

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, 19 October 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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5. Former Thoresby Colliery Ollerton Road Edwinstowe (16/02173/OUTM) (Site Visit: 9.25am – 9.40am)	10 - 119
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PART 2 – ITEMS FOR INFORMATION

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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 the Civic Suite 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.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Civic Suite, Castle House, Newark on Thursday, 3 October 2017 at 4.00pm.

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

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

ALSO IN

ATTENDANCE: Councillor: D. Clarke

95. APOLOGIES FOR ABSENCE

There were none.

96. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Member/Officer

Agenda Item

Councillors: Mrs A.C. Brooks,
G.P. Handley and
D.R. Payne

Agenda Item No. 5 – Land Adjacent 23 Haywood Oaks Lane, Blidworth (17/0221/FUL). The three Members were Directors of Newark and Sherwood Homes and declared their interests on the grounds of potential bias. They left the meeting and took no part in the discussion or voting.

97. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

98. MINUTES OF THE MEETING HELD ON 14 SEPTEMBER 2017

AGREED that the minutes of the meeting held on 14 September 2017 be approved as a correct record and signed by the Chairman.

99. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda item 14 was taken as the first item for decision followed by item 13 and then item 6, the agenda resumed its stated order apart from item 5 which was taken as the last item for decision.

100. THE RED LION PUBLIC HOUSE, HIGH STREET, SOUTH CLIFTON (17/01129/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought to vary condition 10 of planning permission 16/01052/FUL to allow the boundary wall to be raised.

Councillor D. Clarke, Local Member for Collingham Ward spoke in support of the application for the following reasons. It was felt that there was a history regarding planning applications for this site. South Clifton Parish Council had objected to the original planning application and their objection to the height of the wall was considered as sour grapes. Highways had commented that they were happy that the Leylandii hedging and other planting had been removed from the boundary to the corner of the plot. This was a small village which was not used as a rat run like some villages. The only people coming to the village were residents and their visitors. Approximately five/six cars would negotiate the corner per day, therefore the chance of an accident due to the height of the wall and visibility splays was very small. There were considerably taller walls in South Clifton than this one. The applicant had reduced the wall to 1.54 metres and it was considered that the Planning Authority was being picky and wasting a lot of time over a few courses of brickwork. The height of the present wall took the eye level off any overlooking and therefore should be approved.

Members considered the application and it was commented that the original planning permission was granted unanimously by the Planning Committee with a condition regarding the height of the boundary wall of 1 metre. The applicant was advised that if he was not happy with the condition regarding the height of the wall, he should appeal against the imposition of that condition. The wall was built higher and retrospective planning permission was sought. This was considered inappropriate given Nottinghamshire County Council's Highways comments in the original planning application. It was felt that the planning permission should be refused because of the lack of appropriate visibility splays and a breach of condition notice should be served.

AGREED (with 13 votes for, 1 against and 1 abstention) that planning permission be refused for the reasons contained within the report and a breach of condition notice to be served.

101. LAND OFF KESTREL RISE, RAINWORTH (17/00418/OUTM)

The Committee considered the report of the Deputy Chief Executive, which sought outline permission for the proposed residential development of ninety-five dwellings, consisting of bungalows and a mixture of three and four bedroom dwellings with access to be considered.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Nottinghamshire County Council Highways and Blidworth Parish Council.

Members considered the application and were pleased that there was no access off Kestrel Rise. Members were disappointed with the reduction of bungalows and smaller house types and felt that very little was being invested through Section 106 monies for the community. A Member also raised concern regarding the removal of the

emergency access point. The Business Manager Growth & Regeneration confirmed that Condition 16 could be amended to include reference to details of emergency access if required.

A Member also commented that the viability appraisals were not transparent to Members and the public and asked whether Members should be given the opportunity to look at the viability appraisal, even as an exempt report if that would be appropriate in order for them to make informed decisions. The Business Manager Growth & Regeneration confirmed that Planning Committee training was scheduled to take place next week for Members and viability appraisals would be considered at the training.

AGREED (with 14 votes for and 1 abstention) that outline planning permission be granted subject to:

- (a) the conditions contained within the report, subject to the amendment of Condition 16 to include reference to details of emergency access if required;
- (b) the signing and sealing of a Section 106 planning Agreement to control the matters set out in the table contained within the Summary Developer Contributions section as contained within the report; and
- (c) the further ecology survey work as required by the submitted Ecology Report being undertaken with delegated officer responsibility for adding ecology related conditions should they be required as a result of the findings.

102. THE OLD BARN, CHURCH LANE, BESTHORPE (17/01216/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought a two storey extension to an existing house, with proposed first floor accommodation in the roof space.

Members considered the application and it was felt that further work could be achieved with the applicant to resolve the Case Officer's concerns. It was proposed that the application be deferred for further negotiation and submitted back to the next Planning Committee, in November.

AGREED (unanimously) that the application be deferred pending further negotiation and submitted back to the next Planning Committee.

103. WOODLAND VIEW, MAIN STREET, THORNEY (17/01107/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought the re-modelling of a dwelling incorporating side extension.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case

Officer.

Councillor J. Day, representing Thorney Parish Council spoke in support of the application in accordance with the views of Thorney Parish Council as contained within the report.

Councillor D. Clarke, Local Member for Collingham Ward also spoke in support of the application for the following reasons. He felt that the application complied with Government Policy and Core Strategy Policy 9 which he read out to the Committee. Planning policy and decision should not stifle originality and initiative. The application was considered to be of our time. He felt that the Planning Officers were not following guidelines and were not being broad minded. The design showed aesthetic consideration and integration to the environment. There had been no objection from neighbours who lived in larger homes. The applicant wanted to provide not only for himself and his children, but wanted his grandchildren to be able to stay. If the building was any smaller in scale the applicant would not be able to achieve his goal. The applicant was considered an asset to Thorney.

Members considered the application and concerns were raised regarding whether an extension of an increase size of 104% was appropriate. The extension doubled the size of the property which was contrary to the Council's policy. Members felt that to double the size of a property which could be divided into two properties was of concern, as was the height of the roof space which had not been identified for any use. The paddock was also discussed and it was commented that the paddock should not be used as a garden, if the paddock was to be used for the purposes of a garden, planning permission should be sought for that change of use.

AGREED (with 9 votes for and 6 votes against) that planning permission be refused for the amended reason contained within the late items schedule.

104. BAY HOUSE, 42 MAIN STREET, CODDINGTON (17/01391/FUL)

The application was withdrawn from the Agenda and delegated to the Business Manager Growth & Regeneration for decision.

105. LAND AT REAR OF 196 LONDON ROAD, BALDERTON (17/01381/OUT)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought two two – storey semi-detached town houses and one detached two storey house with access off road to the rear car parking and amenity space.

Members considered the application and felt that the proposal was acceptable.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report.

106. THE OLD VICARAGE, HOLME LANE, LANGFORD (17/01151/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the

change of use and the extension of the dwelling to form a C2 Residential Care Home.

Members considered the application and some Members felt that whilst they were not against Care Homes, they felt this care home was in the wrong location. It was not in a central location in easy reach of local facilities. It was felt that the young adults being cared for would be isolated and needed to be taken out by their carers, which would be difficult given the location. Concern was also raised regarding the poor highway with no public footpaths and no traffic plan. Further concerns were raised regarding the visual impact the extension would have on the grade one listed parish church and that the extension would be better located elsewhere on the site. It was considered that the proposed extension would create harm to the setting and views of the church given its close proximity. Other Members commented that although they were supportive of churches, they were aware of the need for care homes in every community and the need of that facility should be considered rather than the views of the church.

AGREED (with 9 votes for and 6 votes against) that contrary to Officer recommendation full planning permission be refused on the grounds of harm to the setting of the Parish Church.

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

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

107. THE OLD FORGE, STAYTHORPE ROAD, AVERHAM (17/01279/FUL

The Committee considered the report of the Deputy Chief Executive, which sought the erection of a three bed house and garage and the removal of a cherry tree to the frontage of Staythorpe Road to facilitate the vehicular access which was positioned along the site frontage.

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

Members considered the application and felt that as planning permission had been

granted one year ago, it was appropriate to grant planning permission with the condition that the development be commenced within the time period of one year.

AGREED (unanimously) that contrary to Officer recommendation full planning permission be granted subject to the conditions of the previous planning permission and for a further time period of one year.

108. HOVERINGHAM HOUSE, GONALSTON LANE, HOVERINGHAM (17/01361/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the erection of a garage to the existing house.

Members considered the application and felt that the height of the garage was too high and agreed with the Officer recommendation of refusal. It was however commented that if the applicant reduced the ridge height by 431mm the garages could be built under permitted development rights.

AGREED (unanimously) that full planning permission be refused for the reasons contained within the report.

(Having declared interests on the grounds of potential bias given their position as Directors of Newark and Sherwood Homes. The Chairman, Vice-Chairman and Councillor Mrs C. Brooks took no part in the discussion or vote in relation to the following minute and left the meeting).

The Planning Committee Chairman sought Planning Committee approval, which was agreed unanimously for Councillor R.V. Blaney to act as Chairman for the duration of the following minute.

109. LAND ADJACENT 23 HAYWOOD OAKS LANE, BLIDWORTH (17/0221/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought the demolition of six garages and the development of three, one bed flats.

Members considered the application and concerns were raised regarding the flooding on the site after substantial rainfall and the steep drop into the neighbouring gardens which also flooded. The visual impact was also considered too immense for the neighbouring properties. A Member raised concern on highways grounds as the road was congested with traffic with poor visibility. Other Members commented that there were no Highway objection, the site was in flood zone 1 and the removal of the garages would reduce the amount of cars in the vicinity.

AGREED (with 8 votes for and 4 votes against) that full planning permission be approved subject to the conditions contained within the report.

(The Chairman, Vice-Chairman and Councillor Mrs C. Brooks returned to the meeting, Councillor D.R. Payne resumed Chairman).

110. APPEALS LODGED

AGREED that the report be noted.

111. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 6.10pm

Application No:	16/02173/OUTM
Proposal:	Residential Development up to 800 dwellings (Class C3), Strategic Employment Site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road.)
Location:	Former Thoresby Colliery Ollerton Road Edwinstowe
Applicant:	Harworth Estate Group
Registered:	23.12.2016
	Target Date: 29.03.2017 Extension of Time Agreed in Principle

The Application Site

The application relates to the former Thoresby Colliery site which closed in July 2015 and comprises the former pit yard area, spoil heaps and some arable fields fronting the A6075 Ollerton Road to the south.

It is irregular in shape, extending to some 150.3ha and comprises several parcels of land namely:-

- The former pithead area in the centre of the site, including mine shafts, winding houses, coal preparation plant (now demolished) and surface facilities;#
- Agricultural fields in the south of the site, fronting the A6075 Ollerton Road;
- The central tree lined existing access road, with gatehouse, which bisects the fields;
- A railway cutting and former sidings in the west of the site, and south of the pithead area;
- Former coal stocking area south of the pithead;
- A settlement pond in the southeast of the site, for the storage of surface water prior to outfall from the site; and
- Spoil tipping areas to the west, north, and east of the pithead buildings.

The site lies to the north east of the settlement of Edwinstowe and is primarily accessed from the A6075 Ollerton Road via the existing colliery access road.

Residential properties adjoin the eastern and western corners of the site.

To the north and east it is bounded by the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the adjacent Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner). The Sherwood Forest National Nature Reserve (NNR) and Country Park lies to the west. The site also lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (SPA).

Background

Thoresby Colliery closed in 2015, with the loss of 600 jobs. It was the last deep coal mine to close in Nottinghamshire. The spoil heap to the north are already subject to a significant restoration scheme agreed with Nottinghamshire County Council which will see it restored to heathland, woodland and grass land.

The applicants, Harworth Group are a large property regeneration company which specialise in the remediation of brownfield sites such as former colliery sites and coking works.

The site is proposed to be allocated as a Strategic Urban Extension site in the Amended Core Strategy. This was published for a period seeking representations between 17 July and 1 September 2017. Following this consultation the site remains a proposed allocation by this Council, as ratified by a Full Council meeting on the 26th September 2017. Consequently this site, which forms part of the Council's Amended Core Strategy DPD was formally submitted to the Secretary of State for Examination on Friday 29 September 2017. It is anticipated that the Examination Hearings will be held in December 2017, with adoption to follow in March/April 2018 (based on the timetable for previous DPDs this Authority has submitted).

The proposed site allocation policy within the Publication Amended Core Strategy (Policy ShAP4) identifies the application site for large scale housing development, employment land uses, leisure and community uses including retail to meet local needs and associated green, transport and other infrastructure.

Relevant Planning History

A scheme for the restoration of the former spoil heaps has been approved by Nottinghamshire County Council originally in 1996 (3/96/0531). This was updated in 2012 (31/11/01826/CMA). The movement of soils and spoil spreading, seeding and planting to restore the spoil heap have consequently commenced and are ongoing

16/SCR/00009 – A screening opinion was submitted in August 2016 seeking an opinion on a proposal for mixed uses including residential, employment and recreational uses. The Council considered that any application would need to be accompanied by an Environmental Statement.

The Proposal

This application seeks outline planning permission with access to be considered (and all other matters reserved for subsequent approval) for:-

- a residential development of circa 30.6 hectares of land comprising up to 800 dwellings of a mix of tenure, sizes and types (Class C3),

- a strategic employment site, comprising up to 4,855sq.m. Class B1a, up to 13,760sq.m. Class B1c, and up to 13,760sq.m. Class B2 located to the south eastern corner of the site with access to be provided from the A6075,
- a new Country Park comprising circa 99 hectares of land to the north of the site,
- a local centre, containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500sq.m.), health, and residential uses,
- a primary school site comprising circa 1.3 hectares located towards the southwestern boundary of the site,
- open space and green infrastructure, and
- associated access works including the details of the primary access junctions into the site from Ollerton Road.

A breakdown of the amount of development is shown within the table below:-

USE	HECTARES	ACRES	DELIVERY
COUNTRY PARK	99.03	244.72	The former soil heap will be restored, creating multiple ecological habitats
RESIDENTIAL (Cumulative total)	30.65	75.76	The site has the potential to deliver 800 new residential dwellings, ranging from apartments and starter homes through to 3 bedroom houses and a retirement village.
EMPLOYMENT	8.11	20.05	The site has enormous potential to deliver of approximately 250, 000 sq.ft of new commercial space. This has the potential to produce up to 1, 000 new jobs.
SCHOOL SITE	1.3	3.2	Area to provide site for new school creating further linkages to wider community through leisure facilities and employment opportunities. Site area allows for possible future expansion.

The existing vehicular access point off the A6075 Ollerton Road will be retained as the main access point serving the development. An employment access route is proposed further east of this from Ollerton Road. An access point from the A616 Swinecote Road will serve the proposed primary school, and will be a safeguarded route for alternative access to the new Sherwood Forest Visitor Centre.

Land will be provided to accommodate a primary school site together with a financial contribution towards the building which is detailed within the Developer Contributions section of this report.

The proposal seeks to retain and enhance existing green infrastructure and open space as shown within the indicative master plan

The illustrative Master Plan submitted with the application shows the broad locations of land uses (such as houses, school, open space, employment land) and the Environmental Statement (as the screening opinion in the planning history section above concluded this scheme represents EIA

development) outlines typical building scales of 2 and 2.5 storey residential properties with ridge heights of up to 10m, employment properties with ridge heights of up to 10m, primary school with ridge height of up to 9.5m and local centre buildings with ridge heights of up to 12m.

An Indicative Phasing Plan has been submitted which shows how the developer envisages the scheme coming forward.

7 phases (4 phases of residential development located either side of the existing main access road) are shown that indicate the development would come forward from south to north with the first 2 phases (1 and 2) being to the west of the existing main access road. Phase 2 would include the school. The latter phases include the heart of the community zone.

Three character zones are identified within the site, namely 'Forest' 'Heathland' and 'Industrial'.

Given the outline nature of the application details of scale, landscaping and appearance will be determined at reserved matters stage should Members be minded to approve this outline application. However, this outline will allow Members to approve maximum parameters within which any reserved matters should come forward.

Subject to gaining outline consent and associated reserved matters approval, the developer anticipates lodging a reserved matters application for phase 1 in the first calendar year quarter of 2018, and commencing on site in during the third quarter of 2018. Build-out rates have been indicated as being circa 75 dwellings per year and the build programme is anticipated as lasting approximately 10 -12 years. As I explore further below the applicant has provided evidence of their track record of timing, delivery, and build out of similar sites elsewhere.

The application has been accompanied by an Environmental Statement. The scope of the statement covers ecological and nature conservation impacts and socio economic impacts. It demonstrates that there would be no significant adverse or unacceptable environmental effects resulting from the proposed development and no overriding environmental constraints that should preclude the mixed used development of Thoresby Colliery, subject to appropriate mitigation. Given the scale of development proposed, there will inevitably be environmental effects during the construction phase and once the development is built and occupied. Consequently it is important that such impacts are assessed and mitigated for where required. These are matters I deal with throughout the appraisal section below.

Other submissions include the following:

- Flood Risk Assessment
- Design and access Statement
- Planning Statement
- Air Quality Assessment (Executive Summary dated 11th April 2017, technical note scope dated 5th May 2017 and AQ technical note dated 12th May 2017)
- Employment and Residential Travel Plans (revised May 2017)
- Heritage Assessment and Addendum
- Landscape Visual Impact Assessment
- Noise Assessment
- Phase 1 Desk Top Studies
- Supporting Statement in relation to brownfield sites and delivery of development
- Retail Statement

- Illustrative proposed Section plans
- Visualisation plan
- Western and Eastern access junction plans
- Green infrastructure plan
- Consultation Statement
- Land use distribution plan (including phasing)
- Additional supporting statements regarding brownfield sites and policy commitment to delivery

Given the level of infrastructure and S106 requirements required in this case the applicant has formally presented a viability case to the Council for consideration. This was received in July 2017 and has been independently assessed by an expert appointed by the Council.

Departure/Public Advertisement Procedure

Occupiers of 3460 neighbouring properties (both residential and commercial) have been notified by letter of the proposal, site notices have been displayed at various locations in and around the site and neighbouring settlements and a press advert has been placed in the local press . Additionally officers attended a public consultation afternoon at the Parish Council offices.

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 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 7 Tourism development
- Core Policy 8 Retail and Town Centres
- 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

Newark and Sherwood Allocations & Development Plan Document (adopted July 2013)

- 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

Plan Review - Publication Amended Core Strategy July 2017

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 5	Delivering the Strategy
Spatial Policy 7	Sustainable Transport
Spatial Policy 8	Protecting and Promoting Leisure and Community Facilities
Core Policy 1	Affordable Housing
Core Policy 3	Housing Mix, Type, and Density
Core Policy 6	Shaping our Employment Profile
Core Policy 7	Tourism development
Core Policy 8	Retail and Town Centres
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 Environments

ShAP3 Role of Edwinstowe – Land at Thoresby Colliery

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.
- Newark and Sherwood Landscape Character and Assessment SPD (2013)
- 6 C's Design Guide

Consultations

Edwinstowe Parish Council

The Parish Council has sought the views of Edwinstowe residents and seeks to represent the range of views. We recognise there are different views within the village ranging from support through to opposition and a variety of mixed views in between. Many residents welcome the creation of jobs but there are concerns about the impact of the number of houses unless issues relating to infrastructure and village amenities are addressed. Therefore the Parish Council does not support or oppose the application at this stage but will seek to influence any development should it be approved and represent residents views through the various planning stages. We strongly urge the planning committee and the planning officers of NSDC to fully consider the views of Edwinstowe residents and ensure that through the use of planning powers and negotiation with developers and relevant bodies the following matters relating to infrastructure and the capacity of village amenities are addressed in the event of approval for the proposed development:-

- Management of traffic flows and parking
- Improvement of Ollerton roundabout
- the capacity of the doctors surgery
- primary and secondary school places
- connectivity with the village

- play and leisure amenities.

In addition we submit a summary of all the suggestions and concerns raised by residents. We recognise that most if not all of these issues will be addressed as reserved matters and some will be matters for other public bodies but should outline approval be given we urge NSDC to commence the process of addressing these matters.

- Not enough amenities to cope with additional residents
- Capacity at doctors surgery
- Increase in traffic through the village
- Capacity at local schools including the Dukeries Academy
- Impact on High Street of proposed new retail space
- Transport links
- Availability of affordable housing for the young
- Funding for health, social community education and transport provision
- Ollerton roundabout requires improvements
- Loss of village status and becoming a town
- Total new housing allocation for Edwinstowe
- Sustainable/renewable energy, environmental issues and carbon footprint impact
- Design/density of development
- Design of landscaping and paths at green open space/country park to make the accessible by all
- Location of proposed new school – should it be in the centre of the village
- Impact on parking in the village when using local services and the need to provide/improve pedestrian and cycle routes to and from proposed development
- Retention of existing buildings needs to be considered
- Demand for parking at the country park/zip wire site – concerns there will be disruption from on road parking
- Is access to the development available form A616 Worksop Road possible
- Historically the ponds were prone to flooding
- Visual impact of new development (area of natural beauty)

Perlethorpe Parish Council

It is understood that this is an outline application only. The committee are in favour of the redevelopment of this site and as brownfield is ideal for village type residential development also the whole proposal will bring sustainable employment to the local area.

Regarding the 800 dwellings no mention of what these will consist of is currently available, nor is health facilities. Will this include a doctors surgery as both the one doctors surgeries in Ollerton and Edwinstowe are already at breaking point.

Our prime concern in the infrastructure to the site from day one start of construction this will be a further burden that the Ollerton roundabout where it joins the A614 and the traffic lights at Rose Cottage the direct route form Edwinstowe for residents of the village looking to join the A614 these are all minor B roads and do not appear to have current facilities to be widened.

The planning officer was not aware that the A614 was frequently used as a diversion route if problems occurred on the M1going from junction 29 and also for traffic coming from Blyth on the

A1. The public consultation meeting is welcomed. We are not a parish meeting who is against change but do feel much more information is required from Haworth Group PLC before anyone can either support or object to this proposal.

Bilsthorpe Parish Council

Bilsthorpe Parish council discussed the planning application 16/02173 at their council meeting on the 13th February and would like to make their previous concerns over traffic to be highlighted as comments please.

Can consideration please be taken when making a decision as to the increased activity at the junctions on the A614 and A617? The roads are already busy and with the amount of traffic already there and the recently proposed applications for the area the traffic will therefore increase, this we feel will be adding additional risks to users of these junctions. Can traffic lights and /or a roundabout be installed on the A614 and A617. The overall visibility needs to be improved and we welcome suggestions.

Ollerton Town Council

Supports the proposal.

Highways England

Referring to the planning application referenced above notice is hereby given that Highways England's formal recommendation is that we offer no objection.

Nottinghamshire County Council (Highways Authority)

25.01.17 - I wish to submit this as a holding response, to request more time to assess the submitted Transport Assessment. Notwithstanding the above, it has already been identified that there are significant flaws in the traffic modelling carried out, such that revisions will be necessary and checked further, particularly with respect to the A614/A616/A6075 Ollerton roundabout. Further, more detailed comments will follow in due course.

12.09.17 - Further to comments made on 25th January 2017, a meeting with the Applicant's Highways Agent has been held and after additional correspondence a Transport Addendum report has been submitted. The impact on the capacity and safety of the public highway network has been checked and the principle of the proposal is acceptable.

In line with the Addendum report, it has been assessed and agreed that a financial contribution towards the NCC-protected Ollerton Roundabout improvement scheme at the A614/A616/A6075 junction should be made in the order of £710,000. This should be secured via a Section 106 Agreement. Without this roundabout scheme being delivered the type and scale of development being proposed would add significantly more congestion to a junction already experiencing serious capacity problems. Furthermore, assuming approval is given, the scale of development actually delivered should be restricted to a specified size until the roundabout scheme itself is delivered. For example, perhaps only 150 dwellings plus, say, a ¼ of the employment site can be occupied before the roundabout is improved.

It has also been agreed that technical improvements to the signalised junctions within Edwinstowe should be made to maximise capacity. It is considered that this can be achieved via a planning condition (see later).

Drawings have been submitted to indicate how the site will gain access from the A6075 and these are acceptable for planning purposes, but may require amendments as part of the detail design and safety audit process involved in a Section 278 Agreement (Highways Act 1980).

Subject to the above and the following conditions, it is considered that no objection be raised to this application:

No part of the development hereby approved shall be occupied / brought into use unless or until junctions with the A6075 have been provided as shown for indicative purposes only on the drawings no. ADC/1343/001B and ADC/1343/02A to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

No part of the development hereby approved shall be occupied / brought into use unless or until modifications have been made to the traffic signal controlled junctions at A6075 Mansfield Road/West Lane, and A6075 Mansfield Road/Ollerton Road/Church Street/High Street to improve capacity. This will involve the installation of MOVA (or similar) in agreement with the Highway Authority.

Reason: In the interests of Highway capacity.

No more than 150 dwellings and/or ¼ of the employment site shall be occupied/brought into use until the A614/A616/A6075 Ollerton Roundabout improvement scheme has been delivered.

Reason: In the interests of Highway safety and capacity.

No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including layout, street lighting, drainage and outfall proposals, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

The approved Residential and Employment Travel Plans (version 4 in each case) shall be implemented in full and in accordance with the timetable set out in those plans unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and

any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

Nottinghamshire County Council (Highways Authority) – Transport & Travel Services

19.06.17

General Observations

The outline planning application covers the former Thoresby Colliery and extends to a total of approximately 150.3ha. The site comprises the former pit yard area and the spoil heap at Thoresby Colliery, as well as two arable fields fronting the A6075 Ollerton Road.

The proposed development includes up to 800 new residential dwellings, restoration and commercial development to provide new jobs, and the restoration of the spoil heap to provide leisure and recreation opportunities.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Stagecoach are the main commercial operator in this area. Services 14 and 15 combine to provide a 30 minute service to Mansfield. Sherwood Arrow provides an hourly service to Nottingham and links to Worksop, Retford and Tuxford every 2 hours.

Additional services are provided by Travel Wright and Nottinghamshire County Council fleet under contract to the Local Authority. These services have recently been the subject of a service review in which significant cuts were made to the County Council local bus service budget.

At this time it is envisaged that Transport & Travel Services will wish to negotiate with the developer and Highways Development Control regarding provision of appropriate bus service enhancements to serve the site.

Infrastructure

Fronting the Site

The plans for the new junctions onto Ollerton Road will require the relocation of existing, and installation of new bus stops.

The current infrastructure is set out below:

NS0276 Colliery Lane – Wooden Bus Shelter, Raised Boarding Kerbs and Layby
NS0536 Colliery Lane – Bus Stop Pole and Raised Boarding Kerbs.

The Western site junction plan shows the closure of the bus stop layby and the easterly relocation of both NS0276 and NS0536. Should these locations meet with Highways safety approval then Transport & Travel Services will require the following standards at these stops:

NS0276 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

NS0536 Colliery Lane – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

The Eastern site junction plan shows the installation of two new bus stops, should the locations meet with highways safety approval then Transport & travel Services will require the following standards at these stops:

New Bus Stop 1 (Eastbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway

New Bus Stop 2 (Westbound) - Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Polycarbonate Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

Transport & Travel Services request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation of two bus stops on Ollerton Road (NS0276 and NS0536) and two additional new bus stops have been installed to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, polycarbonate bus shelters, solar lighting, raised boarding kerbs, and enforceable bus stop clearways.

Reason: To allow safe access to the development and to promote sustainable travel.

Within the Site

As a portion of the development will be more than the recommended 400 metre walking distance from the existing bus stop infrastructure, Transport & Travel Services require new bus stop infrastructure to be installed on the spine road of the development through Section 38 and Section 278 agreements where appropriate, with reference to the agreed format and route of the enhanced bus service provision serving the site. This includes the below standards at all bus stops:

- Real Time Bus Stop Pole & Displays including Associated Electrical Connections
- Polycarbonate Bus Shelter
- Solar Lighting
- Raised Boarding Kerbs
- Enforceable Bus Stop Clearway

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 that 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 request that both bus service support and bus stop infrastructure are introduced throughout the build-out phases of the development to allow employees to access public transport as early as possible to help increase sustainability and reduce the use of the private car.

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

Nottinghamshire County Council Transport Planning /Programmes Team

Confirm that Version 4 of the Employment And Residential Travel Plans are acceptable.

Nottinghamshire County Council (Archaeology)

I do not think I have seen the geophysical survey and I can't see it on your web-site. The Heritage assessment notes there were some results from this which warrant further investigation. If these are evaluated they may well demonstrate that further archaeological mitigation is warranted, so a phased approach will be needed. I am also not clear on what level of building recording has been undertaken, although I am pleased that the plan is to retain some of the colliery buildings. So a condition requiring the development and implementation of a programme of archaeological investigation and mitigation, with consideration given to the need for building recording, would be useful. A condition such as the following might be appropriate;

"No development shall take place within the application site until a written programme of archaeological mitigation has been submitted to and approved in writing by the CPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

Nottinghamshire County Council (Education) – There have been regular meetings between officers of NCC, NSDC, and the applicants in order to agree the level of provision in terms of a one form entry school. Triggers for its provision are yet to be agreed and these are recommended to be delegated to officers in consultation with NCC.

Nottinghamshire County Council (Lead Flood Authority)

No objections to the proposals are raised subject to the following condition:-

It is recommended that a detailed surface water design and management proposal is approved by the LPA prior to any construction works commencing. The submitted Flood Risk Assessment should be used as foundations for any future detailed submissions.

Nottinghamshire County Council (Strategic Planning)

Outlines national and local policies in relation to waste, minerals, transport, healthy communities, education provision and public health are outlined. The following comments are then made:-

Minerals Planning Issues

The red line of the application encompasses both the former colliery tip subject to an extant NCC permission (plus other parts of the tip which have been restored and completed aftercare) and also the former pit head site which is also subject to GPDO requirements to restore to a green end use.

NCC has agreed an alternative restoration scheme for the former spoil heap and works are currently underway to deliver this. (NB the scheme doesn't involve importation). These works ought to be completed this year. NCC have agreed to defer requesting the detailed restoration scheme for the Pit Head pending this application coming forward as the two would be mutually incompatible.

In general terms I have no issue with the proposals and it will be for NSDC to determine the planning merits of this. However, NCC are concerned that the red line covers both the pit head and the spoil tip (for creation of the country park). Therefore if granted and lawfully implemented this will in effect supersede the minerals permission on the tip. This may be academic in many ways if the application isn't determined and implemented for 5 years as the spoil tip will hopefully by this stage be restored and coming to the end of aftercare. If this comes forward more quickly or the entry of the site into aftercare is delayed then NSDC will need to be sure that any permission they grant covers by condition any shortcomings of remaining works required under the extant minerals permission for the tip. NCC can advise on the status of this permission nearer the time to ensure that this is covered.

Any new permission should also have conditions requiring the enhancement of the restored tip to deliver the country park element and also to ensure and provide for its longer term maintenance and management, plus covering any liabilities which may arise if something on the tip was to fail.

NCC has an extant permission for the siting of a metal shipping container on the tip to house switchgear for a ground water abstraction borehole. Again this will need to be picked up.

Secondly the element relating to the pit head should overcome the need for the restoration of the site under the GPDO. However, NSDC will need to be sure that if there are to be any items from the former pit head to be retained that these are adequately conditioned to maintain and or require their removal at a future point linked in with the development. The coal mine methane plant etc. spring to mind.

It is disappointing to note that the applicant has not considered the Waste Core Strategy and emerging Minerals Local Plan, as advised at the pre-application stage. In this regard, the County Council would reiterate the following points made at the pre-application stage:-

- In terms of the Nottinghamshire Waste Core Strategy (December 2013), the proposed site does not cause any issues in terms of the safeguarding of our 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, where proposals are likely to generate significant volumes of waste through the development or operational phases, it would be useful to include a waste audit as part of the application. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

- In terms of the emerging Minerals Local Plan (Policy DM13), the site does not lie within a Mineral Safeguarding and Consultation Area and so the County Council does not raise any concerns in terms of the safeguarding of mineral resources

Strategic Highways

The applicant has provided a Transport Assessment (TA) to support the planning application, this follows a recent meeting to discuss the scope of the assessment. However having received the TA it is clear that the County Council as local highway authority will require further clarification from the applicant on a number of matters contained within it and it is likely that further revised assessment will be required. In which case NCC will provide any observations we have directly to the district council.

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Travel and Transport

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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.

Ecology

Local context – designated sites

Thoresby Colliery is located in the most ecologically sensitive part of Nottinghamshire, with land within 500m of the application site designated variously as a Special Area of Conservation (Birklands & Bilhaugh SAC) to the west and north; a National Nature Reserve (Sherwood Forest NNR) to the west; Sites of Special Scientific Interest (Birklands & Bilhaugh SSSI and Birklands West and Ollerton Corner SSSI) to the east, west and north; Local Nature Reserves (Cocklode & Rotary Woods LNR and Sherwood Heath LNR) to the east; and a Local Wildlife Site (Birklands & Bilhaugh LWS) to the east, west and north.

The application site also lies within the buffer zone of (and immediately adjacent to land covered by) the Sherwood Important Bird Area (IBA), and the 'Indicative Core Area', upon which any future Special Protection Area (SPA) designation may be based. Whilst these sites would not be directly impacted by the proposal, there is the potential for significant indirect impacts to occur, during construction and subsequent operation as a result of changes to air quality, noise, lighting, disturbance, and predation by pets.

As a result, it is essential that comments from Natural England are sought as part of the planning consultation process, in relation to potential impacts on SSSIs, and the SAC and NNR, and I will refrain from commenting further on this aspect of the application. In addition, due to the proximity of the SAC, it appears necessary for Newark and Sherwood DC to carry out a Habitats Regulations Assessment (HRA), under the Conservation of Habitats and Species Regulations (2010) to assess impacts on the SAC and the 'possible' SPA, which should consider the Thoresby Colliery development alone and in combination with other proposals (such as the Sherwood Forest VC development). Again, Natural England's comments on the HRA should then be sought.

Observations

The application is supported by a range of up-to-date ecological survey work. The following matters are highlighted as key issues:

- Para 6.3.50 of the EclA identifies that one of the buildings on site (13) was considered to have 'moderate' bat roosting potential, with another (10) having 'low' potential. However, a contradictory statement is then provided, that 'none of the buildings were assessed as having the potential for roosting bats'. The Bat Conservation Trust (2016) publication "Bat Survey for Professional Ecologist – Good Practice Guidelines, 3rd Edition" indicates, in table 7.3, that structures with moderate roost suitability should be subject to two presence/absence surveys, and those of low roost suitability should have one presence/absence survey. Justification must therefore be sought as to why such surveys are not deemed necessary, noting that these surveys would need to be carried out prior to the determination of this application to accord with paragraphs 98 and 99 of Government Circular 06/2005.
- Swallow, House Martin and Sand Martin all nest within the application site, the two former species in or on buildings, and the latter in a sand bank and by a settling pond. No mitigation is proposed for the loss of nesting habitat of these species.
- Nightjar were recorded nesting in the vicinity of (although not on) the application site, and are at risk from disturbance and predation.
- The use of 'Forest', 'Heathland' and 'Industrial' Character Zones within the development is generally welcomed. However, it is suggested that a palette of appropriate tree and shrub species is developed, drawn from the Nottinghamshire Landscape Character Guidelines species list for the Sherwood Landscape Character Area (see:
 - <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>), noting that species such as Scots Pine, Whitebeam and Pin Oak should be avoided. It is also suggested that the 'Industrial' Character Zone is restricted to the area immediately around the heritage buildings, to limit the extent of ornamental and non-native planting. See also below (landscaping condition).
- The EclA suggests that much of the habitat creation that is being carried out as a result of restoration of the colliery pit tip provides mitigation against some of the impacts of the proposed development, and that it contributes around c.100ha of new greenspace to the total provision of c.108ha of SANGS. However, it has to be recognised that restoration of the colliery pit tip is occurring as a result of planning requirements imposed as part of the

mineral permission at the site, and will happen irrespective of the development of the colliery yard. In this respect, the proposed development does not provide any additionality, and only greenspace created directly as a result of the proposals should be considered as forming SANGS.

- There is no assessment of the impacts of the proposal on the habitats currently being restore on the colliery pit tip, or the species likely to benefit from this restoration (e.g. Nightjar and Woodlark).
- Recreational elements mentioned in the DAS, such as a zipwires, receive no mention in the EclA, nor is there any indication as to how recreation will be controlled and managed on the restored pit tip. It is requested that further information in this respect is provided.
- It is noted from the Air Quality Statement that air quality modelling in relation to the impact of changes to air quality on adjacent habitats is 'ongoing' (sections 1.2 and 5.1 of the Air Quality Statement). Any planning decision should be deferred until such a time that this information has been made available, as it will be required to assess the impacts of the proposals and to inform NSDC's Habitats Regulations Assessment.

