES terms. It is proposed that a new hedgerow will be planted adjacent to this but set back from the road in order to maintain visibility splays. This would ensure there is a continuous hedge feature comprising at least a double staggered hedgerow of at least 7 native species This replacement would not only provide mitigation but would actually be an enhancement in ecological terms and would be secured by condition.

Hedgerow H8 which would be lost to widen Hollowdyke Lane in part is dense, stocky comprising a number of woody species having a higher moderate significance. Mitigation proposed is to plant a hedgerow at double the length of the one lost in the public realm similar to H2. Again this can be controlled by condition.

The County Ecologist raises no objection to this approach and is satisfied with the approach and proposals with respect to loss and replacement of habitat. I therefore concur with this approach.

Biodiversity Enhancements

The ES concludes that the scheme represents opportunities for biodiversity and ecological enhancements, which is also required by CP12 and the NPPF. Ecological enhancements would include the provision of new habitats particularly to the south-eastern part of the site including damp grassland, a network of ponds (including the SUDs attenuation ponds), wildflower grasslands providing opportunities for wildlife particularly for reptiles and amphibians. The green infrastructure alongside the railway and A1 is between 9 and 25m in width. Together with noise attenuation works (possibly earthworks) I consider that this corridor will provide a good habitat links and dispersal routes for many species and is a matter which Natural England as statutory consultee promote. Indeed 14.01ha of the site would be given over specifically to natural and semi-natural grassland. I consider that ecological enhancements should be secured through condition on a phase by phase basis.

Ecology Conclusions

A number of other mammals and invertebrate have been considered by the ES where the ecological value is considered to be low. The County Ecologist raises no objection to the scheme and Natural England consider there is potential for this scheme to create an enhanced green infrastructure network helping to deliver more resilient and coherent ecological networks, healthy and well-functioning ecosystems, which deliver multiple benefits for wildlife and people. Overall I agree with the findings of the ES in that it concludes that there would be minor enhancements to the overall ecological interest of the site. I find that subject to the conditions to control the mitigation and enhancements identified the proposal accords with the requirements of Policy NAP2C and CP1 and DM7.

Soil/Agricultural Circumstances

Natural England comments on soil and land quality have been noted. Some of the site is classified as the 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system) and in this case there are 4 ha of Grade 2 and 15.5 ha of Sub-grade 3a. However this is a matter that has already been considered when the site was strategically allocated for development. Additionally, in an overall planning balance delivery of housing on an allocated SUE site carries significant and over-riding weight in these circumstances. The majority of the Grade 2 and 3a land would be lost to development albeit some of the agricultural land affected by the development will remain undeveloped as green space. In relation to such matters the NPPF states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

Chapter 13 (Agricultural Circumstances) of the ES deals with this matter and concludes that this is no requirement for mitigation which I concur with in this instance.

Visual and Landscape Impact

Core Policy 13 (Landscape Character) sets out a framework for assessing landscape character and sets expectations that development proposals should positively address the implications, aims and objectives of each landscape policy zone. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with CP13) and is a useful tool in assessing local landscape character in relation to specific sites.

Policy NAP2C also sets out that the provision of Green Infrastructure in line with SP8 will be required which secures landscaping and structural planting throughout the development, buffer zones to the A1, railway and boundaries with the countryside amongst others.

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application as part of the ES. An addendum of the Landscape and Visual Issues has been submitted which seeks to address comments made (primarily from the Landscape Architects at NCC and the Wildlife Trust) during the lifetime of the application. This addendum includes clarifications as required and provides additional photomontages from viewpoints in consultation with the Landscape team at NCC plus an existing viewpoint realigned as requested. This was reviewed in May 2017 given the passage of time and no material changes have been found with the findings of the ES remaining valid for the purposes of determining this application.

The application site falls within the South Nottinghamshire Farmlands regional character area, partly within the Cotham Village Farmlands (SN08) and partly within the Cotham Meadowlands (SN09) character types. The topography in this area is flat and open with land use being predominantly intensively arable with hawthorn hedgerow boundaries where views are interrupted by power lines, pylons and the A1. Landscape condition here is defined as poor and there is a low-medium sensitivity to change.

A Revised Landscape Strategy Plan and Revised Illustrative Landscape Masterplan have been submitted which shows broad disposition of green space, green corridors and intended mitigation in the form of new hedgerows, trees etc. These address the concerns raised at the time by the NCC Landscape Team and I consider that the proposal offers a logical response to the constraints and opportunities offered by the site and allows for a proper assessment of impacts. The submissions accord with the requirements of Policy NAP2C and I am satisfied that the visual impacts and those upon the landscape are acceptable.

Alternative Scheme (not being pursued)

As part of the application process, consideration was originally given to the wholesale widening of Hollowdyke/Spring Lane to 6.75m plus 3m wide cycle and footway. In order to do this within the land that the applicant's control, it would have meant that this was widened to the north, involving the culverting of a ditch and the extensive loss of trees (3374m² of tree canopy removal) and hedgerows (c516 linear metres) adjacent to existing residents. The applicant was asked to demonstrate the impacts visually of this scenario and have provided an illustrative photomontage (mock up) section which shows the existing situation compared to the impacts of the wholesale widening.

From a landscape and visual perspective this would have resulted in a major and significant loss of established vegetation and would, in my view, have had a major adverse impact upon the character and appearance of the area. This would particularly adversely affect those residents whose dwellings back into Hollowdyke Lane as their currently private/secure gardens would be revealed leaving their fences exposed to the roadside. This would radically change the character of what is currently a rural lane in a detrimental way. Members will note that the very idea of this being considered caused many residents to express their concerns regarding this matter during the first round of public consultation. Moreover, as I have rehearsed above it would not address the issue of conflict between construction and residential vehicles. For the reasons set out in the Highway Section of this report, the wholesale widening is not considered necessary or acceptable.

Actual Impacts of Scheme being Pursued

In relation to the scheme which is being promoted (which includes the passing bay proposal along Hollowdyke/Spring Lane) trees and hedgerows to be removed are identified as groups of trees alongside the northern boundary of the existing settlement, a length of hedgerow where a SUDs balancing pond is indicated, the hedgerow to the east that zigzags across the field from Spring Lane to the railway line and the removal of sections of hedgerows to form new accesses to the eastern part of the site. Groups of protected trees alongside the B6326 (G40) and alongside the southern boundary of the existing village (G38) would remain and be protected throughout construction stage. The bus link would necessitate the removal of hedgerow H16 and its replacement would be double staggered of mixed native species (in the same location but set back to gain visibility for the bus link) and would provide for a continuous feature along Hollowdyke Lane. The loss of hedgerow H23 along Hollowdyke Lane (due to passing places) would be mitigated throughout the development.

During construction, there would be direct and open views of the construction activities on the site including highway improvement works. Views of the construction activities for residential parcels will become more restricted as the development progresses, particularly to the east of Hollowdyke Lane and limited to higher level operations such as cranes and taller machinery. These impacts will be relatively short term and once the landscape mitigation has established the impacts would be diminished.

The impacts throughout the course of the development (i.e. at construction stage through to year 15) have been considered and found to result in a moderate minor impact reducing to a minor beneficial effect at completion, which is largely due to a green infrastructure strategy contributing to the overall objectives of Policy Zone SN08. I consider that the ES together with its Addendum enable a proper assessment of the issues and agree with the conclusion that the proposals, together with mitigation, would not give rise to any significant landscape or visual effects.

Archaeology and Cultural Heritage

By virtue of its scale, form and potential layout, the proposal is capable of affecting the historic environment. An important objective in decision-making on proposals resulting in change to historic buildings and places, including those which are protected by the designation system, is to conserve heritage assets for the enjoyment of this and future generations.

The NPPF sets out the Government's planning policies for complying with the legislation (set out under The Town and Country Planning Acts and relevant regulations) and how they are expected to be applied. Its central theme is the "presumption in favour of sustainable development", set out in 12 core land-use planning principles to underpin both plan-making and decision-taking. The historic environment is covered in paragraphs 17 and 126-141, among others. Annex 2 of the NPPF defines the 'historic environment' as comprising all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. A 'heritage asset' furthermore, is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. 'Heritage asset' includes designated heritage assets and assets identified by the local planning authority (including local listing). Heritage assets with archaeological interest are so defined if they hold, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

The associated PPG includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. In addition, Historic England have produced a series of Good Practice Advice (GPA) notes that provide supporting information on good practice, particularly looking at the principles of how national policy and guidance can be put into practice. It follows the main themes of the planning system - planning-making and decision-taking - and other issues significant for good decision-making affecting heritage assets. GPA are the result of collaborative working with the heritage and property sectors in the Historic Environment Forum and have been prepared following public consultation. GPA2 – Managing Significance in Decision-Taking in the Historic Environment and GPA3 – Setting and Views are relevant in this case (please note that GPA3 replaces the English Heritage 'Setting' guidance of 2011).

Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. In accordance with paragraph 128 of the NPPF, the first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. In determining applications, therefore, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

This requirement is consistent with objectives contained within the Development Plan. Core Policy 14 (Historic Environment), for example, promotes the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including archaeological sites. Policy DM9 (Protecting and Enhancing the Historic Environment) seeks to deliver preservation and enhancement by ensuring that proposals take account of their effect on sites and their settings with the potential for archaeological interest. Where proposals are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ.

In addition to complying with the Development Plan, special regard must be given to the desirability of preserving listed buildings, including their setting, as set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In

addition, it should be noted that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting.

The application site does not contain any designated heritage assets. However there are a number of designated heritage assets within the wider area including the important landmark church of St Giles in Balderton (Grade I listed) and the Church of St Mary Magdalene in Newark (also Grade I), and impact on their setting and significance is an important consideration. The indicative details submitted suggest that buildings would have a maximum height of c12m with some opportunity for 2.5 to 3 storeys. Given the existing built form of Balderton and Fernwood, the proposal is not likely to compromise designated heritage assets in the wider landscape. Topography and relative distances between receptors and the development site ensure that impact in the wider landscape is not likely to result in any material harm to the setting or significance of any designated heritage assets in this case.

In addition, the application site contains archaeological interest. The County Historic Environment Record (HER) and National Monuments Record (NMR) identifies three sites of interest within the Fernwood NE site, including an undated cropmark enclosure (possibly prehistoric in origin), a ring ditch feature and various linear features identified on aerial photographs. There is one identified feature within the Fernwood SW site comprising linear cropmarks of unknown origin, but this would not be affected by the proposal.

The effect of the proposed development on the significance of any non-designated heritage assets should be taken into account in determining the application in accordance with paragraph 135 of the NPPF. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, given the archaeological interest of these identified heritage assets, appropriate regard must be given to their potential for higher significance, noting that assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as required under paragraph 139 of the NPPF).

The applicant has provided a desk-based assessment of the perceived archaeological interest of the proposal site within chapter 7 of the submitted ES which deals with *Archaeology and Cultural Heritage* (this includes the results of a geophysical survey). The applicant has also provided additional information in response to the County Archaeologist's initial comments (a letter from their consultant Cotswold Archaeology submitted in January 2015). The County Archaeology Team has previously noted concerns about the submitted details (report dated 15 December 2014), citing limitations with the assessment in terms of significance and possible reliability issues with the geophysical data due to the geology of the land in this area (similar issues have been identified in the neighbouring Bantycok opencast site). However, the County Archaeology Team has been reassured by the applicant's specialist (letter and phone conversations between Cotswold Archaeology and Ursilla Spence, cited in County correspondence dated 14th April 2015). On balance, therefore, it is considered that the existing assessment provides a satisfactory prediction of archaeological interest. The Senior County Archaeologist has provided a draft model condition to enable appropriate archaeological investigation and recording. I am therefore satisfied that, subject to mitigation in the form of the suggested planning condition, that the proposal would not cause harm to heritage assets that would warrant a refusal of permission.