Matters to be secured by condition

In order to mitigate against impacts identified in the EclA, it is requested that the following matters are secured through appropriate conditions:

- The submission of a bat sensitive lighting scheme, to be developed in accordance with the Bat Conservation Trust's 2014 publication 'Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting' (to ensure that artificial lighting at the site does not have a significant detrimental impact on nocturnal wildlife, including bats)
- The production of a Badger and Reptile Method Statement (outlining precautionary methods of working necessary to avoid adverse effects on Badgers and reptiles during construction)
- A Bee Orchid Translocation Method Statement (detailing methods and timings for the translocation of Bee Orchids from the development site to the colliery pit tip restoration)
- The control of vegetation clearance and building demolition or renovation during the bird nesting season, which runs from march to August inclusive (to protect nesting birds, including Swallows and House Martins)
- Details relating to dust management, measures to minimise the pollution of watercourses, and measure to protect retained vegetation during construction, to be incorporated into a CEMP (to minimise environmental impacts arising from construction works)
- The provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development)
- The appointment of an Ecological Clerk of Works (to undertake ecological supervision and ensure the implementation of the above mitigation measures)
- The submission of a detailed Landscaping Scheme, in advance of each phase of development, to cover:
 - Ground preparation
 - Topography
 - Species mixes
 - Establishment methods
 - Maintenance regimes

- Enhancement of retained habitats, including woodland thinning and the removal of nonnative
- or locally inappropriate species (to include Rhododendron, Himalayan Balsam, Swedish Whitebeam, Common Whitebeam, Norway Maple, Sycamore, Laburnum, Snowberry, Cotoneaster sp., False Acacia, Cherry Laurel, Red Oak, Sea Buckthorn, Green Alder, White Poplar, Grey Poplar)

Additional enhancements

The EclA recommends that additional enhancement measures can be provided by the scheme, particularly the provision of integrated bat and bird boxes incorporated into the fabric of a proportion of the proposed dwellings. To this end, the scheme should aim to deliver:

- Integrated bat roost boxes or soffit boxes, in 10% of the properties
- Integrated House Sparrow, Starling and Swift boxes, also within 10% of the properties, as well as artificial Swallow and House Martin nests on/within retained historic buildings.

Confirmation should be sought from the applicant that they are willing to do this, with a condition used to secure delivery. In addition, the commercial/industrial units provide an opportunity to install green or brown roofs, providing additional wildlife benefits and to soften what is currently a very hard boundary with the Cocklode and Rotary Woods LNR. It is requested that this is given consideration by the applicant.

Legal agreement

Provision needs to be made for the long-term management of the 'country park', i.e. finances for ongoing management, including the maintenance of access infrastructure, fencing and the management of retained and created habitats. A Section 106 agreement should be used to secure an appropriate sum, and to require the submission of a detailed habitat and recreation management plan.

Green Estates

Green Estates Team manage land on behalf of the Authority for public recreation and conservation to the south east of the proposed development. Rotary Wood is situated immediately adjacent and to the east of the proposed Employment Zone, on part of the restored Thoresby No1 Tip; Cockglode Wood an area of semi ancient natural woodland lies between Rotary Wood and the Sherwood Heath SSSI.

Green Estates Team seek further clarification regarding the impact of the development on our existing Green Space and site infrastructure. Green Estates Team considers that Cockglode and Rotary Woods will be a valuable asset on the doorstep of the development and that visitor pressure on our current landholding will increase dramatically as a result of the development. The County Council should be party to s106 agreement / discussions to ensure that the increase in visitor pressure is not to the detriment of the County Council's land, and to offset any increase in management costs associated with this increase in use as a result of development.

- NCC seeks further clarification and detail regarding the boundary treatments along our mutual boundary with the Employment Zone to ensure that the boundary is clearly defined and that the security of Cockglode Wood is not compromised. Our concern relates to the

potential for increased fly tipping and access to the woodlands by 4x4 / off road motorcycles from the development during the construction phase, and ongoing for the future.

- NCC seek further clarification and detail regarding the proposed access / fencing / boundary treatments along our mutual boundary with the proposed green space to the east of the development. Currently the ownership boundary between NCC land and the colliery is only part fenced along the tip with a dilapidated barbed wire fence. The boundary is not defined within Cockglode Wood – and a suitable boundary will need to be agreed and established. The Authority also would like to see the removal of the chain link safety fence (currently on NCC land with our agreement) that was retained during the working life of the colliery to prevent public access. Now that the Colliery has closed this fence will need to be removed and ground re-instated.

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 0115 9939309) with any queries regarding developer contributions.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

Nottinghamshire County Council Environmental Management and Design

At the pre application stage we provided an indication of content and structure of the Landscape and Visual Impact Assessment. I identified potential mitigation of negative impacts of the development on landscape, landscape character and visual amenity for residents and recreational users through reduction in extent and density of built elements and more substantial buffering to existing and consented semi natural habitats. This could include omission of the development from the field immediately adjacent and south of Cockglode Wood, and substantial reduction in housing density and extent with reciprocal increase in substantial landscape buffering/mitigation elements.

We identified that the proposals will result in a substantial change in the landscape from that which would result from the existing consented restoration scheme (to green field end use) and existing agricultural fields.

The Outline Proposals show an additional 11.89ha of greenspace over and above the restoration of the tip site already underway as part of the GDO consent associated with 40 ha of built development. As previously stated the provision of the "Country Park area" should not be considered as landscape mitigation for the mixed use development proposals as this is already underway as part of tip restoration for the colliery GDO not the proposed new development.

The additional landscape elements being proposed to that already required under the GDO are:

- green area to the south of Cockglade Wood,
- retention and enhancement of a green corridor, on line of existing mineral railway and settlement pond running through the site,
- retention and enhancement of existing tree planting along colliery access road and adjacent to Ollerton Rd.
- small green amenity areas within the housing development

A significant proportion of these are retained existing vegetation rather than new planting and will also be used to accommodate SUDs proposals, which are not necessarily typical elements of wider landscape character.

The layout differs from that previously shown in site brochure in the omission of development on current agricultural land immediately east of Swinecote Lane and omission of industrial development immediately south of Cockglade wood. This is to be welcomed.

However the density and number of housing units, and other built development remains significant and the masterplan does not indicate development within a forest matrix as had been proposed as a potential mitigating measure. The development now separated from the edge of Edwinstowe will read visually as a new settlement between Ollerton and Edwinstowe.

The conclusion of the Landscape and Visual Impact Assessment states that the scale of the development is such that will not result in a substantial change in the 2 Landscape Character Areas affected. The negative landscape impacts of development on agricultural land is stated to be offset by the restoration of the spoil tip and former workings. However as the restoration work is an existing obligation I do not consider that this should not be considered as a mitigating factor. I therefore disagree with the conclusion that the impact at a Character Area scale will be negligible to minor beneficial and at a local level will be minor beneficial.

In terms of visual impact the applicant states that the significance of impact on receptors is limited, and will be mitigated by landscape/green infrastructure proposals. I think this will need to be demonstrated to a greater extent at reserved matters stage, and may require more substantial buffer than that indicated in the masterplan, particularly along Ollerton Road Boundary. The viewpoints referenced did not appear to be available to view on the NSDC website.

In conclusion, the proposed development will result in significant change from a landscape of agricultural and semi-natural habitat to an urban development albeit within a landscape structure containing some retained elements (hedgerows, colliery access avenue etc) , with adjacent establishing semi natural habitat on the restored tip. If consented careful consideration at reserved matters stage will be required of the layout and density of built elements impact and the establishment of a robust and extensive landscape structure to reduce negative to in terms landscape and visual amenity.

NHS Partnerships – All data we have previously provided you with for each application hasn't changed and will not change until developments are in place and all homes/new populations are functioning. Health's model is similar to that of educations.

Monies through s.106 will always be based on the cost the Planning Authority has highlighted within their Planning Guidance at a cost of £950.00 per dwelling in this case

Monies will always be assessed against existing health facilities based in that geographical area where the housing developments will be developed and will be used to reconfigure its space to allow for the injection of new population – demographics are hard to assess until populations have settled, but like with education, this will be staged.

Health for all developments have provided Planning Case Officers with relevant data to support the two above points (although I agree they may have missed off the actual funding requested, but they are working on the assumption Planners know this due to point 1 above), this will not change at this stage.

In addition, we must get better at aligning housing developments with jointly led health/planning projects and Ollerton is a good example of this. It is my understanding that Ollerton is a key area for the DC, likewise it is for health and I made that clear within the STP (Sustainability Transformation Plan).

Historic England

Summary

The site lies within the setting of the Scheduled and Grade I listed Rufford Abbey and Grade II registered PAG and the Grade I listed Thoresby Hall and Grade I registered PAG. The proposed mixed use development on the site of the former Thoresby colliery is assessed in relation to potential impacts on the setting of these highly graded assets and also the Edwinstowe and Ollerton Conservation Areas and highly graded assets within. We have already provided advice on the proposed Local Development Framework Plan review - Preferred Approach - Sites and Settlements (February 2017) raising concern over the soundness of the approach in relation to consideration of the historic environment. Assessment is included within this outline planning application and we are encouraged by the retention of a number of former colliery structures on the site. Our advice is given in line with the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Notes 1-3. We recommend your authority is satisfied there is sufficient information to make an informed assessment on the impact of the proposals on designated and non designated heritage assets. We recommend further advice is sought from your conservation and archaeological advisers. We recommend opportunities are sought to enhance and reveal significance through maximising the secured retention and reuse of the colliery structures and to mitigate visual impacts on the wider historic landscape through the masterplan and landscape proposals.

Historic England Advice

The outline planning application includes residential development of up to 800 dwellings, a strategic employment site, a new country park, and a local centre with primary school, commercial and health uses. Historic England has been consulted as the proposed site falls within the setting of the Grade I registered Thoresby Park and Grade I listed Thorseby Hall and the scheduled and Grade I listed Rufford Abbey with Grade II registered historic park and garden.

Within Nottinghamshire the Estates of Rufford (not a ducal seat), Thoresby, Welbeck, Clumber and Worksop formed part of what is known as the Dukeries, lands historically taken from Sherwood Forest and remarkable not only for the number of ducal families in close proximity to each other but also because the estates were largely contiguous. In the early 20C the economic and social base of the Dukeries was dramatically influenced by its underlying coalfield, the eastern extension

of the Nottinghamshire coalfield. This included the opening of Thoresby Colliery on former Thoresby estate land; the first two shafts sunk in 1925.

The Thoresby Estate was enclosed out of Sherwood Forest in the late 17C. The present Grade I listed Hall was built between 1864-1871 by Sydney Pierrepont, the 3rd Earl Manvers and designed by Anthony Salvin. The Hall lies within the Grade I registered mid 19C formal gardens designed by Salvin and pleasure grounds by Edward Milner. The grounds are surrounded by parkland of the late 17C with 18C alterations by Francis Richardson, and notably Humphry Repton who produced a Red Book in 1791. Rufford Park has a very rich and diverse historic environment which focuses on the scheduled monument of Rufford Abbey, a Cistercian monastic house of 12thC origin comprising impressive standing remains (also listed Grade 1 with the later Jacobean house), the foundations of the cloistral complex and ancillary buildings, and water-management earthworks. It lies within a Grade II registered park which contains several other listed structures including the grade II* former orangery.

Historic England responded to your authority's Local Development Framework Plan review - preferred Approach - Sites and Settlements (February 2017). We maintained our previous concerns in respect of the soundness of the allocation in respect of consideration of the historic environment in relation to the former Thoresby colliery site. I refer to this consultation response which remains relevant.

The Thoresby site is an early 20th century colliery, which by the 1980's was one of the largest producing pits in the country. The first shafts were sunk in 1925-8, and after privatisation, the mine continued to be worked under the auspices of RJB Mining. It was the first all-electric mine, the first to have fully mechanised coal production and also the first to achieve an annual saleable output of more than a million tons of coal.

In the late 1980s it raised output to exceed two million tons. A large number of its original buildings survive and this includes the large brick-built group surrounding the shaft mouths.

In response to the local plan allocation, we advised of the importance to ensure that a proper assessment and recording of the historic value of the buildings is carried out to both inform the process of identifying which buildings should be retained and to provide a comprehensive record'. This needs to be reflected both in Policy SHAP4 and in this current planning application. In line with paragraphs 128 and 129 of the NPPF, it will be for your authority to determine whether the information submitted is sufficient to fully understand the impact of this outline application on both non designated and designated sites - the latter to include the Edwinstowe and Ollerton Conservation Areas, the Grade I, II* and II listed buildings within those settlements, Thorseby and Rufford Park, the Sherwood Forest and landscape setting.

We note the submission of the Heritage Assessment produced by prospect archaeology and the proposed retention of several building as part of the redevelopment of the site - the main entrance, the main power house and electricina's and welders workshop. The retention and reuse of these buildings is supported and we recommend this is secured with agreed phasing, through any future S106 agreement. Through the masterplan we also recommend detailed consideration is given to the setting of the retained buildings to ensure their understanding and appreciation is fully realised.

In respect of the potential inter-visibility of the proposed development with Thoresby Park and Rufford Park, we would make the following observations.

Thoresby

The Heritage Assessment and LVIA indicate that the views from Thoresby Park to the proposed development should be blocked by the spoil heap which is in the process of being turned into a new Country Park. There is also extensive, longstanding enclosure with woodland planting on the south side of the park adjacent with the colliery site. With consideration of designed views/vistas the Chestnut Avenue, which the register entry for the site describes as 'a strong visual feature in the landscape' shown as early as the 1680 estate map, once extended as far as the present colliery site (via the Grade II Buck Gates), but this axial feature, with its vista, has been truncated by the colliery and spoil heap for some time. Whilst we understand the creation of the country park has consent, are there opportunities to enhance and reveal this vista through layout and planting? This needs to be in the context of mitigating any inter-visibility with new development.

Rufford

The LVIA notes filtered views from the A614 and Rufford Lane, and from public rights of way in the edge of Rufford Country Park that should decrease as vegetation matures, and in the case of the PROWs will also be mitigated by landform, but the spoil heap will be visible. In the case of the spoil heap it is presumed it is visible already, and that the new planting and creation of the country park may have a beneficial impact on views. Considering the potential views from the A614/Rufford Lane, again this might be an area where detailed design can/will mitigate impact on views to the proposed development. Unfortunately the LVIA document on the planning website was missing its figures, therefore we could not examine the existing photos from this viewpoint, or any mapping, including of TZVs (if there were any).

Policy Context

Our advice on this planning application is given in the context of the 1990 Act and Government policy and guidance provided in the NPPF and the Planning Practice Guidance. We also refer to the sector wide Historic Environment Good Practice in Planning Notes 1-3. It is a legal requirement that any decisions relating to listed buildings and conservation areas must pay special regard to the desirability of preserving a listed building, its setting or features of special interest (section 66(1) of the 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act). This is a high test and needs to be given the appropriate weight in determining these applications. The importance attached to setting is therefore recognised by the principal Act, by the NPPF, by the accompanying practice guide and in the good practice advice in planning.

As the NPPF states, great weight should be given to the conservation of heritage assets (paragraph 132). All harm requires 'clear and convincing justification' and the public benefit weighed against the harm caused.

Paragraph 131 of the NPPF, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128-137 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. We also refer to section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

We recommend your authority is satisfied there is sufficient information to make an informed assessed and that further advice is sought from your conservation officer and archaeological adviser. We recommend opportunities are sought to enhance and reveal significance through maximising the secured retention and reuse of the colliery structures and to mitigate visual impacts on the wider historic landscape through the masterplan and landscape proposals.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice

Natural England

22.03.17

Outlines legislation and conservation objectives. Raises following comments:-

Natural England notes that the applicant has provided an air quality assessment which concludes there is no likelihood of significant effects from the proposal upon the above named designated sites.

On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage. Natural England advises that the information and evidence gaps could potentially be resolved with additional information formally submitted by the applicant in order to amend the proposal. This would then provide an opportunity for your authority to repeat your screening to check for the likelihood of significant effects of the project as submitted (i.e. with all new information provided as part of the proposal).

Natural England advises that the following information should be provided in order that your authority may undertake an Appropriate Assessment as part of the Habitats Regulations

Assessment process:

Air quality

The air quality assessment document which was submitted to your authority on 27 February 2017 presents a very complicated case. The key pollutant which is of concern to Natural England in this case is NO_x and details of the relevant parameters measured for this pollutant (i.e. nitrogen deposition and NO_x concentrations) can be obtained from the following website: www.apis.ac.uk.

The applicant's report does not present the information specifically in relation to how Natural England would usually see an assessment of air pollution. Instead, the applicant has calculated the estimated overall concentrations of NO_x and nitrogen deposition in a scenario where the

proposed development did not take place and in a scenario where it did. The relevant process contributions from the proposed development were calculated by subtracting the former from the latter. However, what is not clear is how the contribution of the Thoresby Colliery has been taken into account, as this could influence the process contribution from the proposed development since the colliery has now closed. This will potentially mean the background NO_x levels and nitrogen deposition will not be the same in both DM (do-minimum) and DS (do-something) scenarios, if the Colliery emissions are only included in one of the scenario. As a result the NO_x and nitrogen deposition process contributions from the proposed development may be over or under-estimated. For this reason,

Natural England requires clarification on whether the process contributions from the proposed development were estimated independently of the background concentrations, or the background concentrations were the same in both DM and DS calculations.

Natural England notes that under the presented method of assessing process contribution of NO_x concentrations, >1% of the critical load or level has been determined at 5 receptor sites. However, it is not clear how it was determined that there would be negligible effects, either alone or in combination with other process contributions. This matter needs more clarification before an LSE can be ruled out as well as any significant negative effects on the SSSIs.

Furthermore we would like clarification on how traffic levels were estimated for this proposal since the Transport Assessment and the air quality assessment appear to differ. In particular we would want to understand what the change to traffic along the Swincote Road (B6034) which runs immediately adjacent to the SAC will be.

Dust deposition is not recognised as an issue on the SSSIs and SAC, but Natural England would fully support appropriate measures (such as those employed in the mineral extraction industry) to reduce the generation of dust during the demolition and construction phases through suitable suppression measures as part of the development conditions.

Finally, where mitigation is to be provided to offset negative effects upon the interest features of the neighbouring SSSIs and SAC, this provision must fully offset these identified effects in order to be acceptable. In the current planning application, mitigation is proposed but no negative effects were identified. As a result, it is not clear what the mitigation is to mitigate or indeed, how it will be quantified. However, the provision of measures to reduce vehicle use is welcomed although the lack of any specific cycling routes within the development seems an obvious omission.

SSSI Further Information

This application is in close proximity to Birklands and Bilhaugh and, Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSI). Natural England advises that further information on air quality should be requested from the applicant as described above.

Air Quality In-combination judgement

A High Court judgment was handed down on 20 March 2017 in *Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351 (Admin)). Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally

developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed. We are considering the details of this decision and the implications for our advice.

Competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.

Increased recreational disturbance

The provision of Sustainable Alternative Natural Green Space (SANGS) and a minimum of at least 400 metres between the built development and the nearest SSSI/SAC are positively welcomed by Natural England. Natural England fully supports in principle the provision of the proposed green space as part of this development for both recreation and nature conservation. To ensure its successful implementation, your authority should ensure its long term financial security through a planning agreement or agreements, and secure through planning conditions, detailed plans on layout, habitat creation, set-up and management. It is also important to formalise links with existing rights of way which currently exist outside the application site. We suggest that this should be considered at the outline stage of the planning process or at least within the first reserved matters application. We also suggest that you may want to consider a green infrastructure management plan for the whole site which would include zoning for different uses such as dog walking and quieter areas as recommended in the environmental statement.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

We note that the proposal is located in the Sherwood Forest area in close proximity to habitats that have been identified as important for breeding nightjar and woodlark populations and therefore we support the approach that has been adopted to consider the potential impacts of the proposal on these species and their supporting habitats. Natural England considers this risk based approach is in accordance with the recommendations outlined in the Advice Note attached, including helping the Authority to meet its duties given under regulation 9A of the Habitats Regulations, which requires LPAs to apply all reasonable endeavours to avoid the deterioration of wild bird habitat (including that of nightjar and woodlark) when exercising their statutory functions.

Invasive non-native species

In common with most developments, landscaping proposals submitted as part of the development will inevitably include non-native species as the case here. Where this is proposed in areas which are not earmarked for the promotion of nature conservation, Natural England recommends that the developer provides, as part of a condition, details that the species concerned will not naturalise. Norway maple and Turkey oak are very good examples of tree species which readily naturalise, and which potentially could have a negative impact upon the neighbouring SSSIs and SAC. This simple measure would ensure that the developer would not be unduly restrained from diversifying certain aspects of their development but at the same time ensure that the semi-natural habitats within the neighbouring SSSIs and SAC are not compromised.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A below.

16.06.17

Thank you for your consultation on the above comprising the Air Quality Technical Note which was received on 15 May 2017 and the In-Combination Assessment Report which was received on 8th June 2017.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below:-

European sites - Birklands & Bihaugh Special Area of Conservation Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Birklands & Bihaugh Special Area of Conservation Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The projected amount of nitrogen deposition from the proposed new development when considered alone and in combination with other proposals will be below the relevant threshold for significant effects for the Birkland and Bilhaugh SAC. In addition to individual planning proposals, in-combination assessments should consider "plans" however I am unsure what evidence is available from the emerging local plan review that may help in assessing this individual planning application.

Birklands West and Ollerton Corner Site of Special Scientific Interest

We note that the In-Combination assessment, which has now been submitted, identifies potential oxides of nitrogen (NOx) and ammonia (NH₃) releases from a number of sources based on information obtained from Air Quality Assessments produced in support of planning or environmental permit applications. Impacts at sensitive receptors have been quantified using dispersion modelling, the results compared with the relevant benchmark level and the significance assessed in accordance with the appropriate guidance. The predicted annual mean NOx concentrations, nitrogen deposition rates and acid deposition rates were below the relevant criteria at all the ecological receptor locations. As such, the predicted impacts were considered to be insignificant, in accordance with the relevant guidance.

In addition to individual planning proposals, in combination assessments should consider "plans" however I am unsure what evidence is available from the emerging local plan review that may help in assessing this individual planning application.

Therefore based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Birklands and Bilhaugh Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection

Improving Air Quality

We note that Spatial Policy 7: Sustainable Transport, of the Newark & Sherwood Core Strategy (adopted 2011), encourages sustainable transport provision across the District, including public transport, walking and cycling. Furthermore Policy DM5: Design of the Development Management Development Plan Document (adopted July 2013), also encourages the provision of alternative modes of transport. In addition Policy DM10: Pollution & Hazardous Materials states that proposals for potential point source polluters and other activities that have potential to lead to increased deposition of nitrogen should, as part of any planning application, consider the potential for effects on European sites and the scope for avoiding or mitigating these.

We therefore suggest that your authority takes a strategic approach to the improvement of air quality across the district by the implementation of local plan policies and other measures as appropriate. In areas where air pollution may be affecting sensitive receptors such as Ollerton Corner appropriate monitoring would help your authority to formulate a strategic approach to improving air quality information. Natural England would be happy to advise further on working towards a strategic solution to this issue.

Nottinghamshire Wildlife Trust

27.01.17

NWT recognise that redevelopment of the current footprint of the Colliery buildings has been an established principle in the Colliery restoration scheme for many years and that there is a need for replacement employment provision and new housing in the area. We acknowledge that a heavily disturbed industrial site such as this, which has been in use until very recently, would be suitable for redevelopment.

The Application site lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the Application Site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (SPA) (due to nightjar and woodlark that this area supports). The Application Site lies close to the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner), as well as Sherwood Forest. This suite of protected nature conservation sites have been designated for their significant biodiversity value and there will, therefore, need to be a full and thorough assessment of the potential impacts to priority habitats and protected species. The applicant's ecologist states;

'Without mitigation, effects on the SAC were considered to be significant due to the increase in visitor numbers, predation by domestic pets and air quality issues. Similarly, without mitigation effects on the potential SPA could lead to a loss in the sites interest features to birds which may be significant due to increased visitor numbers, an increase in urbanisation which can cause disturbance to breeding and feeding birds from people, pets and traffic, and increased mortality from road traffic and any air quality issues.'

Background Information

The pit tip is in the process of being restored under a separate mineral planning permission, to habitats characteristic of the Sherwood area (heathland, acid grassland and woodland) and will, once established, be complementary to the important habitats in the National Nature Reserve (NNR/SSSI) and also provide valuable wildlife-rich public open space. The Tip habitats were designed to accommodate some informal recreational use, as had been promised to the local community under the restoration scheme but we have significant concerns about the scale of this proposal (800 dwellings) as it also extends on the adjacent fields which have not been previously developed. We acknowledge, however, that the proposal is broadly in line with policy ShAP4A contained within the Council's draft "Preferred Approach – Sites and Settlements" document. The proposed scale of residential dwellings would lead to a significant rise to the local population and thus increased footfall onto the restored former pit tip that may lead to disturbance of some of the sensitive species which is hoped will colonise the restored tip in the future. Dog ownership is likely to be high and it is reasonable to conclude that a high proportion of these animals would be exercised on the former pit tip. Predation and disturbance of ground-nesting birds by inadequately controlled dogs will undermine the ability of nightjar and woodlark to establish sustainable populations. These are both birds of conservation concern with important populations in the county. Dogs are also a hazard to grazing animals, used for conservation management of heathlands and acid grasslands when they are not appropriately controlled.

We welcome that the applicant has undertaken an assessment of cumulative effects, in line with NE and LPA expectations in the ppSPA area, **the conclusion however cannot be finally drawn until the deliverability of any mitigation and SANGS can be assured.**

Suitable Alternative Natural Greenspace (SANGS)

It is pleasing to note that the majority of the proposed development is beyond the 400m buffer required to protect the SAC. This is the distance used as a buffer to sensitive habitats in the Thames Basin Heaths to mitigate indirect impacts from residential development. There are, however, a small number of residential developments close to the school that are within this buffer zone. The planning application correctly states that Suitable Alternative Natural Green Space' (SANGS) is required for the proposed development. SANGS is the name given to green space that is of a quality and type suitable to be used as mitigation in order to minimise impacts on priority habitats and protected species within the SAC. The effectiveness of SANGS as mitigation will depend upon the location and design. These must be such that the SANGS is more attractive to the residents than the SAC.

The application states that the entire former pit tip (now 'Country Park') and 11.89 hectares of proposed green infrastructure should be considered as SANGS. A key point of consideration is whether the whole of the country park can be included as SANGS. Natural England's guidance is clear that **'SANGS allow for pet owners to let dogs run freely over a significant part of the walk. Access on SANGS should be largely unrestricted, with both people and their pets being able to freely roam along the majority of routes. This means that sites where freely roaming dogs will cause a nuisance should not be considered for SANGS.'**

The guidance goes on to state that the identification of SANGS should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Where sites of high nature conservation value are considered as SANGS, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan.

At this point it is worth acknowledging the good work being undertaken in relation to the tip restoration scheme and the extensive green infrastructure being proposed within the footprint of the former colliery. We are, however, of the opinion that including the entire pit tip as SANGS would be incongruous with the aims and objectives of the restoration scheme, as it would underline the value of the habitats for rare ground nesting birds, notably nightjar and woodlark. To avoid significant indirect impacts through recreational activity we would expect to see a comprehensive and workable visitor management strategy developed given the level of disturbance is likely to be greater than originally anticipated. Zoning levels of activity through fencing and natural barriers would be essential so that there would be quieter areas for sensitive bird species. We would expect this to be agreed at this outline stage, as it is an essential requirement to enable the LPA to rigorously assess the potential impacts of the scheme on these Annexe 1 bird species, for which the tip restoration has been designed.

The preparation of a detailed plan such as this would also clarify whether the necessary measures can be taken to accommodate this scale of development within this sensitive part of the County, or whether this scale of housing is too large.

It is also essential (as raised in our response to the allocation consultation) that in order for the benefits of any SANGS to be claimed, they must be available in good condition for the duration of the potential impact, i.e. for as long as houses are present on the site. **Thus assurance must be made of the availability of funds for the long term management of the habitats.**

Ecological Surveys

We welcome the provision of a thorough ecological appraisal of the site as this allows full consideration of protected and priority habitats and species in the determination of the application. We have reviewed the above report and are generally satisfied with the methodologies used and conclusions reached. We would, however, take this opportunity to question the conclusion that the nightjar territories recorded on site are of only county importance. The number of nightjar breeding in Sherwood Forest NCA 2004-6 was 66 pairs. Breeding bird surveys revealed one possible breeding pair within the Application Site and one confirmed breeding pair in the wider survey area. These two pairs make up 3.03 % of the known population in the county. The application site should be seen as integral with the wider network of sites that currently meet the threshold to be designated as a SPA, an area of national importance and so the application site should not be viewed in isolation but rather as a piece of the pSPA area.

Air Quality / Nitrogen Deposition

The Environmental Statement (Section 6.4.19) indicates that the emissions of greatest potential concern in relation to ecology are oxides of nitrogen, sulphur dioxide and ammonia because of their fertilising or acidifying effect on ecosystems. Nitrogen dioxide and ammonia have a fertilising effect and all three can have an acidifying effect when deposited to soils. The document goes on to state 'Because of the proximity of sensitive ecological receptors to the Application Site, including European designated sites, it is of paramount importance to carefully consider these potential adverse ecological impacts.'

The Environmental Statement states 'the primary source of NO_x will be traffic generated. The Transport Assessment demonstrates that the differential between the former colliery traffic and the traffic proposed to be associated with the development is not significant and therefore there is not likely to be any significant increase in NO_x emissions from traffic (6.4.23)'. This conclusion

seems to conflict with the information that is provided in the Transport Assessment document in the tables on pages 29-30. Predicted 2-way movements in the peak am and pm hours for the “existing” colliery use are 270 apiece, while the figures modelled for the future development (residential and employment) are 1063 (am) and 954 (pm). **This would appear to indicate a significant increase.** The Air Quality Assessment document states in Section 5.1 *Further work is ongoing to assess the effect of the proposed development upon the Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI's) within the local area using an air quality model and 'designated areas will be the subject of a specialist modelling report. This has been commissioned and will be published subsequent to this document'*. The document referred to does not appear to be available at this time. The data generated by the modelling work is likely to be crucial to the determination of this planning application, and at this time, until this information is available, NWT cannot be assured that any impacts could be mitigated.

We are particularly concerned about the deposition of nitrogen on established and restored heathland sites that are in close proximity to the application site. Research has revealed that nitrogen deposition can lead to heathlands becoming grass dominated, which in turn reduces the suitability of habitat for nesting woodlark and nightjar.

http://www.apis.ac.uk/overview/pollutants/overview_N_deposition.htm

Landscaping and Biodiversity Opportunities.

We welcome the green infrastructure proposals. The area is of a size and quality that is likely to be of wildlife value to certain bird species recorded during surveys and appeal to residents for informal recreation. This should help to minimise pressure on the restored pit tip and SAC. That said, we have a few constructive suggestions to enhance the proposed green infrastructure. We note that within the Design and Access statement that landscaping for the proposed industrial area and elements of the green infrastructure running through the development comprise the following non-native species ginkgo biloba, pin oak, sweet gum and tulip tree. We would strongly recommend the use of native species appropriate to the Sherwood area as outlined in Nottinghamshire Landscape Character Assessment. This would enhance green corridors through the site for wildlife and coalesce within the wider landscape, reflecting the unique character of the Sherwood region an internationally recognised place. The SuDS system could also include swales, which would further enhance the biodiversity of the site. The design of ponds should have gently sloping sides to maximise its biodiversity benefits. All planting for the ponds and bank side should consist solely of native species, of local provenance and sourced from a supply guaranteed to be free from contamination with alien species. The inclusion of bat bricks in dwellings adjacent to the site boundaries to provide roosting opportunities for bats within the new development. Light pollution to be kept to a minimum along the boundary with the adjacent tip and adjacent to green infrastructure to minimise disturbance to bats.

We think there is an excellent opportunity to provide nesting opportunities for little ringed plover, a species recorded during the breeding bird surveys by creating substantial areas of brown roofs that would replicate the brownfield land lost to the proposal (60.25ha). Open mosaic habitat on previously developed land is a habitat of principal importance for the conservation of biodiversity in England (Priority habitats under Section 41 of the Natural Environment and Rural Communities Act 2006). This S41 list guides decision-makers such as councils and statutory undertakers, as to their duty under Section 40 of the NERC Act, to “have regard to the conservation of biodiversity in England” in day-to-day decisions.

The proposed industrial units are an obvious location but the school building could also provide opportunities. Creation on the school building would provide educational benefits but also provide a wide range of other benefits. These include:

- Reduced rainwater runoff
- Enhanced roof insulation properties
- Attractive visual appearance
- Reduction in urban heat island effect
- Enhances roof lifespan by protecting underlying waterproofing system
- Provide green space in urban areas
- Encourage biodiversity

It should be noted, that all brown roof systems should use a high percentage of recycled products. Most materials used in the implementation of a brown roof can be up to 100% recycled. With the careful selection of products, it is possible to reach this percentage. Suppliers and manufacturers should also be able to provide certification to substantiate this. However if this is not possible, you should expect at the very minimum 40% recycled products.

(photographic examples are then provided)

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged.

Bird nesting season

It is stated in Section 6.5.14 of the Environmental Statement that “Any potential impacts on breeding birds will be avoided by undertaking vegetation clearance including scrub or tree clearance outside of the bird breeding season (May to July for most species) unless prior nesting bird checks are undertaken by an appropriately qualified ecologist prior to clearance”. We strongly recommend that this time period is amended to reflect the fact that resident species such as dunnock can be nesting in early-mid March and that nightjar and yellowhammer could have active nests in August and therefore to minimise the risk of harm to nesting birds we would recommend that any vegetation clearance avoids the period March-September inclusive. If any works are to begin during this period then a suitably qualified ecologist should be on site to survey for nesting birds. As you will be aware all birds (except pest species), their nests, and eggs are protected from disturbance and destruction by the Wildlife & Countryside Act 1981 (and as amended).

Concluding Remarks

In the absence of the results of the detailed Nitrogen modelling and the necessary assurances on the zoning of the Tip habitats, visitor management and SANGS we are unable to support this application, as we cannot be certain that this scale of housing could be accommodated without harm to priority habitats and protected species, particularly from high levels of disturbance and the impacts of NOx. For this reason we have a position of a holding objection to this application.

I hope that you find our comments helpful. Please do not hesitate to contact me on 0115 958 8242 should you wish to discuss any of the above or for us to meet with you and the Applicants. We would be grateful if you would keep us informed about the progress of this proposal

21.03.17

Re: Air Quality Assessment

Thank you for consulting Nottinghamshire Wildlife Trust (NWT) on the Air Quality Assessment supplementary planning document. Having studied the document carefully we request a clearer explanation from the applicant's consultants on the following points before we are prepared to review our position of a holding objection to this planning application.

The Environmental Statement (6.4.23) states that the difference between traffic levels when the colliery was active and those arising from this proposal are considered to be 'not significant'. It is predicted, however, that peak traffic flows will be 3.5 – 4 times the levels associated with the active colliery.

We would like clarity on where the baseline nitrogen deposition rate is derived from (see below).

- We are unable to understand the relationship between the figures in Table 22 and 29.
- Table 22 highlights baseline nitrogen deposition rates;
- E1. Birklands West and Ollerton Corner – 18.62 (KgN/ha/yr).
- Table 29 highlights Predicted Annual Nitrogen Deposition Rates;
- E1. Birklands West and Ollerton Corner – 19.02 (KgN/ha/yr). This figure is without development (DM) but why is this figure different to the one in Table 22.

Having discussed the Air Quality Assessment with Colin Wilkinson (RSPB) we are of the opinion that a meeting with all parties would be useful in order to fully understand how the conclusions in the assessment have been reached.

09.05.17

Re: Air Quality Technical Note (Ecological Impacts)

Thank you for consulting Nottinghamshire Wildlife Trust (NWT) on the Air Quality Technical Note. Having studied the document carefully we find that our concerns relating to predicted air quality standards have been allayed. That said the assessment is wholly reliant on the reliability of the dispersion modelling process and an acceptance of this at face value. For this reason we feel that there is a strong case for a long-term air quality monitoring programme to be implemented. This is fully justified due to the scale of the proposed development and the proximity of priority habitats that are particularly sensitive to the effects of nitrogen deposition.

This programme would involve;

- Long-term air quality monitoring of atmospheric nitrogen (NOx) at the twelve receptor locations established in the recent assessment in years 1, 2, 3, 5, and 10. This could begin following completion of Phase 1 and continue after completion of the development.
- Provision of the monitoring results to the Local Planning Authority.
- Reviewing data to compare the accuracy of the original predictions to what is actually happening on the ground. If air quality is shown to be worse than predicted then a re-evaluation of the level of mitigation would be required.
- Traffic monitoring at the entrance of the development to assess predicted traffic movements against actual traffic movements. This would be in the interest of the applicant if air quality in the area deteriorates but evidence can be produced that confirms that the new development is not the source.

SANGS

The application states that the entire former pit tip (now 'Country Park') and 11.89 hectares of proposed green infrastructure should be considered as SANGS. **As stated in a previous response we do not agree with this approach** (letter dated 18 January 2017). We are of the opinion that including the entire pit tip as SANGS would be incongruous with the aims and objectives of the restoration scheme, as it would undermine the value of the habitats for rare ground nesting birds, notably nightjar and woodlark. To avoid significant indirect impacts through recreational activity, a comprehensive and workable visitor management strategy is required given the level of disturbance is likely to be greater than originally anticipated under the terms of the mineral restoration scheme. Zoning levels of activity through fencing and natural barriers would be essential so that there would be quieter areas for sensitive bird species. Previously we stated that we would expect this to be agreed at the outline stage, as we considered this to be an essential requirement to enable the LPA to rigorously assess the potential impacts of the scheme on these Annexe 1 bird species, for which the tip restoration has been designed. After careful consideration we are now of the opinion that it would be more appropriate for this aspect of the application to be agreed at the reserve matters stage, as long as the requirement to do so is made clear in any outline permission.

We have identified a possible alternative approach that may achieve better conservation outcomes than the creation of conventional open space to meet SANGs requirements:

1. The alternative would comprise of informal habitat-rich recreational green space being created on the former arable land, to attract a significant number of local dog walkers away from the habitats on the Tip (dogs are a significant predator of ground-nesting birds) and also to achieve health and wellbeing benefits for the new residents, particularly the very young or more inform, who may wish to walk short distances on flatter ground than the Tip provides.
2. An extension of habitat management on the pit tip beyond the 5-year statutory aftercare period required under the current mineral permission, financed through this proposed development. The latter would enable the habitat complex to be managed to optimise its value for wildlife in the long term whilst also providing a valuable wildlife-rich greenspace for a sustainable level of informal recreation. In the absence of such a commitment to long term (at least 25 years) conservation management, the Tip habitats cannot be claimed as SANGS, as the impact of the residents would, of course, be in perpetuity.

Summary

Following the submission of Air Quality Technical Note (Ecological Impacts) we find that our concerns relating to predicted air quality standards have sufficiently allayed. We are of the opinion, however, that a long-term air quality monitoring programme is required to test the accuracy of the dispersion model. After careful consideration we are now of the opinion that it would be more appropriate for the issue of SANGS and a visitor management strategy to be dealt with at the reserve matters stage. In light of this we find that we are now able to remove our holding objection to this planning application, subject to the imposition of conditions to secure the monitoring and SANGS as describe above.

RSPB

26.01.17

Thank you for consulting us on this application. For the reasons explained below RSPB objects to this application, at least pending further information from the applicant regarding vehicle movements, air pollution, and nitrogen deposition on lowland heathland and acid grassland in nearby statutory sites for nature conservation. All comments about other aspects of the development below must be considered without prejudice to this fundamental point of concern.

If we are sent further information in response to the points raised below, we will review our position.

The RSPB places the highest importance on the continued protection of statutory nature conservation sites including Sites of Special Scientific Interest (SSSIs) designated under the Wildlife & Countryside Act 1981, and sites such as Special Areas of Conservation (SACs) classified under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”).

This proposal lies adjacent to Birklands and Bilhaugh SSSI to the north, to Birklands West and Ollerton Corner SSSI to the east, and is close to part of Birklands and Bilhaugh SAC, across Swinecote Road to the west. That part of the SAC which lies to the west is also designated as Sherwood Forest National Nature Reserve (NNR). Finally we believe Sherwood Forest qualifies for classification as a Special Protection Area (SPA) under Council Directive 2009/147/EC on the conservation of wild birds (“the Birds Directive”) because it supports nationally important populations of nightjars and woodlarks, species listed on Annex 1 of the Birds Directive. No SPA has yet been classified in Sherwood Forest, but Natural England has issued guidance that a precautionary approach should be taken to granting permission for developments that may affect these two bird species. Collectively these sites are the single most important contiguous assemblage of designated sites for nature anywhere in Nottinghamshire, in terms of physical scale, intrinsic value and statutory status. This is the context in which our response should be viewed.

Some of the land subject of this application is plainly previously developed land as defined by the National Planning Policy Framework and therefore the re-use of that part of the land is consistent with national policy. The type, scale and precise extent of development is for the Council to consider in the context of emerging local plan policy. These proposals seem to be broadly consistent with draft policies ShAP3 and ShAP4, contained in the Council’s draft “Preferred Approach – Sites and Settlements” document now open to consultation. That said the scale and type of development envisaged in draft policy and this application does not look “plan-led”.

We welcome the inclusion of an Environmental Impact Assessment with the application. We are satisfied the breeding and wintering bird surveys are adequate in terms of scope and methodology. The results raise no significant concerns for us that cannot be dealt with either through conditions, and/or at reserved matters stage.

We are satisfied the proposals generally avoid significant direct impact on existing features of nature conservation interest, including designated sites, protected species, and habitats of principal importance. The indirect impacts on nearby protected sites could be significant in two regards:

- 1) Increased nitrogen deposition on lowland heathland and acid grassland on nearby protected sites, arising from a significant increase in local vehicle traffic over base line levels.
- 2) Increased recreational disturbance (including from dog walking) and predation by domestic cats on nearby protected sites, arising from a large increase in the local residential

population.

We deal with each of these in turn, below:

1) Increased nitrogen deposition

We have decided to object to this outline application because of what we believe is a lack of clarity (and missing information) relating to vehicle movements, air pollution, and nitrogen deposition on lowland heathland and acid grassland in nearby statutory sites for nature conservation. We explain the reason for our concerns

Paragraphs 6.4.18 – 6.4.25 of the Environmental Statement (ES) deal with indirect air quality impacts on nearby protected wildlife sites. 6.4.22 says, “the air quality assessment predicts that the deposition rates will be insignificant’ but then mentions further modelling being done the results of which are not yet available. The agent for the application has told us (on 24 January) that this might be available in around two weeks. We believe this is critical information and we cannot submit a final response to this application until we have had a chance to consider it.

Based on ES paragraph 6.4.22, we have looked at the Air Quality Statement. This only deals with the public health impacts from air pollution not the ecological impacts. It certainly does not do what paragraph 6.4.22 says it does.

6.4.23 of the ES says, “With regard to the NO_x the primary source of NO_x will be traffic generated. The Transport Assessment demonstrates that the differential between the former colliery traffic and the traffic proposed to be associated with the development is not significant and therefore there is not likely to be any significant increase in NO_x emissions from traffic [Our emphasis].

This is at odds with what the Transport Statement says about baseline and future traffic levels. The consultants have chosen to use as their baseline the recent past level of colliery use at the point of its closure in 2015. Pages 29/30 of the TS contain the tables that model the traffic movements then, and those that predict future traffic movements. Compared with 270 two-way vehicle movements during each peak AM and peak PM hour former colliery use, the future two way traffic movements from the housing and employment development represent an increase of around 394% in the peak AM hour, and 353% in the peak PM hour. We do not accept this is an insignificant difference, as suggested by the ES.

Ultimately, the threat of increased nitrogen deposition on nearby heathland is the most significant nature conservation issue to be addressed here. There are two reasons for this:

First, under the Conservation of Habitats and Species regulations 2010 the Council has to consider whether this proposal is likely to have a significant effect on the interest feature of the SAC, alone or in-combination with other plans or projects. As noted on the JNC Standard data Form1, the SAC is already threatened by diffuse aerial pollution; nitrogen deposition on SAC heathlands may already be approaching, if not already exceeding, recommended limits.

The ecological effects are insidious. Nitrogen is basically a fertiliser; when added to habitats that are naturally low-fertility, it encourages vigorous growth of competitive species like tussock forming grasses, nettles, brambles and scrub at the expense of specialist grasses, lichens heathers and shrubs adapted to low fertility conditions. The whole character of the habitat can change over time, leading to the loss of the invertebrates, reptiles, birds and other wildlife associated with heathland and acid grassland.

So, even a small increase in nitrogen deposition arising from this development may amount to a significant effect, alone or in combination with other plans or projects. As the application stands, we believe that as the competent authority, the Council cannot currently conclude there is not likely to be a significant effect on the features of interest of the SAC. Unless further information is produced by the applicant that models the predicted effects accurately and openly, and those effects prove to be insignificant (alone or in combination) our view is that the application should be refused.

Secondly, the applicant cannot realistically mitigate the amount of air pollution (and therefore nitrogen deposition) arising from private car use except by reducing the overall scale of the development to a level more commensurate with the scale of vehicle use seen previously, when the colliery was active. We have other concerns (discussed later) which can, potentially, be addressed by careful design and detailed mitigation plans at reserved matters stage, but this is not one of them. This matter must be properly considered and addressed or outline permission should not be granted.

2) Increased recreational disturbance and predation by domestic cats

Having looked closely at this issue we have decided not to object on this score, because the application does outline the mitigation measures to be employed, the detail of which can be refined and confirmed at reserved matters stage.

We do have some minor concerns about the proposed mitigation for the impacts of recreational disturbance and predation by domestic cats. If this application is approved, these points need to be addressed in full detail simply so that the Council and the applicant are aware of the issues when the time comes.

Role and function of the restored pit top, and mitigation for recreational disturbance

Avoiding residential development within 400m of the SAC is not the entire solution to mitigating offsite recreational impacts arising from that development, though the buffer is welcomed. In our response to PREAPP/00237/16 on 8 November 2016 we recommended this 400m buffer based on local plan policies and SPD adopted in the Thames Basin Heaths. These policies were based on detailed research into visitor recreational behaviour there that showed that if homes are built closer than 400m to large wooded/heathland areas, then the residents are likely to visit those areas almost regardless of the amount, location or quality of Sustainable Alternative Natural Greenspace (“SANGS”) provided as part of the development itself in effect for homes closer than 400m to sensitive habitats, the impacts cannot be mitigated.

Beyond 400m, the effect still exists but mitigation becomes more and more possible with increasing distance, through provision of SANGS. Housing development may be many kilometres away from the sensitive sites and still have to provide SANGS. The application does not really explain this very well: all of the housing proposed on the site, even on the eastern edge, has the potential to cause significant indirect impacts on the SAC unless fully mitigated by provision of SANGS

The stated aim of Harworth Estates’ planned restoration of Thoresby Colliery tip is to “create extensive areas of high priority BAP/Section 41 habitats that are characteristic of the Sherwood Forest Natural Character Area, in accordance with the aims of the UK BAP, The Nottinghamshire LBAP and Nottinghamshire Heathland Strategy. (Restoration Method Statement, March 2016).

It is now proposed that the restored pit top should become a country park and the application suggests that all of it (99.03 hectares) will serve as additional SANGS to that provided within the built development, as well as provide high quality new wildlife habitat.

Given that the primary function of SANGS is to attract visits from members of the local community who would otherwise have to use the nearby national and internationally important designated sites (e.g. for dog walking), one of the defining characteristics of SANGS is that it should be accessible. The Council's Developer Contributions & Planning Obligation SPD confirms this, stating, "...in the context of the Birklands and Bilhaugh SAC the terms SANGS refers to... Sites that are freely accessible to people living within 5km of the SAC that provide an alternative to the SAC for regular (i.e. more than once a week) walking and dog walking. (Our emphasis)].

Unconstrained public access and provision of high value wildlife habitats are not always mutually compatible, especially in the birds' breeding season. On the pit top this will be an extended season, given the potential presence of nesting wood larks from mid Feb and nightjars until the end of August. Careful zoning and access controls to some areas in this extended period will be needed, and therefore not all of the country park can be counted as SANGS. In particular, if and when a reserved matters application is submitted, complete clarity over what areas of open space (within the development and on the pit top) will be made available for dog walking on and off leads will be required, along with full details of how this will be monitored and enforced.

Mitigation of domestic cat predation: Any reserved matters application must provide full design details of the location and design of physical buffers (including water features) designed to prevent domestic cats reaching the habitats on the restored pit top, including specifications for how they will be managed maintained in perpetuity, and deep water retained in them even during prolonged droughts. Without these safeguards, the mitigation could swiftly become useless

Choice of tree species in landscaping - The plan to use exotic tree species such as sweetgum, tulip tree, pin oak and maidenhair tree to landscape part of the built development is not appropriate to the area. The justification for using such exotic species is weak – the application mentions reflecting "fossil fuel heritage" (3.8.1 of the Design and Access Statement) even though most of these species arose entire geological ages after the Nottinghamshire coal field was formed. It will create an enclave of landscaping that is alien to the surrounding natural landscape of Sherwood. It will not aid habitat connectivity or native species movement across the site, or compensate in kind for loss of any existing native trees. We would strongly prefer to see a mix of native tree and shrub species appropriate to the natural character of the site and its surroundings, notably pedunculate and sessile oak, field maple, beech. Silver and downey birch and rowan, and hope the Council will insist on it.

Defining and achieving "outstanding quality" in the development, including fo biodiversity enhancement: We welcome the applicant's vision to "create a mixed – us development of outstanding quality". However, the application does not really give a clear impression of what "outstanding quality" actually means in terms of the benchmarks and standards to be sought. Furthermore, draft Local Plan Policy ShAP4 does little more that facilitate the scale and location of the development desired by the applicant, and describe what would be expected of any mixed development of similar scale in a similar location. So on the face of it the power of the Council push for real "outstanding" quality is limited.

We hope and believe the applicant aspires to deliver a high quality, distinctive development that delivers much more than just a certain number of new homes that help meet local and sub regional housing needs. These high standards should span the full range of sustainability attributes, for example including water supply and re-use, energy efficiency and production and biodiversity enhancement.

Similarly, we hope that Newark and Sherwood Council will define a vision for the quality of this development that takes it far above “average” and sets a new high standard for sustainable, nature-friendly housing in the District that offers existing and new residents a high quality of life. We are worried that neither the current master plan, nor the draft Local Plan policies, will achieve this as they stand.

As stated in our response to PREAPP/00237/16 on 8 November 2016, there is great scope to incorporate nature-friendly features into the built development (as well as any green infrastructure), such as integral bird and bat boxes, choice of native plants, nature friendly Sustainable Urban Drainage Systems, green roofs and brown roofs for invertebrates and others. A more complete list of positive design interventions can be found in “Designing for Biodiversity: a technical guide for new and existing buildings’

The RSPB is working with a range of partners in the housing industry to bring about a much needed improvement in the design of large scale housing developments for nature on several major sites in the UK. We would be pleased to work with the applicant and the Council to consider ways that the redevelopment of Thoresby Colliery could define a new high standard for nature-friendly housing in Newark and Sherwood.

In this letter and previous responses to the master have listed our expectations of this development. We will expect all of these to be addressed through careful design and layout, or additional controls through conditions or planning obligations, at reserved matters stage. We summarise them all below and hope this is helpful:

- No housing should be located closer than 400m to the SAC; other land uses such as education, employment or open space may be acceptable within this buffer.
- Significant landscaping buffers and SANGS should be maintained between urban development and nearby protected sites (the SAC, NNR, SSSIs and Local Wildlife Sites) and habitats of principal importance including those to be created on the pit top.
- The development must provide enough SANGS (by a comfortable margin), that is located, designed and managed in such a way as to mitigate indirect impacts on the SAC and SSSIs, from recreational disturbance. Provision must be made for that SANGS to be managed in perpetuity.
- Not all of the restored pit top can be claimed as SANGS, because significant parts of it are intended to provide high quality habitats capable of supporting nesting nightjars, woodlarks and other wildlife sensitive to disturbance.
- Those areas of the restored pit top not designed to be publicly accessible (including to dogs on or off leads, and mountain bikes) must be clearly defined.

- Areas where seasonal public access may be appropriate should be defined on a zoning plan. Given the potential presence of nesting woodlarks and nightjars, the breeding season on open ground habitats should be taken to mean from 15 February to 31 August each year, inclusive.
- The means by which public access to these areas will be deterred and enforced, and arrangements for monitoring the effectiveness of these measures, must be provided.
- Full details of the physical features to be built into the development to prevent domestic cats reaching habitats on the restored pit top must be provided including details of how these will be maintained in perpetuity and (in the case of ditches) deep standing water retained in them at all times.
- A restrictive covenant on cat ownership by future residents would not be an appropriate part of the cat predation mitigation plan because it cannot be enforced effectively.
- The development proposals must include details of the any development on the former colliery site to help secure the long term financial costs of managing the habitats on the pi top.
- Landscaping schemes throughout the development and the open spaces should use only native species appropriate to the natural character of the site’s surroundings. Exotic species such as those currently proposed for the “industrial character zone” should be avoided.
- Details of how the development will integrate with its surroundings, including access routes between the built development, the pit top, Edwinstowe village and the planned new Sherwood Forest Visitor Centre, should be included.

13.03.17 - Thank you for consulting us about the Air Quality Assessment February. In our previous letter of 25 January 2017 on this case, the RSPB objected pending further information from the applicant regarding vehicle movements, air pollution and nitrogen deposition on nearby statutory sites for nature conservation.

For reasons explained below we have decided to maintain our objection at this time, pending further information and an opportunity fully to discuss the implications with Natural England and the Wildlife Trust.

From the AQA we note the following salient points:

Local background concentrations of nitrogen dioxide (NO₂) are predicted to fall slightly over the next ten years (AQA Table 14, p24) continuing a trend apparently already in train. This promises a slight and gradual slow-down (though not a reversal) in the rate of nitrogen deposition on local semi-natural habitats including those in the Birklands and Bilhaugh Special Area of Conservation (SAC)

Baseline nitrogen deposition rates on the most sensitive habit types present at each sampling point in the designated wildlife sites around Thoresby Colliery exceed the ‘high critical load in most cases. Notably, the baseline nitrogen deposition rates on the SAC at sampling points E10, E11 and E12 are almost double the “high” critical load for the oak woodland habitat present (AQA Tables 21/22, pp30-32)

In our opinion therefore, any proposal that would have more than a quite minimal effect in terms of additional nitrogen deposition, might well have a significant adverse effect on the features of interest of the SAC especially when considered in-combination with other plans or projects.

AQA Table 29 (p44) predicts increases in the annual nitrogen deposition rate at receptor sites in the SAC of 0.01 kilograms of nitrogen per hectare per year. As the consultants conclude, predicted change in annual nitrogen deposition rates is less than one percent of the critical load.

However, there are a several issues that mean we have decided to maintain our objection this time.

First, no new information has yet been provided to clarify the situation regarding expected increases in traffic movements compared to baseline levels. As we raised in our letter of 25th January 2017, we cannot reconcile the suggestion in 6.4.23 of the Environmental Statement that the “differential” between (past) colliery traffic levels and those arising from this proposal will be “not significant”, with the prediction that peak hour traffic flows will be 3.5 to 4 times the levels associated with the former colliery use in its last years of operation. We would welcome further clarity from the applicant on this, as this crucial point underpins any assessment of the significance of changes in air pollution and nitrogen deposit.

Secondly, it would be helpful to get clarification on whether the “DM” figures in tables 27 and 29 include or exclude pre-existing emissions from the colliery use (including those arising from ongoing combustion of mine gasses on the site).

Lastly, to enable the competent authority and nature conservation stakeholders (particularly Natural England) to be able to understand the significance of the air pollution effects of this proposal when considered in combination with other plans or projects, it would be helpful if the AQA information could be presented in the same way as was used in application 16/01499/FULM for the new Sherwood Forest Visitor Centre. Specifically, we still have not yet seen a clear statement about how many vehicle movements associated with Thoresby Colliery proposals would be likely to use the B6034 between Edwinstowe and its junction with the A616. It seems unlikely to be “none”. We feel that a clear description of the actual expected increase in vehicle movements against base line levels on the Swinecote Road is a necessary part of the evidence base on which the AQA must be founded. Such was the approach followed in the case of the planned new Visitor Centre, that gave Natural England and the Council the confidence to be able recommend application 16/01499/FULM for approval.

Finally, as noted at the beginning we are in active conversations with Natural England and the Wildlife Trust on these matters. However, as the Council seems to have been a little inconsistent in consulting all of us concurrently about the same things we have decided to maintain our objection for now if only to allow reasonable time for the RSPB to understand their positions before responding fully and finally.

25.04.17

We ask that you consider the RSPB’s objection pending the outcome of meeting between the applicant NSDC and NE and particularly, Natural England’s position as a result.

The following outlines the RSPB’s views in the meantime, having read the technical note.

With reference to the three issues relating to the AQA we raised in our objection letter of

25 January 2017:

1. (Quote): *“it would be helpful to get clarification on whether the “DM” figures in tables 27 and 29 include or exclude pre-existing emissions from the colliery use (including those arising from ongoing combustion of mine gasses on the site)”*

Clarification that the “DM” figures in tables 27 and 29 do not include emissions associated with the former colliery use is helpful. We also note the explanation that the DM values take account of any emissions arising from mine gas combustion, but that the contribution from this source is likely to be extremely low. At this point we have no further comments or questions on this particular aspect.

2. (Quote): *“no new information has yet been provided to clarify the situation regarding expected increases in traffic movements compared to baseline levels. As we raised in our letter of 25 January 2017, we cannot reconcile the suggestion in 6.4.23 of the Environmental Statement that the “differential” between (past) colliery traffic levels and those arising from this proposal will be “not significant”, with the prediction that peak hour traffic flows will be 3.5 to 4 times the levels associated with the former colliery use in its last years of operation. We would welcome further clarity from the applicant on this, as this crucial point underpins any assessment of the significance of changes in air pollution and nitrogen deposition.”*

We note the following relevant reply from p4 of the technical note:

“Traffic data for use in the Air Quality Assessment was provided by ADC Infrastructure Limited, the Transport Consultants who produced the Transport Assessment for the development. If there are specific questions regarding the methodology used for the generation of flows then we would be happy to pass these on.”

In our view the question we posed on 25 January 2017 remains unanswered. We did not specify that our question had to be resolved solely by the AQA, it was in part an inquiry based on an apparent discrepancy between the Environmental Statement, and the Transport Statement. We would be interested to know if the applicant intends to follow this up with ADC Infrastructure Limited if they are the best qualified party to help answer.

3 (Quote): *“to enable the competent authority and nature conservation stakeholder (particularly Natural England) to be able to understand the significance of the air pollution effects of this proposal when considered in combination with other plans or projects, it would be helpful if the AQA information could be presented in the same way as was used in application 16/01499/FULM for the new Sherwood Forest Visitor Centre. Specifically, we still have not yet seen a clear statement about how many vehicle movements associated with the Thoresby Colliery proposals would be likely to use the B6034 between Edwinstowe and its junction with the A616. It seems unlikely to be “none”. We feel that a clear description of the actual expected increase in vehicle movements against baseline levels on the Swinecote Road is a necessary part of the evidence base on which the AQA must be founded – such was the approach followed in the case of the planned new Visitor Centre, that gave Natural England and the Council the confidence to be able to recommend application 16/01499/FULM for approval.*

Having seen the response to this question, Natural England’s opinion on whether the method followed will allow the Competent Authority to rule out a likely significant effect is going to be the most important factor. As we are unable to attend the meeting we only observe at this point that the response relayed from ADC Infrastructure Ltd seems highly mechanistic and assumes, for

example, that no one exiting the Thoresby Colliery development will make dual purpose trip to Edwinstowe or Forest Corner and then onwards, that people make rigid journey decisions based on small differences in the time taken over short distances, and the junction improvements at the Ollerton Roundabout will always perform flawlessly.

30.05.17

We welcome the Air Quality Technical Note, which resolves the outstanding queries we had relating to air pollution impacts on protected wildlife sites in the area, particularly Birklands and Bilhaugh Special Area of Conservation (SAC).

However, we believe that if the Council is minded to approve this application it would be important, and reasonable, to require the applicant to undertake long term air quality monitoring related to the development. This would enable all parties to test the accuracy of the modelling work in the Technical Note, and the predictions made. Also, if the predictions prove inaccurate and the impact of traffic emissions from the development on priority habitats is greater than predicted, there needs to be scope to at least consider implementing further mitigation options. As an example of how inputs to models can be e misjudged, we need only look at how certain car manufacturers have been caught falsifying vehicle emissions data recently.

So, the RSPB is prepared to withdraw our objection dated 25 January 2017, subject to a condition requiring long term air quality monitoring linked to the development

We are happy to leave the precise wording to Newark and Sherwood Council but in our opinion it should include the following:

- A vehicle movement counter to be positioned on the main access road into the development from the A6075 Ollerton Road.
- Air quality sampling to take place at the same 12 sampling locations as shown on Figure 1 of the Technical Note dated 12 May 2017.
- Monitoring sufficient to establish a clear pre-development baseline in all seasons, and then to take place in years 1, 2, 3, 5 and 10 from the completion of development.. Monitoring could begin earlier (e.g. on completion of phase 1) but the predictions in the Technical Note are founded on the complete and operational development, so we believe the critical monitoring period will be from when the development is complete.
- Reports to the Council to be provided annually or when monitoring takes place as above

Suggested reason: to test the reliability of the Air Quality Assessment in the long term, monitor ongoing effects on local protected wildlife sites that may be attributable to the development, and provide a basis for discussion of further mitigation measures to be employed should these be deemed necessary.

We do not think this requirement is onerous or unreasonable.

Other issues:

Given the time that has passed since our original objection in 25 January 2017 it is appropriate to highlight once more the issues we raised then that we believe need to be fully addressed at reserved matters stage, if this Outline application is approved. These are:

No housing should be located closer than 400m to the SAC; other land uses such as education, employment or open space may be acceptable within this buffer.

Significant landscaping buffers and SANGS should be maintained between urban development and nearby protected sites (the SAC, NNR, SSSIs and Local Wildlife Sites) and habitats of principal importance, including those to be created on the pit top.

The development must provide enough SANGS (by a comfortable margin), that is located, designed and managed in such a way as to mitigate indirect impacts on the SAC and SSSIs, from recreational disturbance. Provision must be made for that SANGS to be managed in perpetuity.

Not all of the restored pit top can be claimed as SANGS, because significant parts of it are intended to provide high quality habitats capable of supporting nesting nightjars, woodlarks and other wildlife sensitive to disturbance.

We note that in section 3.3.4 the Air Quality Technical Note again suggests that large areas of heathland on the pit top are earmarked to serve as SANGS. We do not accept this is necessarily appropriate. The amount, location and nature of SANGS needs to be determined in consultation nature conservation bodies through Reserved matters

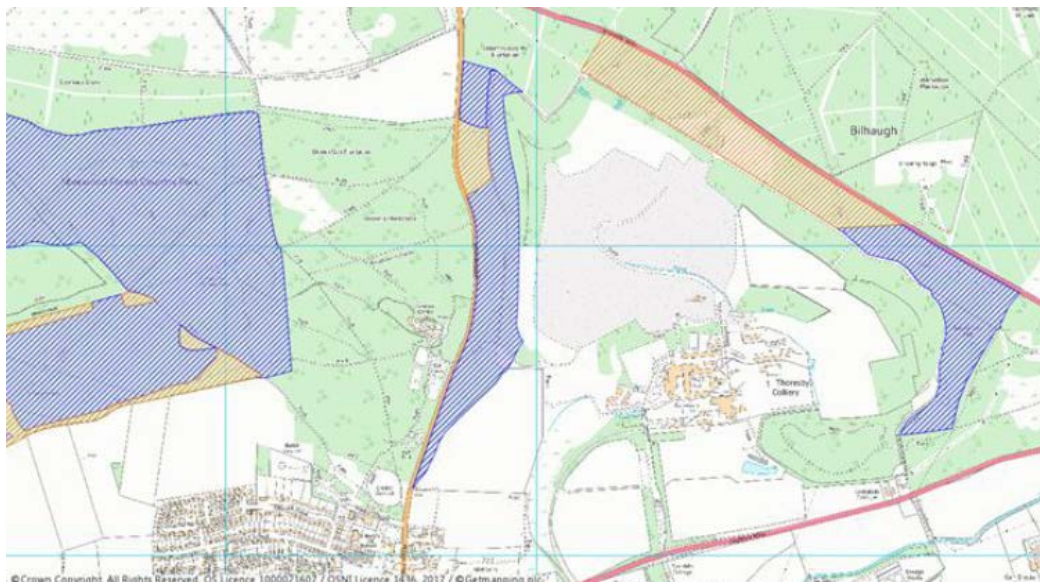
- Those areas of the restored pit top not designed to be publicly accessible (including to dog on or off leads, and mountain bikes) must be clearly defined.
- Areas where seasonal public access may be appropriate should be defined on a zoning plan. Given the potential presence of nesting woodlarks and nightjars, the breeding season on open ground habitats should be taken to mean from 15 February to 31 August each year, inclusive.
- The means by which public access to these areas will be deterred and enforced, and arrangements for monitoring the effectiveness of these measures, must be provided.
- Full details of the physical features to be built into the development to prevent domestic cats reaching habitats on the restored pit top must be provided, including details of how these will be maintained in perpetuity and (in the case of ditches) deep standing water retained in them at all times.
- A restrictive covenant on cat ownership by future residents would not be an appropriate part of the cat predation mitigation plan because it cannot be enforced effectively.
- The development proposals must include details of the any development on the former colliery site to help secure the long term financial costs of managing the habitats on the pit top.
- Landscaping schemes throughout the development and the open spaces should use only native species appropriate to the natural character of the site's surroundings. Exotic species such as those currently proposed for the "industrial zone should be avoided.
- Details of how the development will integrate with its surroundings, including access routes between the built development, the pit top, Edwinstowe village, and the planned new
- Sherwood Forest Visitor Centre, should be included

For further details and rationale on some of these issues please refer back to our letter of 25 January 2017.

Woodland Trust

21.02.17 Outlines the role of the Trust and definition of ancient woodland.

The proposed development of the former Thoresby colliery site has the potential to negatively impact on ancient woodland contained within the planning application boundaries. The applicant appears to have correctly identified the location of the Birklands and Bilhaugh SSSI and SAC and the western boundary of the proposed development follows the edge of this designation. However, what is of concern to the Trust is that the applicant has failed to identify that ancient woodland on the ancient woodland inventory (AWI) extends at least 50m beyond the edge of the SSSI/SAC designation and on to the development site itself. The location of ancient woodland on the AWI is publically available and the applicant should have checked for this habitat at the same time as reviewing the location of other habitat designations (such as SSSIs and SACs) in the area. The map below shows the location of the ancient woodland in relation to the colliery site.



The lack of information regarding this ancient woodland and the impacts of the proposed country park upon it has meant it has been very difficult to ascertain exactly how the woodland may be affected. However, the illustrative masterplan shows what appear to be either footpaths or an area of heathland within the ancient woodland. Ancient woodland in turn appears to have been removed. As previously stated, ancient woodland is an irreplaceable habitat and therefore everything should be done to protect this finite resource. Turning it into heathland or constructing paths through it would cause irreparable loss. As a minimum, the Trust would expect to see this section of woodland buffered with additional native woodland planting to protect it from encroachment from the proposed country park.

The fact that none of the planning documents recognise the significance of this section of ancient woodland coupled with the lack of detailed information regarding the proposed features within it the Trust objects to the proposal in its current form.

Severn Trent Water

With reference to the above planning application the Company's observations regarding sewerage are as follows.

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.

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:

- 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;
 - Include a timetable for its implementation; and
 - 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.

Environment Agency

The previous use of the proposed development site as a colliery and coking works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and is located upon Principal aquifer The 'Phase 1 Desk Study' (dated 14th December 2016, ref P16-424) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework

Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

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

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

Reason

- To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

The previous use of the proposed development site as a coking works and colliery presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters

are particularly sensitive in this location because the proposed development site is within Source Protection Zone 3 and is located upon Principal aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No infiltration of surface water drainage into the ground in areas affected by contamination is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

For areas where there may be regular HGV manoeuvring the following condition will apply:

Condition

The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

To reduce the risk surface and groundwater pollution.

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.

Reasons

To reduce the risk of silt pollution during the initial development stage.

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.

Ramblers

We have studied the outline plans for this development and comment as follows:

We are neither supporting nor objecting but are concerned that the integrity of Edwinstowe Bridleways Nos. 16 & 24 may be affected at some later stage of development. We seek assurances that the availability of these rights of way will be maintained and not obstructed at any time.

NCC Rights of Way - This application may impact on Edwinstowe Parish Public Bridleways No 16 & 24, which run alongside the site as shown on the attached working copy of the definitive map. Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way

NSDC - Access and Equalities Officer

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, attention is 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, as well as wheelchair user dwellings within the housing 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.

Inclusive access should be carefully considered throughout the overall proposal where all users, including disabled people, can equally use the development. As part of the developer's considerations of inclusive design to ensure that all places, spaces and buildings can be easily and comfortably accessed and used by everyone and to ensure that the development meets as many people's needs as possible, it is recommended that attention be additionally drawn to BS8300:2009 – Design of Building and their approaches to meet the needs of disabled people – Code of practise which provides useful standards in this regard. . Everyone at some point will probably experience limited mobility – a parent with young children, an older person or an individual with injuries. It is important to identify barriers to inclusion as early as possible within the design process so that good design can overcome them. Inclusive design celebrates the diversity of people and should not impose disabling barriers. While the needs of wheelchair users and mobility impaired people are important it is also necessary to understand the barriers experienced by people with learning difficulties, mental ill health, visual impairments and hearing impairments.

Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposals from the edge of the site, as well as car parking where suitable provision for disabled motorists to park should be provided, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Car parking is required to be considered where carefully laid out provision for disabled motorists, whether members the public, visitors or staff, should be incorporated as close as feasible to the principal entrances of buildings. Minimum proportion and number of designated spaces is detailed in BS 8300: 2009. Directional signs should be provided to direct disabled motorists to designated parking spaces. It is important that the disabled motorist parking spaces themselves are signed

both at ground level as well as sign posted should road markings be obscured. They should be carefully laid out and marked with safety and access zones around the space and a safe vehicular-free access route provided to buildings. Spaces for disabled motorists should be as close as feasible to the principal entrances and should be clearly signed from car park entrances. Signs should be provided indicating the accessible route to the buildings. It is important to consider the accessibility and location of any car parking ticket dispensers and controls and BS8300 gives further guidance in this regard. Designated setting-down, picking-up points are also an important provision. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient width. Site gradients will need to be carefully assessed to ensure that these are accessible to all users with any sloping pathway designed to meet level or ramped approach standards. It is recommended that separate traffic free pedestrian pavements with kerbs will be provided throughout the development to separate vehicular routes from pedestrian pathways and any danger to pedestrians from being required to walk along vehicular routes avoided.

It is important to restrict the number of barriers, restrictions or other hazards that disabled people encounter on the approach to and from the proposals. Uneven surfaces and gaps between paving materials cause problems for wheelchair users, people with impaired vision and people who are, generally, unsteady on their feet. Paving materials should be smooth, level and non-slip. Similarly car parking surfaces should be smooth, firm, non-slip and level with no uneven surfaces or gaps. Any street furniture such as litter bins, bollards, signposts etc. whether free-standing or projecting from the building are hazardous if not carefully designed and positioned clear of pedestrian routes. They should be carefully designed so as to be readily apparent and illuminated. For people with impaired vision, this is particularly important to reduce the risk of colliding with items located along the access route. Any external seating including benches should be carefully designed at an appropriate height and design so as to be suitable for ambulant disabled people with arms rests to give additional support and help when standing together with space for wheelchair users to sit alongside their seated companions. Carefully designed inclusive access routes should be considered to all external features and facilities and the developer should carefully considers their accessibility. Fieldfare Trust's BT Countryside for all provides useful guidance in respect of countryside paths and trails etc.

It is recommended that information and directional signs around the development, to and within the buildings etc. be clear and positioned so as to be easy to read. The JMU Sign Design Guide and BS8300 give guidance in this regard for buildings. It is further recommended that the developer's attention be drawn to BS8300:2009 'Design of buildings and their approaches to meet the needs of disabled people – Code of practice' which explains how the built environment can be designed to anticipate, and overcome, restrictions that prevent disabled people making full use of premises and their surroundings. It is recommended that the developer make separate enquiry regarding Building Regulations matters and also be mindful of the requirements of the Equality Act 2010.

NSDC- Environmental Health Contamination:

16.01.17 - Contaminated Land: I have now had the opportunity to review the Phase 1 Desk Study report submitted by Rodgers Leask Environmental in support of the above planning application. This document identifies several areas of particular concern in relation to contamination, namely the pit heads, coal stocking areas, railway sidings and coking works. The report recommends that an extensive scope of intrusive sampling and gas monitoring is carried out across the site as a result of the former uses. I generally concur with this initial assessment and shall await submission of the findings of this further works. In the meantime, I would recommend the use of our standard phased contamination condition.

Air Quality: An Air Quality Statement report has been submitted by Rodgers Leask. This document assesses the current status of air quality in the area of the development and concludes that the development will not have a negligible impact on air quality. However further work is proposed using air quality modelling, methodology for which has been agreed with the consultant (Redmore Environmental Ltd.) I shall await submission of this work prior to commenting further.

02.03.17 - An Air Quality Assessment has been conducted by Redmore Environmental (ref: 1459r2) dated 17th February 2017 in support of this planning application.

This document provides a comprehensive assessment of the air quality issues surrounding the proposed development, identifies the potential impacts from both the construction phase and operational phase.

The construction stage assessment identifies varying levels (ranging from high to negligible) of dust risk from the demolition and construction works and suggests numerous mitigation measures in order to control this risk (Table 24). Providing these are adhered to, I can concur with the assessment that that the dust risk is not significant.

The operational phase assessment included air quality modelling and predicted that the impacts during operational phase were negligible at all receptors. I can agree with these findings however also welcome the range of additional mitigation measures that are proposed (including incorporation of electric vehicle charging points, secure cycle parking facilities, travel plans etc.).