Flooding/Drainage

Policy NAP2C requires the provision of flood mitigation, states that residential development should not be located in flood zone 3, that development may be accepted in Zone 2 (subject to appropriate mitigation) and states that where appropriate a Sustainable Urban Drainage scheme (SUDs) should be incorporated. This policy remains in compliance with the NPPF and its technical guidance.

Flood Risk and Drainage form a chapter in the original ES and was accompanied by a Flood Risk Assessment. This has been reviewed in May 2017 and found to remain fit for purpose. In response to requests from consultees, a Drainage Strategy and Statement have also been produced for the site.

Construction phase mitigation comprises avoidance and management plans to avoid pollution of the water environment which will be captured in an all-encompassing construction environment management plan CEMP.

The majority of the site lies within Flood Zone 1 at lowest flood risk. However there are parts of the eastern site sections that fall within Zones 2 and 3a, being a medium and high probability of flooding. Residential development, as shown on the various illustrative plans, would come forward in Zone 1 which is the approach advocated by the NPPF and NAP2C.

In terms of flood risk, the ES concludes that mitigation is required in the form of avoidance of built form in the medium to high flood risk zones which is indeed the case for the residential elements. However since the submission of the ES the location of the sports pitches and a pavilion building have been firmed up and the pavilion/changing facilities has been added to the offer.

Open space and the sports pitch areas would be within the flood zones 2 and 3 where these types of development are categorised as 'water-compatible' development in flood vulnerability terms (as per the NPPG) and are acceptable subject to ensuring that the water compatible uses are designed and constructed to remain operation and safe for users in times of flood, 2) result in no net loss of floodplain storage and 3) not impede water flows and not increase flood risk elsewhere.

This being the case I consider it appropriate and reasonable that the reserved matters application(s) that incorporates these elements should be accompanied by an up to date Flood Risk Assessment which specifically demonstrates these 3 elements are met which can be secured by condition. Details of how the sports pitches will be robustly drained will also be required.

Drainage is a matter that would be dealt with in detail at reserved matters but the outline application provides an overarching preliminary drainage scheme. This proposes two new attenuation ponds (to the east and west) which will control surface water discharge, open swales within areas of soft landscaping and other features such as permeable paving. These features and the disposition of development are considered appropriate approaches that would adequately mitigate impacts from drainage and flood risk.

During construction in order to address potential pollution or water quality incidents the applicants will be required by condition to submit a Construction Environmental Management Plan which will cover avoidance measures such as provision of wheel washing facility before exiting the site, efforts to keep highways clear of mud deposits, road sweeping etc. Subject to mitigation/avoidance, it is considered that the environmental impact would be very low.

The Environment Agency (EA) have now confirmed they have no objection to the scheme subject to conditions to control finished floor levels and to the submission of a scheme to control suspended solids from surface water run off during construction. The Lead Flood Risk Authority have raised no objection to the scheme which is also the case for the Upper Witham Drainage Board who have not ruled out taking on the responsibility of the SUDs scheme in due course, albeit the management of this will be resolved and secured as part of the S106 Agreement. Appropriate conditions will be included to require a detailed surface water drainage scheme to be agreed and any other conditions as requested by consultees.

Severn Trent Water (STW) have advised that they are aware that a scheme of this size will take several years to come forward. They have equally made clear that they will, as a company, be required to carry out any works necessary off-site to meet the capacity required. This will be informed by STW undertaking detailed modelling work. A condition to deal with on-site foul sewage and connection points will be recommended. Therefore I am satisfied that this accords with the requirement of NAP2C criterion 14 iv.

Overall the ES concludes that the proposed development will not significantly impact upon the surrounding development in terms of flood risk and drainage. I have no reason to disagree with these findings and consider that the proposal accords with CP10 (Climate Change) and the NPPF.

Air Quality

The ES (Second Addendum) deals with air quality and takes into account relevant traffic flows and the wider highway network plus newly published methodologies for air quality and dust impacts as well as new vehicle emission factors which have been published by DEFRA. This chapter of the ES focuses on the impacts upon air quality from an increase in traffic on local roads at residential properties, traffic emissions from the adjacent road network and from the railway plus construction impacts such as dust etc. This assessment has looked at local air quality as existing and predicted air quality should the application proceed or not. It looks at impacts from the development itself and cumulative impacts.

With regards construction impacts, given that there is a high risk of dust this will need to be minimised and this is best achieved through a Dust Management Plan as part of the Construction Environmental Management Plan to be secured by condition and will reduce levels to being insignificant and therefore acceptable.

In terms of operational air quality impacts from road traffic emissions, these are within acceptable limits in that there will inevitably be impacts but acceptable ones, albeit measures to mitigate operational phase impacts have been incorporated into the Travel Plan through the provision of cycle and bus links which are all designed with sustainability in mind and reducing the reliance on the private car. Predicted concentrations of pollutants such as nitrogen dioxide, PM¹⁰ and PM_{2.5} will be well below objectives at all receptor sites whether or not the scheme is developed and are considered to be negligible for local residential properties. Cumulative impacts were also considered to be acceptable and well below the air quality objectives. The impact of emissions from diesel locomotives on the railway line are considered insignificant.

The ES concludes that both on its own and in combination with the wider development at Fernwood the significance of impacts upon air quality would not be significant. Our EHO agrees with the findings of the ES and raises no objections in this regard. In summary I consider that the applicant has adequately demonstrated that air quality in relation to the development would be acceptable and in line with the NPPF and best practice guidance, which are material planning considerations.

Noise Environment and Vibration

The ES (Second Addendum) contains details of Noise and Vibration which takes into account relevant highway network flows and updated highway modelling to produce predicted impacts. In particular it considers noise from traffic using the A1 and railway movements to the east as well as considering impacts from construction and future operational impacts. Baseline surveys have been carried out for both noise and vibration.

Impacts during construction phases have been assessed as negligible as initial works progress and would be minor—adverse once construction is in full flow and could be mitigated with various working practices. I consider that a condition should be imposed which requires the developer to set out a construction method statement prior to commencement of development, which sets out how they intend to operate, their selection of appropriate plant and adopting best practices etc as is suggested by the ES and has been advocated by our Environmental Health Officer.

During operational phases the ES concludes that noise mitigation (as yet not specified) would be required adjacent to both the A1 and railway to ensure the impacts upon residents is acceptable. This mitigation could be in the form of earthworks bunds or noise barriers 4m in height which would sufficiently mitigate impacts to an acceptable level.

There is a gas main (and associated easement) and oil pipeline crossing the site in any event where development cannot take place and the Masterplan makes an allowance for a noise mitigation bund which is 8m wide. The green infrastructure zone along the eastern boundary is 8m wide, which is the allowance for noise mitigation. There are areas where this increases, specifically around the midpoint of the development zone edge where the development zones are set approximately 50m back from the red line boundary. The Illustrative Masterplan shows that there is c25m of green infrastructure land adjacent to the A1 and c8m of land adjacent to the railway would be available to allow noise/vibration mitigation as well as allowing scope for ecological enhancements and landscaping. Safeguarding this area for such would ensure that the distances between dwellings and noise/vibration generators would be to an acceptable level. Other mitigation could include restricting the heights of buildings adjacent to the A1 and the railway to ensure that the noise mitigation remains effective at upper floors as well as careful design, specifications (of windows etc) and the positioning of the dwellings themselves, which would be controlled through reserved matters submission.

The ES concludes that there would be no significant effects from road traffic from the proposal. In considering cumulative impacts, the ES assesses the impacts of road traffic along Hollowdyke Lane to be high adverse, which is currently a lightly trafficked lane. However existing mitigation (vegetation and fencing to existing properties) would ensure potentially affected dwellings are safeguarded from unacceptable impacts and in any event any future application would be subject to further noise assessments and mitigation as required.

Our Environmental Health Officer (EHO) has advised that given the presence of the East Coast Main Lane and the A1 Trunk Road noise levels to properties in places would be high, which is to be expected. He confirms that mitigation measures are needed to achieve a reasonable level of protection not only inside the dwellings but also in respect of outdoor space (such as acoustic fencing and/or bunds) to avoid the creation of so called “acoustic prisons”. The detail of these measures for noise and vibration are not yet set out and would form part of a detailed revised matters submission. Subject to securing such measures that are set out in the ES our EHO raises no objection.

Subject to the imposition of suitable conditions, I consider that the proposal can adequately deal with noise and vibration in line with the requirements of DM5 (criterion 3; amenity) and the NPPF.

Geo-environmental and Land Contamination

The relevant chapter of the ES which deals with geo-environmental and land contamination matters has not been updated since the original 2014 document. The assessment within the ES is based on a review of Phase I desk based studies and intrusive investigations. Effects of geo-environmental and land contamination matters can be broken down into two broad key areas; physical aspects relating to topography of the land etc. and ground contamination aspects relating to the impacts of pollution on human health, controlled waters, ecology and other receptors.

The previous land uses of the site are noted as being historically agricultural land although it is acknowledged that the site includes a buried aviation fuel line along the north-west boundary, a buried high pressure gas main to the north east of the site and that the site is in close proximity to a former scrap yard use.

The majority of contaminants assessed were found to have concentration levels below their respective screening criteria and although it is appreciated that it will be necessary to undertake further assessment on matters such as surface water assessment and gas monitoring, it is stated that this would be appropriate to be undertaken at the more detailed design stages.

Following implementation of the proposed mitigation measures the residual impacts are considered to be neutral to minor adverse for the construction phase and neutral during the proposed operational phase. The relevant section of the ES has been assessed by colleagues in Environmental Health and they have raised no objections subject to the inclusion of a phased contamination condition. On this basis I am confident that the approval of outline residential consent would be appropriate and that any adverse impacts arising from geo-environmental and land contamination factors could be readily mitigated by appropriate planning and design.

Utilities and Services

The ES has considered the development in the context of the supply of electricity, gas, water, sewerage and telecoms. Liaison has been undertaken with the relevant statutory undertakers to establish the location of existing apparatus and the means of supplying the site with new service supplies. Given the nature of the site there is currently no provision for service supplies, however various services cross the site.

Notwithstanding measures that may be introduced to reduce energy requirements and utilise renewable, low and zero carbon energy sources, the ES has employed a worst case scenario approach estimating peak services load demands for electricity, gas and water. Liaison with the relevant authorities has confirmed that the existing network has capacity for the development with the exception of the water infrastructure. Severn Trent Water have raised no objection in principle and have confirmed that they would have to provide capacity within the network of sewers, pumping stations and treatment work upgrades if required. The level of these mitigation works is determined by sewer modelling undertaken by Severn Trent Water. On the basis that drainage plans for the disposal of surface water and foul sewerage would be agreed by condition, it is not anticipated that the development would have a detrimental impact to the existing service provision in the vicinity.

Overall I am satisfied that the necessary infrastructure can be provided in accordance with the requirements of Policy NAP2C.

Developer Contributions and Viability

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

Originally the scheme was advanced as being policy compliant. However, it became apparent to the applicants in August 2016 that this could not be the case. Since that time a number of discussions and negotiations have taken place and the applicant has submitted a Viability Case that seeks to demonstrate that the scheme cannot be fully policy compliant in terms specifically of affordable housing volume and/or type. All other contributions remain policy compliant.

The scheme the applicant advanced was that with regards to affordable housing. Whilst 30% quantum of houses could be provided the tenure possible would not be the Council's preferred tenure split and would comprise solely of low cost market housing which would be provided at 75% of market value. This is essentially an Open Market Discount Product which meets the government's definition of affordable housing but is not providing for the identified affordable need in this District. In other words 30% affordable housing by national definition can be provided but not the affordable type required. If the Council wishes to have a more rounded split (and one which better reflects current need) less than 30% in actual numbers would be secured.

The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPG makes clear that this policy on viability also applies for decision taking and makes clear that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

With this in mind, the Council has commissioned Jones Lang LeSalle (JLL) a nationally recognised and renowned company that specialises in such matters to critically appraise the applicant's submission (prepared with Savills as their viability consultant) and to provide independent advice to the Council in respect of viability. Members are advised that JLL have not only appraised the scheme from a financial modelling perspective but their own in-house quantity surveyors have also scrutinised the costs (including abnormal costs) submitted by the applicant. This includes checking technical reports such as the land contamination surveys for example.

The following section examines the policy requirement of potential developer contributions. These are shown in summary in the table at **Appendix 2**. For each potential contribution I have set out the policy position, the developers offer and our position/commentary on each. It is important to note that the applicants offer is to meet the policy expectation on all matters except affordable housing which is considered last. The viability discussions are therefore detailed in this latter section.

Community Facilities

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to £1,453,273.50 for the entire 1050 units. This requirement has been factored into the viability appraisal and would be met in full.

This contribution would be spent on community facilities within the Fernwood parish, either on new or existing facilities. Given that Fernwood is a relatively new settlement, existing facilities are limited. As Fernwood Parish Council occupy and run the existing village hall on site, they have been involved with discussions regarding whether greater Fernwood could support two separate village halls. It is agreed by all parties that it would be better to utilise the financial contribution towards expanding and improving the existing village hall and facilities (including car parking) in the immediate vicinity and is what it is anticipated the monies would be used for. Monies could also be utilised to improve/expand the facilities at the existing bat house (adjacent to the sports pitches) to provide a mini clubhouse which could take pressure off the hall itself and this will be explored further. In order that this may be facilitated early, the applicants have agreed that £300k would be paid upon first occupation with the remainder to be secured at appropriate triggers later during the development and secured through the S106 Agreement to be spent within the existing Fernwood site (also known as Fernwood Central). I am therefore satisfied that the proposal would be able to improve and enhance existing facilities within existing Fernwood to accommodate the additional demands placed upon it by this development.

Health

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

NHS England have confirmed that the development would place increased demand on healthcare provision and consequently seek the full contribution of £1,031,751. They have indicated that this would likely be spent at Balderton Doctors Surgery, Lowfield Lane where there is currently no capacity. Whilst NHS England have indicated that it would be useful to collect 50% of the contribution upon commencement of the development, they have also stated they are flexible to considering alternative funding streams. It has been agreed that £300k shall be paid upon occupation of the 10th dwelling with the remaining funds to be split equally upon occupation of the 200th, 400th, 600th, 800th and 1000th dwelling. This contribution would be secured by S106 Agreement and to be structured in this way would ensure that the development of the services can take place alongside the population growth as it comes on stream.

Education

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

The Local Education Authority (LEA) have confirmed that this development will require the expansion of the existing school on site from a 210 pupil place school to a 525 pupil place school based on the need to accommodate an estimated 315 additional children as a direct result of this development. This also requires the need for the developer to gift land to the LEA to facilitate the expansion.

As part of the application, the developers will be providing a land contribution to make the school site up to 2.2 hectares in size in line with the Local Education Authorities (LEA) requirements. They will also fund the extension (to be undertaken in one single phase by NCC as the LEA) which equates to £3.715m. The monies would be provided as follows; 10% upon commencement of development, 45% upon occupation of the 100th dwelling with the residual amount (45%) upon occupation of the 350th dwelling. This along with other requirements regarding the timing of the handover of the serviced site to the LEA has been subject to lengthy negotiation. Based on the ability to secure these matters through the S106, I am satisfied that the development makes adequate provision for primary school places to serve the needs of the development itself. Secondary school provision is not sought as this would be funded through CIL.

Libraries

Similarly, the Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The maximum contribution based on 1050 dwellings would be £49,917. However, Nottinghamshire County Council who manage the public libraries have confirmed that despite the uplift in numbers they only seek £36,780 based on 1050 dwellings. The requested amount would be secured by the S106 Agreement over an 8 year period following 1st occupation with a payment of £4,600 for each of the 8 years to enable stock levels to be updated in line with population growth, which in my view is a reasonable approach.

Green Infrastructure/Public Open Space (minimum quantum to be secured via the S106 Agreement) including:

- Allotments and community gardens – The Council's SPD provides that 12m² should be provided per dwelling. Based on the revised maximum number of units proposed this would equate to an area of 1.26ha. Earlier within the consideration of this application, Fernwood Parish Council submitted a petition from 2009 containing 28 signatures stating they are interested in acquiring an allotment. In response, the applicants sought to increase levels of allotments at the site from the original offer of 0.918ha to 1.079ha as shown on the revised illustrative Master Plan: Provision of Open Space Strategy. This offer has not changed since the uplift in numbers of dwellings albeit the location adjacent to the scrapyards has changed due to issues laying these over the top of a protected oil pipeline. This provision would come forward alongside development within the adjacent phase. Whilst not providing the full quantum of expected allotments, I am aware that the standard size of an allotment is 250m² and more and more sites are offering half plots. With this in mind our Parks and Amenities Manager has indicated that the area being offered could fit at least 60 allotments, allowing for a mix of full and half plots plus parking and paths. Therefore in my view this offer goes some way to meeting the apparent demand/need for allotments and whilst it represents a slight under provision I consider that the offer is reasonable and in an overall balance is acceptable.
- Amenity green space is triggered at 30+ dwellings and our SPD indicates provision should be 14.4m² per dwelling. Based on 1050 dwellings the maximum that can be secured by S106 Agreement would be 1.512ha. The revised masterplan shows provision of 1.48ha, which represents a minor shortfall of 0.032ha. However, when one considers a qualitative measure that would be provided in terms of managed amenity space I am satisfied that this position is acceptable.
- Natural and semi-natural green space. Our SPG suggests that 10ha per 1000 population should be provided (which would be 25.2ha and disproportionately most of this and other development sites) but recognises that due to difficulties in achieving this a more realistic measure is that residents should live within 300m of an area of natural and semi-natural green space. In this case 14.019ha is to be provided meaning that all residents would live

within the 300m zone as demonstrated by the masterplan. The scheme is thus policy compliant in this regard.

- Outdoor sport facilities are triggered at 100+ dwellings with 52.8m² expected per dwelling thus giving a maximum provision based on 1050 dwellings of 5.70ha. In this case provision would be 4.47ha an under provision of c1.23ha.

This matter has been subject of negotiations throughout the course of the application with the Council's Sports, Community and Arts Manager. The developer has agreed to provide a number of pitches comprising a cricket square, two senior football pitches, one suitable for 9-a-side, one suitable for 7-a-side and one suitable for 5-a-side upon occupation of the 600th dwelling (just over 63% complete) together with associated car parking (c30 spaces) and clubhouse/pavilion (a minimum of 245m² in gross internal floor space) accommodating changing facilities, referee's changing and social space. An example of the type of building has been submitted which shows it to be in line with the guidance issued from Sport England. Given these enhanced facilities I consider that in this case the quality of the provision makes up for the shortfall in land take-quantum of provision. This is considered to be appropriate, a matter which Sport England agreed with having lifted their initial (non-statutory) objection to the 950 dwelling scheme. Their comments are awaited in respect of the 1050 scheme.

- Public open space for children and young people is required, based on 7.5m² per person and based on 2.4 persons per dwelling. Consequently, the maximum provision according to the SPD should be 1.89ha. The amount shown on the masterplan is 0.83ha which represents a shortfall of 1.06ha. This follows discussions with Officers and the need to best locate the proposed Neighbourhood Equipped Area of Play (NEAP) and Local Equipped Area of Play (LEAP). As originally submitted there was 1 no. NEAP and 2 no. LEAPs. This was amended at the Council's request to 1 no. 'enhanced LEAP' within the development. For the avoidance of doubt the enhanced facility will contain 11 no. pieces of equipment (such as balancing, climbing, sliding etc) as opposed to the 9 no. normally provided. The open space provision would come forward alongside each relevant phase. Precise details of what the NEAP should include are best decided within the S106 Agreement. In accordance with guidance the LEAP would need to include both grass and hard surfaced areas, an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football), a buffer zone of a minimum of 30m between the activity zone and the boundary of the nearest property. It would also be expected to contain seating and litter bins. The older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps.
- A SUDs (Sustainable Urban Drainage scheme) would also come forward early within the development and the locations are indicated on the master plan. This ultimately would form part of the public open space and have some ecological value. Its maintenance and management would be included within the S106 Agreement.

I am satisfied that whilst there are some modest shortfalls in terms of the quantum's of some parts of the open space to be provided on site, overall 21.88ha of land is given over to green infrastructure. This represents 40% of the total site area and is greater in simply pro-rata land take terms per dwelling than the Persimmon proposals. Furthermore, and importantly, I am satisfied that the quality and management of the spaces will make up for any shortfall overall.

POS Maintenance

Maintenance of the public open space is to be via a Management Company given that the District Council has confirmed that it would not take on the maintenance of the POS without significant commuted payments from the applicants. The POS amounts to a total of 22.88ha (which represents 41.4% of the site area) and includes a range of facilities including equipped areas of play, sports pitches, allotments and attenuation ponds etc which would require an able and sophisticated maintenance regime. The applicant has made clear that they wish to involve the Parish Council and have included this ability as an option in the drafted S106 Agreement.

These options would be written into the S106 Agreement to allow flexibility. It would be ultimately at the discretion of the developer to decide which option to pursue (as they are legally entitled to do) albeit it falls to the Local Planning Authority to agree a precise schedule of maintenance/management in perpetuity prior to first occupation of any dwelling. Other details that will need to be submitted for approval include the details as to the financial sustainability of any corporate or other body as may be established to carry out such maintenance; arrangements/timetabling for the transfer of the public open space and play areas to either the relevant parish council, to a management company or any combined arrangements as approved by the LPA and the details of any transfer in ownership or control of any part of the site. Maintenance would be paid for by applying service charges to the dwellings they sell.

It is not lost on Officers, and through the public and Parish submissions, that the presence of the existing Management Company arrangements has generated considerable debate and concern. Such issues are not primarily linked to the inadequacies of how the existing space is maintained (accepting that there may always be ad hoc or discrete issues or concerns to be addressed) but rather relates to some questionable administration charges to residents when undertaking works to their properties (satellite dishes, extensions, etc) or re-mortgaging. Whilst an element of administration fee is likely to be acceptable (such as when conveyancing or re-mortgaging is involved) there are two key issues to seek to address. Firstly, that such changes are clearly visible up front for purchases; and secondly that charges are kept to a reasonable level. In the case of the former Members will note that the details of any management charges are to be communicated up front via sales packs, to be controlled via the S106 Agreement. On the latter issue the structure and terms of the Management Company is to be secured via the S106, to include reasonable controls for any administration charges.

Transport (excluding projects on CIL list)

As detailed earlier in this report, a public transport contribution of £750k would be paid to subsidise an extended bus service from Fernwood to Newark, along with infrastructure improvements to bus stops etc.

Affordable Housing

CP1 requires that 30% (in numbers terms) on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 1050 dwellings 30% equates to 315 dwellings.

However as set out above the developer has now confirmed that due to viability issues they are unable to offer preferred tenure split for affordable housing. For the avoidance of doubt the conclusions of the Council's Viability Experts are repeated at Appendix 3. In summary, the independent assessment concluded that:

- **Scenario 1** - A **policy compliant scheme** (with **30% on site affordable** housing with policy compliant tenure split) would yield a **9.51% profit** (the developer suggested in their submissions that a 10.66% profit could be achieved). BDW have confirmed that this would not be acceptable and our own advisors have agreed, concluding that this falls unacceptably below the 20% benchmark profit level which is industry standard.
- **Scenario 2** – The provision of **30% on site affordable** housing but with all 315 units being an **Open Market Discount Product of 75% of open market value** (discounted at 25% in perpetuity), similar to the starter home product that the government has muted. This would yield a **18.99%** (the developers states that this scenario would achieve a 18.98% profit). This level of profit is acceptable to BDW and they would proceed (subject to consent) on this basis. Our own advisors agree that this level of profit is achievable and recommend that this be accepted albeit noting that it falls below the 20% benchmarked industry standard.