In summary, providing that the proposed mitigation measures are incorporated during construction and operational phases of the development, I can concur with the findings of the AQ assessment.

NSDC- Environmental Health

I have read the noise report which seems OK. It would be wise to require noise remediation measures for the properties near the main road, as suggested.

NSDC (Strategic Housing)

01.04.17 I have put together a draft table based on evidence from the 2014 Housing Needs Survey and our Housing Register. This required some further detailed work but can be used for guidance.

Type	Affordable Rent	Intermediate	Total
1 bed	30		30
2 bed	75	50	125
3 bed	35	46	81
4 bed	4		4
Total	44	96	240

In terms of type, Members will be seeking some bungalows.

09.05.17

- The total number of affordable housing units on the proposed site should be 240 out of a total of 800 dwellings representing 30% of the total scheme
- The Proposed tenure of the affordable housing should be agreed with the Council and should be based on 60% social or affordable rent and 40% shared ownership.
- The housing need in the area is for smaller homes. Demand for the Edwinstowe area is high and is led by one and 2 bed properties followed by 3 bed properties in the affordable sector. This information is derived from the DCA Housing Needs Study 2014 and covers the Sherwood area which includes other area such as Ollerton. In the absence of a parish housing needs survey; further evidence can be obtained from the District Council's Housing Register and the number of bids received by Newark and Sherwood Homes for properties in this location. 455 people in housing need have specified Edwinstowe at their preferred choice of area. 184 of those qualify for smaller homes, mainly one and two bedrooms and 225 are seeking supported housing. In terms of bids for properties, demand is high with 3 bed homes securing 20-30 bids, 1 and 2 bed homes receive 20+ bids and bungalows often attract over 40 bids.
- Registered Providers are stating a preference for 2 bedroom homes in favour of 1 bedroom set against the changes to the benefit system for tenants under the age of 35.
- I am also mindful that the District Council has recently completed 6 one and two bedroom homes for affordable rent in Edwinstowe and Newark and Sherwood Homes will also be completing a similar scheme in Edwinstowe.
- Taking the above into consideration, I note that there is demand for bungalows with 2 bedrooms and I would welcome a scheme that incorporated some units of this type. In the market sector there is demand for 2 bedrooms (335), 3 bedrooms (247) and 4 bedrooms (65).
- Overall until the Council has a full understanding of the viability issues on this proposed site then I refer to the Council's policy (CP1) for provision of affordable housing.

Comments:

I refer to the above pre-application enquiry and make the following observations on behalf of the Council's Strategic Housing Service.

Affordable Housing provision:-

The Council's Adopted (July 2013) Affordable Housing Supplementary Planning Document (Core Policy 1) sets the affordable housing targets for any suitable site at 30% and the qualifying thresholds for affordable housing provision are: 10 or more dwellings or sites of 0.4 ha irrespective of dwelling numbers for Newark and for the rest of Newark and Sherwood – all housing proposals of 5 or more dwellings or sites of 0.2 ha or above.

Therefore the following affordable housing requirements for the proposed site in Edwinstowe are 240 affordable homes out of a total of 800 dwellings. The applicant is offering 61% of the overall scheme on an affordable tenure.

Preferred Tenure/Type:-

Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership*). Therefore the Council requires that 144 of

the proposed units will be for social or affordable rent and 96 will be for intermediate housing (shared ownership). I propose the following tenure for discussion with the applicant:-

Type	Social/Aff Rent	Intermediate Housing (S/O)	Total
1 Bed House	10		10
2 bed (4p) house	60	40	100
2 Bed Bungalow	30	20	50
3 Bed house (5p)	44	36	80
TOTAL	144	96	240

Demand for Affordable Housing/Housing Need

The new Housing Market and Needs Assessment (Sub area report) 2014, details the following affordable housing shortfalls for the Sherwood sub area (of which Edwinstowe is a part of) the highest proportion of demand is for two bedroom homes. Existing households also require bungalows to move into but there is no demand for concealed households for this type of property:-

Table 6-1 Social sector demand by bed size

Question 21 and Question 33

Property size	Existing Households		Concealed Households		Total existing & concealed demand	
	% responses	N ^{os} . Implied	% responses	N ^{os} . Implied	% responses	N ^{os} . Implied
1 bedroom	19.7	138	100.0	78	27.7	216
2 bedrooms	64.5	453	0.0	0	58.1	453
3 bedrooms	7.1	50	0.0	0	6.4	50
4 bedrooms	8.7	61	0.0	0	7.8	61
Total	100.0	702	100.0	78	100.0	780

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Table 6-2 Type of Property for households moving in the next three years

Question 20 and Question 32

Type of property	Existing Households		Concealed Households	
	% responses	N ^{os.} Implied	% responses	N ^{os.} Implied
Detached house	28.2	319	16.5	39
Semi detached house	22.1	250	83.5	197
Terraced house	0.0	0	0.0	0
Bungalow	36.2	408	0.0	0
Flat / Maisonette	5.7	65	0.0	0
Bedsit	0.0	0	0.0	0
Supported housing	7.8	88	0.0	0
Total	100.0	1,130	100.0	236

Source: DCA Newark and Sherwood 2014 Housing Needs Survey

Local Connection and Cascade Mechanism

The Council will seek to ensure that the first and subsequent occupancy of all new affordable housing with a S106 agreement is determined in accordance with a 'cascade' approach. This means that on the occasion of each vacancy, the individual dwellings are advertised through the Council's allocation scheme. The Council will require 100% nomination rights for subsequent re-lets. This allows Registered Providers to determine the allocation of a proportion of the properties in accordance with their own objectives and statutory requirements. However, in practice many Registered Providers locally continue to accept nominations from the Council on all future re-lets.

Design and Layout

With regard to the space/design standards the Council encourages developers to refer to point 3.14 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management. It is expected that all developers will meet the Homes and Communities Agency's Design Standards for the affordable housing units, for reference a link to this document is below. The units should also not be distinguishable from the open market housing and dispersed (pepper potted) on the scheme (see 3.16 of the Council's Supplementary Planning Document). It is noted that the proposal segregates the affordable housing from the market housing and will not therefore meet the 'tenure blind' aspirations of the Government.

http://www.homesandcommunities.co.uk/sites/default/files/our-work/design_quality_standards.pdf

Registered Providers

The affordable housing on this site should be delivered by a Registered Provider (i.e. Registered with the Homes and Communities Agency) The Council currently works with several Registered Providers (see list below) and we recommend that the applicant contacts a Registered Provider to ensure that the proposed affordable housing meets their requirements. This should be undertaken prior to submission for planning consent.

- Nottingham Community Housing Association
- Derwent Living

- Waterloo Housing Association
- ASRA (Midlands) Housing
- Longhurst Housing Group
- Framework, (Specialist provider)
- Newark and Sherwood Homes (Management only)

Please refer to point 3.29 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management.

NSDC (Conservation)

Heritage assets affected

The proposal site is 300m from Edwinstowe Conservation Area (CA), and within 400m of St Mary's Church, a Grade I listed building. Edwinstowe Hall (Grade II) sits to the north of the church and is prominent on approach to the CA from the north. Carr Brecks Farm (Grade II) sits to the southeast of the proposal site, and Ollerton Hall (Grade II*) and Ollerton CA are within 1km to the east. Thoresby Park to the north is Grade I Registered, and Rufford Abbey Park to the southeast is Grade II Registered. There is a Grade II listed landscape monument (to a horse) on the Budby Road, north of the colliery site.

There is an area of archaeological interest in the southwest of the site identified on the Nottinghamshire Historic Environment Record (HER) as linear features, possibly a prehistoric trackway (ref L4143). There are nearby spot finds which include Roman and medieval coins. There are a number of Local Interest buildings within the wider landscape, notably Black Hills Farm to the south of the proposal site. In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest are heritage assets, albeit non-designated. In addition, former colliery buildings and structures identifiable from the early 20th century could have a degree of industrial heritage interest, and may also be non-designated heritage assets.

Main issue(s)

The main historic environment issue in this case are:

- i) Whether the proposal would preserve the setting of nearby listed buildings, including the parish landmark of the Church of St Mary, a Grade I listed building;
- ii) What impact the proposal would have on the setting of nearby conservation areas, including Edwinstowe and Ollerton Conservation Areas;
- iii) What impact the proposal would have on the significance of the wider landscape setting of Thoresby Park, a Grade I Registered Park and Garden and Rufford Abbey, a Grade II Registered Park and Garden; and
- iv) What impact the proposal would have on the significance of any non-designated heritage assets, including archaeological interest, Local Interest buildings and any industrial heritage remaining within the former colliery site.

Legal and Policy framework

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Policies CP14 and DM9 of the Council's Local Development Framework (LDF) Development Planning Documents (DPD), amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed

Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48- 49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 66 and 72 of the Act). The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will.

Significance of heritage asset(s) affected

Edwinstowe is an important medieval settlement associated with Sherwood Forest. The Conservation Area (CA) encompasses the historic core of the village. The CA was designated in 1994. St Mary's Church is located on Church Street, and is a focal landmark building within Edwinstowe CA. The building was first designated in August 1961. The Church originates from the 12th century and has significant 13th, 14th, and 15th century phases. The listed building comprises a three stage west tower, with north and south aisles, adjoining mausoleum, nave, chancel, vestry and south porch. The distinctive octagonal broach spire was restored in 1680 and then in the 19th century. It was significantly re-roofed in 1892 and 1897. The main fabric includes coursed rubble, coursed squared rubble and ashlar, with ashlar dressings and lead roofs. Detailing includes crenellated parapets, coped gables and moulded eaves band.

The boundary wall and overthrow is separately listed.

Edwinstowe Hall is a polite Grade II listed Georgian house and was designated in August 1952. Although partially screened behind a brick boundary wall and tree cover, the former country house is a significant historic building complex at the entrance to the CA, and the adjacent fields contribute to its setting and significance. The building is three storeys in a square plan and comprises early and mid-18th century fabric, being rendered brick and colour washed with stone dressings and a plain tile hipped roof. Detailing includes a plinth, first and second floor

string courses, moulded eaves with scroll brackets, a coped parapet and various tall chimney stacks.

Church Street and High Street form the central spine of the CA. There are a variety of historic buildings from the post-medieval period, notably 1-5 Church Street (Grade II). There are also a number of fine unlisted Victorian and Edwardian buildings. The colliery had a significant impact on the village, both socially and physically. The 1920s saw a planned village extension on the west side of the settlement (recognised on the HER as a good example of its type). The headstocks and industrial plant were also prominent features of the landscape on approach to the village from the east. Thoresby Colliery was opened on Outlying farms such as Carr Brecks Farm (Grade II listed) and Black Hills Farm (Local Interest) follow typical 18th and 19th century rural farmstead vernacular and provide reference to post enclosure patterns of development that typify the landscape setting of many historic villages in Nottinghamshire. Carr Brecks Farmhouse in particular, which is mid-19th century, forms an attractive grouping to the southeast of the proposal site. Ollerton was also significantly affected by colliery development, with a substantial planned settlement expansion from the early 20th century. The historic core however remains very legible on the western side of the settlement, and Ollerton Hall, which is Grade II* listed and has 17th century origins, is prominent. The Ollerton CA was designated in 1977 and is focussed on this historic core.

To the north, the landscape is irrevocably associated with the Dukery estates, of which Thoresby Park is a fine example of 17th century parkland with 18th century alterations by Francis Richardson, Lancelot Brown and Humphrey Repton. In this context, the monument to a horse on the Worksop Road is a reference to this important landscape. The monument also serves as a milestone, dating to 1834.

To the south, Rufford Abbey is considered to be one of the best-preserved remains of a Cistercian abbey west cloister range in England, dating mainly from around 1170. The Abbey remains are incorporated into part of a 17th century and later mansion, all set within Rufford Country Park, a Grade II Registered Park and Garden.

Assessment of proposal

Having reviewed the submitted plans and details, Conservation recognises that the development will have a significant impact on the wider landscape setting of heritage assets within Edwinstowe, Ollerton, Rufford Abbey and Thoresby Park. Given the landscape significance of Sherwood Forest and the Dukeries, the network of roads and paths which connect them provide significant opportunities to experience and appreciate these landscape values. The proposal could also have a significant impact on the setting and experience of high grade listed buildings such as the Church of St Mary in Edwinstowe.

In accordance with Historic England Historic Environment Good Practice in Planning Advice Note 3 – the Setting of Heritage Assets, the best way to assess heritage assets and their setting is:

1. Identify which heritage assets are affected by the proposal, and what their setting is;
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset;
3. Assess the effects of the proposed development on that significance;
4. Explore ways in which to maximise enhancement and avoid or minimise harm.

In this context, Conservation has assessed the indicative development proposals against the significance and setting of heritage assets within the landscape.

The applicant indicates that impact on the setting of listed buildings will be negligible (as set out in the submitted Heritage Assessment). This argument appears to be based upon a lack of perceived intervisibility. However, this argument does not sit well in the case of St Mary's Church in Edwinstowe, noting that views to and from the church spire are important throughout this landscape, particularly on approach to the village from the north. In addition, the NPPG (para. 13 of the Conservation section) makes it clear that direct intervisibility is not the only consideration in considering impact on the setting of heritage assets: "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.

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. This will vary over time and according to circumstance."

Given the large scale of the development proposed, as expressed in the indicative submitted layout, appropriate consideration needs to be given to the experience of the landscape, particularly in any contribution made to the setting of heritage assets. In this case, the undulating Nottinghamshire landscape surrounding the proposal site is intrinsically linked to a number of landscape features, including Sherwood Forest, Thoresby Park and Rufford Abbey. In addition, the conservation areas in Ollerton and Edwinstowe encapsulate the medieval and post medieval historic cores of those settlements, and despite the impact of modern development, enjoy a positive relationship with their wider hinterlands. There are also individual heritage assets between these areas, including historic farmsteads, areas of archaeological interest, as well as significance attributable to the former colliery itself.

It is accepted that in general terms, there is no direct view of the proposal site from any listed building in the area other than from the church spire of St Mary. This is nevertheless a material consideration. The Church can also be seen from a multitude of material receptors within the landscape, and the experience of travelling towards or away from Edwinstowe on either the Ollerton Road (B6075) or Church Street, will be affected by the intensity of proposed development. In the open rural area immediately before Edwinstowe on approach to the CA from the Budby direction for example, the development could have a dominating impact when seen in aspect with the CA entrance and the attractive views of the church spire to St Mary. The proposal site is also in close proximity to the CA boundary, being only a few hundred metres from its eastern edge. Conservation therefore considers that the development could have some moderate adverse impact on the setting of the Church of St Mary and Edwinstowe CA. In the absence of more precise plans and details, it is difficult to provide a forensic assessment of impact on these assets, but based upon the indicative details, we feel that this impact is at worst, less than substantial harm. It is possible that positive attention to the layout of the proposals, incorporating a balance of landscape improvements/reinforcement as well as opportunities to align views and vistas of the Church spire from within the development could

reduce this impact. Limiting the heights of new buildings predominantly to two storeys would also help in this context.

Nevertheless, it is recognised that the industrial character of the former colliery was in itself a notably entity in this landscape, and although set well back from the roadways, the elevated position and appearance of the site could be seen as obtrusive in this medieval and postmedieval landscape. Furthermore, it is acknowledged that the indicative landscape strategy will likely improve many aspects of the industrial scars left by mining. Conversely, the industrial heritage of the site and its relationship with Edwinstowe village (in terms of the early 20th century village expansion) is an important element of interest in the landscape.

The Nottinghamshire estates of Clumber, Rufford (technically for a ducal seat), Thoresby, Welbeck and Worksop Manor formed the Dukeries, an intimate and varied collection of parkland, polite architecture and plantations in close proximity. The early 20th century landscape of the Dukeries was hugely affected by the expansion of the Nottinghamshire coalfield. The ducal economic and social fortunes were therefore intrinsic, and although a contrast to the polite architecture of the main estate buildings, the coal mining legacy remains an important chapter in the landscape evolution of this part of the district. Having reviewed the submitted details, the extent of historic building recording of the former colliery is unclear, and a commitment to ensuring that a comprehensive record is made available to the HER and other appropriate archives is advisable (in accordance with paragraph 141 of the NPPF). Conservation otherwise welcomes the proposed retention of the main entrance, the principal power house and a couple of workshops.

The submitted heritage and landscape assessments suggest that the development will be screened from Thoresby Park by the spoil heap (which is currently in the process of being landscaped in accordance with approval from the County authority). It is accepted that there is also substantial woodland enclosure on the south side of the Park which provides a buffer to the former colliery site. Nevertheless, the remnants of Chestnut Avenue which is aligned directly with the former colliery can be read and understood in the landscape as part of an early designed landscape. In accordance with paragraph 137 of the NPPF, the proposals should consider opportunities to better reveal this older planned landscape.

Conservation accepts that impact on Ollerton CA and designated heritage assets within it are not unduly affected by the proposal. This is significantly helped by the distance between receptors, as well as screening afforded by trees and topography. Moreover, the modern roundabout at the western end of the CA and modern adjoining development is such that the historic core of the CA is isolated from the fringes of Thoresby Park. Whilst the experience of travelling south provides a better appreciation of Rufford Park, the elevation railway cutting provides further separation. The distance between Rufford Park and the proposal site, furthermore, as well as the tree screening of the sensitive aspects of the Abbey grounds and the visual barrier created by rising land along the southern side of the B6075 ensures that the development will have a limited impact, despite the visibility of the spoil heap in longer views (potential landscaping will improve this). In this context, it is felt that the proposed development will not harm Ollerton CA or Rufford Park (and the many important heritage assets within it). Carr Brecks Farm is visually separated from the proposal site by topography, and it is better understood from the Nottingham Road side. The historic farmstead does derive setting interest from the wider landscape, but it is felt that the proposed development will not encroach upon this or be unduly prominent.

The proposal will have a more noticeable impact on the Local Interest building range at Black Hills Farm due to its proximity, although we recognise that the farmstead is set back from the road and does enjoy some tree screening. Paragraph 135 of the NPPF requires a balanced judgement and in this case the proposal is not likely to cause any harm to the significance of the Local Interest building.

Conservation recognises that the development may deliver significant public benefits. The NPPG explains that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 7). Public benefits should otherwise flow from the proposed development, and should be of a nature or scale to be of benefit to the public at large (and not just a private benefit). However, such benefits do not have to be visible or accessible to the public in order to be genuine public benefits. Public benefits can be heritage related, including development proposals that sustain or enhance the significance of a heritage asset (and the contribution of its setting), or where the development reduces or removes risks to a heritage asset or where it secures the optimum viable use of a heritage asset in support of its long term conservation (see paragraph 20 of the NPPG (ref ID 18a-020-20140306)). We therefore consider that the retention of some of the former colliery structures on the site could be a public benefit in this case, helping to sustain some of the industrial heritage interest of the site for future generations (this will need to be legally binding and deliverable to qualify as a benefit).

Summary of opinion

Overall, the proposed development will have some impact on the setting of designated heritage assets, notably St Mary's Church, a Grade I listed building, and on Edwinstowe CA.

This impact could be moderately adverse (less than substantial for NPPF purposes), but it is accepted that landscape mitigation, appropriate height restrictions, public benefits (in terms of colliery building retention) and opportunities to better reveal the significance of the Church and Thoresby Park (through layout) could reduce adverse impact to negligible (and therefore achieve preservation) .

If the scheme is amended or further clarified in light of the above observations, please reconsult us.

Following the submission of the addendum to the Heritage Statement Conservation is happy with the historic building record and deposit with Newark Museum (Presumably the Civil War Centre and our depositary on Brunel Drive).

NSDC (Parks and Amenities)

As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of up to 800 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), outdoor sports facilities (52.8m² per dwelling), allotments and community gardens (12m² per dwelling) and Natural and Semi-Natural Green Space. In addition, as a development within a 5km radius of the Birklands and Bilhaugh SAC there is a requirement for the provision of Suitable Alternative Natural Green Space (SANGS).

Provision for Children and Young People

Given the size of the development I would expect it to include a range of local and neighbourhood playing spaces equipped with play facilities for children and young people. The neighbourhood area(s) should include appropriate provision for young people such as skateparks and multi-use games areas. Chapter 3.8.2 of the Design and Access statement describes recreational areas, residential squares and playing fields where such facilities could be located but further details are required as to how this open space element will be provided.

Amenity Green Space

The Green Infrastructure Strategy for the development shows residential areas and green corridors which should provide suitable amenity green space.

Outdoor Sports Facilities

Chapter 3.8.2 of the Design and Access Statement shows an area of playing fields to the west of the site and an area of playing fields associated with the proposed primary school. However no formal sports pitches are shown nor any ancillary facilities such as changing pavilions or car parking. The wider site contains cycling and running trails which may be considered to count towards the outdoor sports facilities requirement however I believe that there is also justification for an off-site contribution towards the provision/improvement and maintenance of outdoor sports facilities in Edwinstowe.

Allotments and Community Gardens

There is no obvious mention of these in the documentation and the applicant should be asked to demonstrate how this open space element will be provided.

Natural and Semi-Natural Green Space/SANGS

The restoration of the former pit tips and the proposed country park will provide significant areas of natural and semi-natural green space and SANGS. However as outlined by both Nottinghamshire Wildlife Trust and RSPB in their comments on the application there is a balance to be struck between providing publically accessible green space and natural green space which will support rare and valuable wildlife communities. Given the sites proximity to extremely sensitive and highly protected conservation areas it is essential that this development does not put additional pressure on these areas and protects existing and future areas of high biodiversity value within the application site.

Following these comments additional information has been provided. At the time of writing we await a formal reply, albeit it has been verbally confirmed that the green space provision is satisfactory.

NSDC (Community Sports and Arts)

When we met with the developers I was of the opinion that there was a clear willingness to integrate the new development into the existing infrastructure of Edwinstowe so as to achieve a level of cohesion and connectivity and to also avoid duplication of community resources which I hope can still be achieved.

However, I am not sure there is sufficient detail available currently around the proposals for community facilities to base an objective view on and thereby providing a considered response. For example if there were to be a split of onsite provision and offsite contribution what would this look like. As an established and growing community Edwinstowe would welcome the opportunity

to contribute to the discussion around shaping the future improvements to its community infrastructure to ensure the best possible return to the community that this exciting scheme potentially offers. Accordingly the Parish Council has requested a meeting with myself and Phil Beard to discuss options and to put forward some well-reasoned proposals that the developers can consider.

Furthermore I have been made aware of the anticipated values for community facilities which are welcomed but there is a lack of clarity about what is being proposed other than the suggestion that the main provision is likely to be on site, further details would therefore be appreciated. When we met with the developer there was a discussion about the retained workshops, if this is the community facilities focus, what is proposed as the master plan suggests that this area is within Zone 2 which is designated as industrial development area.

There was also a discussion about the engagement of CRT, is this still the plan and what will CRT offer by way of community facilities as I am not sure workshops fit the policy guidance as set out in the SPD. There is also reference to an outdoor sports facilities contribution of £600,000 approximately and no doubt Phil will provide a view on this but I would assume that this money would be made available to improve and enhance the existing outdoor sport and formal/informal recreation provision within the village rather than new provision on site although again the master plan does not identify any significant sports pitch provision other than a reference to the sports pitches at the proposed school but how accessible would they be in terms of local provision.

Following the submission of an additional statement from the applicant the following comments have been received:-

I have the read the response from Steve Lewis-Roberts dated 14th September and I can confirm that the proposed allocation of community facilities monies is to be welcomed as per the proposals, ie £1,107,256.00 of which £607,256.00 will be allocated to off-site projects to enable improvements in the Edwinstowe village with the remaining £500,000 made available for on-site community facilities as part of the development of the community hub proposals. This proposal will significantly improve the community connectivity and cohesion between the new development and the existing community. Prioritisation of appropriate schemes and projects will be developed in consultation with Edwinstowe Parish Council and the wider community to enable the best return on the investment for the community.

38 individual representations (all of which raise objections and some of which include qualified support for elements of the proposals) were received in relation to the original consultation, which can be summarised as follows:

Principle

- Development too large for the area schools are already full and access to health centre difficult – requires more than one school
- Development would be intensive development, would be urban sprawl and a large scale extension of Edwinstowe towards Ollerton into the rural landscape which forms natural break between the 2 settlements
- Proposals will substantially change character and increase size of Edwinstowe
- A large part of the proposed housing development is on agricultural land and is not within the Brownfield footprint of the Thoresby Colliery site.

- Housing for local need has already been identified, permission has been granted for 102 houses with two more applications pending. Additional land has also been identified within the village envelope in the Strategic Housing Land Assessment.
- Development would never become part of Edwinstowe village community; it would be just a housing development between Edwinstowe and Ollerton.
- The development would completely change the character of the village
- The proposal doesn't accord with planning policies in terms of the need for these dwellings, employment, inappropriate development and not small scale, impact on landscape and infra structure, highways matters, loss of open space, impact on nature conservation assets

Health/Education

- No provision for services (which are already over stretched) other than a school
- Before any houses are built could there be at least a new health centre as existing Medical centre cannot cope with existing residents
- Extra schools and health facilities in the village should not have to depend on new housing
- The proposed school would increase traffic
- The proposed school would not compensate for 800 houses that could produce double that number of children.
- The proposed school is primary but there is no secondary school provision – secondary schools are already full

Highways

- Creation of further traffic hazard - Ollerton & Edwinstowe are already bottle necks,
- Increase in traffic which would further burden the road network which is already at overloaded capacity
- Impact on Ollerton Roundabout which is in urgent need of remodelling
- Impact on routes through Edwinstowe which are in need of improvement
- It would add to the congestion at the Ollerton Roundabout and the roads connecting Rufford Country Park, Sherwood Pines, Sherwood Forest and the whole Dukeries Area, these are the most popular tourist attractions in Nottinghamshire
- The village is already congested – additional traffic would bring it to a standstill
- There has been no joined up thinking regarding the access given the new RSPB visitor centre - the access is already extremely busy – plans should incorporate access to and egress from the RSPB parking from the same road as the Harworth development. It is then clear that one or two roundabouts would be required to facilitate traffic merging onto Ollerton Road. This must be preferable to jamming up the roads into and out of the main village and making Church Street/Swinecote Road
- The proposal would exacerbate existing parking issues in the village and would deter people for visiting the village for shopping etc.
- The traffic assessment fails to take into consideration the 500 homes built or pending construction, extra traffic on the A614 and A616 which are used as diversion routes and construction traffic.

Flood/Drainage

- Impact on existing sewerage systems which already have issues creating flood risk

Amenity

- The proposal would result in noise and air pollution

Ecology

- Proposed works abut SSI which would be harmed by noise and fumes during construction
- Development will produce large number of pets likely to kill/disturb wildlife
- Buffer zone required development and SSI
- Difficult to fully assess the impact on wildlife
- Site is adjacent to the Sherwood Forest Wildlife Site and is in close proximity to the Birklands and Bilhough Special Area of Conservation.
- Proposal makes a mockery of the policies that have been put into place to protect Sherwood Forest and the surrounding countryside in Local Development Framework, the Green Infrastructure Plan, and the plans for the Sherwood Forest Regional Park and the Sherwood Community Forest
- Proposal would fail to accord with vision on Sherwood Forest Regional Park and would have a detrimental impact on one of the most important sites in Nottinghamshire
- Detrimental visual impact on entrance of Sherwood Forest
- Publicity has been given to the SSI in the forest (hence the proposed closure of the current Visitors' Centre) so why are planners contemplating the vast change of an area which is within site of the village and its environs?
- The spoil heaps should not be considered as part of the green spaces included within the applicant as the County Council are committed to landscaping them which leaves relatively little green space for a development of this size.

Other

- The proposed retail element would detrimentally impact on shops in the village, causing shops to close
- This site could generate environmental, economic and social benefits of both local and national significance – there is golden opportunity to develop this site for visitor and local use, a destination for leisure, recreation and tourism, whilst conserving, enhancing and protecting the natural landscape and the Wildlife and Special Areas of Conservation.
- This is a rushed through application for a major lasting development, almost a new village.
- Notwithstanding extensive consultation no 3rd party comments appear to have been listened to
- It is noted that the local plan is currently being reviewed the application appears to be an under the wire approach – there is an opportunity to liaise with partners to create a centre of excellence.
- A reduction in housing numbers would reduce impact on the village of Edwinstowe
- Nearby commercial and retail units are not fully utilised
- Infrastructure should be a priority
- This would be a good time for the reopening of rail connection to Edwinstowe and Ollerton
- There is a lack of forward planning
- No cohesion between the new community which would not be joined to the older community with older housing stock which will become less attractive to buyers.
- The application was submitted on 23rd December which meant that the consultation period began during the Christmas break
- Local housing need has been identified as being 200 which is met by developments within the village
- The village is becoming more like a town in character
- The proposal would impact on the wellbeing of local residents
- Impact on tenants farming the agricultural land forming part of the application site

- The site should be returned to nature as promised.
- The application site has contaminated land given its former use
- The existing infrastructure is inadequate for such a large development
- Transport links to Newark Lincoln Doncaster and Sheffield are not good
- No data has been provided regarding the commercial viability of the leisure/commercial facilities
- Employment creation will be neutral

2no. representations of support have been received subject to Ollerton Roundabout improvements, the development not detracting from the main community centre of the village and the provision of additional health and education services.

Comments of the Business Manager

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.

The applicant submitted a scoping/screening application in August 2016. Having considered the details set out in the scoping report, the District council considered that the proposal was likely to have some complex and significant environmental affects and thus a formal Environmental Statement was required.

An Environmental Statement (ES) has been submitted as part of this Outline Planning Application. The aim of an ES (also referred to as an Environmental Impact Assessment) 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 covers the following environmental issues associated with the proposed development:

- Non technical Summary
- Site Description
- Proposed Development and Alternatives Considered
- Summary Of Environmental Baseline And Assessment Of Effects
- Environmental Theme – Ecology and Nature Conservation
- Environmental Theme – Socio Economic
- Assessment Scope and Methodology
- Application site
- Proposed Development and Alternatives Considered
- Socio Economic Impacts
- Ecology and Nature Conservation

The ES considers the development in isolation but also in combination with a number of other assessment scenarios. These include the developments on allocated sites at Land North of Wellow Road Ollerton, Land adjacent to Hollie Close Ollerton, Land at the former Ollerton Miners Welfare, Land between Kirk Drive and Stepnal Heights and Hallam Road Ollerton, Boughton Industrial estate, Land at Rufford Avenue and Forest Road Ollerton, land to the east of Rufford Road and north of Mansfield Road Edwinstowe.

I am satisfied that ES provides sufficient information to enable a proper assessment of likely significant impacts, including cumulative impacts upon the environment. For the avoidance of doubt I have regard to the ES, its conclusions, and the required mitigation throughout my assessment below. I draw certain issues to Members attention in addressing each topic area.

EIA 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 in Chapter 4.

The main alternatives are consider to be

No Development Alternative

This refers to the option of leaving the application site in its current use and physical state. Without development the site would remain as a disused partly brownfield site in a locationally sustainable location in terms of proximity to Edwinstowe and given its remaining colliery infrastructure. Given that the Councils Local Plan Review seeks to allocate the site as a strategic site for mixed use development and push Edwinstowe higher up the settlement hierarchy; the need to meet strategic housing requirements; the need to maintain a five year housing land supply; the need to provide employment land in order to meet requirements; and the need to address a site which has large elements of brownfield land associated with it a 'no development' option is considered to be unrealistic and unsustainable.

If the proposed development does not come forward, it would be necessary for the Council to identify alternative locations to accommodate employment land and housing development in order to help meet its future employment and housing requirements. The Council could then face continued pressure for the release of housing and employment sites in less sustainable locations.

Given the current position with regards to the Local Plan Review it is my submission that the consideration of alternatives in this instance is most appropriately focused on the alternative land use arrangements within the site. What this application therefore proposes to do is assess the appropriateness of overall quantum and disposition of uses within the site.

Alternative Designs

The constraints and opportunities presented by the application site have been used to inform the design principles, which in turn have helped refine and structure the proposed development.

The main alternative design approaches considered have looked at alternative locations for the proposed primary school and playing pitches, and the inclusion of the visitors centre car park.

The masterplan is considered to 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.

The Principle of development

Members will be aware that a starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan **unless** (emphasis added) material considerations indicate otherwise

In this case the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). Neither of these documents identifies this site as allocated. Indeed, at the time of adoption the colliery closure had not taken place. I am therefore required, as a starting point, to explore the acceptability of this scheme in overall terms against the Council's current Plan. That said, there are clearly other material planning considerations to assess in this instance (as there are on all development proposals). As a matter of policy principle this includes that the Council is now well advanced in submitting to the Secretary of State an Amended Core Strategy, which does seek to allocate the site. I am also mindful that the Council's position with respect to 5 year housing land supply is material. Taking each matter in turn I offer comment as follows:

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 (dpa) 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 not only with our HMA colleagues but in association with all Nottinghamshire Authorities, is robust and defensible. It is noted that an Appeal decision in January 2016 disagreed with the Council's stance on attaching weight to an OAN of 454dpa. Since this time significant further work and qualification has been provided which has confirmed that the figure of 454dpa is both robust and appropriate. To this end all 3 of the HMA Authorities have now progressed their Development Plans to varying degrees, all incorporating the OAN figures agreed to make up the HMA requirement. As I detail elsewhere our proposed amended Core Strategy, which is underpinned in housing terms by the 454dpa figure, has now been submitted to the Secretary of State. An Inspector has been appointed and an Examination date is expected shortly. Furthermore, a recent Appeal Hearing decision (August 2017) has accepted that this Authority has a 5 year land supply against a 454 and 500dpa. Even at 550dpa that Inspector agreed that any shortfall in housing land supply would likely be made up.

For the purposes of planning decision making I must conclude that the Council has a robust housing target and deliverable supply against that target to such a degree that it has a 5 year housing land supply. Consequently, the Council's policies are not out-of-date for the purposes of decision making. That said, it is still open to this Council in an overall planning balance to consider schemes which significantly boost housing delivery, a key driver of the current Government. That is particularly the case in my submission when such sites are sustainable relative to the Council's settlement hierarchy; where there is no unacceptable planning harm, and where the proposals are supported and emerge via a plan-led, coherent, consulted-upon, comprehensive, and transparent

approach to planning and delivering growth. In this case the site is fully supported by this Council (officers and Members alike) given its promotion through the Amended Core Strategy. It remains open to Officers and Members to attach weight to this emerging policy (see below) and to the ability of this site to delivery (again see below).

Existing Development Plan.

The sites former use as a working colliery clearly makes it a former employment site, the redevelopment of which under the current Development Plan would see its status protected by Core Strategy Policy 6 which provides that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by maintaining and enhancing the employment base of towns, The site is also partly previously developed in nature.

With respect to employment uses it is clear that the site is contaminated given its former use. Such levels of contamination make a full employment use challenging, as confirmed in the overall viability appraisal submitted and independently assessed as part of this application. That said, the Council has worked with the applicant (and a range of other stakeholders, as set out in the applicants community engagement submissions and chronology) since the inception of the scheme to ensure that significant and critically deliverable (based on market conditions) employment uses are provided for on-site. The jobs created as a result of this application are estimated to be c1000. In addition, housing, open space, community facility and school infrastructure is proposed in order to maximise the brownfield elements of the site.

In terms of brownfield land Members will be aware that the National Planning Policy Framework defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

In this case the proposals for the housing and employment uses (the developable areas) is focussed to the former pit head and the two fields between it and Ollerton Road (this is notably also in accordance with the emerging Policy ShAP4). The former spoil heap will be restored to a range of natural habitats and the provision of a Country Park covering an area of approximately 99 hectares.

The illustrative masterplan shows that the majority of proposed built form will be focused on the former pit yard. A plan has been requested and submitted to demonstrate the extent of brownfield land. This illustrates that 89% of the built development, as defined on the ES Parameters Plan in the accompanying ES, will be on previously developed land. The elements of the site which are greenfield are somewhat perversely to the front of the site, between the former pit head and the main road. If one accepts the principle of development on the brownfield elements of the site, I consider that the scope and function of this residual agricultural land is diminished to such a degree that their loss in an overall planning balance should not be fatal to the

scheme. The land is not the most versatile and high quality and also forms part of the emerging allocation.

Members will be aware that Government policy (notably one of the 12 core planning principles in the NPPF) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. This is repeated at paragraph 111 of the NPPF in the context of planning policies and decisions, which also advises LPAs to consider the case for a locally appropriate target for the use of the brownfield land. The chronology of the brownfield land debate and the central Government push for its appropriate redevelopment is helpfully summarised by the applicant in a letter to the Council during the lifetime of this application. I therefore quote from this to capture the position.

“Emerging Policy

As part of the consultation on proposed changes to the National Planning Policy Framework, the Government proposes:

“to ensure that all possible opportunities for brownfield development are pursued, we proposed to make clearer in national policy that substantial weight should be given to the benefits of using brownfield land for housing (in effect, a form of “presumption” in favour of brownfield land). We proposed to make it clear that development proposals for housing on brownfield sites should be supported, unless overriding conflicts within the Local Plan or the National Planning Policy Framework can be demonstrated and cannot be mitigated.”