Officers also requested that a **further sensitivity test** was considered, based on the tenure split that Persimmon Homes promoted (and have received a 'minded to support' resolution from Committee on) as follows:

- **Scenario 3** - **Affordable housing** with the **tenure mix amended to 52%** of the affordable housing being delivered as **Intermediate** Housing (which includes an element of discounted open market values), and the remaining **48% as affordable rented**. This appraisal has showed that this tenure split would allow for a maximum level of affordable housing that could be provided on the site of **11.5% equating to 120 units of affordable housing**.

Therefore, the viable level of affordable housing based upon the scenarios tested is either:

- **Option 1**
30%, i.e. 315 units (if it is all provided as discounted open Market Values at 75% of Market Value;

or;
- **Option 2**
11.5%, i.e. 120 units of affordable housing on a 52/48% split between Intermediate and Affordable rented properties.

There are arguably benefits with each approach. Option 1 would deliver physically more affordable homes on the ground. I can confirm that this product does meet the affordable housing definition within the NPPF and thus would technically be compliant in terms of volume of units. However this would not be policy compliant in terms of tenure type and mix, a matter which is still material in planning terms with respect to creating inclusive and mixed communities (as required by paragraph 50 of the NPPF) and in the case of our District meeting an affordable need. If this option were to be pursued all 315 homes would be entitled to a get social housing relief from CIL receipts (meaning that 315 units would be charged £0 in CIL).

Option 2 would deliver physically less affordable units throughout the development (assuming any review mechanism doesn't identify an increase in viability moving forward). However, it would deliver a more rounded tenure mix and would result in more market units and therefore greater levels of CIL receipts.

The applicants have made clear that their preference is for the provision of 30% in the form of Open Market Discounted products (Option 1 above). This preference is made on the basis that no review mechanism (of viability) would be necessary during the life of the overall proposed development through an associated S106 Agreement which offers them more certainty on costs, whilst still delivering the 30% quantum of affordable housing which can embrace 1, 2, 3 and 4 bedroom dwellings and is reflective of the Government's current direction of travel via 'starter homes'. With this approach it would bring certainty to enable the applicant to commit to purchasing the site as a whole and delivering the scheme moving forward.

Whilst I consider Option 1 is valid in that it does, as a matter of fact deliver 30% of the units in a form which is accepted in the NPPF as affordable, it does not reflect the current tenure needs of the Authority. This is more closely related to the split in Option 2, which of course would deliver less units. In attaching weight to the tenure type needed Officers submit that a preference is, on balance, Option 2. It is noted that greater CIL receipts which come from greater market housing can also assist in wider infrastructure benefits on the Council's adopted CIL123 list, not least with respect to the A1 over-bridge as detailed above. It is noted that colleagues in strategic housing and policy concur with this view albeit their preference is for the intermediate contribution to be for shared ownership as they say this product will meet a wider range of affordability issues as ownership can start at 25% on initial purchase up to 75% and leaseholders can staircase up to 100% ownership in this location. Whilst this aspiration is admirable (and raised very late in negotiations) I am mindful that this Authority needs to demonstrate consistency in its approach. The mix and split promoted is identical to the one Committee have already approved for the Persimmon application for 1800 homes.

With either approach Officers are satisfied that the Viability Submission has been through a robust nationally defined process with professional consultants advising us and that the findings are sound. Whatever the conclusion reached, it should be noted that our consultants have advised us that it would be prudent for a reappraisal mechanism to be included in the Section 106 agreement in the case of Option 2 given that the level of development will extend into a significant period of time and market conditions will change, not only to review the viability as market conditions may change, but also capture any improvements to the mix/density of dwellings that the market may be achieved through the reserved matters process. It is recommended that a first review should take place after several years (to be determined). Such a review should deal with issues moving forward for the future phases beyond that review (i.e. should not seek to claw-back any previous under-delivery), should secure for off-site provision (it is recognised that commercial decisions on layout and mix are made at site purchase stage), and should be framed on the basis that any profit achieved above and beyond a gross margin of 20% shall be shared equally between the developer and affordable housing provision up to a maximum of securing 30% provision. It is noted that if Members conclude that the full 30% affordable via Option 2 in terms of the ODMV is preferred (irrespective of the officer views on tenure) that a review mechanism would not be required as the affordable type and quantum would be catered for.

Other Matters

Design

Policy NAP2C provides that the design of housing should incorporate both sustainable development principles and construction methods. However, given this is an outline application this will be a matter for reserved matters approval to address. Members will note that the principles of the applicants Design and Access Statement, together with various parameter and density plans, are subject to recommended conditions.

Safeguarding

The Illustrative Masterplan shows that the routes of the MOD oil pipeline (running parallel to the A1) and gas pipeline (which crosses the eastern tip of the site) would be protected and these constraints have led to minor alternations to the proposed layout to ensure that development would not affect these. Likewise the power lines that cross the eastern most tip of the site would not be affected as this would form part of the green infrastructure. Relevant consultees raise no objections on safeguarding grounds to the 950 dwelling scheme. Whilst some outstanding consultation responses are awaited with regard the uplifted number of 1050 dwellings, in reality the site area has not changed nor where the development would actually be placed (it is no closer to the apparatus) and therefore this is not considered to be an issue. It should be noted that guardians of the oil pipeline verbally raised no objection following a site visit (where the pipeline route was identified) in respect of the 950 units. Given the Second Addendum relates only to uplifted numbers and not the disposition of development it is expected that the outstanding objection in respect of the gas pipeline will be lifted following a further site visit between CLH Pipelines Systems Ltd and the developers whereby it was agreed that allotments would need to be-located elsewhere.

Parcel of Land to the North-West

It should be noted that there is a parcel of land belonging to a third party to the north of dwellings on Dale Crescent which forms part of the wider strategic site. In assessing this scheme I have had regard to whether this outline application would prejudice the delivery of this separate parcel of land from coming forward for development in the future. Based on the size of the parcel of land in question, it is estimated that it could accommodate c50 dwellings (subject to detailed assessment that will be required via the scrutiny of a planning application in due course). The scheme before Members is in outline form with all matters except for the main access reserved. Further, I note that there are potentially several ways in which access into the other site could be obtained. I am therefore satisfied that in recommending the granting of this outline consent it would not prejudice this other site from being delivered in due course.

Residential Amenity

Environmental impacts arising from the development upon residential dwellings has been properly assessed through the ES in the chapters such as Air Quality, Noise and Vibration etc. Subject to the use of appropriate conditions to control construction and other mitigation identified as required, I am satisfied that the proposal should not cause significant impacts. Specific impacts have been considered in each section of this report where relevant. Other impacts on residential amenity such as privacy will be considered at reserved matters stage.

Planning Balance and Conclusions

This planning application represents an opportunity to deliver part of the Council's Strategic Urban Extension sites for a substantial amount of dwellings and associated infrastructure. The delivery of housing, in this case promoted by a national housebuilder, is a significant material planning consideration given the governments drive to encourage the delivery of new housing in the right places. This also forms part of the Council's 5 year delivery programme, with any significant delay restricting the ability of the site to deliver within 5 years. That said it is necessary to ensure that an acceptable form of development takes place, including required mitigation.

A development of this scale will inevitably have impacts and will inevitably change the existing character of the location. However, it does not follow that a significant change must equate to unacceptable harm. Having considered all of the relevant matters it is considered that in an overall planning balance that any limited harm (for example the less than substantial harm to heritage assets) that would occur is outweighed by the need to provide houses on this strategic urban extension. Various infrastructure mitigation has been identified and secured following extension discussions with a range of providers, stakeholders, and statutory agencies.

Officers are satisfied that the developers have robustly demonstrated that the scheme can only support 11.5% on-site affordable housing based on a tenure split that has already been found to be acceptable on the adjacent Fernwood South site. All other developer contributions as set out in the SPD will be met as outlined in **Appendix 2**. The approach taken with regards to viability is fully compliant with the NPPF and the NPPG. Officers are satisfied that all other technical issues have been addressed and where relevant appropriate mitigation identified.

Following extensive negotiations the Local Planning Authority is now satisfied that subject to conditions and an appropriate S106 Agreement, appropriate mitigation can be secured which makes the development acceptable in overall terms. I am satisfied that the suite of parameter and framework documents submitted can be conditioned to govern any future reserved matters submissions, which in themselves will require more detail and supporting information. On the basis of all matters details above approval is recommended.

RECOMMENDATION

That outline planning permission be granted subject to:

- (a) the conditions shown attached in Appendix 4; and**
- (b) the completion of a S106 Agreement to control the matters outlined in this report and as summarised in Appendix 2; and**
- (c) Officers also seek delegated authority to modify these conditions/S106 obligations in order to achieve the same objectives prior to the issuing of the decision notice as advised by legal representatives;**

Conditions

As detailed in Appendix 4.

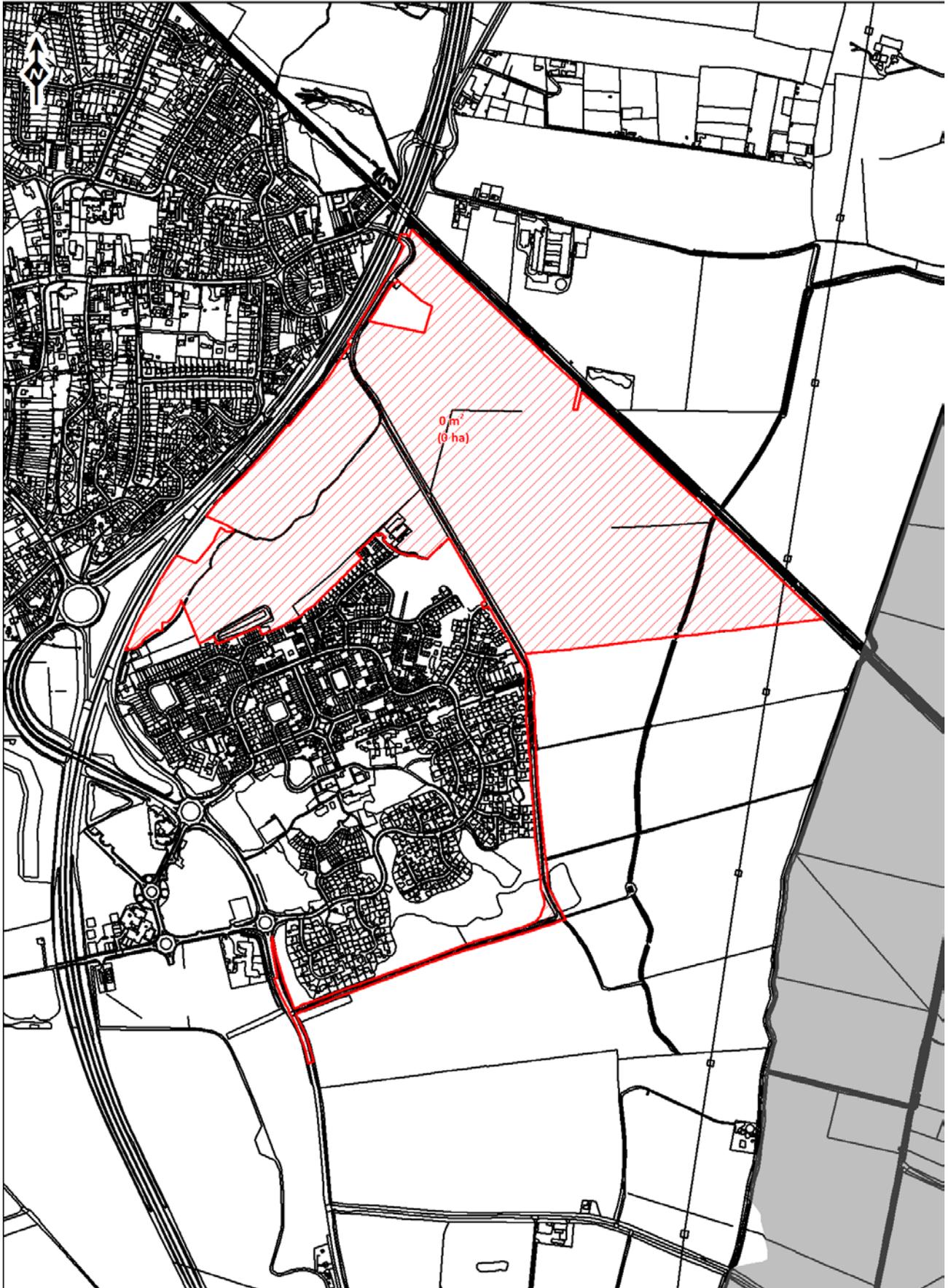
Background Papers

Application Case File.