The increasing weight to be afforded to housing proposals on brownfield land is also a key aspect of the Housing White Paper of February 2017. At paragraph 1.24 the Housing White Paper it states:

“we must make as much use as possible of previously developed (“brown field”) land for homes – so that the resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside.”

Going further, paragraph 1.25 states:

“the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk).”

This goes on to state that the Government will make clear that the Framework will be amended to give great weight to the value of using suitable brownfield land within settlements for homes.

On 5 June 2014, the Government introduced new legislation designed to encourage investment in Britain’s infrastructure and ‘Get Britain Building’. The Infrastructure Bill amongst other things sought to make it easier to sell surplus and redundant public sector land and property to help build more homes on brownfield land.

This push to ‘get Britain Building’ was further noted in the Right Honourable George Osborne annual Mansion House Speech of June 2014. In his speech, George Osborne spoke about the economic performance of the UK over the past year and as part of this he noted a need to increase the supply of homes: *“Last week we saw permissions for new homes rising by 20% in a year. We’ve got the biggest programme of new social housing in a generation; we’re regenerating*

*the worst of our housing estates; and we've got the first garden city for almost a century underway in Ebbsfleet. Now we need to do more. Much more. We have beautiful landscapes, and they too are part of the inheritance of the next generation. To preserve them, we must make other compromises. If we want to limit development on important green spaces, **we have to remove all the obstacles that remain to development on brownfield sites. Today we do that with these radical steps. Councils will be required to put local development orders on over 90% of brownfield sites that are suitable for housing.***" (My Emphasis Added).

In a Government Response to inappropriate development on the Green Belt (August 2014,) The Right Honourable Brandon Lewis MP said that *"Local plans are now at the heart of the planning system, so councils decide where development should go. There is enough brownfield land to deliver up to 200,000 new homes, and councils should be using their powers and the support that's available from the government to prioritise development on these sites, and defend our valuable countryside against urban sprawl."*

The Government published a Press Release on 6 October 2014 which underlined the Government's commitment to protecting the Green Belt from development. The guidance reaffirmed how Councils should use their Local Plan, under the protections of the NPPF, to safeguard their local area against Urban Sprawl and protect the green lungs around towns and cities. The Right Honourable Sir Eric Pickles commented that this *"Guidance will ensure councils can meet their housing needs by prioritising brownfield sites, and fortifying the green belt in their area"*.

On 28 January 2015, the then Housing and Planning Minister Brandon Lewis announced a multi-million pound fund to help provide 200,000 new homes on brownfield sites across the country. In his Press Release Brandon Lewis said *"Our efforts to get the country building again are working – housing starts are at their highest since 2007 and climbing. But we need to do more, delivering more homes while at the same time protecting our precious green belt. That's why today I'm taking steps that will help to make enough brownfield land available for 200,000 homes up and down the country, creating the homes and jobs communities want and need."*

Between 28 January and 11 March 2015, the Government consulted on proposals for 'Building more homes on brownfield land'. The consultation sought views on the Governments proposals to identify suitable brownfield land and share data openly and transparently. The consultation document was closely followed by a planning update from the Right Honourable Sir Eric Pickles (25.03.2015) in which he noted that *"We are clear that brownfield land that is suitable for housing has a vital role to play in meeting the need for new homes and have challenged local authorities to have Local Development Orders in place on more than 90% of brownfield land suitable for new homes by 2020. We have agreed funding for those local authorities who successfully bid for funding to help deliver 200,000 new homes on brownfield sites across the country. These councils will deliver Local Development Orders for housing on brownfield land which will help to speed up the delivery of housing on these sites"*.

At the 2016 Conservative Party Conference held between 1 and 4 October in Birmingham, Sajid Javid announced £5bn of support for the housebuilding industry and highlighted the Government's commitment to developing brownfield sites. In his speech he said that *"we will bring forward a package of measure to encourage urban regeneration and to build on brownfield land. **We want to radically increase brownfield development and bring back life to abandoned sites**"* (My emphasis added).

On 7 February 2017, The Department for Communities and Local Government published a Housing White Paper (HWP) 'Fixing our broken Housing Market' which set a clear intent by the Government to *"make as much use a possible of previously-development ('brownfield') land for homes so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and limit pressure on the countryside"* (Para 1.24).

The Housing White Paper goes on to that that *"The presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To make this clear, we will amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes"* (Para 1.25).

The HWP highlights that "authorities and applicants need to be ambitious about what sites can offer, especially in areas where demand is high and land is scarce, and where there are opportunities to make effective use of brownfield land" (Para 1.52).

Building upon the recently published Housing White Paper, the Government have committed to speeding up house building and one approach which they have taken to meeting this target is the promotion of Brownfield sites for development. On the 3 April 2017, in a press release to the technical consultation on the implementation of the Housing and Planning Act, (chapters 2 and 3 on permission in principle and brownfield registers), The Right Honourable Gavin Barwell said; "We need to build more homes in this country so making sure that we re-use brownfield land is crucial. **We want to bring life back to abandoned sites, create thousands more homes and protect our valued countryside.** These new registers will give local authorities and developers the tools to do this" (My emphasis added)."

I do not need to rehearse further the support for the redevelopment of previously developed land. That remains the case in the NPPF (and its proposed revisions) and will be the case in both this and emerging Development Plan. Paragraph 215 of the NPPF advises that due weight should be given to emerging policies according to their degree of consistency with the Framework. As set out below the redevelopment of the former Thoresby Colliery site is consistent with the Framework and weight should be given to policy ShAP4 in the determination of this planning application. I attach significant weight to the schemes appropriate redevelopment of this site, subject to the site specific and environmental considerations which I shall deal with below.

Emerging revised Core Strategy DPD.

Thorseby is a proposed new SUE allocation in the Amended Core Strategy. The site has been part of the Council's Plan Review process since Preferred Approach - 'Strategy' Consultation (29th July - 23rd September 2016). The Council published a Draft DPD for a period seeking representations between 17 July and 1 September 2017. Following this, on the 29th September 2017 the Drafted Amended Core Strategy was submitted to the Secretary of State. At the time of writing there remains only one objection (from Nottinghamshire CPRE) to the principle of allocating the site.

Members will be aware that paragraph 216 of the NPPF allows weight to be attached to emerging policy subject to a set of tests (stage of preparation, extent of unresolved objection and degree of consistency with national policy). In terms of the stage of preparation a Drafted Amended Core Strategy is well advanced (with Examination and Inspectors report remaining). In submitting the Strategy Officers and Members have satisfied themselves that the proposals are NPPF compliant. It is true that an unresolved objection means that full weight cannot be attached to the emerging policy in determining principle in this instance. That does not mean, however, that it should

attract no weight. Indeed, the policy remains at an advanced staged. When coupled with the ability of the site to significantly boost housing supply (in an otherwise sustainable location in terms of geography and infrastructure), the fact that this brings back into use brownfield land, the economic and social benefits of the proposals (which will counter to a degree the impact of the pit closure and the consequential impacts on the community and economy), and the sites acceptability in all other respects (as I rehearse below) I conclude that the principle of the development of the site for the range of uses proposes is acceptable in this instance.

Land use Character Areas, 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, Land Use distribution plan and the indicative phasing plan shown on p51 of the Design and Access Statement deposited with the application. This does allow a broad assessment of the character of the proposed land uses and expected phasing of development.

Residential development would be likely come forward in phases as outlined below:-

PHASING AREAS:	RESIDENTIAL NUMBERS:
1. 8.2 Hectares (20.28 Acres)	194 DWELLINGS
2. 10.15 Hectares (4.1 Acres)	94 + 17 DWELLINGS
3. 5.4 Hectares (13.36 Acres)	130 DWELLINGS
4. 5.0 Hectares (12.25 Acres)	120 DWELLINGS
5. 4.6 Hectares (11.33 Acres)	109 DWELLINGS
6. 1.8 Hectares (4.36 Acres)	65 DWELLINGS
7. 3.3 Hectares (8.10 Acres)	71 DWELLINGS
	TOTAL OF 800 DWELLINGS

The mix of housing types will be dealt with at reserved matters stage, although this is envisaged to include a mix of house types from 1-5 bed properties. Affordable housing is proposed, although the details of this would again be a matter dealt with at reserved matters stage and would be subject to viability and 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 (circa 30.65 hectares) the maximum number of dwellings would represent an average density of c30 per hectare which would accord with policies NAP2 and CP3, which seek to achieve average densities of between 30-50ph. I am therefore satisfied that the quantum of development proposed is appropriate.

The employment development land of some 8.11 hectares is located to the south-eastern corner of the site. The Master Plan indicates that this would deliver circa 250,000 sq. ft of commercial space.

The ‘Heart of the Community’ comprises circa 1.74 hectares of land which includes a mix of leisure and community use together with circa 500 sq. feet of retail use and would is shown to form Phase 8 of the development. It is located towards the northern perimeter of the built form, between phases 5 and 7 of the residential element of the proposal and directly adjacent to the

country park. Several existing buildings will be retained within this zone retaining reference to the historic mining legacy of the site and considered to form a social hub within the development.

An area of circa 1.3 hectares of land to the western edge of the site is shown make provision for a primary school building and associated playing fields.

To the north of the site is circa 99 hectares of former spoil heap which is currently undergoing a restoration scheme agreed with Nottinghamshire County Council and is shown on the Master Plan to form a new country park and will form the main areas of public open space.

The site benefits from existing green infrastructure. Primary and secondary green infrastructure is defined on the Master Plan as green corridors crossing through the site and an existing framework of vegetation within the site. The Green Infrastructure framework will have three distinct zones which will draw on the local landscape and industrial legacy of the site.

Play areas are proposed to serve the residential zones and playing field/pitches associated with the proposed school site are shown on the latest indicative layout.

In terms of scale, this is indicated as being a maximum of 10m for the residential zones (which equates to 2-2.5 storeys), a maximum 10m for the employment zone, a maximum of 9.5m for the proposed primary school and 12m for the 'Heart of the Community' 12m. Again these are indicative at this outline stage and will be set at reserved matters.

It is not considered that the disposition of the development 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. Indeed, the uses in the form proposed have been tested via the submitted ES.

The broad disposition of land uses and indicative phasing is considered to be 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 and concerns in relation to the impact of the proposal on existing infrastructure, not surprisingly in particular to impact on health facilities (which are already perceived to be deficient), the highway network and education facilities.

Members will be aware that it is not for this scheme to resolve existing problems. It is however necessary to ensure that the development does not make any 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.

The forecasted increases in population over a 10 year construction period has been calculated as being circa 36% which equates to some 1,856 people. It is acknowledged that such an increase, without any mitigation would put unacceptable pressure on existing services and facilities within the existing settlements.

In relation to health impacts, the ES acknowledges that the proposal will have a potential impact on health in terms of additional and increasing pressures on existing health care services in the local area. Appropriate developer contributions are proposed to improve health facilities in the area and as an integral part of the scheme a design approach has been taken to encourage a healthy and active lifestyle. The proposal is considered to have a *minor beneficial effect*.

In terms of education, although it is not possible to calculate the exact number of school age children the proposal will generate, there will clearly be an increase in numbers and thus there are implications for local schools. NCC has confirmed (based on accepted methodology for calculating pupil numbers generated by a development contained within the Council's SPD) that the proposal would yield 168 primary and 128 secondary places. Although there is sufficient capacity at the local secondary school at Ollerton (and in any event secondary education falls within the remit of CIL), these additional primary spaces cannot be accommodated in existing schools.

The applicants have provided for a school site of sufficient size to accommodate a one form entry school (210 pupils). This issue is that this is a school which is technically larger than that is required. The issue in this case is that this development will, based on agreed methodology, generate 168 pupil places. As Members will be aware schools sizes come forward in half form entries (105 pupils, which under the free schools agenda are very difficult to attract sponsors to), 1 form (210 pupils), 1.5 form (315 pupils), and 2 form (420 pupils) entries. One cannot build a % of a school and thus, whilst in S106 formula terms the applicant would normally provide for £1.92m of school contributions (the SPD formula requires the number of houses to be multiplied by a set amount to get the £1.92m) in this case the Council needs to secure the physical provision of a school. To do this the school must be of a one form size (210). This physical provision costs £3.6m.

Turning to other elements proposes I note and agree with conclusions within the socio economic impacts of the ES, which identifies the provision of housing and the generation of employment opportunities would have a beneficial effect through the provision of housing and to provide economic growth in the District. This is similarly the case with the provision of the 'heart of the community' by the creation of a range of recreational facilities with social hub for both residents and visitors.

The ES notes that the proposal would generate additional demands for public open space. The development proposes a new country park together with open space within the built development which the ES considers to have a *moderate beneficial impact*.

A range of mitigation measures are therefore being offered to counteract any negative socio economic impacts. The application will make significant contributions to local infrastructure such as the provision of land together with the new primary school, and developer contributions towards health facilities and sports and community facilities. 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.

Overall the ES concludes that the proposal would provide for a new sustainable neighbourhood incorporating education, community and leisure facilities, alongside new housing and employment opportunities. As a result the socio-economic impacts are likely to be positive, with any potential negative impacts addressed through the provision of appropriate and necessary contributions as part of a section 106 agreement. I would concur with this assessment.

Impact on Highways Network

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport and includes that development proposals should include safe, convenient and attractive access for all be appropriate for the highway network in terms of volume and nature of traffic generated. This is reflected within the emerging Spatial Policy 7.

One of the most significant and understandable concerns raised by local residents is that of impact of the proposal on the highway network given the scale and nature of the development. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG and Development Plan Policies. Policy ShA4P of the Publication Amended Core Strategy states that development should have a provision to minimise the impact on the existing transport network.

The applicant has held extensive pre and post application meetings and discussions with both Highways England and NCC Highway Authority and the LPA has led and coordinated a number of meetings between the applicant (Harworth), their Highway Consultants ADC and NCC as Highways Authority. Baseline traffic flows have been identified together with proposed traffic generation for each of the proposed land uses and the applicants have provided a Transport Assessment dated December 2016. A further addendum was produced in April 2017, the details and conclusions of which are discussed further below.

It is important to also note that any highways mitigation sought must be necessary and attributable to the impacts of the development being promoted. It is not for a development to fix existing infrastructure issues albeit it is incumbent upon the LPA, in conjunction with the highway authority, to ensure that any existing deficiencies are not unacceptably worsened. 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

The construction phase of the development will obviously give rise to traffic and transport impacts. It is acknowledged that the build period will span comprising several phases over circa 10 years and thus will undoubtedly represent a major construction project in the local area potentially creating disturbance to the local community and other road users.

The principal elements of construction traffic is likely to comprise; HGV traffic transporting materials and plant; the removal of surplus excavated material and waste; as well as staff and operatives transport.

The revised Master Plan shows 2 no. temporary construction access points from Ollerton Road either side of the existing access into the former colliery site. This will allow the existing access to be retained solely for use by works traffic clearing the former pit yard area during the early phases of development.

A condition is recommended should permission be granted requiring the submission and approval of details of a Construction Management plan to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction traffic. This will include, but is not limited to; details of vehicle routing and hours of construction; construction noise and dust management and details proposed site compounds.

Impacts from Operational Development and Mitigation (including Cumulative Assessment)

The ES and Transport Assessment seek to identify anticipated highway impacts and thus likely mitigation/intervention required to address the issue. The study area comprises:-

A616 Worksop Road/B6034 Swinecote Road T-junction
A6075 Ollerton Road/ Church Street/High Street crossroads
A6075 Mansfield Road/West Lane T-junction High Street/West Lane T-junction
A6075/A614/A616 roundabout (known as Ollerton roundabout)
A614 Old Rufford Road/B6034 T-junction
B6034/B6030 crossroads
A1/A614/A57 interchange
A1/B6387 Elkesley interchange.

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 percentage 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 TA identifies a number of locations where it is predicted there would be significant increases in traffic flow as a result of the development, even with mitigation. Significant increases in traffic do not in-themselves dictate that a scheme is unacceptable. The key test is whether any increases cannot be safely accommodated within the constraints (with and without mitigation) of the highway network. The results show that there would be significant increases in traffic at the following locations:

- The A6075 Ollerton Road/Church Street/High Street
- The 5 arm Ollerton roundabout (interchange between the A614, the A616 a
- South of Edwinstowe, the A614 Old Rufford Road/B6034 Rufford Road junction

The 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 when fully operational, the following mitigation measures are required in order to bring any impacts to an acceptable level.

- The A6075 Ollerton Road/Church Street/High Street junction - it is proposed to upgrade the control system of this junction, together with improvements to the neighbouring A6075 Mansfield Road/West Lane junction, to MOVA to mitigate the development impact.
- The Ollerton roundabout - Nottinghamshire County Council have designed an improvement scheme, which would be capable of handling the development traffic. Harworth will contribute to the delivery of that scheme based on traffic flows through the roundabout which are directly attributable to this development. NCC, as highway authority, accept that it is for them, in consultation with other stakeholders (which includes NSDC and the applicants) to deliver the full roundabout scheme. Members will note that NSDC have submitted a bid for grant funding to unlock this infrastructure with

the full support of NCC and applicant via the Housing Infrastructure Fund. A decision is expected by the end of this calendar year. NCC have suggested a trigger that would restrict build out and occupation of this scheme until Ollerton Roundabout works are implemented. The trigger currently stands at 150 residential units and ¼ of the employment occupation, albeit NCC as highway authority have accepted that further negotiation on this could take place at a later date.

- South of Edwinstowe, the A614 Old Rufford Road/B6034 Rufford Road junction would operate over capacity in 2026 with the development in place. However, improvements to the Ollerton roundabout would eliminate some of the rat-running through this junction that would improve its performance and therefore no mitigation is proposed. At the A1, traffic increases would be unaltered.

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.

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 ShAP4 of the Publication Amended Core Strategy provides that development should maximise opportunities for sustainable travel and increasing non car use, achieve suitable access to local facilities and will include improvement to passenger transport links to nearby communities together with safe, convenient pedestrian and cycle routes within and adjoining the development.

A Framework Travel Plan (TP) for both the residential and employment elements of the proposal has been prepared and accompanies this application which sets out the long-term management strategy for the site to deliver its sustainable transport objectives.

The submissions make clear that the scheme has sought to encourage travel by sustainable modes.

There are good opportunities for pedestrian and cycle travel to and from the site, with employment, health, education and retail facilities within walking distance, and appropriate infrastructure provided along the desire lines, including footways and traffic-free public footpaths and bridleways. There are opportunities for bus travel, with regular bus services running along the A6075 Ollerton Road. To facilitate sustainable travel, footways would be provided throughout the development, and pedestrian/cycle connections would be made onto the existing public rights of way surrounding the site. The existing bus stops on Ollerton Road will be within walking distance of all residents and employees

Substantial sustainable travel infrastructure, including new footways, new cycleways, and improved and new bus stops will thus be provided as part of the development.

The proposed development would generate 103 pedestrian journeys, 13 cycle journeys, and 41 public transport journeys during a peak hour. These additional trips can be accommodated by the existing infrastructure and the proposed measures.

There are regular bus services running along the A6075 Ollerton Road. In terms of existing infrastructure the nearest operational bus stops to the proposed site are located on the A6075 Ollerton Road at the existing site access junction within 400m of the majority of the application site. There are other bus stops regularly spaced along the A6075 Ollerton Road. These serve the Sherwood Arrow, 14, 15 and 15A services, all of which are run by Stagecoach. All of these services run on an hourly basis throughout the day, apart from the 15A service which runs hourly on evenings between 18.48 and 22.48, but only from Monday-Saturday.

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 will be appointed by the applicant to co-ordinate the implementation and monitoring of the residential Travel Plan across the different phases of residential development, which will be constructed by different developers. The role will commence when the construction of the first residential dwelling begins until five years after 50% occupation

The applicant will also require each individual developer to appoint a Travel Plan Manager to work with the Coordinator. The Coordinator and managers main role would be to maintain Travel Plan promotion and awareness raising.

It is noted that provision is being made towards aspects of public transport in the form of the access design, the existing bus stops being modified to remove the layby and the provision of a new section of footway on the southern side of the carriageway along with a new bus shelter. A traffic signal controlled pedestrian crossing would also be provided to improve the opportunity and safety for pedestrians accessing the bus stops.

As part of the new eastern access junction design, bus stops with timetable information and shelters would be provided to the east of the junction.

Within the site itself the design philosophy for the masterplan has been to maximise the potential of the existing infrastructure within the site, and its connections to the existing external infrastructure. Accordingly, the existing railway cutting on the site will be altered to provide an off-carriageway pedestrian and cycling route through the site, linking with the A6075 Ollerton Road to the southwest, internal roads at various locations, external bridleways and providing sustainable connectivity with the new Local Centre and Country Park.

To the west of the site a pedestrian/cycle route will be secured and delivered by the development, to link the site with the proposed Sherwood Forest visitor centre development, providing a further route into the centre of Edwinstowe.

As part of the scheme, it is proposed that the western access road will be designed as a boulevard style route, providing a gateway to the development with excellent pedestrian and cycling facilities on both sides of the carriageway, including crossings where appropriate. The eastern

access will also be designed to cater for pedestrians and cyclists with a three metres wide shared footway/cycleway on one side and a two metres wide footway on the other.

Away from the main accesses, to encourage pedestrian travel, two metres wide footways would be provided on both sides of all internal roads. Footways and shared space environments would be provided in accordance with Manual for Streets.

Two new bus stops would be provided east of the eastern access with a pedestrian refuge island to assist with crossing the A6075 Ollerton Road.

The construction of the development is anticipated to begin with the residential and employment zones closest to the A6075 Ollerton Road, and bus users will use the bus stops on the A6075, which are within walking distance. However, as site is built out further, it is proposed to bring one or more bus routes through the site, making use of the loop design. Bus stops would be located so that the entire site is within 400 metres of a bus stop, and to ensure that the proposed Primary School would be effectively served along with the Local Centre and country park.

The comments of the NCC Rights of Way and the Ramblers are noted with regards potential obstruction of footpaths 16 and 24. This can be controlled by condition should Members be minded to grant permission.

Impact on 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, promotes the appropriate management of features of major importance for wild flower and fauna, provides suitable SANGs to reduce visitor pressure on the Districts ecological, biological and geological assets (particularly for 5kms around the Birklands and Bilhaugh SAC) and which supports the development of green infrastructure.

This aim of this is reflected in the emerging Core Policy 12 of the Amended Core Strategy. Policy DM7 of the DPD also seeks to protect, promote and enhance green infrastructure in line Core Policy 12 whilst policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Furthermore emerging Policy ShAP3 – Land at Thoresby Colliery of the amended Core Strategy requires that the nature of conservation aspects must be addressed given the sites location close to designated conservation sites and that development should not put additional strain on the Sac or NNR. The provision of SANGS will also be required to serve day to day recreation needs.

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.

Impact on hedgerows

Policy ShAP3 of the publication amended core strategy identifies the need for the maintenance and reinstatement of former field hedge boundaries to mitigate the impact of the proposal. There are existing lengths of mature hedgerow of varying condition to the boundaries of the site with a section dividing the southwestern corner into two parcels and a shorter section dividing the eastern parcel of agricultural land from the wider area. The ES confirms that the proposal would result in the loss of some 266m of hedgerow which is anticipated would result in a moderate negative impact. However, It is noted that as outlined in the ES that the proposed landscape scheme will incorporate the retention and enhancements of existing hedgerow and the creation of linear features and green corridors within the development which would mitigate any losses and which would connect habitats and wildlife corridors resulting in a beneficial residual effect on hedgerows. This can be secured by condition.

Impact on Trees and Woodland

The landscape strategy proposed by the applicant provides watercourses and tree and shrub planting which would provide habitat connectivity from east to west across the application site, creating wildlife corridors through the proposed development and linking surrounding ecological sites to the new Country Park.

It is noted that the indicative landscaping proposal comprises the use of 'Forest', 'Heathland' and 'Industrial' character zones within the development which is generally welcomed. However, it has been suggested by NE, NCC and NWT that further tree planting details are deposited at Reserved Matters stage to ensure that appropriate species are used and that there is no negative impact on the SSIs and SAC.

Precise details of landscaping will be submitted as part of any Reserved Matters application and further consultation will be undertaken at that time. For the avoidance of any doubt, particularly with respect to tree and woodland loss (picking up on comments from the Woodland Trust) it is recommended that a planning condition be attached to any consent requiring that any tree and hedgerow is identified and justified as part of the reserved matters approval process.

Ecology

The ES is accompanied by an extended Phase 1 Habitat Survey together with a number of field surveys undertaken between June and September 2016 and a protected species risk assessment.

A desktop study was undertaken for existing ecological data regarding both statutory and non-statutory protected species, designated sites and habitats of nature conservation interest. Appropriate search radii were established at between 2 and 3km. This revealed the following statutory sites;-

Special Area of Conservation (SAC) Site of Scientific Interest (SSI) - Birklands & Bilhaugh

SSI - Thoresby Lake

SSI - Birklands West & Ollerton Corner

National Nature Reserve (NNR) - Sherwood Forest

Local Nature Reserve (LNR) - Cockglode & Rotary Wood

LNR - Sherwood Heath

LNR – Rufford Country Park

Indicative Core Area (ICA) / Important Bird Area (IBA) – Sherwood ppSPA (potential special protected area)

The survey revealed 7 non designated sites, the closest being Local Wildlife Site) (LWS Birklands & Bilhaugh although all were within 2m of the site.

The scope of the ecological survey also takes into account the previous surveys undertaken to inform the application for the spoil heap restoration scheme.

Both Natural England (NE) and Nottinghamshire Wildlife Trust (NWT) have provided detailed comments on the application, as noted in the consultation section of this report.

SANGS

The ES states that SANGS are to be provided as part of the development which is of a quality and type suitable to be used as natural green spaces by residents and visitors as an alternative to the Birklands and Bilhaugh Special Area of Conservation (SAC) located to the west of the site. It is intended to provide alternative green space to divert visitors from visiting the SAC and to provide mitigation for the potential impact of residential development by preventing an increase in visitor pressure on the SAC. 107ha of SANGS is proposed for the development.

The provision of SANGS and a minimum of at least 400 metres between the built development and the nearest SSSI/SAC are positively welcomed by Natural England who also supports in principle the provision of the proposed green space as part of this development for both recreation and nature conservation. Natural England considers that the proposal will not have significant adverse impacts on these designated sites.

NWT concurs with NE with regards to the separation between the proposed development and the Special Area of Conservation (SAC) and acknowledges the good works being undertaken in relation to the current pit top restoration scheme and the proposed green infrastructure. Initially concerns were raised by the Trust with regards to the proposal that the entire pit tops and proposed green infra structure should be considered as SANGS as this was thought to be incongruous with aims and objectives of the restoration scheme and that it would undermine the value of habitats for rare ground nesting birds. It is noted that details of fencing and barriers to zone levels of activity and a visitor management strategy were requested by the Trust which were to be agreed at outline stage given that the level of activity and disturbance the proposal would create would be likely to be greater than that originally anticipated under the terms of the restoration scheme. However the Trust has subsequently advised that this would be more appropriately dealt with at reserved matters stage.

It is noted that the NCC Ecologist also raises the matter of SANGS and the inclusion of the pit tip restoration and recommends that details of how recreation will be controlled and managed are required to be secured by conditions.

The RSPB comments reflect those of the NE, NWT and NCC in terms of the SANGS. It is noted that minor concerns are raised with regards to the SANGS proposal to include the pit tip restoration scheme and access to the SANGS. Again their recommendations can be secured via condition should members be minded to grant outline permission.

The Phase 1 Habitat Survey deposited with the application refers to a number of proposed mitigation measures in relation to the SANGS such as footpaths within the site being located so as to keep walkers and dogs away from sensitive areas, an area being designated to allow dogs to run freely away from sensitive areas together the introduction or enhancement of water features located so as to deter cats from entering sensitive areas.

Taking the above into account it is considered that the conditions suggested within the consultee responses to safeguard the SANGS and to secure how the use of these will be controlled and managed, together with measures mitigate impacts on sensitive areas are wholly necessary and reasonable.

Protected Species Impacts

The ES and Extended Phase 1 Habitat Survey deposited with the application is considered to be thorough and comprehensive. Standing advice (Natural England) has been used to assess the impacts upon protected species. NWT has advised that they are generally satisfied with the methodologies used and the conclusions reached. RSPB are also satisfied with the breeding and wintering birds survey that has been deposited with the ES.

Badgers

Survey work indicated that although there were no badger setts within the site there were signs that they foraged in the peripheral habitats and that they would be likely to use features such as the disused railway line to move onto the site. Due to underlying substrates and that the industrial land provides very poor habitat it is unlikely that the site is an important resource for local badger population. It is noted that mitigation measures are proposed as noted within the Ecology Survey which include a badger survey to be undertaken prior to the commencement of any development on the site and an increase in foraging habitat for badgers and hedgehogs.

The County Ecologist has also recommended that the LPA secures by condition a Badger Method Statement (outlining precautionary methods of working necessary to avoid adverse effects on badgers during construction).

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 ES concluded that trees within the site did not have any roosting opportunities for bats. The woodlands, plantation woodlands, scrub, semi-improved grasslands and hedgerows were found to have the potential to provide foraging habitat and flyways for local bats. The buildings to be demolished were assessed as not having any potential for roosting bats. Bat transects surveys found low levels of bat activity across the site.

The spoil heap and the application site comprise mostly buildings and bare sediment (inferior coal and spoil) and these areas are largely unsuitable for bats.

I note that the wildlife experts have raised no objections. It is also worthwhile pointing out habitat creation including woodland planting is proposed and the provision of bat tubes, bricks and boxes would be expected secured by condition on a phased basis together with an appropriate bat sensitive lighting scheme design.

Reptiles

The reptile survey findings recorded a small presence of common lizard. No other reptile species were recorded.

The County Ecologist has recommended that a Reptile Method Statement outlining precautionary methods of working necessary to avoid adverse effects reptiles during construction be secured by condition.

Amphibians

Common toads are recorded in the area but there are no records of protected species such as great crested newts in the local area. Ponds to the north east and to the north west of the site surveyed were found to be ephemeral in nature and are not suitable to support a population of great crested newts. Some of the ditched within the site hold pools of water and although they could be used by breeding frogs or toads but were considered sub optimal for great crested newts.

Mitigation measures are proposed in the form of the restoration of a pond to the north west of the site to provide suitable breeding habitats for amphibians and invertebrates discussed below. These can be secured by condition

Invertebrates

The surveys found that the pools and ditched near to the sub station building to the west of the site provides habitat for freshwater invertebrates and the soils storage area to the south of the site together with the birch/pine areas around the periphery of the site provide a good habitat for invertebrates. The large area of bare ground within the pit yard is largely unsuitable to support terrestrial invertebrates.

Mitigation measures include the restoration of ponds and the increase in acid grass land and heath will increase suitable habitats.

Fungi

The surveys found that fungi was predominantly associated with the peripheral tracks and paths and peripheral wooded areas.

Fungi were mostly associated with the peripheral tracks and paths through the wooded fringe. The peripheral birch-oak-pine areas appear to support a good range of mycorrhizal taxa and some notable species.

Birds

A breeding bird survey, winter bird and nightjar surveys were undertaken as part of the Phase 1 Habitat Survey

Breeding Birds

NE note that the proposed development is located in the Sherwood Forest Area in close proximity to habitats that have been identified as important for breeding nightjar and woodlark populations and support the approach that the Survey has undertaken in considering the potential impacts on these species and their habitats.

The ecology survey recorded a number of species of birds during breeding season. Mitigation measures include the provision of suitable and safeguarded habitat and measures incorporated into the design at both construction and operational times. Precise details of these measures can be secured by condition.

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 (in this instance March to September) 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. This is matter that should be controlled by condition. Similarly the provision of bird nesting boxes and artificial nest together with the provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development) can be secured by condition as suggested by the NCC ecologist.

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, some of which are noted above, would include restoration of woodland and the provision of new habitats, a restoration and provision of ponds (including the SUDs attenuation ponds) provision of ditches and liner watercourses and scrub planting to provide habitat connectivity across the site, wildflower grasslands providing opportunities for wildlife particularly for reptiles and amphibians.

I consider that the proposed ecological enhancements together with those suggested by NWT, NE and RSPB should be secured through condition on a phase by phase basis.

Air Quality and Ecological Impacts

The initial Air Quality Assessment (AQA) deposited with the application in December 2016 considered impact on the local air quality environment. Potential causes of air quality impacts were identified as being as a result of dust emissions during demolition/construction and from road traffic exhaust emissions as a result of vehicular traffic during operation. Dispersion modelling was undertaken to predict pollutant concentrations at sensitive human and ecological receptors both with and without development.

Air quality impacts on humans is considered later within the Air Quality section of this report.

Due to the presence of the ecologically valuable sites around the proposed development site additional analysis has been undertaken of the effect of the pollutants on these habitats.

With regards to ecological impacts the initial (AQA) was considered by NE, NWT and RSPB as having insufficient information to allow a full assessment of the air quality impact on the ecology and on sensitive habitats, in particular the nearby SACs and SSIs. The main concerns centred

around the key pollutant of nitrogen dioxide and oxides of nitrogen (NO_x) concentrations and to the methodology of the Assessment.

Following the receipt of the comments by the aforementioned bodies a series of meetings and detailed discussions were held between NE, the LPA and the applicant and subsequently a number of addendums to the Assessment have been submitted to address the concerns raised taking the advice of NE.

The latest AQA in the form of an In Combination Assessment dated 7th June 2017 has been deposited. This concludes that:-

‘Following submission of the original Air Quality Assessment¹⁴ and subsequent Technical Note¹⁵ in support of the Planning Application for the development, a consultation response was received from NE¹⁶. This indicated concerns regarding potential cumulative impacts on sensitive ecological designations as a result of atmospheric emissions from the proposals and other local sources. An In-Combination Assessment was therefore undertaken to address these comments by quantifying effects in the vicinity of the site.

Potential NO_x and NH₃ releases were defined from a number of sources based on information obtained from the relevant Planning or Environmental Permit applications. These were represented within dispersion models produced using ADMS-5 and ADMS-Roads. Impacts at sensitive receptor locations were quantified, the results compared with the relevant EQSs and the significance assessed in accordance with the relevant criteria.

Predicted annual mean NO_x concentrations and nitrogen deposition rates were below the relevant criteria at all receptors. As such, predicted impacts are considered to be insignificant, in accordance with the relevant guidance.’

NE concur that based on the information deposited the proposal will not harm the Birklands West and Ollerton SSSI or the Birklands and Bilaugh SSSI and SAC and therefore has no objection. Similarly the NWT now raises no objections subject to long term monitoring being secured which can be conditioned. The RSPB have now withdrawn their objection.

Taking this into account I am satisfied that the proposal would not result in a detrimental impact on air quality to such an extent as to harm nearby designated ecological sites.

Ecology Conclusions

A number of birds, mammals and invertebrates have been considered by the ES. NE, NWT and the County Ecologist overall raise no objection to the scheme subject to the suggested conditions. I therefore consider that subject to these suitably worded conditions to control the mitigation and enhancements identified and to safeguard the ecological value of the site and the nearby designated sites the proposal accords with the requirements of Policies and CP12 and DM7.

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. This again is reflected in the wording of the emerging Core Policy 13 of the Amended Core Strategy. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with Core Policy 13) and is a useful tool in assessing local landscape character in relation to specific sites. Policy ShAP3

of the Draft Amended Core Strategy recommends the development retains and potentially enhances of some existing landscape elements, maintains and reinstates former field hedge boundaries and that there is substantial buffering of existing and proposed restored semi natural landscapes.

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application.

The application site falls within two Landscape Character Areas (LCA) of the Sherwood region as identified within the Landscape Character Assessment SPD, namely Wooded Estatesland and Estate Farmlands. Landscape analysis has determined the Wooded Estateslands' LCA to be of medium to high value and medium to high susceptibility. Therefore, the LCA within the study area is considered to be of medium to high sensitivity in landscape terms. Turning the landscape analysis of the 'Estate farmlands' LCA this is considered to be of medium to high value and medium to high susceptibility. Therefore, the LCA within the study area is considered to be of medium to high sensitivity in landscape terms.

At the specific site level the site falls within the Birklands Wooded Estateslands regional character area (S PZ 25), as identified in the Landscape Character Assessment SPD.

The topography in this area is undulating with geometric pattern medium to large arable fields, trimmed Hawthorne hedges, large coniferous plantations, scrubby semi natural woodland and heaths and a strong health character. There are frequent views of wood skylines within this area. Landscape condition here is defined as good and there is a moderate sensitivity to change.

This is a large area which has a generally coherent pattern of elements with some detracting features. Thoresby Colliery and its associated spoil heaps are located to the east of the area.

There are several SINCs within the area as noted within this report.

The Landscape Actions within this area are to conserve and reinforce.

The LVIA identifies the key constraints and opportunities present in the site and surrounding landscape, and also the nature of the likely impacts that may arise from the proposed development. The LVIA has analysed the baseline information in the context of the proposed development and has informed the proposals for landscape mitigation. This concludes that the landscape impacts result from direct changes, limited to the site area, and associated with the change from the former colliery workings, spoil heaps and existing agricultural enclosures. The physical impacts of the proposal are considered in both negative and positive terms as, whilst the proposed residential and employment development will result in the loss of agricultural areas will be perceived as a negative influence on landscape character, the restoration of the spoil heaps and former workings (including removal of buildings) will remove a longstanding detracting feature from the landscape, which is positive. Furthermore, the proposed development retains key green infrastructure corridors and open spaces so as to retain (and enhance) the majority of vegetation across the site.

The assessment of impacts on landscape character has determined that the significance of effect on the 'Wooded Estateslands' and 'Estate Farmlands' LCAs will be 'negligible to minor beneficial'.

At a local landscape level the assessment concludes that the proposed development will result in a 'minor beneficial' effect.

In terms of visual impact, the LIVA has assessed the proposal from a number of receptors. Overall the significance of effect on visual receptors is considered to be limited and, from locations where the existing colliery buildings are prominent, there are also likely to be some beneficial effects. In other locations further from the site the LIVA notes that the contribution of existing screening reduces the potential visual impacts and generally the significance of such effects is limited overall. Furthermore, for the majority of views, the inherent mitigation for the scheme, incorporating green infrastructure and open space (along with strategic landscape planting) is successful in mitigating impacts in the longer term (once this is established).

The LIVA concludes that on balance, the proposed development and likely landscape and visual effects are considered to be acceptable in landscape and visual terms.

NNC Environmental Management and Design has reviewed and appraised the proposal and the LIVA. It is noted that again it is considered that the provision of the country park should not be considered as landscape mitigation of the development as it forms part of the tip restoration for the colliery agreed with NCC and which is currently underway. A significant proportion of the proposed additional landscape elements are retained existing vegetation rather than new planting which are proposed to be used to accommodate SUDs which are not considered to be typical of the wider landscape character. It is also noted that for this reason the NCC disagree with the conclusion of the LIVA that in terms of Character Area scale the impact will be negligible to minor beneficial and at a local level will be minor beneficial.

Taking the above into account I would concur with NCC that the proposed development will by its scale and nature result in significant change from a landscape of agricultural and semi-natural habitat to an urban development albeit within a landscape structure containing some retained elements (hedgerows, colliery access avenue etc.) and with adjacent establishing semi natural habitat on the restored tip. The comments of the NCC are acknowledged and it is therefore recommended that should Members be minded to grant outline permission that further robust detail with regards to visual and landscape impacts are submitted at Reserved Matters stage to ensure that a reduction in any perceived negative impacts is secured.

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.

Core Policy 14 of the Draft Amended Core Strategy reflects this guidance. Policy ShAP3 of this document requires that a proper assessment and recording of the historic value of the buildings on the site is carried out and identifies some nearby heritage assets advising that these will need to be considered as part of any application submission.

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 applicant has provided a Heritage Assessment which in terms of designated heritage assets concludes that:

'None of the designated heritage assets in the study area (including those within the Edwinstowe and Ollerton Conservation Areas) share any intervisibility with the site, nor any historic landscape association (Pls 25-6). There will be no aesthetic change within views of the wider setting of the designated assets. The current landscaping programme of the coal tip can only enhance the setting of these assets enabling it to blend in with the agricultural character of the surrounding landscape. The building development to the south of the coal tip and the colliery buildings will be well screened from Edwinstowe Conservation Area by trees so long as any new build is low-rise.'

The applicant has provided a Heritage Assessment. This together with indicative plans and details of the proposed scheme have been fully assessed by both Historic England, NCC Archaeology and internal colleagues in conservation with their comments listed in full in the above consultation section of the report.

Impact on Heritage Assets

The main issues to consider are:-

- whether the proposal would preserve the setting of nearby listed buildings, including the parish landmark of the Church of St Mary, a Grade I listed building;
- the impact the proposal would have on the setting of nearby conservation areas, including Edwinstowe and Ollerton Conservation Areas;

- the impact the proposal would have on the significance of the wider landscape setting of Thoresby Park and Rufford Abbey; and
- the impact on the significance of any non-designated heritage assets, including archaeological interest, Local Interest buildings and any industrial heritage remaining within the former colliery site.

Although the application site does not contain any designated heritage assets it is within 300m from Edwinstowe Conservation Area and within 400m of St Mary's Church, a Grade I listed building. There are also a number of other designated heritage assets within the wider area, namely Edwinstowe Hall (Grade II) to the north of the church which is prominent on approach to the CA from the north. Carr Brecks Farm (Grade II) to the southeast of the proposal site, and Ollerton Hall (Grade II*) and Ollerton CA within 1km to the east. Thoresby Park to the north is Grade I Registered, and Rufford Abbey Park to the southeast is Grade II Registered. There is also a Grade II listed landscape monument (to a horse) on the Budby Road, north of the colliery site. An area of archaeological interest lies to the southwest

In weighing the application a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset and to the archaeological interest.

The submitted Heritage Assessment concludes that: _

'None of the designated heritage assets in the study area (including those within the Edwinstowe and Ollerton Conservation Areas) share any intervisibility with the site, nor any historic landscape association (Pls 25-6). There will be no aesthetic change within views of the wider setting of the designated assets. The current landscaping programme of the coal tip can only enhance the setting of these assets enabling it to blend in with the agricultural character of the surrounding landscape. The building development to the south of the coal tip and the colliery buildings will be well screened from Edwinstowe Conservation Area by trees so long as any new build is low-rise.'

It is noted that the Conservation Officer disagrees with the comments within the Heritage Assessment which considers the impact of the proposal on the setting of Listed Buildings to be negligible given a lack of perceived intervisibility. However, direct intervisibility is not the only consideration when taking account impact. The Conservation Officer considers views to and from the church spire is important particularly on approach to the village from the north.

It is accepted however, that generally, there is no direct view of the proposal site from any listed building in the area other than from the church spire of St Mary but that the church can be seen from a number of receptor points within the area and therefore the proposal could have a dominating impact when seen in aspect with the entrance to the Conservation Area and the views of the church spire. Taking this into account and that the application site is in close proximity to the eastern edge of the conservation boundary the Conservation Officer considers that the proposed development would have some moderate adverse impact on the setting of the Church of St Mary and Edwinstowe CA, although based on the indicative details submitted this would be considered less than substantial harm. It is considered however that improvement to the layout and landscaping together with limiting heights of buildings would assist in reducing this impact.

Although scale parameters can be set in the determination of this outline application this together with landscaping details would be a consideration of the detailed reserved matters application.

The industrial heritage of the site and its relationship with Edwinstowe is also an important consideration. It is noted that the main entrance, the principal power house and some workshops are to be retained and incorporated into the site. Following concerns raised by Conservation with regards to historic building recording an additional desk based Heritage Assessment has been deposited which comprises a map regression exercise and documentary search to provide background information about the history of the Site. Conservation is now satisfied with the historic building record which will be deposited at Civil War Centre and the Councils depository on Brunel Drive.

Given topography, separation distances and existing screening it is considered that the proposal would not have undue or significant impact on other nearby heritage assets such as Ollerton CA, Rufford Abbey, Carr Breks Farm.

However it must be noted that any impact is by definition harm and this has to be balanced in the planning judgement. It is accepted that the proposal would bring significant public benefit in terms of bringing the former colliery site back to a viable use with housing, employment, recreational and community facilities to serve both the future occupiers of the development and the population of nearby settlements. In heritage terms it would also include the retention of the former colliery buildings and structures which would retain the industrial heritage of the site and the local area for future generations.

Taking the above comments into account I would concur with the Conservation Officer that, although the proposal will have some moderate adverse impact (which is less than substantial in terms of the NPPF) on the setting of designated heritage assets, notably St Mary's Church and on Edwinstowe CA, landscape mitigation, appropriate restrictions in the scale of the development, public benefits (in terms of retaining some colliery structures) and opportunities to better reveal the significance of the nearby heritage assets noted above would sufficiently reduce the adverse impact to negligible and thus achieve preservation. Such matters would form part of the future reserved matters application.

Archaeological Impacts

It is noted that Heritage Assessment comments that the geophysical survey has indicated limited evidence of archaeological features but that these are of unknown date and extent and has hinted that a small number of linear anomalies are present in the eastern most field. Being mindful of the comments of the NCC Archaeology it is considered necessary and reasonable to attach a condition, should Members be minded to grant outline permission, requiring the submission written approval of a written programme of archaeological mitigation prior to any development commencing on site to safeguard any archaeological assets.

Flooding/Drainage

The NPPF indicates that in determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it is demonstrated that vulnerable development is located in the areas of lowest flood risk and development is appropriately flood resilient and that residual risk can be safely managed.

Core Policy 9 of the Core Strategy requires that all new development through its design proactively manages surface water including, where feasible the use of Sustainable Drainage Systems.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The application has been accompanied by a Flood Risk Assessment and Outline Drainage Strategy.

Drainage is a matter that would be dealt with in detail at reserved matters but the outline application provides an overarching preliminary drainage scheme. The general principle of the surface water drainage strategy for this site is to collect the runoff from and convey this to attenuation ponds located within the site, which are connected by way of swales/ditches, for which the captured water is then managed and controlled out of the site.

The attenuation ponds are proposed to be located in the centre and to the east of the site. The central pond will collect and manage the surface water runoff from the areas north of the pond as well as the land and cut off drains from the country park area.

The central pond will connect to a pond located in the south east corner of the development, which will be achieved by way of an open swale/ditch. The pond to the east, will collect and manage the development south of the central pond. The connecting swale/ditch will in part connect the 2 ponds, but will also run up the east side of the development to catch overland flow.

All captured surface water will be drained via gravity sewers in the main, with the exception of a pumped sewer into the south east pond.

The flow will be managed and controlled out of the south eastern attenuation pond into the outlet pipe from the site.

To manage overland flow, a swale/ditch is located on the southern boundary of the site to prevent discharge onto the road.

It is considered that the first phase of delivery of the plots, will be from south west area of the site, which will result in an outfall rate of 193.55 l/s or less. Once this rate is achieved, then the attenuation pond will the south east corner of the site will be constructed for the final managed solution.

With regards to foul water management a new foul water system to serve the development will connect into the foul sewer on Ollerton Road.

The FRA identifies flood risk management measures in line with discussions with and agreement from the Lead Local Flood Authority (LLFA). the discharge rate from the positive and overland drainage will be restricted to greenfield runoff rates and attenuated on the wider development site before being discharged through the existing connection into the River Maun.

The proposed discharge rate will be restricted to that of greenfield runoff at 193.55 l/s.

Finished site levels will be engineered to provide positive drainage where required and prevent ponding.

The accumulation of standing water would therefore not occur and thus not pose a risk.

Gradients of the hardstanding areas, where possible, will be designed to fall away from buildings such that any overland flow resulting from extreme events would be channelled away from entrances.

As the site and surrounding areas are located within Flood Zone 1, it is considered that access and egress should not be affected during flooding, although further support will be given through the installation of the open ditch/swale located on the southern boundary of the site, which is positively drained.

In terms of offsite impacts the FRA concludes that due to preventative measures on the wider development, it is not expected that there will be any off-site impacts from the surface water drainage measures used on the proposed development.

With regards to residual risks the FRA identifies that the development and its drainage system will be designed to cope with the intense storm events up to and included the 100 year return period rainfall event with an allowance for climate change (40%).

If an extreme rainfall event exceeds the design criteria for the drainage network it is likely that there will be some overland flows which must be directed away from buildings and will follow their natural flow paths.

These are proposed to be captured by the centrally located attenuation pond if the flow is being conveyed north of this pond, or by the open swale/ditch if the flow is from south of the centrally located attenuation pond.

It is acknowledged that The LLFA has raised no objections to the proposal subject to a condition being attached requiring the submission and approval of a detailed surface water design and management proposal prior to any construction works commencing. The submitted Flood Risk Assessment should be used as foundations for any future detailed submissions.

I note that the Environment Agency have advised that the use of infiltration SuDs is inappropriate given the historic use of the site and that they have requested conditions be attached should permission be granted which ensure that no infiltration SuDs are used in ground areas affected by contamination and that details are to be submitted and approved in wiring with regards to the installation of oil and petrol separators together with a scheme of treating and removing suspended solids.

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 NCC Lead Flood Authority have advised that that a detailed surface water design and management proposal is approved by the LPA prior to any construction works commencing using the Flood Risk Assessment as foundations for any future detailed submissions. This can be secured by condition.

Severn Trent Water (STW) have advised that conditions requiring drainage plans for surface water and foul sewage a comprehensive drainage strategy should be attached to any permission, which reflects the advice of the Flood Authority

Overall the FRA 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 – Human Receptors

As outlined above an Air Quality Statement has been deposited with the application. Subsequent reports in the form of an Air Quality Report and Air Quality assessment and an additional Air Quality technical note have been submitted in response to issues raised in relation to ecological impacts by NE, NWT, NCC Ecology and the RSPB which are discussed in detail within the ecological section of this report.

The initial assessment looked at matters of air quality based on findings of the existing and proposed traffic flows and existing air quality conditions the predicted impacts on local air quality resulting from road source emissions generated by the development once it is fully operational. The assessment was broadly in line with the 'Screening Method' process advocated in the Design Manual for Roads and Bridges (The Highways Agency, 2007) using nine receptors as noted in the table below, comparing figures for no development and estimated figure for with development. The table below shows the screening model results.

The results showed that the pollutants levels change very little between no development and with development and fall within standards.

This assessment therefore concluded that the local air quality within the vicinity of the site was closed as generally good and being within the national guidelines. This was further confirmed by the site not being identified as within an air quality management area. The effects noted from the proposed development were considered negligible and the local air quality would remain unaffected and within national standards. It was therefore considered that no further work was required to ascertain the effect of development associated vehicular traffic upon air quality with regard to human health.

In conclusion 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.

Our EHO agrees with the findings of the Air Quality Assessment 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.

However further work was ongoing at that time to assess the effect of the proposed development upon the Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI's) and this is discussed in details within the Ecology section of this report.

Noise and vibration

The NPPF is clear in identifying matters of noise as a material consideration in the planning process. Specifically paragraph 123 states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

A Noise Assessment has been deposited with the application. Officers have assessed the Noise Assessment. There are two broad noise issues to address, one for the construction phase(s) and one for residential amenity when development is complete.

In terms of the construction phase the applicant has fully assessed the implications of the development through a noise and vibration assessment discussed within chapter 6 of the Noise assessment document. To prevent noise and vibration nuisance during construction plant and machinery will be operated to strict guidelines and best practice methods including noise attenuation methods and appropriate hours of working in line with BS standards. These will be managed through the CEMP and are not anticipated to generate significant adverse effects.

With regards to the development itself, the noise Assessment identifies the local highway network as being the greatest source of noise. The site is located between three roads, and there is a mainline network to the south, although this is a freight line rather than a passenger line and the closure of the colliery has led to a reduction in freight movements.

Of key consideration is whether the site is suitable for residential development with reference to indoor and outdoor design criteria of the associated noise legislation.

The survey compared traffic flow and noise levels from 4 survey locations on the A614, two positions at the A6075 Ollerton Road and one at B6034 Swinecote Road and at 3 distinct time periods comparing the before and after development scenarios and the scenario of an active colliery, compared to the proposed development.

The standards for ambient noise levels range from 35-40 dbLAEQ during the day and 30 dbLAEQ at night.

The assessment estimated that highest noise levels would be experienced by dwellings close to the south-eastern boundary of the site adjacent to the A6075 (63-64dbAEQ). However noise levels are reduced by 15dbAEQ through glazing with openings and by 35dbAQE by non-openable glazing. Therefore the excess noise levels can be mitigated by location of dwellings and the positioning of windows.

The Noise Assessment concludes that it has been found that through the use of careful design and suitable measures within the building (such as trickle ventilation to enable windows to remain closed) that adequate internal noise levels can be easily achieved.

The internal Environmental Health officer has fully assessed the Noise Assessment document and is satisfied with its content subject a requirement for noise remediation measures for the properties near the main road, as suggested.

Subject to the imposition of suitable conditions, I therefore 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

Para 120 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Para 121 goes on to add that –

‘Planning decisions should also ensure that:-

the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.’

A Phase 1 Desk Top Study has been undertaken and deposited with the application. The previous land uses on the site are noted as being historically agricultural fields prior to the opening of the colliery which opened with the sinking of the No1 and No2 shafts. Subsequently the site has undergone significant expansion and development to include:

A mineral railway and sidings;

Coking works;

A coal preparation plant;

Coal storage area south of the pithead; and

Spoil tip areas to the west, north and east of the pithead.

The study also notes that the spoil heaps to the west, north and east of the site are in the process of being landscaped and redeveloped to woodland and acid grassland.

Given the past use of the site, the following have been identified as potential contamination issues that require further investigation and may require remediation prior to the commencement of the proposed development:

Ground Contamination

The area of the former coking works and there is no information available on the demolition and clearance of these works,

Localised pockets of organic contamination may exist in the area of the former pithead buildings

Made ground across the pithead area may also be contaminated with eg. asbestos, heavy metals

Colliery spoil materials may also possess elevated calorific value which may present a risk of heating and combustion.

The fields to the south of the pithead area are in agricultural use, although the risk of contamination in this area is considered to be low.

The study notes that the above potential sources of ground contamination may present a risk to controlled waters.

Ground Gassing

The Study identifies that the risk of ground gassing impacting the site would be considered moderate in the former pithead, railway siding and coking works areas, and very low for the remainder of the site occupied by agricultural fields.

Gas monitoring is therefore considered necessary in order to quantify the gassing regime of the site and in order to assess the requirement for gas protection measures for the proposed development.

Foundation Design

The Study recommends Intrusive works will be required in order to identify ground conditions and provide foundation recommendations for the site.

A tree survey shall be required which extends beyond the site boundaries for use in foundation design.

Mining Issues

Two mine shafts are present on site to c.900m depth. The Coal Authority has confirmed any movement in the ground due to coal mining activity should have stopped.

The Study confirms that any risk that could affect future development is considered very low given the Coal Authority have indicated any future ground movement should have stopped.

The two large diameter deep mineshafts will need to be either retained or treated. Any future development proposals shall need to take the presence of the mineshafts into consideration.

The indicative Masterplan shows existing infrastructure around the shafts to be retained. Methane is currently extracted from the shafts. Consideration therefore needs to be given to risk of gas emission on cessation of methane utilisation. It may be necessary to retain ventilation of the shafts.

Flood Risk

The Study considers that the overall risk of flooding on site is very low. Flood risk is covered in detail within the Flood section of this report .

The conclusion of the Study recommends that further remedial works involving removal of substructures, earthworks, assessment of the contamination status of the site through investigation, and undertaking of remedial works shall be required prior to development. It also confirms that it is the intention of the Client that these works shall be undertaken to facilitate the proposed development.

The Phase 1 Desk Top Study 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.

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). It must be noted that the application site falls within CIL zone 6 (Sherwood) where there is no CIL levy for development. However, 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.

Members will be aware that this part of the District is zero CIL rated given that scheme are often more marginal than elsewhere in the District. Even with a zero CIL rating evidence gathered as part of the Plan Review processes past and present has confirmed that viability may be an issue to such a degree that the Council must accept a lower provision of affordable housing.

In this case Officers have been clear with the applicant from the outset that in addition to general contributions issues surrounding Ollerton Roundabout and the physical provision of a new school were important matters to address. The Ollerton Roundabout costs were originally to be £700,000 based on contributing a percentage based on traffic flows to the overall scheme costs. During the lifetime of the application NCC have updated costs for the Ollerton Roundabout scheme. Costs have increased to such a degree that based on this percentage a contribution of £1.198m from this development is now required. Given the level of contributions in this case the applicant has submitted a viability appraisal. This has been independently assessed by a relevant expert on behalf of the LPA. This independent assessment has confirmed that the scheme is only viable subject to a lesser provision of affordable housing. Members will be offered a briefing on this detail prior to the Committee.

I comment on this further below but for now offer guidance on the level of other contributions that will be expected. Members may find the Appendix at the back of the report helpful in summarising the overall position.

Developer contributions by type.

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 £1,107,256 for the entire 800 units. This requirement has been factored into the viability appraisal and would be met in full. Following discussions with Officers it has been agreed that £500,000 of this figure can be utilized to support on-site provision. The remainder will be used within the wider Parish. The scheme is policy compliant in this regard.

Health

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This equates to £78,6096. It is not proposed to provide any health care facility on site but to provide off site contributions. At this stage it has not been confirmed as to where the contributions would be

allocated. However, the S106 will be worded to allow flexibility and the ability for a healthcare review to ensure that the contributions sought are appropriate to the evolving needs of the health providers and ultimately the local community. This contribution requirement has been factored into the viability appraisal and would be met in full.

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.

As has been detailed above this site generates 168 pupils. If one were to use the SPD formula for a straight commuted payment the developer would be providing £1.92m. However, as has been rehearsed above there is no capacity in existing schools and consequently new physical provision is required in this instance. A single form entry would be too small to a very significant degree. A two form entry is larger than it needs to be for simply this development. A 210 one form entry school will cost £3.6m. Whilst I maintain that you can build 168/210th of a school it is clear that this proposal does over-provide from a strict policy position.

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 800 dwellings would be £38, 032. This requirement has been factored into the viability appraisal and would be met in full.

Green Infrastructure/Public Open Space (minimum quantum to be secured via the S106 Agreement) including:

- Amenity green space is triggered at 30+ dwellings and our SPD indicates provision should be 14.4m² per dwelling. Each reserved matters phase will secure such space but in addition monies are required for enhancements elsewhere. This has been negotiated on the formula within the SPD as up to £226,352 (based on 800 dwellings).
- Natural and semi-natural green space. Our SPG suggests that 10ha per 1000 population should be provided 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. Overall the applicants are providing 8.7 ha green space and 2.21 ha green corridor. That is in addition to the County Park (the provision of which is already a requirement via an NCC agreement, albeit I do accept that this scheme does offer some enhancement and visitor management).
- Outdoor sport facilities are triggered at 100+ dwellings with 52.8m² expected per dwelling thus giving a maximum provision of 0.4 hectares. This would equate to 4.2 ha. Whilst an outdoor playing field is provided in association with the school this will clearly not have full and open community use. On this basis the applicant has agreed to cover the full costs of the SPD to enhance or provide for additional provision off-site.
- Public open space for children and young people is required, based on 7.5m² per person and based on 2.4 persons per dwelling. As Members will be aware this is normally provided for via LEAPs and NEAPs, together with incidental areas of open space provision. Following negotiation with officers it is recommended that the S106 Agreement secures the

minimum provision of 1 no. NEAP and 2 no. LEAPs. In addition Officers have negotiated a contribution for off-site provision of £741,808.

- Allotments and Community Gardens. This would ordinarily be sought in the first instance based on the SPD if a need is established. In this case the Parish Council have confirmed that there are sufficient good quality allotments in the parish and therefore this contribution should not be sought. The scheme is therefore policy compliant in this regard.

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.

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.

However as set out above both the developer and our own assessor has now confirmed that due to viability issues they are unable to offer preferred tenure split and quantum for affordable housing.

Essentially the Viability work undertaken benchmarks a value against which one can understand whether the scheme can be viable. The benchmark used, based on advice and industry standards is £106,676 per acre (gross land price with planning permission).

A scenario (no. 1) has been tested which will offer full 30% affordables and all S106 payments. This would achieve a residual land value per gross acre of £16,140, significantly below the accepted benchmark. A second scenario (no.2) would yield a residual land value per gross acre of £83,694. Whilst this still fails to achieve the required benchmark the applicants have accepted that in this case they would still proceed.

Scenario	Residual Land Value (£)	Residual Land Value per Gross Acre (£)	Comments
Scenario 1 – 30% Affordable / Compliant 106	£2.07m	£16,140	
Scenario 2 – 7.5% Affordable / Compliant 106	£10.74m	£83,694	
Threshold Land Value	£13.69m	£106,676	Rate per acre excludes the country park land

Table 7.3 – Summary of Results with the Threshold Land Value Comparison

Officers have asked for a third scenario to be tested which would look at all of the affordable provision being for Discounted Open Market Value (DOMV) product (discounted by 25%). The applicant has confirmed that they would be prepared to offer 20% affordables on this basis. At the time of writing Officers have not agreed to the 20% provision and an update will be provided at Committee. That said, it is clear that Scenario 3 will currently be a scheme of not less than 20% DOMV.

The applicants have not made clear a particular preference in this instance given that both schemes could work from a viability perspective. From an officer perspective whilst Option 1 delivers, as a matter of fact, more guaranteed numbers of affordable housing 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.

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.

Whilst our viability consultant has not advised that a review mechanism is required I consider in this case that such a review is important. I say this given firstly the passage of time for the delivery of the scheme over approximately 10 years. The market may well change over this period, and if there were to be a change for the better (in that viability is more buoyant) it is only right that the scheme provide the opportunity to read the developers risk and the policy shortfall. Secondly, we do not yet know the final make-up of each phase of the development. It may be that a particular phase includes for more open space on-site in which case any off-site contribution could reduce. Any reduction should be diverted back towards affordable housing provision. Officers have agreed with the applicant that a first review should take place at 400 housing occupations. The review will follow the methodology followed to date, as captured in the S106 Agreement. Subject to this, Officers are satisfied that the scheme is acceptable.

Retail

Policy CP8 of the Core strategy sets out the retail hierarchy within the district, and seeks to protect the vitality and viability of existing centres and also provide for new centres within strategic sites across the district. It also states that retail development in out of centre locations will be strictly controlled and that proposals would need to demonstrate their suitability through a sequential site approach and provide a robust assessment of the impact on nearby centres. The NPPF at para 27 states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

The indicative master plan shows a 'Local Centre', to the northern edge of the built form. This comprises a retail element of up to 500 sq. m of retail space.. This is expected to comprise a convenience store with limited comparison goods sales, although this is not detailed at outline application stage and other and service uses could be accommodated, subject to market demand, within the overall 500 sq. m.

Whilst it is noted that the floor area of the proposed retail unit at 500 sq. m falls below the threshold of 2500 sq. m contained within policy DM11 of the Allocations and Development Management DPD (and nationally within the NPPF and NPPG) in relation to out of centre retail development and the requirement for sequential and impact tests but it is above the emerging local threshold of 350 sq. m contained in Core Policy 8 in the Submission Amended Core Strategy.

Para 5 of Policy ShAP3 within the emerging Amended Core Strategy also states that new retail and Main Town Centre uses included as part of the Thoresby Colliery development should not undermine the vitality and viability of existing centres, and be restricted to a scale and function necessary to meet the day-to-day needs of the development. This is followed up with content in the new ShAP4 which in Section B point 5 outlines that the new mixed use community centre should not compete in function and scale with the nearby district centres of Edwinstowe and

Ollerton and, should again be restricted to that which is necessary to meet the day to day needs of the development. Para. 10 v. of the policy requires the submission of a Retail Impact Assessment.

The Amended Core Strategy has now been submitted to the Secretary of State, and applying the tests set out at paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy) it is considered that the emerging policy content satisfies the tests to the extent that due weight can be attached to it in the development management process. Furthermore, there are no unresolved objection to the local threshold as part of the plan review process.

In line with this policy a Retail Planning Statement (RPS) has been deposited which considers the retail policy implications and assesses the impact of the retail element of the proposal on the vitality and viability of nearby district centre. The submission does not consider the existence of sequentially preferable sites.

The RPS has been independently reviewed by Retail Consultants on behalf of the District Council. Although no sequential test has been undertaken through the RPS, in reviewing the document the consultant has identified other sites that could have been considered but which would fail a sequential test in this instance. In any respect, although the 'community centre' would not benefit from status as a defined centre within the 'Hierarchy of Centres' detailed in Core Policy 8, as amended, the site is nonetheless a location where an appropriate scale and form of retail development is supported through the emerging site allocation policy ShAP4. Consequently I am content that the site is sequentially appropriate.

Turning to impact, in the absence of an identified end user the RPS has made reasoned assumptions about the net retail sales area, the mix of convenience and comparison goods and the turnover of the proposed store. The net retail sales area could vary between 50% and 70% of the gross floor area and, for a local convenience store, 80% to 90% could be devoted to food and convenience goods.

Assumptions have also been made in respect of turnover, leading to what is suggested as a 'high-end estimate of the potential convenience goods turnover of the proposed store of £3.15m (£10,000 per sq. m), being generated from a net sales area of 350 sq. m (70% of the gross floor area) and with 315 sq. m of this devoted to convenience goods (90% of the net sales area)'.

Consumer expenditure would be generated by both the residential development (£3.5m) and the employment development (£0.25 to £0.5m) and the RPS considers that this will exceed that which could be accommodated by the proposed local centre. Given this the market share of the proposed community centre would be equivalent to only 8.5% of the wider catchment area in Edwinstowe and Ollerton.

As such the RPS concludes that it is not considered that there will be significant adverse impact from the proposal on the established centres of Edwinstowe and Ollerton, both of which will benefit from the additional trade and expenditure generated by the proposed development.

The review of the RPS considers the assumptions made in relation to turnover to be reasonable. Similarly the base line data used is agreed. Though it is noted that the RPS doesn't assess impact on a like for like basis in respect of this particular as advised by the NPPG guidance, and draws heavily on the recommendations of the Town Centres & Retail Study" (2016) (TC&RS). Despite this the Planning Practice Guidance outlines that the impact test should be undertaken in a

proportionate and locally appropriate way. This is also reflected in the wording of Core Policy 8 as amended which requires impact tests exceeding the local threshold to be proportionate to the scale and type of retail floorspace proposed. Accordingly it is considered that sufficient information is available to come to a robust view over the likely impact of the proposal.

Having appraised the proposal the review of the RPS concludes that given the distance to Ollerton the proposal is unlikely to significantly impact on this District Centre. With regards to Edwinstowe, the retail consultant is satisfied that in all but the unlikely worst case scenario the impact upon the vitality of viability of this district centre will be within acceptable limits

Notwithstanding this concern has been raised that existing Coop Group stores in Edwinstowe or Clipstone may close and then relocate to the application site in which case the impact would be considered to be significant adverse. This could however be controlled by condition which prevents occupation of the new retail unit by any retailer who at the date of occupation or 6 months prior, occupied floor space within neighbouring District Centres. This is recommended by the Council's retail consultant, who has directed officers to a similar condition in the case of *R (on the Application of Skelmersdale Limited Partnership ["SLP"]) v West Lancashire Borough Council, St Mowden Developments (Skelmersdale) Ltd ["SMD"]* [2016] EWCA Civ 1260. Subject to such a condition, I consider that any impacts can be adequately controlled and mitigated.

Taking account of the above I am therefore satisfied that the proposed retail within the 'Local Centre' would not be significant adverse on the vitality and viability of relevant centres, and so justify refusal on these grounds alone. The Planning Practice Guidance advises that if impact is unlikely to be significant adverse then the positive and negative effects should be considered alongside all other material considerations. Through the review of the RPS the positive and negative elements of the retail unit proposal and how they sit within the planning balance were considered, this is picked up later in this report. The positive impacts are considered to be reclamation, regeneration, employment, housing and new leisure / visitor attractions to complement existing attractions in the area. Significant weight can be attached to these benefits that are consistent with the aims and objectives of the emerging development plan. The proposal will also result in a second foodstore in Edwinstowe although the potential impacts on the district centre have to be weighed against other benefits. There might also be positive impacts in terms of reduced CO2 emissions as residents of North Nottinghamshire will have access to employment and leisure opportunities closer to home.

Turning to negative impacts, these are considered to be potential impact on the vitality and viability of Edwinstowe and the ecological impact of the wider proposal.

Taking the above into account the review of the RPS concludes that based on the supporting information the adverse impacts do not 'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

Other matters

Design

Given that 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.

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.

Delivery

In this case it is noted that an established master developer is promoting the scheme. Harworth Group plc is one of the largest property and regeneration companies across the North of England and the Midlands, owning and managing 22,000 acres across 150 sites.

The Company has a track record in the implementation of residential, mixed use, industrial and low-carbon schemes.

The applicant has made clear a commitment to the early delivery of this strategic site which will significantly bolster the supply of housing in Newark and Sherwood. The table below sets out the timeline for the commencement of development and projected completions of new housing. It is worth noting that the Harworth Group have drawn officers attention to a former surface and deep mine site on the edge of Rotherham. This scheme also expressed a commitment to early deliver, a commitment that was ultimately provided quickly after receiving planning permission (there were 11 months between the reserved matters approval and first dwelling occupied). On average that site is delivering 120 – 150 dwellings per annum across three different housebuilders.

October 2015	Demolition commenced to provide a safe site and a development platform
October 2017	Construction of new electrical sub-station – completion in December 2017
October 2017	Consideration of planning application at Committee
December 2017	Demolition and Site Preparation will be completed
December 2017	Outline planning permission granted
Quarter 4 2017	First housebuilder to be selected
Quarter 1 2018	Submission of RM for Phase 1
Quarter 2 2018	Approval of RM for Phase 1
Quarter 3 2018	Discharge of Pre-Commencement Conditions
Quarter 3 2018	Commencement of Development
Quarter 4 2018	First occupation
2019/2020 onwards	75 completions per annum (two housebuilders on site) – through to completion in 2028/29

I am satisfied that weight can be attached to not only the quantum of housing that will contribute to the Council's overall land supply in future years (including within the next 5 years) but also to the fact that such quantum is likely to be genuinely deliverable in this case.

Planning Balance and Conclusions

A development of this scale will inevitably have impacts and will inevitably change the existing character of the location, albeit this can be balanced against the existing vacant appearance of the site and brownfield nature of the land. It does not, however, follow that a significant change must equate to unacceptable harm in planning terms.

This planning application represents an opportunity to deliver a substantial amount of dwellings, employment, and associated infrastructure. The delivery of housing, in this case promoted by a master developer with experience in the North and Midlands Regions, is a significant material planning consideration given the governments drive to encourage the delivery of new housing in the right places. On this latter point the site comprises large areas of vacant brownfield land, it contains significant existing infrastructure (which to remove also raises sustainability questions) and it is locationally well located with respect to Edwinstowe. The site is supported for adoption by this Council's Draft Revised Core Strategy, which is now in the latter stages of preparation having been submitted to the Secretary of State for Examination. The scheme is in accordance with the proposed site allocation.

The scheme will deliver a number of additional benefits to be weighed in an overall planning balance. The site will also contribute to boosting the Council's 5 year housing land supply and beyond. The redevelopment of the site will deliver more than 1,000 new jobs, new housing and thorough and careful restoration of the spoil heap to provide leisure and recreation opportunities. Whilst it is always disappointing when full affordable housing provision is not secured I am mindful of government guidance in this regard, albeit I consider that a review mechanism is appropriate in this case. I have assessed above all other technical matters and concluded that there are no issues, subject to conditions and mitigation that would warrant refusal of the application. On this basis I recommend that planning permission be granted.

RECOMMENDATION

That outline planning permission be granted subject to:

- (a) The conditions which will be subject to a separate Appendix to follow;**
- (b) the completion of a S106 Agreement to control the matters outlined in this report and as summarised in Appendix 1; 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 to follow.

BACKGROUND PAPERS

Application case file.