For further information, please contact Clare Walker on Ext 5834

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

K.H. Cole
Deputy Chief Executive





Ref: LT090462-01/RJW/220816

For the attention of:

Matthew Lamb MRTPI

Business Manager - Development
Newark and Sherwood District Council
Kelham Hall
Kelham
Nottinghamshire
NG23 5QX

18th August 2016

Greater Fernwood Transport Modelling

Dear Matt,

I am writing in regards to the above project and our conversation on 15th August 2016. The details below set out the transport modelling carried out by WYG on behalf of Newark and Sherwood District Council to date and based on these model outputs, comment on the suitability of the package of transport measures proposed by the developers for the Greater Fernwood area.

Please note that the details below include the main steps in modelling and descriptions of some sub phases of the modelling process have been omitted for clarity where their description would not significantly aid understanding of the overall process.

Background

WYG was appointed by Newark & Sherwood District Council (NSDC) to maintain and operate the Newark-on-Trent VISUM transport model on behalf of the Council. The VISUM transport model was used to advise the District-Wide Transport Study that was produced in May 2010 in support of the Council's Core Strategy. The model was originally built by consultants acting on behalf of the developers promoting the Land South of Newark strategic development site. N&SDC purchased the right to use the VISUM model "to fulfil their statutory obligations".

The models cover peak hour periods for the morning and evening weekday peaks. The model is a highways model incorporating the vehicle types of Light and Heavy vehicles.

Since the base model was originally created it has been updated in the course of assessment work commissioned by NSDC to produce a validated model in accordance with recommended best practice that was 'fit for purpose' for use as a forecasting tool.



Reference Case Modelling

The validated base year model was updated to a reference case model by adding details of committed infrastructure schemes and committed land-use developments. This included the land use trip generation and infrastructure associated with the Land South of Newark development which includes the Southern Link Road (SLR).

No other committed infrastructure schemes were identified within the District that would result in material changes to existing transport conditions within Newark-on-Trent that had sufficient certainty in the form of design and timetable of their completion to be included.

Information was obtained from Newark and Sherwood District Council regarding committed land-use developments within the District and in adjacent Districts/Boroughs (proposed developments with planning permissions yet to be implemented, or developments already under construction but yet to be completed or occupied). Further developments that do not yet have planning permission but could be assigned a 'likelihood' of development were also assessed to produce an uncertainty log which was used to define a 'core' scenario of developments that could be considered likely to proceed within the time frame to be assessed.

Trip distribution for the committed developments is based on a compound distribution pattern created from existing modelled zones by existing development type e.g. the sum of the distribution pattern for a number of existing residential zones is used to provide the distribution for the residential element of a new development. A bespoke additional module then assesses the relative sizes of new developments compared to the existing residential/employment areas and allows assignment of trips between different new development areas e.g. a new residential trip to a new employment area.

Please note that the full quantum of development proposed for the Newark area is in excess of that predicted by TEMPRO for the local area by the end of the plan period as TEMPRO predicts the growth spread over a larger geographical area. Therefore, TEMPRO growth predictions do not take into account the aggregated affect of the developments that are proposed in the local area. Constraining the matrices to specific TEMPRO forecast year growth predictions would hence lead to a reduction in background traffic that could be considered unreasonable. As such, no attempt was made to incorporate TEMPRO predictions of growth. This is considered a robust approach.

The reference case forecasts assumed no new residential or employment development in the Greater Fernwood area over and above the employment area development proposals consented prior to this study.

This reference case scenario provided predicted background traffic conditions in the future forecast year modelled (2031) for the AM and PM peak hour periods.



Greater Fernwood Development No Mitigation Modelling

Initial modelling of the Greater Fernwood Development site was added to the reference case modelling to produce a no mitigation development case scenario. This included any links/junctions required for the development trips to access the road network but did not include any proposed mitigation measures to address the impact of the additional trips on the highway network.

Traffic flows from the initial and reference case models were provided to the developers to assist in the design of the mitigation measure package.

Greater Fernwood Development With Mitigation Modelling

Details of the mitigation were provided by the developer’s consultants and included in the model. This was an iterative process with flows fed back to the developer and designs updated in order to produce the full mitigation package.

The final mitigation package tested consisted of the following:

Highway Work	Proposed Mitigation
A1 South/B6326 Fernwood South	Various works including <ul style="list-style-type: none"> • Creation of left-slip from A1 (south) • Banning right turn from B6326 to A1 north • Roundabout to serve Phase 3 of the Persimmon development
B6326 Great North Road (GNR)/ Sylvan Way	Works proposed include improving existing footway and pedestrian crossing facilities around the bell-mouth of the junction. (Works do not require inclusion in the model.)
B6326 Great North Road/C421 Shire Lane junction	Change existing give way controlled junction to a new roundabout
C421 Shire Lane Corridor improvements	Reconstruction of carriageway between the roundabout junction with the GNR and the County boundary at the bridge at the Shire dyke giving; <ul style="list-style-type: none"> • continuous carriageway of 6.75m wide • including the provision of a continuous shared 3m footway/cycleway on the northern side of the carriageway • including a 2m footway on the southern side of the carriageway (Includes access points to Persimmon Phases 2 and 3)
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)	Narrowing of carriageway to facilitate construction of a 3m shared footway/cycleway
B6326 Great North Road/Dale Way Junction	Improvements to existing roundabout including widening on northbound approach and northbound exit to 2 lanes





Goldstraw Lane/B6326 Roundabout	Works involve: <ul style="list-style-type: none"> • Increased flare length on Goldstraw Lane to extend the 2 lane entry; • Increased flare length on the B6326 southern arm to extend 2 lane exit; • Widening of the B6326 on the northern arm to provide a 2 lane exit; • Increase flare length on the A1 slip road with 40m taper to provide a 2 lane entry
A1 Over-bridge	Widening to provide to 2 lanes north bound towards Newark
B6326/London Road Balderton Roundabout	Widening of the B6326 southern arm to create two lanes to accommodate continuous 2 x 3.3m lane approach
B6326 between Dale Way and Goldstraw Lane junctions	Continuous 2 lanes northbound between the two roundabout junctions.
Hollowdyke Lane/B6326 Great North Road Junction	Junction improvements including widening on the Hollowdyke Lane approach and provision of northbound ghost island right turn. Carriageway widening and standard improvements to Hollowdyke Lane.

The models were reassigned to provide with mitigation traffic flows on the network.

In addition to the above, the traffic flows generated indicated that in order for the new B6326/SLR junction to operate within capacity, the turning movements at the junction would require a two lane right turn from the B6326 south to B6326 north. In agreement with NSDC and Nottinghamshire County Council (the Highways Authority for the area), this double right turn has been included in all further scenarios.

The traffic flows from the model were provided to the developers to allow capacity assessments of the proposed junctions to be carried out.

Modelled Flows Points of Interest

Traffic flows in the model are allowed to assign to the perceived least cost path using an iterative equilibrium assignment. This means that where there is an alternative route that is close to the most direct route in travel time terms, some vehicles will use the alternative route with the volume of traffic on each route reaching a balance so that no vehicle could reduce their travel time by switching to another route. In this model, the above assignment leads to two significant routing patterns discussed at length between NSDC, NCC and the developers. These were:

1. Use of the A1/B6326 south junction to turn right onto the A1 to travel into Newark/further north on the A1; and
2. Use of the Greater Fernwood employment area internal links to avoid using the B6326.

For the first point, the revision of the A1/B6236 south junction to ban the right turn out of the B6326 was included as part of the iterative process of mitigation design. However, this movement was desirable due to the travel times experienced travelling north on the B6326 through the Goldstraw and SLR roundabout



junctions. Once the right turn ban was included in the model, the numbers of vehicles using the A1/B6326 south junction to travel north decreased significantly although some vehicles were seen to travel south onto the A1 and u-turn at the next available junction.

The second point also relates to the travel time northbound on the B6326 through Fernwood. Due to the travel times experienced in the model, vehicles 'saved' time by diverting off the B6326 at the Dale Way roundabout or junctions south of Dale Way and using the internal links through the employment site to access the Goldstraw roundabout to continue northbound. This is likely due to the delay caused at the B6326 southern entry onto the Goldstraw Roundabout. Part of this delay was caused by traffic accessing the employment site from the A1 southbound off slip at Goldstraw roundabout. As such, the employment site was modelled in more detail as part of the iterative process to allow the inbound flows to balance more realistically between the access points of Goldstraw roundabout and Dale Way roundabouts. Although this reduced the volume of diverting trips, it did not eradicate it and it was recommended that sensitivity tests be carried out on the capacity assessments which manually rerouted this diverting traffic onto the B6326 in order to test the impact were measures put in place to deter rat running through the employment site.

Capacity Assessments

Capacity assessments of the existing and proposed junctions were carried out by the developer using the Arcady and Picady software in line with current guidance. These assessments were submitted to WYG for review.

No issues were found with the assessments of the full mitigation/full development capacity assessments carried out. Please note that some queries were raised with the intermediate level of development scenarios tested but these are not discussed/assessed as part of this letter as they do not affect the overall mitigation package proposed.

Reduced Package of Works

Based on the capacity assessments mentioned above, the developers have proposed a reduced package of works. This is due to the capacity assessment of the existing layout for the B6326 Dale Way roundabout showing that no improvements are needed in order to handle the additional development traffic. This also means that the B6326 northbound carriageway between Dale Way and Goldstraw Lane is no longer proposed as two lanes for the whole length but widened on the approach to Goldstraw Lane only.

Similarly, the Hollowdyke Lane junction and link proposals and the London Road junction improvements were not seen as required until the full development at Greater Fernwood goes ahead. The current planning applications do not cover the full development area but consist of the Barratts/David Wilson and Persimmon areas. Therefore, although the mitigation package proposed by these two developers includes these schemes, they are proposed as delivered by third parties once any additional applications come forward.



The transport modelling has not been tested without the inclusion of the developments over and above the Barratts/David Wilson and Persimmon areas or with the reduced package of works and as such no conclusions can be made regarding this scenario in the event that no other developers come forward although the capacity assessments do not indicate any issues with this 'intermediate' stage.

Provision of Mitigation

It is understood that there is a schedule of works proposed for the mitigation package that relates to the phasing of the development proposed by the developers. This has been discussed with NSDC at a meeting held on 15th August 2016 and the following suggested trigger points and completion points proposed:

Highway Work	Trigger for Delivery
A1 South/B6326 Fernwood South	1a) banning right turn out and extension of the right turn in filter will be completed prior to first occupation of the 100 th dwelling (Persimmon development); 1b) Creation of left slip road from A1 will be completed prior to occupation of the 900 th dwelling (Persimmon development)
B6326 Great North Road/ Sylvan Way	Works to be completed prior to occupation of Phase 2 of Persimmon scheme.
B6326 Great North Road/C421 Shire Lane junction	Works to be commenced on commencement of Phase 1 of Persimmon scheme and completion prior to first occupation of the 50 th dwelling.
C421 Shire Lane Corridor improvements	Works to be started on commencement of Phase 1 of Persimmon scheme and finished prior to completion of Phase 1 of Persimmon scheme.
B6326 Great North Road Corridor Improvements (Shire Lane to Dale Way)	Works to be completed prior to first occupation of the 50 th dwelling of the Persimmon development.
B6326 Great North Road/ Dale Way Junction	Please refer to agreement with Nottinghamshire County Council (NCC). Although it is understood that no works will be required by either party.
Goldstraw Lane/B6326 Roundabout	Triggered on commencement of development with completion required prior to first occupation of the 100 th dwelling. In the event that the Barratt/DWH scheme does not come forward then Persimmon to undertake suitable works prior to first occupation of the 630 th dwelling subject to NCC approval.
A1 Over-bridge	For NSDC to take forward through CIL.
B6326/London Road Balderton Roundabout	This improvement is not triggered until the much later in the Great Fernwood Allocation delivery.
B6326 between Dale Lane and Goldstraw Lane junctions	Triggered on commencement of Barratt/DWH development with completion required prior to first occupation of the 100 th dwelling (to tie in with B6326/Goldstraw Lane Roundabout). No trigger for Persimmon.
Hollowdyke Lane/B6326 Great North Road Junction	Final works to Hollowdyke Lane and it's junction with the B6326 is triggered later in the Great Fernwood Allocation delivery. Interim improvements still under discussion.