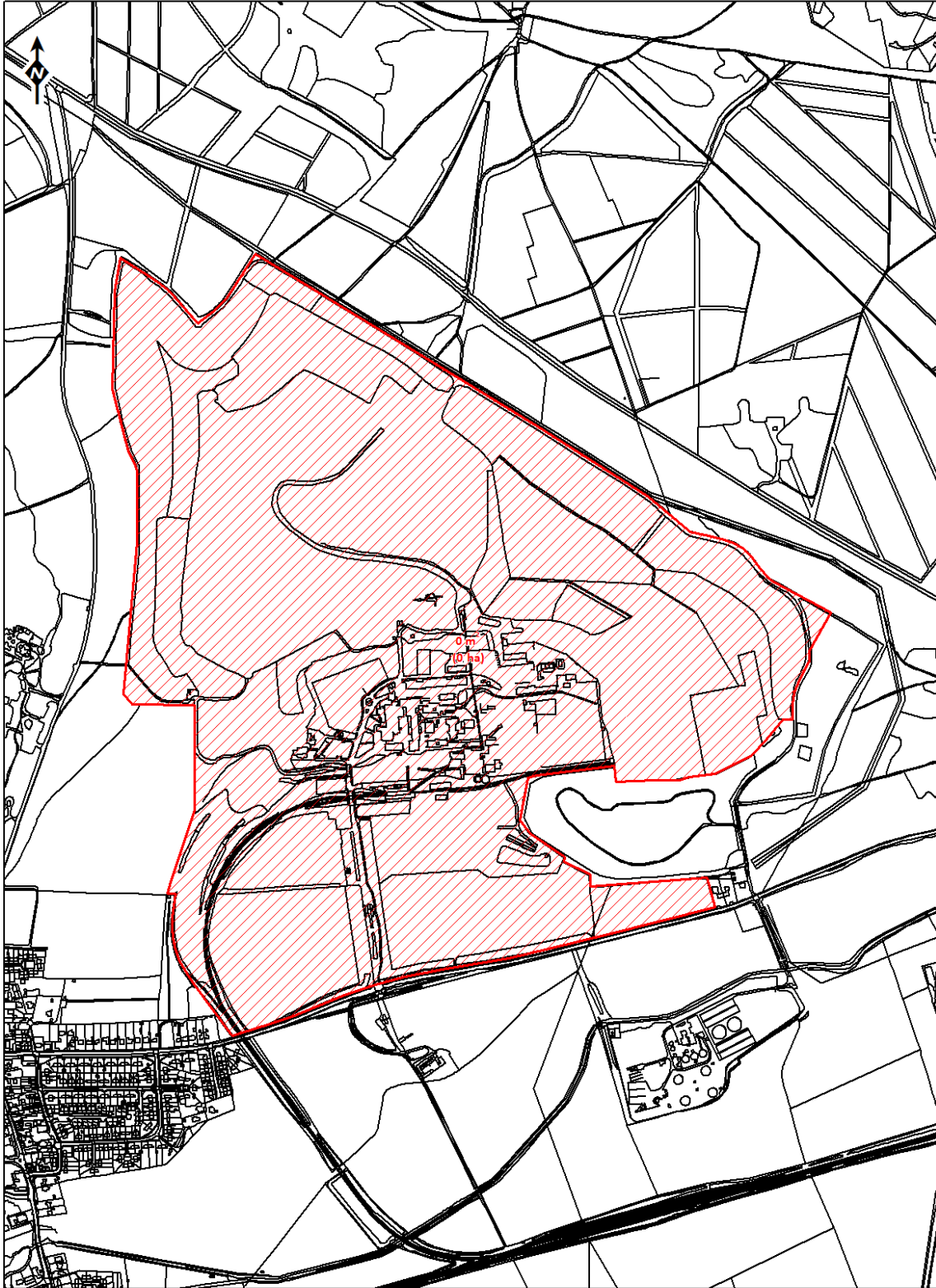
For further information, please contact Bev Pearson on Ext 5834

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

K Cole
Deputy Chief Executive

Appendix 1

CONTRIBUTION	POLICY REQUIREMENT CURRENT CALCULATION TO INCLUDE INDEXATION AT 2016	PROPOSED
Affordable Housing (affordable rental and shared ownership)	30%	Either;- 7.5% 20% discounted market value dwellings (2 and 3 bedroom)
Community Facilities	£1384.07 per dwelling £1107256	Agreed.
Education Provision	£1.92m based on formula within SPD	£3.6m based on capital cost of physically building a new school.
Health	£982.62per dwelling £786096	Agreed
Libraries (Stock)	£47.54 per dwelling £38032	Agreed
Amenity Green Space	£282.94 per dwelling £226352	Agreed
Open Space for Children and Young People	£927.26 per dwelling £741808	Agreed
Outdoor Sports Facilities	£737.72 per dwelling £590176	Agreed
		£7,089,720
Ollerton Roundabout contribution	% of Ollerton Roundabout cost. £1.198m	Agreed



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Application No:	17/00865/FULM (MAJOR)	
Proposal:	Proposed development of 56 residential units including associated infrastructure	
Location:	Field Reference Number 0790, Top Street, Rainworth, Nottinghamshire	
Applicant:	Chevin Homes Ltd - D J Parker, P I King & Mr D Stack	
Registered:	10 May 2017	Target Date: 9 August 2017
	Extension of time agreed in principle	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation because the officer recommendation differs from the Parish Council’s views.

The Site

The site is situated within the defined urban boundary of Rainworth and comprises approx. 1.7 hectare of land, roughly rectangular in shape, on the northern side of the settlement. The site measures approximately 200m long by an average of 75m wide but is wider to the west and tapers to the east. The northern boundary is defined by the main A617 dual carriage way (the Rainworth by-pass), the southern boundary is defined by existing residential development in Top Street and dwellings fronting Kirklington Road served by a private rear access (known as Garden Avenue) and informal parking/garaging facilities on its northern side. To the east of the site is recently built residential development (known as Davidsons development around Hayfields – this development has a children’s play area immediately adjoining the east boundary of this application site) and there are allotments to the west of the site. Existing boundaries are defined by post and rail fencing to the north and predominantly hedge and tree planting to the other boundaries. The sole vehicular access to the site is via Top Street which runs from Kirklington Road to the site and which currently forms a dead end. Top Street has 11 existing residential properties on either side, approx. 7 of which have off-street parking provision within their residential curtilage. The rest rely on existing on-street parking.

The site is grassed undulating scrubland and slopes down from east to west with a gradual approx. fall of 11m. There are informal footpaths that dissect through the site and some limited shrub vegetation. The existing housing to the south of the site (Top Street and Kirklington Road) forms part of the layout of the original colliery village is locally listed. The site is also within the Impact Risk Zones of the Rainworth Heath SSSI (Site of Special Scientific Interest) which is also a nature reserve (approx. 0.5km to the north-west of the site) and Rainworth Lakes SSSI (approx. 0.8km to the south-west of the site). Closer to the site on its western side are two Sites of Interest in Nature Conservation (SINC). The site is within Flood Zone 1 according to the Environment Agency flood maps.

Rainworth is a Service Centre within the defined settlement hierarchy and has a range of facilities and acts as a focus for service provision for a large population and rural hinterland. The site is

allocated for new housing development under Policy RA/HO/1 of the Allocations and Development Management DPD.

Relevant Planning History

None relevant.

The Proposal

Full planning permission is sought for 56 dwellings and associated open space and other infrastructure. As originally submitted, the scheme comprised:

- 20 No two-beds (only 4 of which were bungalows);
- 30 No three-beds and
- 6 No four-beds.

However, during the course of the application, the mix has been amended to better reflect the needs of the area with a greater number of 2-bed units, less 3-beds units and more bungalows. The mix of the proposal has therefore been amended to comprise the following:

- 3 No two-bed coach house apartments
- 18 No two-bed houses
- 8 No two-bed bungalows (total of 29 No two-bed units)
- 22 No three-bed houses and
- 5 No four-bed houses.

The proposal provides a mix of detached, semi-detached and terraced houses which are all to be two-storey, but also includes 8 No bungalows and 3 No flats above garages. The development comprises 29 No 2-bed units, 22 No 3-bed houses and 5 No 4-bed houses. The 8 bungalows are situated in the north-east corner of the site. The ridge heights of the dwellings vary between 7 and 8.2m in height with eaves levels consistently at 4.8m. The maximum ridge height of the proposed bungalows would be 5.7 metres. The external appearance of the houses are reflective of the Edwardian era, with brick detail at ground floor level and render at first floor and gable detailing.

There are two main public open space areas within the development, one measuring approximately 325sq m and the other 765sq m, the latter of which acts as an extension to the play area on the adjacent recent housing development to the east and is joined to it by a footpath link. There is also a smaller informal open area just to the east of the junction with Top Street. There is an access link to the allotments to the west and a footpath link to the north-west corner of the site which joins the footpath that runs along the northern boundary of the site. There is a proposed planted buffer to the western and northern boundaries as well as along the majority of the southern boundary. There is already existing hedge and tree planting along the eastern boundary. The northern boundary adjacent to the A617 also includes an acoustic reduction scheme, the detail of which is to be agreed.

The sole vehicular access to the site is proposed from Top Street. The submitted Transport Statement outlines how the carriageway of Top Street would be widened to a minimum of 5.5m

and the footway widened to 2m along the eastern side of the road, within the highway boundary. The internal roadways provide a circular loop with cul-de sacs on both sides. An internal roadway runs along the southern boundary of the site and potentially allowing for future access to the narrow strip of land to the rear of the houses fronting Kirklington Road, which is within the defined allocation site but has not been included within the red line of this application. The development is served by a combination of on-site and courtyard parking (2 spaces per 2/3 bed units and 3 spaces per 4 bed unit) as well as providing for 7 parking spaces in the south-east corner of the site for use by the occupiers of Top Street. There are 10 visitor spaces provided in the south-west corner of the site.

The application is accompanied by the following supporting documents:

- Design & Access Statement,
- Planning Statement,
- Preliminary Ecological Appraisal and up-dated Ecology Response dated 19 June 2017,
- Flood Risk Assessment and up-dated Flood Risk Assessment Rev A received 25 July 2017,
- Geo-Environmental Report,
- Heritage Desk Based Assessment,
- Transport Statement, and
- Viability Assessment.

Departure/Public Advertisement Procedure

Occupiers of 51 properties were initially individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- MFAP1 Mansfield Fringe Area

Allocations & Development Management DPD (adopted July 2013)

- Policy Ra/Ho/1 Rainworth - Housing Site 1

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance PPG (March 2014)

Newark and Sherwood Affordable Housing SPD (June 2013)

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

Consultations

Rainworth Parish Council – Comments received 12.06.2017:

Strongly object to the application. Objections/observations to the proposals are as follows:

- Over intensification of the site;
- The residents of Top Street rely on off-street parking outside their properties; this very small street cannot cope with the onslaught of the amount of traffic that will use this small road if the development proceeds;
- The DPD 5 year land allocation is already meeting its target; further development in Rainworth would exceed the Core Strategy target of 425 dwellings by 2026 by 77 extra dwellings already in 2017;
- Rainworth does not need another large development, 3 large developments been built in the last 5 years;
- The proposal will put more strain on already over-subscribed schools and doctors surgeries. Rainworth residents already have a monumental task in getting a doctor's appointment at present, a further new development in Rainworth will only exasperate this problem even further;
- There are minimal employment opportunities in Rainworth. Rainworth does not have sufficient employment prospects to meet the need of local residents seeking employment at present and no potential employment projects from businesses have been brought to the attention of the Council that would support further development in Rainworth.

NCC Highway Authority – Comments received 29.08.2017:

“This proposal is for the construction of 56 dwellings, with the access via Top Street. As part of the development, Top Street is to be widened to provide a minimum carriageway width of 5.5m for its length, with minor alterations to the mouth of the junction with Kirklington Road. These alterations are demonstrated on drawing number 17-0075-001 (Appendix E) within the Transport Statement, along with the visibility splays required in accordance with the existing speed of traffic along Kirklington Road, which are acceptable to the Highway Authority.

With regard to the proposed layout of the development, the following comments apply in response to drawing number 334-PE-XX-00-DR-A-0001 Rev. P04:

The extent of the highway to be formally adopted is unclear and should be clarified.

All footways should be 2m wide and not the reduced widths/service margins shown between plots 18-22, 43-44 and 14-33.

The 7 parking spaces for use by the existing residents of Top Street are noted, however, for those dwellings without existing off street parking facilities could parking provision be included as part of this development, within each individual existing curtilage, if required?

It is recommended that these issues are addressed and an amended layout submitted for further assessment.”

Comments received 3 October 2017:

“Amended Site Layout

The amended plan demonstrates the extent of road to be adopted highlighted in yellow. The applicant should note that the 7 parking spaces to the south-east of the site are not to be adopted but have been included in the highlighted area of the extent drawing and also the linking footpath adjacent to plots 43 and 44 is not required to be adopted.

All footways now have a width of 2 metres throughout the site.

Therefore, there are no highway objections subject to the following:

1. No part of the development hereby permitted shall take place until details of the access into the site from Top Street have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works, visibility splays, within the development as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev. PO5. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
Reason: In the interests of highway safety.
2. No development shall commence unless or until the improvements to Top Street, ie carriageway widening to 5.5m, widening of the existing footpath on the eastern side of Top Street to provide a 2m width, and the minor improvements to the existing junction with Kirklington Road, are carried out in accordance with drawing no. 17-0075-001.
Reason: In the interests of highway safety.
3. No development shall commence on any part of the application site unless or until a suitable access into the site has been provided at Top Street as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev PO5 to the satisfaction of the Local Planning Authority.
Reason: In the interests of highway safety.
4. No part of the development hereby permitted shall be brought into use unless or until improvements to the bus stop on Kirklington Road (NS0252) have been carried out to the satisfaction of the Local Planning Authority and shall include solar lighting.
Reason: To promote sustainable travel.

Note 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.

- a) The Advanced Payment Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

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 David Albans tel: 0115 804 0015 for details."

Natural England – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Rainworth Heaths and Rainworth Lakes Sites of Special Scientific Interest - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Green Infrastructure potential - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area - We note the proposed development is located in the Sherwood Forest area, in proximity to habitats identified as important for breeding nightjar and woodlark

and therefore we refer you to Natural England's Advice Note (March 2014) on this matter which provides more information and outlines Natural England's recommended 'risk based approach'. In view of the current situation we would encourage the Authority to ensure the information provided in support of the application is sufficient for you to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark population and has addressed the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

As part of a risk-based approach, we would also suggest your Authority consider the use of appropriate mitigation and/or avoidance measures to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Nottinghamshire Wildlife Trust – No comments received.

Severn Trent Water – No objection subject to the following condition:

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

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

Suggested Informative

Severn Trent Water advises that there is a public sewer located within the application site.

Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

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.

The Environment Agency –The site falls in Flood Zone 1, please consult the LLFA.

NCC Lead Local Flood Authority – Comments received 26.06.2017:

No objections subject to the following:

No construction should start until:

1. A sustainable approach to maintenance of soakaways and SUDS features is agreed by the LPA. The current proposal for maintenance of the shared soakaways is unacceptable and must be reconsidered. Consideration should be given to the use of a management company or similar to provide a long term sustainable approach to maintenance of the SUDS features.
2. The detailed design for the surface water proposals is approved by the LPA.
3. Evidence to show no properties are put at risk of flooding from exceedance flow paths (necessary due to the sloping nature of the site) is provided.

Following receipt of a Revised Flood Risk Assessment, further comments were received on 08.09.2017:

“Those amendments are much more acceptable for the approach to SUDS. In this instance the standard approach of no commencement until a surface water drainage design has been approved would suffice.”

NCC (Archaeology) – No comments received.

NCC (Education and Libraries) – “In terms of education; the above full application for 56 dwellings replaces the pre-application ref:

16/00214 which was for 57 dwellings. I can confirm that our education requirements do not change.

The County Council would still require a primary education contribution of £137,460 for the 12 primary places as outlined in our full response dated 12th October 2016. Any secondary requirements would be covered under CIL. In respect of libraries I can confirm that the County Council will not be seeking a contribution.”

NCC (Policy) –

National planning context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that mineral are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;*
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.*

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes’.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *‘they have an important role in safeguarding minerals in 3 ways:*

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.’

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *‘located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’.*

Education provision

Paragraph 72 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 schools; and

- work with schools promoters to identify and resolve key planning issues before applications are submitted.’

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Ecology

In support of the application, a Preliminary Ecological Appraisal conducted by RammSanderson Ecology Ltd. has been submitted, dated March 2017 along with a subsequent Addendum dated June 2017. These include an Extended Phase 1 Habitat Survey and a Reptile Survey.

The Preliminary Ecological Appraisal indicates that the site is dominated by poor semi-improved grassland, with areas of dense and scattered scrub along with a number of hedgerows and scattered broadleaved trees.

There are no existing buildings on the site. Overall, the site is of limited nature conservation value, however it does lie within the Impact Risk Zone for the Rainworth Heath SSSI and within 5km of the Sherwood Forest potential SPA. As such, Natural England should be consulted.

In terms of protected species:

_ No bat survey of the site was conducted due to the retention of the majority of trees and hedgerows on site. One mature tree onsite was identified as having low bat roost potential.

However, it is not clear from the plan ('Site Plan Layout') which areas of hedgerows and scrub are being retained, so NCC request clarification of this, prior to the determination of the application (see also below).

_ The Preliminary Ecological Appraisal suggests a number of measures which could be included to mitigate against any impacts upon bat species. These are detailed in section 6.3.3.ix. NCC request the inclusion of such measures be secured through a **condition**.

_ No bird survey of the site was conducted. Due to the implied removal of sections of hedgerow and scrub from the site, we request a standard **condition** controlling vegetation clearance during the bird nesting season (which runs from March to August inclusive).

_ Due to the site being within 5km of the Sherwood Forest potential SPA, the site was assessed for Woodlark and Nightjar potential. It was deemed 'highly unlikely' that these species would use the area.

_ The reptile survey addendum found no evidence of reptiles on site. However, the addendum recommends a precautionary approach to site clearance. As such, NCC request a **condition** specifying a precautionary approach to site clearance, as detailed under the Evaluation section, page 4. of the Addendum. _ No badger survey was conducted of the site. However, due to the desktop survey finding records of Badgers within the search area, they recommend a precautionary approach to site works as detailed in section 6.3.5. xiv. NCC request this be secured through a **condition**.

_ The Preliminary Ecological Appraisal specifies that no evidence of any Schedule 9 species were found on site (section 5.4.8.). However, the species list documented in Appendix 2 includes *Heracleum mantegazzianum* (Giant Hogweed). NCC therefore request clarification as to whether Giant Hogweed was present on site.

The proposals submitted do not include a landscaping plan for the development. NCC welcome the inclusion of two Public Open Space Areas within the development. NCC request a **condition** providing further details of the landscaping plan, in particular:

_ A more detailed plan highlighting the hedgerows and scattered trees which are proposed to be retained and those which are to be removed.

_ Measures to protect retained trees and hedgerows during construction.

_ A planting plan, labelling the proposed trees with the intended species. In particular, we recommend that only native trees are planted within the Public Open Spaces and around the site boundaries (especially along the southern boundary).

_ The use of a flowering lawn mixture (such as N14F or EL1) within the POS areas.

_ A more detailed outline of the intended species proportions for use within any areas of hedgerow planting. The species used should be in keeping with the Sherwood Landscape Character Area.

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>

_ The Preliminary Ecological Appraisal details possible species for inclusion in a planting plan in Section 6.4.i. However, horse chestnut (*Aesculus hippocastanum*) and whitebeam (*Sorbus aria*) should NOT be included in any planting scheme for the site. Suitable species for the area can be found following the above link.

_ Details of establishment methods.

NCC would also request the inclusion of integrated bat and bird boxes within the development, as suggested in section 6.4.iii of the Preliminary Ecological Appraisal, and request that this is **conditioned**.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

NCC (Landscape Architect) - The site is a 1.6 hectare field of rough grassland which lies to the northern edge of Rainworth, 30m to the south of the A617, Rainworth Bypass. Along the northern boundary is a noise attenuation bund which is situated above Rainworth Bypass. To the immediate west of the site are allotment gardens whose boundary with the site is an outgrown hedge. To the south of the site is a track serving the rear gardens of properties along Kirklington Road with a more recent housing development along The Hayfields to the east of the site. The site falls gently from east to west and is crossed by several informal footpaths.

Designations and Planning policies

The site lies adjacent to Rainworth Colliery Village which is situated to the south of the application area. This is an area of Local heritage interest (LIE) and includes the existing residential area along Top Street. A Local Wildlife Site (LWS) **2/701 Rainworth Water Piece** lies approximately 145m to the west of the site. This is described as *A valuable mosaic of acidic grassland, dwarf shrub heath, scrub habitats flanking Rainworth Water.* Rainworth Heath is situated 545m to the north west of the site. This is an area of heath that is both a site of Special Scientific Interest (SSSI) and a Local Wildlife Site.

The application area forms a housing allocation within Newark and Sherwood Local Plan where on the Local Development Framework Policies Map it is identified as a housing allocation **Ra/Ho/1**. The density of housing exceeds that indicated within the Newark & Sherwood Allocations & Development Management DPD.

Proposed development

The development is for the construction of 56 No. 2 storey houses with associated infrastructure, car parking spaces and 2 areas of public open space. The proposed houses include terraced, semi-detached and detached properties with 4 bungalows proposed for the north east corner of the site. The overall ridge heights of the properties has not been shown. The maximum height to eaves is 4.8m above ground level.

Physical impact on the Landscape

The proposed development will require the removal of existing vegetation including trees and scrub and the loss of 1.6ha open area of grassland. The site layout plan shows that existing

vegetation is to be removed along the western boundary. The amount of tree/hedge removal has should be quantified within the Design and Access statement and shown on a landscape masterplan. Existing vegetation around the boundaries should be retained and protected during the development as this screens adjacent sites and forms a link between surrounding habitats. Retention of boundary vegetation also supports the Newark & Sherwood Allocations & Development Management DPD policy for this housing allocation which sets out an aim of the *Provision of suitable screening between the residential development and the allotments as part of the design and layout of any planning application.*

Impact on Landscape Character

At the national level the site falls within the Sherwood national character area (NCA Profile 49). The Newark and Sherwood Landscape Character Assessment SPD (2013) describes the site as lying within the **Sherwood** County character area and **Blidworth and Rainworth Wooded Estatelands SH18** policy zone. The overall landscape condition for this policy zone has been described as moderate with a moderate sensitivity giving an overall landscape strategy for this area of *conserve and create*. There are two landscape actions for the Blidworth and Rainworth Wooded Estatelands which applicable to this application are:

- Conserve and reinforce field boundary and road hedgerows where these have become degraded or lost
- Create opportunities for restoring areas of heath land where appropriate

The design proposals as submitted do not address either of these actions.

There are three actions for the built environment which are applicable to this application which are:

- Conserve the integrity and rural character of the landscape by concentrating new developments around the existing urban fringe of Blidworth and Rainworth
- Create small scale woodland/tree planting to soften new development, preferably in advance of development
- Conserve the existing field pattern by locating new small scale development within the existing field boundaries

In terms of built development this application largely adheres to the first two landscape policy zone actions. Vegetation removal along the western boundary will be contrary to the actions for the Blidworth and Rainworth Wooded Estatelands. The overall impact of the development on the landscape character of this site is likely to be slight to moderate adverse. Retention of existing planting and reinforcement of hedgerow boundaries would help to mitigate these adverse impacts.

Visual impact

The proposed development should be assessed particularly in relation to adjacent residential properties along the northern side of Kirklington Road and to the west of Top Street. The site is relatively contained by existing housing to the south and east and the grass bund along the northern boundary.

Mitigation measures to minimise the landscape and visual impact of the development, with particular consideration of identified sensitive receptors (from residents, any public rights of way, roads) should be provided on a landscape master plan.

Design Proposals

A landscape masterplan/proposals plan should be submitted together with detailed planting proposals including specification, species, size at planting, spacing, ground preparation/tree pit details etc.

Proposals for establishment maintenance and long term management be provided by the applicant. This could form a landscape condition should planning permission be granted.

Any proposed planting to the site boundaries should be native species as recommended in the attached species list for the Sherwood character area.

The provision of a landscape screening belt along the entire length of the western boundary with the allotment site should be incorporated into the proposals.

A description of how the site landscape will be maintained and managed in the longer term should be included within the application. This should include any public green space throughout this site which forms the green infrastructure to this development.

Summary

The Environmental Management and Design Team support the principle of development in this area. However I recommend that a detailed landscape masterplan is produced (informed by landscape character, visual impact, ecological, drainage issues) to support this application. This should address any adverse impacts identified from a site analysis. Existing trees should be protected according to BS within *BS 5837:2012 Trees in Relation to design, demolition and construction*. Plant species for structure planting should be suitable for the Sherwood character area. However at the present time because of the prevalence of *Hymenoscyphus fraxineus*, Ash (*Fraxinus excelsior*) should not be included in any planting mixes.

NSDC, Policy – (May 2017)

Planning Policy Context

National Planning Policy

Confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise. Requires Authorities to maintain a supply of specific deliverable sites sufficient to deliver a five year housing land supply. Promotes a sequential approach to development and flood risk, steering new development to areas with the lowest probability of flooding.

Development Plan

Core Strategy DPD

- Spatial Policy 1 'Settlement Hierarchy'
- Spatial Policy 2 'Spatial Distribution of Growth'
- Spatial Policy 6 'Infrastructure for Growth'
- Spatial Policy 7 'Sustainable Transport'
- 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 & Green Infrastructure'
- MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

- Policy Ra/Ho/1 'Rainworth Housing Site 1'
- Policy DM1 'Development within Settlements Central to Delivering the Spatial Strategy'
- Policy DM2 – 'Development on Allocated Sites'
- Policy DM3 'Developer Contributions and Planning Obligations'

- Policy DM5 'Design'
- Policy DM7 'Biodiversity and Green Infrastructure'
- Policy DM12 'Presumption in Favour of Sustainable Development'

Housing Land Supply Position

These comments have had regard to the Housing Monitoring and 5 Year Land Supply Report (1st April 2015 - 31st March 2016). National policy requires Local Plans to meet the full, objectively assessed, needs for market and affordable housing in the housing market area. To this end the Authority has, with its partners in the Nottingham Outer Housing Market Area, commissioned a Strategic Housing Market Assessment. The Study has identified a lower 'objectively assessed need' (OAN) than the level of development the Development Plan currently seeks to meet, with the completion of 454 dwellings per annum (p/a) required between 2013 and 2033. The SHMA has been produced in line with Government guidance and been subject to stakeholder consultation. Importantly the assessment provides us with a clear indication of the level of housing need in the District.

In terms of the ability to demonstrate a five year housing land supply the Authority is confident that it is able to do so, when set against the OAN requirement of 454 dwellings p/a. It is however recognised that the SHMA and the OAN figure are yet to be tested through the Local Plan process. As you will be aware the Inspector for the Southwell Road, Farnsfield appeal disagreed with an annual requirement of 454 dwellings, concluding that on balance, and that with regard to the evidence available to her a reasonable assessment of the full OAN would be in the order of 550 dwellings p/a. Whilst the Authority does not agree with the Inspectors reasoning on this matter it is still, nonetheless, a material consideration which will need to be weighed in the balance. The Council has therefore produced five year land supply positions for three different annual requirements:

- 454 dwellings p/a (the SHMAA OAN): 5.62 years
- 500 dwellings p/a (OAN plus 10%): 4.91 years
- 550 dwellings p/a (the Farnsfield appeal figure): 4.31 years

In light of the above you will be aware that the Authority has adopted a proactive approach to boosting housing supply. However the positive determination of policy compliant proposals on allocated sites remains fundamental to sustaining a healthy housing land supply position.

Assessment

The application seeks full consent for 56 residential units including associated infrastructure. The principle of development has been established through the allocation of the site, with Policy Ra/Ho/1 providing the framework for how development should be brought forward. Whilst the principle of development is acceptable it still remains important that the proposal is acceptable.

Level of Development

The proposed site area is approximately 0.23ha less than the allocation this is due to a strip of land on the southern edge that we believe is in the ownership of a social housing provider, as such the proposal for 56 dwellings would exceed the full allocation for Ra/Ho/1 at 54 dwellings, with a density of approximately 33/ha. When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocation process was to deliver the minimum number of dwellings to satisfy the requirements of

the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development then the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy. In the case of Ra/Ho/1 the need to provide suitable screening between the residential development and the adjacent allotment site , the provision of the off-street parking for existing residents of Top Street were important site characteristics which informed the setting of a notional capacity of 56 dwellings and in turn the policy requirements.

The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highways or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development, and particularly not for statistical reasons alone. As explained above the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in the future rounds of allocation. District-wide a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from in-appropriate development.

Affordable Housing Provision

The applicant has put forward that meeting the affordable housing contributions required by Core Policy 1 is not viable and has in fact stated that the outcome of the viability assessment suggests that it is not viable to make any affordable housing contribution as part of this proposal. I would emphasize that affordable housing provision makes a valuable contribution towards the creation of mixed and balanced communities and is integral to a more sustainable form of development. Without robust justification I would therefore question the sustainability of any scheme where there is a deficit in affordable housing provision.

The Sub –Area report to the Housing and Market Needs Assessment (2014) has identified a need for 1 and 2 bed social sector homes I would therefore seek the further views and guidance of Strategic Housing on this matter. I would suggest that the viability assessment is further scrutinised and if necessary additional viability work is completed in order that we are satisfied that the matter is robustly demonstrated.

Housing Mix

According to the Sub-Area report to the Housing and Market Needs Assessment (2014) market sector demand within the Mansfield Area is weighted in the following way:

- 1 bed 17.2%
- 2 bed 32.3%
- 3 bed 24.8%
- 4 bed 14.1%
- 5 bed 11.6%

The main size requirement overall is for 2 bedrooms at 32.3%, the report goes on further to demonstrate that the main property type requirement by existing households moving are bungalows followed by semi-detached properties. The applicant has proposed the following mix:

- 16 x 2 bed houses
- 4 x 2 bed bungalows

- 30 x 3 bed houses
- 6 x 4 bed houses

It is noted that following pre-application advice the applicant has included 4 x 2 bed bungalows within the mix, proportionality this is still below the suggested mix, whilst the proposal for 30, 3 bed houses is disproportionality high. Consequently the mix would better reflect local housing needs if the number of 2 bed dwellings was increased at the expense of 3 bed houses. Justification in line with Core Policy 3 will be required to support the mix as proposed.

Design and Layout

To address the issue of on street parking the site allocation policy requires the provision of off-street car parking for existing residents of Top Street as part of the design and layout of any planning application. I note that the proposal has included the addition of 7 car parking spaces for the existing residents of Top Street to address this matter.

The site allocation policy also requires the incorporation of footpaths within the layout of the development that link to other areas of Rainworth, I note within the layout that the proposal is to retain/enhance existing footpaths that includes links to the allotment site.

Provision of suitable screening between the residential development and the allotments to the West of the site is also a requirement of the site allocation policy. I note that the site layout proposes new hedgerow planting to the east and west boundary to address the policy requirement.

Open Space

The proposal includes the provision of two areas of public open space provision,(325m² and 765m²) with the inclusion of children's and young people's facilities on the larger parcel. Initially this appears to be in accordance with requirements of the Developer Contributions SPD however further guidance on the detail should be sought from the Parks and Open Space Team.

Highways

The site allocation requires the submission of a Transport Assessment to identify the impact of the development on the highway network and the provision of appropriate mitigation measures. I note that a transport statement has been submitted as part of the proposal, at the time of writing policy comments a response has not been supplied by NCC Highways. The proposal appears to have a single point of access off Top Road we will need to be content that this is acceptable.

Public Foul Sewer and Wastewater Treatment

The site allocation requires developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development. I note the following contrary comment at Point 5.67 within the applicants Planning Statement: *'The applicant has confirmed with relevant bodies that the local foul sewer system and wastewater treatment works have sufficient capacity to serve the proposed development.* I would therefore recommend taking further advice from the relevant consultation bodies on this matter.

Ecology

Both Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. Through the same policies Suitable Alternative Natural Green Space (SANGS) would be sought to reduce visitor pressure on the Birklands & Bilhaugh Special Area of

Conservation. Policy DM7 is clear in advising that the quantity and quality of SANGS shall be developed and agreed in conjunction with the District Council and Natural England.

I note that a Preliminary Ecology Appraisal has been submitted as part of the proposal, findings of which state that *'overall the habitats within the site are considered to be of limited ecological value'* At the time of writing policy comments a response has not been supplied by Natural England, I would recommend taking advice from Natural England to clarify the matter.

Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. The infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. I note that the only financial contribution the applicant has included in the Viability Appraisal is £137,000 for the provision of additional primary school places, it is critical that the detailed infrastructure needs arising from the development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning obligations SPD provides the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

Conclusion

There remains significant outstanding matters which include the provision of affordable housing contribution, housing mix, requirements for public foul Sewer and wastewater treatment and SANGS requirements. Whilst these matters may be capable of remedy the proposal as it stands does not comply with the Development Plan. Without the positive resolution of these issues strong material considerations would be required to determine the application positively.

NSDC, Environmental Health – No objection subject to a condition requiring details of the acoustic screening along the northern boundary to be submitted and approved in writing.

NSDC, Community Projects Manager - This application if approved would require a full community facility contribution in accordance with the current SPD, the contribution would be allocated to community infrastructure improvements in the Rainworth locality and further details can be provided as required.

NSDC, Parks and Amenities - I've looked at the site plan and note the proposed POS provision. This will be suitable to meet the amenity and natural and semi-natural green space requirement (if laid out appropriately) but as you say there is no provision for children and young people. Given the vicinity of this site to existing play spaces in Rainworth (and I note that a footpath link is shown to the play area on the Davidsons development) the children's playing space requirement will be best met through the payment of an off-site commuted sum towards the provision/improvement and maintenance of children's playing space in the vicinity of the development.

NSDC, Strategic Housing – No comments received.

Independent Viability Consultant – The applicant has sought to challenge the level of developer contributions by way of Affordable Housing provision on the basis that the policy based 30% Affordable Housing would render the development economically unviable. The Applicant has submitted a viability appraisal concluding that no Affordable Housing provision is viable in tandem with S106 contributions of £137,000.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

The detailed methodology to assess the economic viability of development is set out in 'Vi-ab Viability for Town Planners Guidance Notes' at 17/00865/FULM.

Key Assumptions

GENERAL		
Net Developable Site Area		1.67Ha
Development Scenario		Greenfield
Total Unit Numbers		56
AREAS		
Net Residential Sales Area	Houses	4031sqm
	Apartments	0sqm
Gross Construction Area	Houses	4031sqm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	2 Bed Houses	£1935sqm
	3,4 Bed Houses	£1885sqm
CONSTRUCTION COSTS		
	Detached Houses	£1258sqm
	Terraced Houses	£1076sqm
	Semi Detached Houses	£1049sqm

ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Costs	Site Regrading	£175000
	Gabion Walls	£50000
	Retaining Walls	£75000
	Electrical Sub-station	£10000
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£329,098
Existing Land Use Value	Based on EUV £20,000 Ha	£33,400
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£181,249
OTHER FEES & COSTS		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		5.0%
Finance		5.0%
FIXED DEVELOPER CONTRIBUTIONS		
CIL		£0
Planning Obligations	Applicant's allowances	£137,000
FINANCE COSTS		
Interest		5%
Arrangement Fee		1%
DEVELOPMENT PROFIT		
Development Profit Return on GDV	Market Housing	20%
	Affordable Housing	6%

Assumptions Comments

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

CIL charges do not apply in this location.

The assessment broadly agrees with the Applicants assessment of sales values based on comparable evidence prepared in connection with the Council's CIL review. The assessment of build cost is based on current BCIS rates.

The Council's benchmarking methodology has been applied to the land value allowance. The existing use value adopts £20,000 per Ha for greenfield land and applies 50% of any uplift in value resulting from planning permission to establish a competitive return to the landowner. The residual value with residential consent is £329,098 (at £197,065 per Ha). This results in a land value benchmark of £181,249.

Viability Results & Conclusions

It is considered that the development could not viably deliver the policy based target of 30% Affordable Housing. The appraisal demonstrates marginal negative viability of -£12,344 with S106 contributions of £137,000. The marginal negative viability represents only 0.01% of the capital value of the scheme and is not therefore considered significant.

It is therefore considered that the Applicant's proposal to remove the Affordable Housing obligations is justified.

NSDC, Access and Equalities Officer – An application for Building Regulations approval would be required and the developer should give proper attention to Approved Document M of the Buildings Regulations.

Neighbours/interested parties – 11 letters of objection have been received and 1 letter of support. Main issues raised include:

Highways

- Residents of Top Street concerned that if the east side of Top Street is going to be widened, the residents will no longer be able to park adjacent to their homes if they do not have off street parking;
- Small cul de sac with not enough parking as it is, people will have to walk on the road. From their drive they struggle to get their vehicles out because of over parking. This development will make the street even more hazardous to drivers and pedestrians;
- Top Street is too narrow to be used as a through road to the new estate, it is not the standard width a road should be for the traffic it will generate, according to various council and government articles;
- All the residents on Top Street have 1 or more vehicles and the road is very crowded with residents parking their own private vehicles;
- If emergency service vehicles or delivery vehicles come into Top Street, they have to park in the middle of the road as there is rarely any other parking available;
- The submitted information states "carriageway width ranging between 4.9m and 9.0m." Max 5m width as measured by a local resident. The information also states that "Top Street has lit footways," but there are no street lights, so where does the lighting come from?
- Parents often park in Top Street while dropping their children off at school;
- There are at least 7 children on Top Street who like to play together on the street, at the moment they can play safely as cars only come down infrequently;

- With 56 new houses, there could be 50 to 140 cars coming and going all day and residents in Top Street reverse out onto Top Street, which will be very dangerous with increased traffic;
- Residents of Top Street want to park their cars outside their own houses not out of sight at the bottom of the street, especially with bags of shopping and all the residents of Top Street are in agreement;
- How long before someone who is not entitled to use one of these spaces does so?
- There is poor visibility (approx. 20m) when you leave Top Street onto Kirklington Road because of the parking laybys and the brow of the hill, making this junction highly dangerous;
- The site should be accessed from the development to the east of the site where it is more spacious and garages and parking areas are alongside the dwellings they serve in a contemporary layout, and not via Top Street; and
- More foresight is needed for entry and exit arrangements, for it to be holistic rather than piecemeal on individual sites, the plan has been on the table long before the development to the east took place.

Other matters

- Nottingham Community Housing Association own the strip of land (approx. 0.22 ha) to the south of the application site to the rear of the houses on Kirklington Road. They believe they could build 8 or 9 affordable homes on this land providing the applicants Chevin Homes design and build their scheme with unencumbered access and drainage adopted up to the boundary, which would allow the future development of their site. If this can be arranged through the planning process, and if the road levels are at a suitable level to ensure our development is possible without excessive retaining structures, then they would have no objection to this application. The car parking area adjacent to Plot 1 in the south west corner of the site could prevent their ability to develop the land we own immediately adjacent to this area;
- There is no need for extra housing on this piece of land, this should be greenbelt and untouched;
- There will be loss of privacy to residents in Top Street and Kirklington Road from the development;
- The infrastructure in particular the size and number of infant/junior schools are stretched as it is. What plans are there for building a new one?
- The development was meant to be more 1 and 2 bed homes but it shows 3 and 4 bed homes;
- Small lizards/newts and starlings are two of the most endangered species currently will be effected. The lizards thrive in the sandy soil and photographs have been submitted of newts showing the objector's house in Top Street, in the background. Starlings were very disrupted in their breeding habits when the development to the east was built;
- Rainworth has taken its fair share of new housing in the last few years and they still have a massive site under construction at Warsop Lane – their doctors, schools, drains sewers, water supply and roads cannot take anymore and the tight community feel would be lost.