No testing of the phased proposed mitigation works has been carried out within the model and, as such, WYG cannot confirm the suitability of the trigger points and completion points of the phases in modelling terms. However, based on our experience with the model and with reference to the discussions with NSDC, it is our professional opinion that this phasing represents a reasonable and suitable approach for phasing of the works.

Conclusions

Based on the transport modelling carried out to date, review of the capacity assessments and experience; it is our professional opinion that the full mitigation package proposed for the Greater Fernwood area is appropriate and sensible with the caveat that the reduced package of works or the phasing of mitigation works has not been tested in the model. However, the capacity assessments results support the reduced package based on the current applications by Barratts/David Wilson and Persimmon and the trigger and completion points for the phased works are considered reasonable.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Rachael Walker'.

Rachael Walker Bsc MSc(Eng) FIMA MIHT
Associate
For and on behalf of WYG



Barratt - Fernwood Developer Contributions Table

<i>Contribution</i>	<i>Formula (if required) based on Policy</i>	<i>Anticipated contribution</i>	<i>Trigger Point/Delivery</i>
Affordable housing	30% on site 60%/40% tenure split	Either; 11.5% (120 units) of affordable housing with a tenure split of 52% intermediate/48% affordable rent; or 30% (315 units) on site all being Open Market Discount Product (75% of OMDV, discounted at 25%)	Affordable Housing Scheme to be submitted prior to the commencement of development of each phase. Subject to suitable controls to ensure that there is flexibility but to ensure that an appropriate proportion of affordable housing is delivered alongside the market housing and is completed and transferred to an affordable housing provider. First Option would require Review Mechanism
On site open space	Natural and Semi Natural Green Space Policy = 10ha per 1,000 population or all residents to live within 300m.	Total Provision of 21.888ha comprising: 14.019 hectares, all dwellings to be within 300m	All POS to be delivered through each phase and controlled by condition

<p>1050 dwelling =25.2 ha policy requirement</p>	<p>Provision of 1.48 ha</p>	
<p>Amenity Green Space</p>		
<p>Policy = 14.4m² per dwelling</p>		
<p>1050 dwellings= 1.512ha</p>	<p>Provision of 0.836ha includes a central NEAP (enhanced from standard 9 to 11 pieces of equipment as minimum) and 1 LEAP (of not less than 6 pieces of equipment).</p>	
<p>Children and Young People</p>		<p>Children & Young People</p>
<p>Policy = 18m² per dwelling</p>	<p>Play equipment to be agreed with LPA and PC.</p>	<p>Prior to 1st occupation of each phase developer to obtain approval of on-site open space and play space scheme including LEAP and NEAP and these shall be provided to a timetable to be agreed with the LPA prior to first occupation of each phase or sub phase.</p>
<p>1050 dwellings = 1.89ha</p>	<p>Provision of 1.079ha</p>	
<p>Allotments and Community</p>		<p>Allotments/Community Gardens</p> <p>Will be delivered alongside dwellings (controlled by condition) but with a long-stop date included that allotments will be provided prior to</p>

	<p>Gardens</p> <p>Policy = 12m² per dwelling</p> <p>1050 dwellings = 1.26ha</p> <p>Outdoor Sports Facilities</p> <p>Policy = 52.8m² per dwelling</p> <p>1080 = 5.7024ha</p>	<p>Provision of 4.47 ha</p> <p>Cricket Square x 1</p> <p>Senior Football Pitches x 2</p> <p>Football Pitch (9 a side) x 1</p> <p>Football Pitch (7 a side) x 1</p> <p>Football Pitch (5 a side) x 1</p> <p>Pavillion Building to include 4 changing rooms of not less than 245m² in gross internal floor space) and associated 30 car parking spaces</p>	<p>occupation of the 600th dwelling.</p> <p>Outdoor Sports Facilities</p> <p>Will be delivered alongside dwellings (controlled by condition) but with a long-stop date included that the pavilion and pitches will be provided prior to occupation of the 600th dwelling a scheme for provision of sports facilities shall be submitted.</p> <p>Management of POS to be agreed through S106; developer to agree with the LPA a precise schedule of maintenance/management in perpetuity prior to first occupation of any dwelling. Other details that will need to be submitted for approval include the details as to the financial sustainability of any corporate or other body as may be established to carry out such maintenance; arrangements/ timetabling for the transfer of the public open space and play areas to either the relevant parish council, to a management company or any combined arrangements as approved by the LPA and the details of any transfer</p>
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			<p>in ownership or control of any part of the site.</p> <p>Brochure outlining management arrangements and associated charges will be provided with the approved brochure by the developer prior to completion of sale.</p>
Community Facilities	<p>Policy = £1,384.07 per dwelling (when indexed at 2016) x 1050 dwellings</p>	<p>£1,384.07 per dwelling up to maximum of £1,453,273.50</p>	<p>Agreed £300k to be paid prior to first occupation and to be spent within Fernwood Central with remainder to be paid in 9 equal installments on the anniversary of the first payment.</p>
Highways Infrastructure		<p>On-site Bus infrastructure (including bus stops, timetable information, level kerbs and works for future real time passenger information)</p> <p>Travel initiatives such as free bus passes within Travel Plan</p> <p>Subsidy for the extension of bus route to and from existing</p>	<p>Matters contained within the Travel Plan will be included in the S106 including scheme for timings and implementation</p> <p>Numbers of bus stops should reference the 6 C's Design Guidelines (or any subsequent replacement) given that quantum of stops is not known.</p> <p>Provided upon first occupation of each dwelling</p> <p>£750k total based on 5 years funding of £150k per year which first installment payable upon adoption of the bus link or agreement from</p>

		<p>Fernwood.</p> <p>Safeguarding of protected land for future road link</p>	<p>the provide to commence the service, the annual installments of £150k annually for 4 years</p> <p>This refers to the land shown on Waterman drawing 210354-005.4 E Hollowdyke Lane Proposed Layout. This plan currently shows works that are not actually being carried out but the land to be safeguarded is where the works are proposed. Expected that Revision F will be provided which can be referred to. Upon completion of the final phase of the development, only if requested within 12 months by NCC, the land would transfer to NCC for highway purposes.</p>
<p>Primary School</p>	<p>A development of 1050 dwellings would additional pressure on the existing school, Chuter Ede Annex</p> <p>(The LEA require an extension to the existing</p>	<p>Additional 1.2ha (of serviced) land (to make the school site up to 2.2ha) for primary school expansion plus £3.715m to be paid based on 4th Quarter 2016 indexation.</p>	<p><i>Triggers:</i></p> <ul style="list-style-type: none"> • <i>10% on receipt of written confirmation from the CC that the CC is to commence design of the Primary School Extension;</i> • <i>45% on receipt of written confirmation from the CC that they have committed to issue a contract for the construction of the Primary School Extension;</i> • <i>45% on the first anniversary of the payment made pursuant to above</i>

	school to increase capacity from a 120 pupil place school to a 525 place school.)		
Healthcare	<p>Core Strategy Policy requirement for strategic site to provide facilities for 3 GPs.</p> <p>The Developer Contributions SPD requires a contribution of £982.62 per dwelling.</p> <p>£982.62 per dwelling would equate to a</p>	Provision off site through a contribution of £1,031,751	<p>Their S106 states towards the construction of or improvement of new healthcare facilities within the Parish of Fernwood or Newark Urban Area.</p> <p>Triggers agreed are £300k upon 10th occupation with remainder provided in equal installments on occupation of 200th, 400th, 600th, 800th and 1000th dwellings.</p>

	contribution of £1,031,751		
Libraries	Policy requirement within SPD for £202.10 per dwelling. If stock costs only are required this reduces to £45.96 per dwelling.	Based on 1050 dwellings this would amount to £48,258. NCC have confirmed they would only request £36,780 even with uplifted numbers.	Triggered at 1 st occupation - a payment of £4,600 and then on the anniversary of the initial payment equal payments over the following 8 years.

Summary & Conclusions of JLL Viability Report

Assessment of Applicant's Development Viability Information – Land at Fernwood, Newark on Trent – Newark & Sherwood District Council

6 Summary and Conclusions

- 6.1 JLL was instructed by Newark & Sherwood District Council (NSDC) to undertake an assessment of the development viability of the Applicant's proposals for Land at Fernwood, Newark-on-Trent.
- 6.2 The proposals comprise a significant residential development of the site comprising 1,050 units, and are submitted in outline under **Planning Application Reference No: 14/00465/OUTM**. We understand from NSDC Officers that the planning application was originally promoted as a 'policy compliant scheme' in terms of affordable housing provision; however, the Applicant subsequently indicated in mid-2016 that a policy compliant level of affordable housing was not viable alongside the required CIL contributions and the other planning obligations requested.
- 6.3 NSDC Officers advised that the Applicant originally proposed a non-compliant provision of affordable housing which involved the 30% level being delivered, but all of the houses comprising low cost market housing, which would be discounted by 25% (i.e. sold at 75% of Market Value).
- 6.4 JLL have undertaken a detailed review of the development viability appraisal analysis that the Applicant has undertaken, which has also involved a review by JLL's in-house Quantity Surveyors (QS). The latter has focussed on the Applicants' infrastructure and other abnormal costs, which are the main issues underpinning their viability argument.
- 6.5 Our findings suggest that a policy compliant level of a 30% affordable housing and policy compliant tenure provision is not viable, as the developer's return for risk (profit) of 9.51% on GDV is generated, which is below an acceptable level from a market perspective.
- 6.6 Our viability analysis also suggests that **Scenario 2(b)** (which reflects the Applicants' proposals to provide all of the 30% affordable housing at Discounted Open Market Value of 75%) would generate approximately 18.99% developer's profit, and hence would be viable (albeit that it should be noted that this figure is marginally below the benchmark level of profit of 20% on GDV).
- 6.7 A further sensitivity test suggests that if the tenure mix is changed to 52% of the affordable housing being delivered as Intermediate Housing (which includes an element of discounted open market values), and the remaining 48% as affordable rented, the level of affordable housing that could be provided on the site would increase to approximately **11.5%**.
- 6.8 Therefore, the viable level of affordable housing based upon the scenario tested is either:
- **30%** (if it is all provided as discounted open Market Values at 75% of Market Value; or
 - **11.5%** with the alternative tenure mix tested.

- 6.9 It should be noted that in arriving at these figures, we understand that the costs do not include the full works that may be required to Hollowdyke Lane (as it is assumed that these will be shared with adjacent developers). If the costs increase, this will have an impact on the development viability of the scheme.
- 6.10 As discussed previously, if a lower level of affordable housing is accepted by NSDC, it would be prudent for a reappraisal mechanism to be included in the Section 106 agreement. It is prudent to request a review (or several reviews) for a scheme of this size where a non-policy compliant level of affordable housing is approved by the Local Authority, given that the level of development will extend into a significant period of time and market conditions will change.
- 6.11 Such an approach is in line with RICS Guidance 'Financial Viability in Planning' (Reference Paragraph 3.6.4.2), which states:-
- Where long live planning permissions are granted (five years plus) reappraisals may also be appropriate. As such, re-appraisal mechanisms should only be considered in exceptional cases. These appraisals would usually be undertaken during the reserved matters application stage. Careful consideration would need to be given as to how this is set out in a Section 106 agreement, although it will be important for the LPA and applicant to express a range for the assessment'.*
- 6.12 We would therefore advise that a re-appraisal mechanism to review the viability of the scheme should be included in the Section 106 agreement. This would be prudent not only to review the viability as market conditions may change, but also capture any improvements to the mix/density of dwellings that the market may be achieved through the reserved matters process.

Conditions for Fernwood 14/00465/OUTM

Commencement	01	<p>The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.</p> <p>Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
Time Period	02	<p>The reserved matters application for the first phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of thirteen years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
The Reserved Matters	03	<p>Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.</p> <p>Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and in the interests of highway safety, sustainable travel and highway capacity issue.</p>
Phasing – to ensure we know what GI comes forward with that phase	04	<p>The development hereby approved shall be implemented in accordance with the Indicative Phasing Plan (drawing no. EMS.2508_006C) and each reserved matters application shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:</p> <ol style="list-style-type: none"> I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways. II. Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management and any restoration; for example with respect to the Hollowdyke Lane Passing Bays.

		<p>III. Timing and delivery of the associated green infrastructure (as indicated on the Provision of Open Space Strategy Drawing No. EMS.2508-004E) with that phase (including public open space, formal sports recreation facilities, allotments, NEAPs, LEAPs and associated parking facilities).</p> <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p>
(Plans)	05	<p>Reserved matter submissions for any phase or any use shall be substantively in accordance with the following plans:</p> <ul style="list-style-type: none"> • Illustrative Master Plan (drawing no. EMS.2508_002G) • Landscape Strategy Plan (drawing no. Bir.3362_25B; Figure 5.6 of ES) • Illustrative Landscape Masterplan (drawing no. Bir.3362_28A; figure 5.8 of ES) • Illustrative Master Plan: Provision of Open Space Strategy (drawing no. EMS.2508_004E) • Illustrative Master Plan: Residential Areas (drawing no. EMS.2508_003F) • Parameters Plan (drawing no. EMS.2070_01E) • Hollowdyke Lane South Proposed Layout (Existing Alignment with Passing Places) (Waterman drawing no. 005.4 Revision E) • Hollowdyke Lane North Proposed Layout (New Bus Link) (Waterman drawing no. 006 Revision D) • Application Site Boundary (drawing no. EMS.2508_005C) <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.</p>
Design Statement to accompany RMA	06	<p>Each reserved matters application shall be broadly in accordance with the Illustrative Master Plan. (drawing no. EMS.2508.002G) and the approved Design and Access Statement Version 2, subject to revisions agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.</p>

<p>Overarching Land Contamination Condition</p>	<p>07</p>	<p>Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on any phase or sub phase pursuant to Condition 4 (relating to phasing) until parts 1 to 4 (below) 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 point 4 has been complied with in relation to that contamination.</p> <p>1 - Site Characterisation</p> <p>An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <ul style="list-style-type: none"> (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: <ul style="list-style-type: none"> • 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). <p>This must be conducted in accordance with DEFRA and the Environment Agency's <i>'Model Procedures for the Management of Land Contamination, CLR 11'</i>.</p>
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	<p>2 - Submission of Remediation Scheme</p> <p>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.</p> <p>3 - Implementation of Approved Remediation Scheme</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>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.</p> <p>4 - Reporting of Unexpected Contamination</p> <p>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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.</p> <p>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 point 3.</p> <p>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.</p>
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<p>Overarching Construction Environmental Method Statement</p>	<p>08</p>	<p>No development shall take place on any phase or sub phase 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:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors; • loading and unloading of plant and materials; • storage of plant and materials used in constructing the development; • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; • wheel and vehicle body washing facilities; • provision of road sweeping facilities; • measures to control the emission of noise, dust and dirt during construction • a scheme for recycling/disposing of waste resulting from demolition and construction works; • the means of access and routing strategy for construction traffic; • details of construction traffic signage; • a strategy to control timings of deliveries to avoid the morning and evening peak travel times (such as being co-ordinated by a logistics manager in order to prevent queuing on the surrounding highway network); • a construction Travel Plan; • management of surface water run-off, including details of a temporary localised flooding management system; • the storage of fuel and chemicals; • the control of temporary lighting; • measures for the protection of retained trees, hedgerows and watercourses; • details of pre-commencement surveys and mitigation measures for ecological sensitive areas (which should detail procedures/timings of works to avoid impacts on protected species and retained habitats(; • the protection of (and avoidance of disturbance to) badger setts and the implementation of good working practices to minimise impacts on foraging or transitory badgers; • Pre-construction ecological surveys and mitigation measures including details of procedures/ timing of works to avoid impacts on protected species and retained habitats.; • Appropriate controls for the storage of hazardous materials and fuel storage and filling areas (as referenced in E.S chapter 12.5.3)
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		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 NAP2C and in line with the ES.
Site Waste Management Plan	09	<p>No development shall be take place on any phase or sub phase until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall set out the volumes and types of waste that are likely to be produced during the development within that phase or sub phase and shall set out actions for the recycling, recovery, re-use and disposal of each waste stream. The development within that phase or sub-phase shall thereafter be carried out in full accordance with the approved SWMP.</p> <p>Reason: In the interests of the environment and to accord with the recommendations of the ES (part 12.5.1).</p>
Phased Noise Attenuation	10	<p>The first reserved matters application for each phase pursuant to Condition 4, shall be accompanied by a Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this condition also relates to the construction phase of the development.</p> <p>Reason: To ensure that noise levels and vibration, specifically from the A1 Trunk Road and adjacent East Coast Railway Line are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity in line with the ES, particularly 10.5.1. This condition accords with the expectations of the Environmental Statement submitted as part of this application and to ensure that the development accords with Policies DM5 and the NPPF.</p>
Phased Archaeology	11	<p>No development shall take place within any phase or sub phase pursuant to Condition 4 until an Archaeological Scheme of Treatment Work for the relevant phase or sub phase is submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved Archaeological Scheme for Treatment Work unless otherwise agreed in writing by the Local Planning Authority.</p> <p>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 NAP2C.</p>

Overarching, Removal of hedgerow	12	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has found to be clear of nests immediately prior to the destructive works commencing and these finding have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably 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 cleared from site.</p> <p>Reason: To safeguard protected species and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.</p>
Update of Tree Survey and Mitigation	13	<p>Prior to commencement of development in any phase or sub phase pursuant to Condition 4, an updated Arboricultural Survey and Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect trees and hedgerows to be retained within that phase or sub phase and details of mitigation measures where necessary. The approved mitigation measures shall be implemented on site in accordance with an agreed timetable and shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.</p> <p>Any trees/shrubs (planted by way of mitigation) which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation in line with the measures identified in the Addendum to the AIA.</p>
Both strategic landscaping and landscaping of individual plots	14	<p>The first reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of a updated Landscape Masterplan and full details of both hard and soft landscape works (both in the public realm/strategic landscaping works and for individual plots) for that phase and a programme for their implementation. This submission shall include:</p> <ul style="list-style-type: none"> • Provision for replacement hedgerows and trees in line with Figure 5.8 (Illustrative Landscape Masterplan) of the ES or any updated version that shall be agreed through the relevant reserved matters approval • Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.

		<ul style="list-style-type: none"> Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. <p>Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the scale and nature of development addressed in the Environmental Statement and to ensure accordance with the objectives set out in the NPPF and the Newark and Sherwood Core Strategy Policies CP12, CP13 and NAP2C.</p>
Implementation scheme for landscaping	15	<p>All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing with the local planning authority.</p> <p>Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.</p>
(Phased Update of Ecological Surveys and Mitigation)	16	<p>Prior to commencement of development within any phase or sub phase pursuant to Condition 4, a scheme to update the Extended Phase 1 Habitat Survey and any associated protected species surveys will be submitted to and approved in writing by the Local Planning Authority. The updates shall then be provided in accordance with an agreed timetable. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme of mitigation shall include a working design, method statement and timetable of works to mitigate any adverse effects to protected species. The development shall be implemented in accordance with the approved schemes unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Where development within a phase or sub phase would take place within 250 metres of Balderton Pond (LWS) on the adjacent site of the East Coast Railway Line, the reserved matters application shall include a Great Crested Newt (GCN) Survey and Mitigation Strategy. If this is not possible then the presence of GCN will be assumed and a Mitigation Strategy shall be submitted to and be approved in writing to the Local Planning Authority. The approved mitigation scheme shall be fully implemented to an agreed timetable prior to works commencing on site.</p>

		Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up to date ecological information and so that any mitigation which may be required can be put in place in a timely manner in the interests of ecology and to accord with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP12 and NAP2C.
Phased Update of Tree Survey)	17	<p>The first reserved matters application for each phase pursuant to Condition 4, that involves any works to trees and/or hedgerows shall be accompanied by an updated Tree Survey and Arboricultural Impact Assessment (AIA).</p> <p>Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up-to-date arboricultural information in line with the advice contained in the Addendum to the Tree Survey and AIA dated 20 March 2015 which sets out its limitations on its validity to 24 months from publication and to accord with the objectives of the NPPF and Development Plan policies CP12 and NAP2C.</p>
Habitat Creation & Management Plan	18	<p>No development shall be commenced in respect of each phase or sub phase pursuant to Condition 4, unless a detailed Habitat Creation and Management Plan associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Habitat Creation Plan may form part of the Construction Environmental Management Plan (identified at condition 07) and shall include details of the following within each phase, as appropriate:</p> <ul style="list-style-type: none"> • The location and extent of all new habitats including all works required for the creation; • For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance – seed zone 402 or 403), seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring. In particular it should include areas of damp grassland and a network of ponds, new mosaics of long sward wildflower grasslands and scattered scrub to the south-east as set out at 6.6.6 of the ES Addendum. • Measures to enhance retained habitats; • How public access will be controlled to limit disturbance to wildlife;

		<ul style="list-style-type: none"> • Ecological enhancements to include bird, bat boxes and the creation of artificial hibernaculae for reptiles at appropriate points within the site which should offer immediate enhancements (prior to first occupation as per 6.5.58 of the ES) and longer term enhancements where appropriate; • Opportunities to enhance the proposed drainage features on site to benefit biodiversity; • Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 5 years; • An implementation timetable for all elements. <p>The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with the CP12, NAP2C of the Development Plan and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.</p>
Operational phase external lighting scheme to accompany RMA	19	<p>First applications for reserved matters approval for each phase shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.</p> <p>Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 and the NPPF and to protect drivers from uncontrolled light sources near the public highway.</p>
Foul Sewage Disposal	20	<p>No development shall be commenced within each phase or sub phase (pursuant to Condition 4) until drainage plans for the disposal of foul sewage for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase or sub phase shall be implemented in accordance with the approved details before the development in that phase or sub phase is first brought into use.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>

<p>Detailed Surface Water Drainage Scheme as required by LLFRA and STW</p>	<p>21</p>	<p>No development shall be commenced within each phase or sub phase pursuant to Condition 4 until a detailed surface water drainage scheme for that phase or sub-phase, in accordance with the approved Flood Risk Assessment and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority. The scheme to be submitted shall include the following:</p> <ul style="list-style-type: none"> • Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; • Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable. • Detailed consideration of the risk of accumulation and mitigation of the pluvial flooding on the northern part of the site either side of the watercourse as shown on the Environment Agency surface water flood risk plans. • Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 6th edition (or any later edition as may be published) in terms of the criteria for pipe-full flows, surcharge and flooding; • Full drainage simulation outputs to demonstrate that the drainage system can fulfil the design criteria and that failure of the drainage system during short-duration high-intensity events does not automatically mean that properties flood. The management of accumulations of water on the site should be clearly defined and the potential flow routes considered. The designers should consider how exceedance flow routes may be maintained and not blocked by fences, garden sheds and the like. In this regard they should be designed where possible to avoid reliance on 3rd party properties and should use public open space and highways. • All infiltration areas with supporting specification, calculations and construction details where applicable. • Attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms. • Full specification & general arrangement drawings for inlet/outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
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		<ul style="list-style-type: none"> • Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse. • All calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information; • Timetable for its implementation; • Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. <p>Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.</p>
up to date FRA for pitches and pavilion)	22	<p>Any reserved matters application for the outdoor sports pitches and associated pavilion/changing facility shall be accompanied by an up to date Flood Risk Assessment which demonstrates how the pavilion/changing facility will be designed and constructed to remain operational and safe for users in times of flood, would result in no net loss of floodplain storage and would not impede water flows and not increase flood risk elsewhere. The scheme shall also include details of how the sports pitches will be drained. Development shall thereafter be carried out in accordance with the approved FRA unless otherwise agreed in writing by the LPA.</p> <p>Reason: To ensure that adequate consideration is given to flood risk for the sports pitches and associated development in line with national planning guidance and in the interests of flood risk.</p>
Highways England Conditions (Cannot be amended unless expressly agreed otherwise) No reason given	23	<p>Prior to the commencement of any part of the development hereby approved, details of the form of the B6326 / Goldstraw Lane roundabout shall be submitted to and agreed by the Local Planning Authority in consultation with Nottinghamshire County Council (acting as Local Highway Authority) and Highways England.</p> <p>Reason: In the interests of highway safety, to ensure the strategic road network operates and is managed in the public interest to maintain its integrity.</p> <p>Officers consider these works are covered by recommended condition 32 and thus could be removed. Agreement has now been received from HE and the condition amended as they have requested.</p>

Highways England Condition (Cannot be amended unless expressly agreed otherwise)	24	<p>No part of part of the development hereby approved shall be occupied until improvements to the B6326 / Goldstraw Lane roundabout as shown in Waterman drawing Goldstraw Lane Roundabout dated 27/07/2015 are complete and open to traffic, subject to Condition 22, Detailed Design and Road Safety Audit.</p> <p>Reason: In the interests of highway safety, to ensure the strategic road network operates and is managed in the public interest to maintain its integrity.</p> <p>Officers consider these works are covered by recommended condition 32 if amended to include the bolded text. Agreement has now been received from HE and the condition amended as they have requested.</p>
Reasonable avoidance measures for roosting bats	25 23	<p>No development shall be commenced until a scheme setting out what reasonable avoidance measures will be adopted to protect roosting bats in respect of the felling of trees identified as Category 2 for roosting bats which forms part of this application have been submitted to and approved in writing by the LPA. The approved measures shall be implemented on site.</p> <p>Reason: In order to afford protection to bats that have the potential to be roosting in trees which are to be felled.</p>
FFL Condition requested by EA (amended)	26 24	<p>Each reserved matters application (that involves the erection of dwellings) shall be accompanied by details of the proposed finished floor levels of the proposed residential dwellings. The development shall thereafter be carried out in accordance with the approved finished floor levels.</p> <p>Reason: To reduce flood risk to the proposed development.</p>
Suspended Solids Condition requested by EA	27 25	<p>Prior to the commencement of any phase or sub phase (pursuant to Condition 4) of the development hereby approved a scheme detailing treatment and removal of suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented within that phase or sub phase as approved.</p> <p>Reason: To reduce the risk of surface water pollution.</p>
Closure of Road	28 26	<p>Following completion of the bus link shown on plan 210354.03.006D, a scheme shall be submitted to and shall be approved in writing by the Local Planning Authority which details the closure of Hollowdyke Lane from of the underpass of the A1 Trunk Road leading to Main Street, Balderton for all other vehicles unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of sustainable transport, highway safety and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.</p>

	<p>33 31</p>	<p>signing scheme to be first submitted to and agreed in writing by the LPA in consultation with Highways England.</p> <p>Reason: To minimise the temporary loss of amenity to residents.</p> <p>Before occupation of the 100th dwelling (unless otherwise agreed in writing by the Local Planning Authority), improvements to the Goldstraw Lane/B6326 Great North Road roundabout and B6326 Great North Road between Goldstraw Lane and Dale Way junctions shall be delivered and made available to traffic as illustrated by drawing 210354-008.A03 (or subsequent revised and agreed drawing) and the works shall tie in with the existing highway network including regard to the southern link road roundabout at the junction of the B6326. These works shall be subject to a detailed Design and Road Safety Audit which shall be carried out in accordance with a timetable to be first agreed in writing by the Local Planning Authority unless otherwise agreed in writing.</p> <p>Reason: In the interest of highway safety and capacity and having regard to phasing of highway infrastructure works in the locality.</p>
	<p>34 32</p>	<p>Notwithstanding drawing 210354-006D already submitted, before the provision of a road linking the existing Fernwood development to Hollowdyke Lane, a scheme shall be first submitted to and approved in writing by the LPA to improve Hollowdyke Lane between the proposed development hereby approved and Main Street, Balderton that will include a restriction to allow buses and cycles only unless otherwise agreed in writing. Such a scheme shall include a trigger point for implementation which shall thereafter be delivered and open to traffic in accordance with an agreed programme (or revised programme that may be agreed from time to time).</p> <p>Reason: In order to promote sustainable transport and to restrict traffic from rat-running via Main Street, Balderton and Coddington village.</p>
	<p>35 33</p>	<p>No dwelling shall be occupied until the associated parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The areas so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of highway safety</p>

	36 34	<p>No school extension shall be occupied until an additional school safety zone is in place which shall include appropriate signing, lining, traffic calming, coloured surfacing, and parking restrictions, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of highway safety.</p>
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Notes to Applicant

01 (Conditions)

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

02 (S106)

A S106 Agreement (Planning Obligation) accompanies this permission and should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03 Construction hours)

The developer is advised that in respect of the CEMP condition, hours of construction would be expected to be along the lines of 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.

04 (NEAP expectations)

The developer is advised that in respect of the **NEAP**, it is expected that this should be provided in accordance with the specification for a 'Neighbourhood Equipped Area for Play' taken from the Fields in Trust publication 'Planning and Design for outdoor Sport and Play'. Specifically it should include the following elements:(1) The NEAP should occupy a well-drained site, with both grass and hard surfaced areas, together with impact absorbing surfaces beneath and around play equipment or structures as appropriate; (2) it should include an activity zone of at least 1000 square metres, comprising an area for play equipment and structures, and a hard surfaced area of at least 465 square metres (the minimum needed to play 5-a-side football); (3) a buffer zone of 30 metres minimum depth should separate the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided. The buffer zone should include varied planting to provide a mix of scent, colour and texture; (4) it should provide a stimulating and challenging play experience that includes equipment and other features providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play, natural play, ball games, wheeled sports or other activities. There should be a minimum of nine play experiences included; (5) seating for accompanying adults and siblings should be provided, together

with one or more litter bins (6) the older children's/youth element should be either through the provision of a tarmac surfaced, fenced and marked out Multi-use Games Area or a tarmac surfaced skate/wheeled sport park containing at least 4 separate ramps (7) there should be a sign indicating that the area is for children and young people's play and that dogs are not welcome. The name and telephone number of the facility operator should be provided, together with an invitation to report any incident or damage to the NEAP.

05 (Highways England)

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency (the Agency) therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Agency's Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk

06 (EHO)

NSDC Environmental Health (Land Contamination) advise that an advisory booklet is available – "Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated". This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

Natural England

Block 6 & 7 Government Buildings

Chalfont Drive

Nottingham

NG8 3SN

Tel: 0115 929 1191

Fax: 0115 929 4886

Email: eastmidlands@naturalengland.org.uk

Heritage England

Ancient Monuments Inspector

44 Derngate

Northampton,

NN1 1UH

Tel: 01604 735400

Fax 01604 735401

E-mail: eastmidlands@english-heritage.org.uk

Heritage Planning Specialists

Nottinghamshire County Council

Trent Bridge House

Fox Road

West Bridgford

Nottingham

NG2 6BJ

Tel: +44 (0)115 977 2162

Fax: +44 (0)115 977 2418

E-mail: heritage@nottscc.gov.uk

to prevent damage or harm to the historic environment.

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - "The Protection of workers and the general public during the development of contaminated land".

07 (Network Rail)

Network Rail comments are attached for information

08 (National Grid)

The applicant is advised to contact National Grid in advance of any works so that provisions can be agreed with regards to construction etc.

09 (STW)

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and

may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

They also advise that you may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

010 (NWT)

Nottinghamshire Wildlife Trust request that given signs of water voles have been found on water course WC2 (plan ECO4) that an ecologist has an input into the design of the drainage plans as there is potential for disturbance during the installation phase. It is therefore suggested that this approach/offer is taken up early to avoid issues during the reserved matters process. It is also requested that the hedgerow compensation for H8 (the hedgerow that runs on the eastern side of Hollowdyke Road adjacent to the school and further south as shown on Figure 6.1 of the ES) should seek to utilise more mature plants in order to achieve a more rapid establishment of replacement habitat.

011 (NCC HWA)

Section 38 Agreement (Highways Act 1980)

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

Section 278 Agreement (Highways Act 1980)

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 01158 040015

Condition 35 requires an application to be made to the Highway Authority for a Traffic Regulation Order. It is recommended that early contact be made with the Highway Authority to allow timescales to be met.

It may be appropriate/helpful to submit a Design Code to include details of:

- street type/function;
- the principal dimensions of streets and boundary treatments include sight lines (visibility splays);
- junctions and types of traffic calming;
- treatment of major junctions public transport links;
- location and standards for on and off-street parking, including cycle parking, car parks and parking courts, and related specifications;
- street lighting and street furniture specifications and locations;
- pedestrian and cycle links including appropriate crossing facilities between all existing and proposed infrastructure;
- drainage which shall accompany any road layout submission;
- routing and details of public utilities which shall accompany any proposed road layout submission;
- arrangements for maintenance and servicing including refuse collection/bin storage"

012 (Pro-Active)

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

013 (CIL)

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

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

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- street type/function;
- the principal dimensions of streets and boundary treatments include sight lines
- (visibility splays);
- junctions and types of traffic calming;
- treatment of major junctions public transport links;
- location and standards for on and off-street parking, including cycle parking, car
- parks and parking courts, and related specifications;
- street lighting and street furniture specifications and locations;
- pedestrian and cycle links including appropriate crossing facilities between all
- existing and proposed infrastructure;
- drainage which shall accompany any road layout submission;
- routeing and details of public utilities which shall accompany any proposed road
- layout submission;
- arrangements for maintenance and servicing including refuse collection/bin
- storage”

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APPEALS A

APPEALS LODGED (received between 15 August and 06 September 2017)

- 1.0 Members are advised that the appeals listed at **Appendix A** to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

RECOMMENDATION

That the report be noted.

Background Papers

Application Case Files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager - Development

Appeal reference	Application Number	Address	Proposal	Procedure
APP/B3030/W/17/3179351	17/00383/OUT	Brooklyn Lower Kirklington Road Southwell NG25 0DZ	The Erection of 3 Dwellings	Written Representation

Appeal reference	Application Number	Address	Proposal	Procedure
APP/B3030/W/17/3180831	17/00544/FUL	Land To The Rear Of 21 Strawberry Hall Lane Newark On Trent Nottinghamshire NG24 2EX	Proposed change of use of land to rear of 21 Strawberry Hall Lane to provide staff car parking area (Revised Application of 16/01288/FUL)	Written Representation

APPENDIX B: APPEALS DETERMINED (between 15 August and 06 September 2017)

App No.	Address	Proposal	Decision	Decision date
16/01478/OUTM	Field Reference Number 0177 Main Street Blidworth Nottinghamshire	Outline application for up to 30 dwellings with access off Main Street to include self-build and affordable homes	DISMIS	22.08.2017

RECOMMENDATION

That the report be noted.

Background Papers

Application Case Files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager - Development