Comments of the Business Manager, Growth and Regeneration

Principle of Development

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

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

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 accepted 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.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD, now forms the Development Plan for Newark & Sherwood. The proposal site is located in Rainworth, a Service Centre, allocated for development in the Core Strategy (adopted 2011) under Spatial Policy 1 and Spatial Policy 2. The site forms part of Rainworth Housing Site 1 as identified in Policy Ra/Ho/1 of the Allocations and Development Management DPD (adopted July 2013). The DPD confirms the site as one of the two sites allocated for housing development in Rainworth. The Policy sets out that the site is allocated for residential development providing around 54 dwellings.

Policy Ra/Ho/1 sets out a detailed approach for the bringing forward of the site. It states that development on the site will be subject to the following:

- Preparation of an appropriate Transport Assessment as part of any planning application to identify the impact of the development on the highway network and the provision of appropriate mitigating measures;
- The provision of off-street car parking for existing residents of Top Street as part of the design and layout of any planning application to address the issue of on street parking in this location;
- The incorporation of footpaths within the layout of development that link to other areas of Rainworth and the adjoining allotments;
- Provision of suitable screening between the residential development and the allotments as part of the design and layout of any planning application;
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;
- The investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures; and
- The investigation of potential archaeology on the site and any necessary post-determination mitigation measures secure by condition on any planning consent.

Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 refers to development within sites allocated in the ADMDPD being supported for the intended use provided that they comply with the relevant Core and Development Management policies relating to site specific issues.

Through the site's inclusion as part of the allocation Ra/Ho/1, the principle of development in this location has therefore been established. It is still however important that the detail of the proposal is able to satisfy the relevant aspects of the District's development plan with the addressing of the requirements of the site allocations policy particularly important in this respect. As already referred to within this report, the application site does not cover the whole of the allocation area as set out in the Allocations Document. There is a small strip of land to the south of the application site that is in separate ownership and has been excluded from the red line plan. It is important, given the split in land ownership that the allocated site is brought forward in a coherent and comprehensive manner. The Site Layout Plan shows there is potential to link the re-development of the strip of land to the south of the application site with development facing onto the new internal road. I am therefore satisfied that this scheme if approved would not prejudice the delivery of more development to the south should an application come forward.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery. Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. Whilst an appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

Density

When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation, it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD.

Where site owners and promoters made the case that their sites could accommodate a greater level of development the Inspector made it clear that this was a matter for the planning application process; the test of soundness was satisfying the targets of the Core Strategy. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone.

In the case of Ra/Ho/1, the site's need to provide suitable screening between the site and the allotments, the provision of off street parking for existing residents of Top Street and the incorporation of footpaths within the layout of development that link to other areas of Rainworth were important site characteristics which informed the notional capacity of 54 dwellings. However, as previously referred to, there is a small strip of land within the allocated site which sits outside the red line of this application). The figure quoted within the DPD were minimum estimates not maximum capacities and a key aspect in considering a greater level of development is whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highways or amenity impacts.

The Site Layout Plan presents 56 units on a site area of 0.23ha which represents a density of 33 dwellings per hectare.

The proposed development therefore meets the density requirements set out in the Core Strategy and in my view would ensure that an effective and efficient use of allocated land is achieved. I am also mindful of the viability issues on the site (discussed under 'Developer Contributions' below) and that a reduction of numbers is likely to render the scheme unviable. As such, it is considered that a reduced quantum of development will not be in a position to offer any further additional S106 requirements to make the scheme policy complaint.

The proposed development provides for over 1,000 sq m of the overall site area as amenity space.

In any case, I am satisfied that the proposed house density, whilst higher than that stated within the allocation policy, would be broadly in keeping with the character of the area and would meet the overall objectives of Core Policy 3.

Mix and Type

The mix and type of housing offered by this application has been amended during the course of the application.

The following housing mix is indicated:

	As originally submitted	As amended	Total as amended (%)
2 Bed Bungalow	4	8	14.3
2 Bed Apartments	-	3	5.3
2 Bed	16	18	32.2
3 bed	30	22	39.3
4 Bed	6	5	8.9
Total	56	56	(100)

In terms of market sector housing the Housing Market & Needs Assessment Sub-Area Report (2014) shows demand to be predominantly focused on 2 bed (32.3%) and 3 bed (24.8%) unit types, with lesser demand shown for 1 bed (17.2%), 4 bed (14.1%) and five or more bed (11.6%) units. During the course of the application, the applicant has altered the mix to better reflect the need identified for market housing and on this basis it is considered that the mix and type of units offered are acceptable and compliant with Core Policy 3 of the Core Strategy.

Impact on Visual Amenity including the Character of the Area

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District’s landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Policy Ra/Ho/1 requires the provision of suitable screening between the residential development and the allotments as part of the design and layout of any planning application.

The site lies on the northern outskirts of the village on land which has small undulations and slopes down from east to west. The development would inevitably change the landscape and the character of the surrounding area by virtue of the fact that a predominantly greenfield site would become a housing site.

However, the provision of a suitable landscape screen to the western boundary of the site would comply with the requirements of the housing allocation policy. The proposed screen is shown on the submitted site layout plan, however, could be considered as somewhat narrow as it is represented by an indicative single row of new trees to maintain a physical and visual break to minimise the impact of the allotments on the new development and the new development on the open natural nature of the allotments. It is acknowledged that there appears to be limited green infrastructure within the application development itself but all the boundaries of the site show

much greater planting which will assist in reinforcing the existing field boundaries and provide an appropriate soft edge to the development.

The Newark and Sherwood Landscape Character Assessment SPD (2013) describes the site as lying within the Sherwood County character area and *Blidworth and Rainworth Wooded Estatelands* SH18 policy zone. The overall landscape condition for this policy zone has been described as moderate with a moderate sensitivity giving an overall landscape strategy for this area of *conserve and create*. There are two landscape actions for the Blidworth and Rainworth Wooded Estatelands which applicable to this application are:

- Conserve and reinforce field boundary and road hedgerows where these have become degraded or lost
- Create opportunities for restoring areas of heath land where appropriate

It is considered that reinforcing the vegetation planting around the perimeters of the site would reinforce the field boundary and road hedgerows.

There are three actions for the built environment which are applicable to this application which are:

- Conserve the integrity and rural character of the landscape by concentrating new developments around the existing urban fringe of Blidworth and Rainworth
- Create small scale woodland/tree planting to soften new development, preferably in advance of development
- Conserve the existing field pattern by locating new small scale development within the existing field boundaries

In terms of built development this application largely adheres to these landscape policy zone actions.

The predominant house type in the surrounding area comprises 2-storey dwelling houses. The submitted details state that the height of new housing would be 2-storey and bungalows which is considered appropriate to the character of the area.

In conclusion, I consider that whilst the proposed development is of high density, that due to limited access and topography, the development will not be visually prominent and appropriate boundary treatment can be reinforced around the edges of the site to provide an appropriate landscaped setting in accordance with the aims of Policy Ra/Ho/1, Core Policy 9 and DM5.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The submitted site layout plan shows bungalows located in the north-east corner of the site, which would result in limited impact on the amenities of the adjacent properties situated to the east of the site. The retention of the high mature hedge along the eastern boundary of the application site will also assist in providing an acceptable relationship between new and existing dwellings. The only other properties that are likely to be affected by the proposed development are the occupiers of the two houses situated at the end of Top Street. Plot 43 is the nearest property to

No 12 Top Street and sits approx. 20m to the north from the side elevation of No 12. Plot 43 faces down Top Street and forms the anchor two-storey dwelling at the end of the road. Although there will be first floor windows within the front elevation of Plot 43, any view of the side and rear of 12 Top Street would be at a very oblique angle. The two storey Plots 41 and 42 sit perpendicular to and facing onto the residential curtilage of No 9 Top Street. There is a distance of approx. 21m between the proposed front elevation of the new dwellings and the side elevation of No 9 Top Street. It is considered that this relationship is on the limits of acceptability and could be adequately mitigated by appropriate boundary treatment along the southern boundary of the application site, which can be controlled through condition.

I am also conscious that Top Street is currently a dead end road serving 11 properties but would be the new access road to serve the new 56 dwellings. Top Street will therefore become considerably busier from traffic entering and leaving the application site. The submitted Transport Statement suggests that the proposed development is likely to generate 29-30 vehicular trips during the morning and evening peak hours and anticipate with a maximum level of vehicular trip generation of 30 two-way vehicular movements per hour. Although this will have a greater impact on the living environment of occupiers of Top Street compared to the existing scenario, it is no different to many other roads within the settlement of Rainworth which are fronted by residential properties. This matter has previously been considered during the process of allocating the site for around 54 dwellings on this site.

I acknowledge the comments made by residents of Top Street stating that they would not use the parking spaces provided on the application site for parking as they would want to keep their vehicles in view, and I have sympathy with these comments. However, residents in Top Street will continue to be able to park along Top Street should they wish.

On balance, therefore, it is not considered that this represents an impact of such a degree to warrant the refusal of planning permission in this case.

I have also considered the amenities of future occupiers of the application site and the potential impact from noise from traffic using the A617. The applicant has stated that an acoustic screen will be installed along the northern boundary of the site, however, no details have been submitted. The Council's Environmental Health Officer has advised that provided the details of and installation of the acoustic screen is controlled through condition, this matter is not fatal to the scheme and can be adequately mitigated against.

The proposed dwelling houses at the density proposed are sited a sufficient distance from one another so as not to have a detrimental effect on one another.

On balance, I am therefore satisfied that the proposed scheme is in compliance with Core Policy 9 and Policy DM5 of the Development Plan.

Impact on Highway Safety

Policy Ra/Ho/1 requires an assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary.

The Highways Authority raise no objection to all 56 dwellings being served off Top Street through the existing housing development. Following receipt of amended plan demonstrating the extent of road to be adopted highlighted in yellow, no objection is raised to the development from

Highways to the proposed widening of the carriageway and footway in Top Street and are satisfied to control the details of the new access through condition. The Highway Authority also requested a condition requiring improvements to the bus stop on Kirklington Road to be carried out. However, as this is not within the red or blue line of the application, this will need to be secured through the S106 Legal Agreement.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy Ra/Ho/1 in being suitable to serve the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Ecology

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF 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.

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

I am aware that a population of Nightjar and Woodlark in the Sherwood Forest area may justify its classification as a potential SPA ('pSPA'). As such, the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc) Regulations 1994) need to be applied. The application site is located within the 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England. The LPA must seek to prevent pollution or deterioration of habitats and not increase the likelihood of birds being disturbed and/or predated. The site is also within the Impact Risk Zone for the Rainworth Heath SSSI.

Whilst the proposal is unlikely to result in any direct habitat impact, it is necessary to consider any indirect impacts. Considering the existing site is intersected by a number of informal tracks and footpaths that are used by local people walking their dogs and for other recreational purposes. As such, it is considered that the likelihood of nightjar and woodlark using the existing site as breeding or feeding habitat is already very low. It is therefore considered that the indirect impact of the proposed development on these birds is very limited in terms of the risk-based approach and not likely to be any more adverse than the existing scenario. Nottinghamshire Wildlife Trust have not commented on this application. Nor do Natural England raise any objection to the application subject to the provision of green infrastructure. It is considered that the reinforcement of existing field boundaries around the perimeters of the site provide this green infrastructure. Natural England has confirmed that based on the plan submitted, they consider that the proposed development will not damage or destroy the interest features for which Rainworth Heaths and Rainworth Lakes SSSI has been notified and has no objection.

An extended Phase 1 Ecological Assessment has been submitted with the application dated March 2017 along with a subsequent Addendum dated June 2017. These include an Extended Phase 1 Habitat Survey and a Reptile Survey. The Appraisal recommends a number of measures to mitigate against any impacts on bat species, which can be conditioned. It is also recommended that a condition be imposed to control vegetation clearance during the bird nesting season (from March to August inclusive). A precautionary approach should be conditioned regarding site clearance as detailed under the Evaluation section of the Addendum in order to protect any potential impact on reptiles. The same pre-cautionary approach should be conditioned for badgers during site works. The Appraisal recommends that integrated bat and bird boxes and hedgehog boxes are installed within the development as biodiversity enhancements and this can also be secured through condition. Subject to these conditions, it is considered that the proposal broadly accords with Core Policy 12 and Policy DM7.

Archaeology

Policy Ra/Ho/1 states that the development will be subject to 'the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application.' Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

No comments from the County Archaeology Officer have been received. The submitted Heritage Desk Based Assessment states that limited pre post-medieval archaeological evidence is recorded in the wider vicinity of the site. The earliest evidence of settlement at Rainworth is recorded in the early 19th century, and at this time, the settlement was within the confines of Sherwood Forest, surrounded by an area of heathland that was later cultivated. The Assessment has identified no heritage sensitivities that could influence or preclude development and states that the significance of the non-designated coal mining housing estate, including to the south of the site would be affected by the proposed development. On this basis, the proposal is considered to raise no issues under Core Policy 14 and Policy DM9 and it is not considered necessary to impose any condition.

Flooding/Drainage

Policy Ra/Ho/1 requires the positive management of surface water and developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include "*necessary mitigation as part of the development or through off site measures where necessary.*" Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

The site is not located within Flood Zone 2 or 3 however as it exceeds 1ha in size, a Flood Risk Assessment has been submitted with the planning application. The Lead Local Flood Authority

initially expressed some concern in relation to the long term maintenance of the surface water drainage system proposal indicated in the submission. However, following an amended FRA, they have advised no objection to the proposed development subject to the imposition of a condition requiring a detailed surface water drainage design and management proposal.

No information has been provided with regards to developer funded improvements to the public foul sewer system and wastewater treatment works and Severn Trent Water have not set out any specification requirements to accommodate the additional demand from foul water (sewerage and waste water) from the development in their consultation response. However they do recommend a condition relating to surface water and foul sewage which I consider to be sufficient to ensure a satisfactory drainage solution is achieved in accordance with the aims of Policy Ra/Ho/1 and Policy DM10.

Contaminated Land and Coal Mining

The NPPF and Policy DM10 require planning decisions to ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Policy Ra/Ho/1 requires investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary.

A Combined Phase I Desk Study and Phase II Exploratory Investigation has been submitted with the application. This includes a Coal Mining Report. In relation to coal mining, no specific precautions or investigations are recommended. I am therefore satisfied that this issue has been addressed in accordance with the requirements of Policy Ra/Ho/1.

In relation to contaminated land, the submitted report concludes that ‘the site does not pose a significant risk to human health or controlled waters and that Made Ground, Topsoil and natural strata should be suitable for re-use on site or disposal without incurring significant costs.’ I am therefore satisfied that this issue has been addressed in accordance with the requirements of DM10.

Developer Contributions

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

A Viability Report has been submitted as part of the application which sets out that Section 106 contributions of circa. £137,460 alone would be viable.

The main areas for which development contributions should be sought are considered below:

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met.

With no affordable housing proposed, the application falls below the 30% sought through Core Policy 1 of the Core Strategy. In applying the Core Policy both the nature of housing need in the local housing market and the impact on viability need to be considered. In this respect I have sought advice from an independent Viability Consultant (set out in the '*Consultations*' section above) who is satisfied that the case presented demonstrates that the scheme cannot provide any affordable housing on grounds of viability.

Community Facilities

The SPD sets out that a development of 56 dwellings would equate to a community facilities contribution of £66,150 plus indexation (£1,181.25 per dwelling). The community facility contribution could be used to support community facility infrastructure improvements as identified by the Community Projects Officer. However, the application does not propose any contribution towards off site community facilities due to the viability of the development overall. In this respect I have sought advice from an independent Viability Consultant (set out in the '*Consultations*' section above) who is satisfied that the case presented provides a fair assessment of the site and the market circumstances.

Open Space

In accordance with the requirements of the SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. The Site Layout Plan includes two areas of public open space amenity area (1090m²), but no children's play space. The SPD also requires all residents to live within 300 metres of an area of natural and semi natural green space between 0.2Ha and 1Ha in size. The Council's Parks and Amenities Officer has confirmed that the on-site provision is suitable to meet the amenity and natural and semi-natural green space requirement. Given the vicinity of this site to existing play spaces in Rainworth (and it is noted that a footpath link is shown to the play area on the Davidsons development) the children's playing space requirement will be best met through the payment of an off-site commuted sum towards the provision/improvement and maintenance of children's playing space in the vicinity of the development.

However, the application does not propose any contribution towards off site children's play space due to the viability of the development overall. In this respect I have sought advice from the independent Viability Consultant (set out in the '*Consultations*' section above) who is satisfied that the case presented provides a fair assessment of the site and the market circumstances.

Overall, whilst the contributions towards children's play space fall short of being policy compliant, the level of other open space provision is considered acceptable.

The open space would also need maintaining. Given the applicant's viability case, this would indicate that a commuted sum for maintenance to the Parish Council were they in a position to adopt the open space is not an option. Any S106 would need to include a requirement for a management company to be set up to maintain the open space.

Education

In respect of education; a proposed development of 56 dwellings would yield an additional 12 primary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £137,460 (12 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

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. However, in respect of libraries, Nottinghamshire County Council is not seeking a developer contribution through this application.

Summary Developer Contributions

A summary of the policy compliant developer contributions/S.106 requirements and the anticipated level of contributions that could be accommodated within the available funds for the development to remain viable is set out below:

Developer Contribution Requirement	Expected based on SPD for a scheme of 10 dwellings	Proposed contribution offer as a result of development viability
Affordable Housing	30% on site provision	None
Open Space / Children's Play Area	<p>On site provision of children's play space of 18 sq m per dwelling (1,008 sq m required) or off-site commuted sum of £903.22 per dwelling which equals £50,580.</p> <p>On site provision of amenity green space of 14.4sq m per dwelling (806.4sq m required). Maintenance of on-site site amenity green space (£275.47 per dwelling) Natural and Semi-natural Green Space – all residents should live within 300m of an area of between 0.2ha and 1ha in size.</p>	<p>No on-site provision of children's play space and no commuted sum towards off-site provision.</p> <p>On site physical provision of 1,090 sqm of amenity green space and Natural and Semi-natural green space. Maintenance of on-site amenity green space (£275.47 per dwelling = £15,426.32).</p>
Education	£137,460 (equivalent of 12 primary school places)	£137,460
Community Facilities	£1,181.25 per dwelling = £66,150	£0
Libraries	New library accommodation – £202.10 per dwelling New stock only - \$45.96 per dwelling	£0 (The County Council has not requested a contribution.)

TOTAL	Amenity green space and natural and semi-natural green space together with its maintenance and £137,460 towards education.
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The proposed contributions, limited to on-site green amenity space and Natural and Semi-natural Green Space provision and £137,460 towards education is set out within the submitted Viability Report. The Viability Report also identifies a number of abnormal costs that relate to regrading of the levels on site and the need for retaining walls and cut and fill exercises required in order to create an acceptable site topography necessary to achieve highway and disabled access gradients. I am mindful of Paragraph 176 of the NPPF which states that to make a development acceptable the options for keeping costs to a minimum should be fully explored so that development is not inhibited unnecessarily. Planning Practice Guidance states that where the viability of a development is in question, local planning authorities should look to be as flexible in applying policy requirements wherever possible.

In any event the viability appraisal has been independently assessed and the advice received is that the scheme based on up-to date build cost rates is only marginally viable. Whilst I do not seek to challenge the viability conclusions, the proposal falls short of the policy requirement to secure the required level of contributions towards affordable housing, children’s open space and community facilities. This is a negative of the scheme and needs to be weighed in the planning balance.

Planning Balance and Conclusion

Following the site’s allocation through the Local Development Framework the principle of development in this location is not contested. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matter for consideration under this application is the level of compliance achieved with the policy requirements of Policy Ra/Ho/1 and the other core strategy and development plan policies. The proposal falls short of the policy requirement to secure the required level of affordable housing as required by Core Policy 1 of the Core Strategy and other contributions, including community facilities and children’s play space as required by the Developer Contributions and Planning Obligations SPD. However, taking into account the other infrastructure requirements (site levelling) and the overall site viability, on balance, 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.

Based on the site layout plan submitted with the application it is considered that the highways, flood risk, drainage, archaeology and design impacts of the proposal are acceptable subject to planning conditions.

Subject to conditions and the applicant entering into a S.106 agreement to secure the provision of amenity green space and natural and semi-natural green space together with a sum for its future maintenance, a commuted sum for the provision of primary education plus improvements to the

bus shelter on Kirklington Road, it is recommended that, on balance, full planning permission be approved.

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 control the matters set out in the table contained within the Summary Developer Contributions section above and improvements to the bus shelter on Kirklington Road**

Conditions

01

The development hereby permitted shall not begin later than 3 years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

334-PE-XX-00-DR-A-0001 Rev P07 - Site Layout Plan
000-PE-XX-XX-DR-A-9100 Rev P02 – Plot Type 2B – Birendale
000-PE-XX-XX-DR-A-9100a Rev P01 – Plot Type B2 – Birendale
000-PE-XX-XX-DR-A-9200 Rev P03 – Plot Type 3A - Brackenfield
000-PE-XX-XX-DR-A-9300 Rev P02 – Plot Type 3B - Errwood
000-PE-XX-XX-DR-A-9400 Rev P02 – Plot Type 4A - Fernlee
000-PE-XX-XX-DR-A-9500 Rev P03 – Plot Type 3C - Filburn
000-PE-XX-XX-DR-A-9500a Rev P01 – Plot Type 3C – Alternative Filburn
000-PE-XX-XX-DR-A-9600 Rev P03 – Plot Type 2a - Hawksmoor
000-PE-XX-XX-DR-A-9700 Rev P01 – Plot Type 2BB - Wesseden
334-PE-XX-00-DR-A-0002 – Rainworth – Street Scenes

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of the 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).

04

Development shall not be commenced until detailed samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Roofing tiles

Render (colour and finish)

Any exposed timber cladding

Reason: In the interests of visual amenity.

05

The development hereby permitted shall not commence until drainage plans for the disposal of 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 and to minimise the risk of pollution in accordance with the requirements of Policy Ra/HO/1 and Core Policy 9.

06

Notwithstanding the submitted details, no development shall be commenced until a surface water drainage scheme, 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. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

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 requirements of Policy Ra/HO/1 and Core Policy 9.

07

No part of the development hereby permitted shall take place until details of the access into the site from Top Street have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works, visibility splays, within the development as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev. PO5. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/1 of the DPD.

08

No development shall commence unless or until the improvements to Top Street, ie carriageway widening to 5.5m, widening of the existing footpath on the eastern side of Top Street to provide a 2m width, and the minor improvements to the existing junction with Kirklington Road, are carried out in accordance with drawing no. 17-0075-001.

Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/1 of the DPD.

09

No development shall commence on any part of the application site unless or until a suitable access into the site has been provided at Top Street as shown for indicative purposes on drawing no. 334-PE-XX-00-DR-A-0001 Rev PO5. If required new plans shall be submitted to and approved in writing by the Local Planning Authority before development commences and the approved details shall be completed before any dwelling hereby approved is occupied.

Reason: To ensure the development is constructed to adoptable standards, in the interests of highway safety and convenience in accordance with Spatial policy 7 and Policy Ra/HO/1 of the DPD.

010

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

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

011

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

012

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

013

Prior to development commencing on site, details of the acoustic screen to be installed along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully installed along the northern boundary prior to any occupation of the dwellings hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

014

Prior to development commencing on site, details of all external lighting to serve the development hereby approved shall be submitted to and approved by the local planning authority in writing. This should follow the guidelines set out in Bats and Lighting in the UK (BCT, 2009). The approved lighting shall be installed prior to the occupation of any of the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity on the site.

015

The precautionary approach to ecology during construction works as outlined in paragraph 1.15 of the Preliminary Ecological Appraisal by Ramm Sanderson dated March 2017 submitted in support of this application shall be adhered to in that:

Prior to construction a pre-commencement check should be made by an ecologist to confirm that no new badger setts have become established within 30m of the site

During construction open trenches should be closed overnight or if left open include a sloping end or ramp to allow any badgers or other animal that may fall in to escape; and

Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Reason: In the interests of protecting ecology of the site.

016

No dwellings hereby approved shall be occupied until full details and the precise positioning of 4 bat boxes, 4 bird boxes and 4 hedgehog boxes have been submitted to and approved in writing by the local planning authority. The approved boxes shall then be installed in accordance with the agreed details prior to occupation 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.

017

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved hard landscape works for each phase shall be completed prior to the first occupation of the dwelling to which it serves. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers, densities, proposed location and approximate date of planting). The scheme shall include all external boundaries of the site, and be designed so as to enhance the nature conservation value, including the use of locally native plant species.

An implementation and phasing programme;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction in accordance with BS 5837:2012 Trees in Relation to design, demolition and construction.

proposed finished ground levels or contours;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas; hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

018

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

019

No part of the development shall 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.

Reason: In the interests of residential and visual amenity.

Notes to Applicant

01

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

02

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

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

03

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.

a) The Advanced Payment Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

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 David Albans tel: 0115 804 0015 for details.

04

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

05

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.

06

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

07

Further information regarding the bus stop improvement can be supplied through developer contact with Transport & Travel Services, Nottinghamshire County Council County Hall, West Bridgford, Nottingham NG2 7QP. ptdc@nottscc.gov.uk Tel. 0115 977 4520

08

In respect of the landscaping scheme, the applicant is advised that only native trees are planted within the Public Open Spaces and around the site boundaries (especially along the western boundary). It is also recommended that a flowering lawn mixture (such as N14F or EL1) be used within the POS areas. A more detailed outline of the intended species proportions for use within any areas of hedgerow planting should be provided. The species used should be in keeping with the Sherwood Landscape Character Area.

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>

BACKGROUND PAPERS

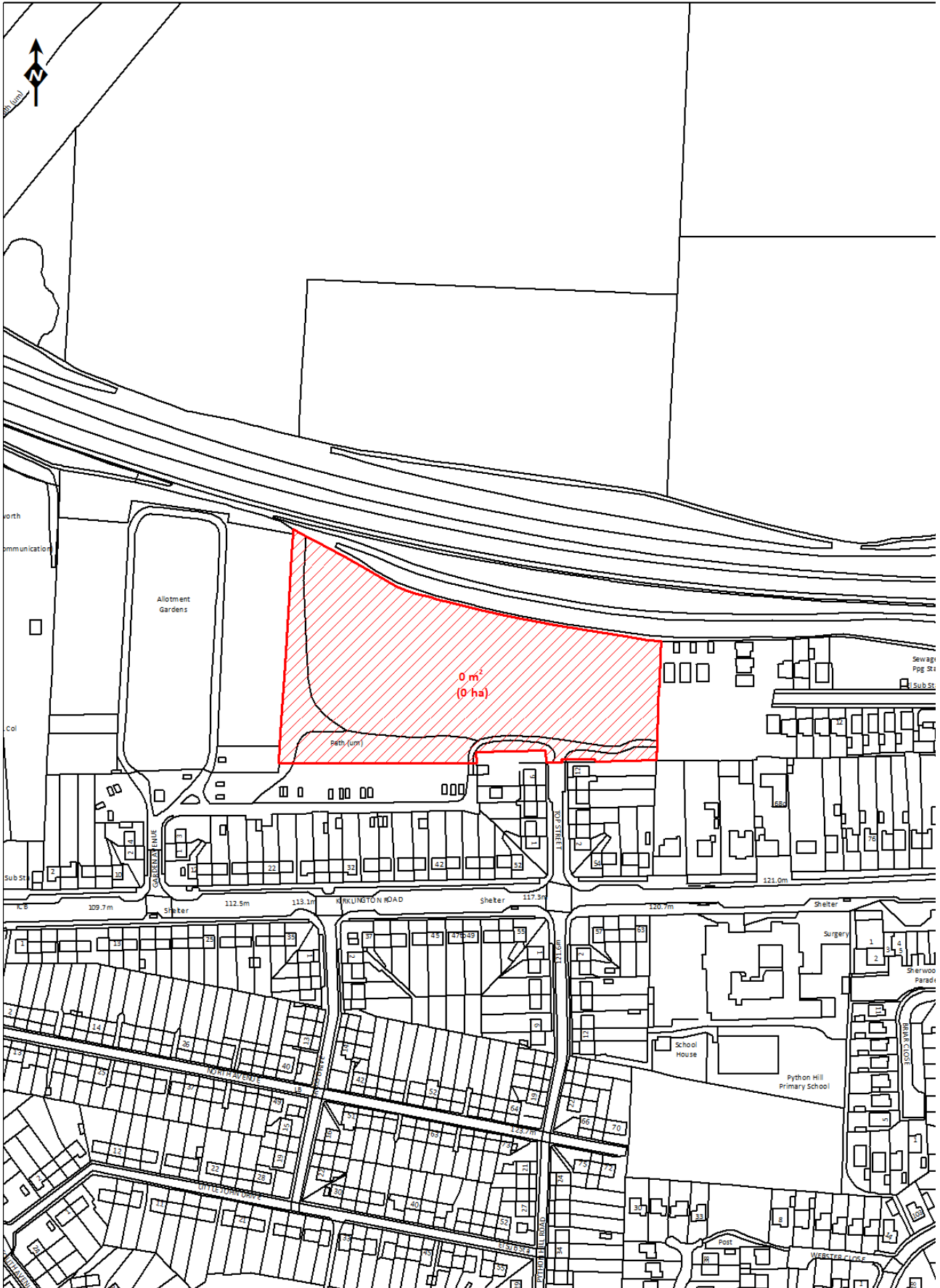
Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00865/FULM



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Application No:	17/00643/FUL	
Proposal:	Proposed 6 No new residential units	
Location:	Land off Main Street, Balderton	
Applicant:	Mr K Roberts	
Registered:	8 June 2017	Target Date: 3 August 2017
	Extension of Time Agreed in principle	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Balderton Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The site lies to the east of the junction of Main Street with Hollowdyke Lane in Balderton. The site backs onto the A1 trunk road to the south-east boundary which is elevated above the ground level of the site, and to the East Coast Mainline railway to the north-east boundary which is set below the ground level of the site within a cutting. Hollowdyke Lane progresses under a bridge supporting the A1 to the east while Main Street passes over the railway initially and then under the A1 before heading north-east towards Coddington village.

The site is situated within and on the edge of the defined Newark Urban Area as defined by the Allocations and Development Management DPD. The 0.72 hectare site is roughly rectangular in shape and is bounded by Main Street, Hollowdyke Lane, the A1 and the railway line. It appears to have been used previously as a grass paddock and there is a dilapidated single storey timber structure adjacent to the south-east boundary which appears to have been used as stable. The land slopes slightly from its highest point in the north east (to accommodate the bridge over the railway line) to its lower level along the southern boundary. The ground level of the site is also much higher than the existing houses on Main Street to the south-west, which makes the site prominent, particularly when viewed from the south-west along Main Street. There is no formal vehicular access to the site although there is a gate in the south-western corner. The site is bounded mainly by timber post and rail fencing (approx. 1.4m high), although there is higher steel palisade fencing along the north-east boundary with the railway line. Part of the boundary with Main Street is formed by the brick wall of the bridge over the railway line. The site is currently vacant.

The site is located within Flood Zone 1 of the Environment Agency Flood Maps but is susceptible to surface water flooding. Approximately 30m to the north-west of the application site is a ‘Site of Nature Conservation’ (local wildlife area) known as Balderton Ballast Pit.

To the north-west of the site on the opposite side of Main Street, 13 two-storey houses in small terraces have recently been built, one of which directly fronts onto Main Street, with limited set back with their ground level cut down below the slope of the bridge over the railway line. To the south-west of the site on the other side of Hollowdyke Lane are two storey detached dwelling in larger plots. Beyond the railway line to the north and the A1 to the east are agricultural fields and open countryside.

Relevant Planning History

79/551 – Outline planning permission was refused and dismissed at appeal in 1980 on the grounds of the site then being beyond the present development limits of the village, on the basis that it would represent a prominent visual stop to the view eastwards which would detract materially from the street-scene at the boundary between developed land and open countryside and thirdly that whilst it may be possible to design a dwelling with an acceptable degree of amenity internally, there would be a very low level of amenity outside the building due mainly to noise but also to overlooking.

The Proposal

The proposal is to construct a two storey building adjacent to Main Street, set back from Hollowdyke Lane to accommodate 6 one-bedroom apartments. There would be communal landscaped areas around the building with parking and turning areas concentrated around the vehicular access from Hollowdyke Lane. The submitted cross section shows that the development would be dug down within the site, and a comparison of the height and bulk of the proposed development compared to the new development on the other side of Main Street is demonstrated on plan. The proposed building would be broken up into a series of smaller blocks positioned at different angles with materials to be agreed. It measures approximately 29m long by 6.5m wide (gable width) and would be 4.8m to the eaves and 7.8m to the ridge.

As originally submitted, the scheme comprised 2 x 1-bed units and 4 x 2-bed units. However, due to concerns regarding the difficulty of providing the on-site parking required and the cramped appearance of the development, the application has been amended to 6 one-bed units with a stairwell situated at the northern end of the site adjacent to the railway line, and all living rooms and bedrooms (more noise sensitive) facing Main Street with bathrooms and kitchens on the side closer to the A1, to provide additional noise protection to future occupiers. Although initially submitted on the basis of providing market housing, the agent, during the course of the application has stated that the development, if approved is likely to be transferred to a registered provider for the delivery of affordable units.

The supporting information submitted with the application is listed below:

- Design and Access Statement;
- Noise Assessment; and
- Phase 1 Habitat Survey.

Departure/Public Advertisement Procedure

Occupiers of eleven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
NAP1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements central to delivering the Spatial Strategy
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) - March 2012
- Planning Practice Guidance, on-line facility
- Council's DCA Housing Market and Needs Assessment (2014)

Consultations

Balderton Parish Council – Members consider that the exit/egress to the site is very hazardous so close to a busy junction. The unknown consequences of the Fernwood developments add to this; a one-way traffic system for the village is being sought for that road – will residents really want to exit or enter the site via Fernwood and the Old Great North Road to get into or out of Balderton? Concerns are expressed that the development opposite the site “Bridge Court” is not shown on any of the plans. Committee Members are urged to carry out a site visit before making a decision.

NCC Highways Authority – Comments received **10.10.2017:**

Site plan 005-HDL A102 Rev. H

The site plan now shows a drainage channel across the access, in line with the existing hedgeline. Two footways are shown, for indicative purposes, one leading to the application site from Main Street/Coddington Lane and also a further footway on the opposite side of Hollowdyke Lane to link with the footway on Main Street, as requested in my previous comments.

Therefore, there are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind

the highway boundary in accordance with the approved plan. **Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles. **Reason:** To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

3. No dwelling shall be occupied on any part of the application site unless or until two new footways, one each side of Hollowdyke Lane, to link with Main Street have been provided, as shown for indicative purposes on the amended site plan. **Reason:** In the interests of pedestrian and highway safety.

Notes to applicant

In order to carry out the offsite works required (new access and footways), 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. Page No. 2

In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (0115) 804 0015 for details.

Comments received **06.10.2017:**

"Site plan 005-HDL A102 Rev. F

The layout and the positioning of the dwellings within the site have been amended. One bedroom units are now proposed; therefore, in terms of the parking provision (9 spaces) this is now acceptable.

The agent has also provided drawing no. 005-HDL A106 Rev. B, demonstrating the vehicular movements within the site, which is acceptable.

The site plan shows a drainage channel across the access, however, this has been shown within the highway and should be relocated to the rear of the highway boundary (in line with the existing hedgeline), i.e. within the site.

The site plan also shows that a new footpath leading to the rear of the dwellings is proposed which will link to the existing footway on the opposite side of Coddington Lane. This existing footway is only for use by the residents of the adjacent properties and is not for public use, and so cannot be considered for this proposal.

There is currently a grass verge each side of the carriageway on Hollowdyke Lane leading to the application site from Main Street/Coddington Lane. Therefore, to encourage pedestrian activity to/from the site it is recommended that a 2m wide footway be provided along the site frontage, to the west of the access, to a point where the grass verge widens on the opposite side of Hollowdyke Lane (approx. 12m) to enable a further 2m wide footway to be provided to link up with the footway on Main Street.

Therefore, there are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan. **Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles. **Reason:** To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

3. No dwelling shall be occupied on any part of the application site unless or until two new footways, one each side of Hollowdyke Lane, to link with Main Street have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of pedestrian and highway safety.

4. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development. **Reason:** To ensure surface water from the site is not deposited on the public highway causing danger to highway users.

Notes to applicant

In order to carry out the offsite works required (new footways), you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (0115) 804 0015 for details.

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.”

Comments previously received 04.07.2017:

“This proposal is for the construction of 6 residential units on Hollowdyke Lane, near the junction with Coddington Road. The site is adjacent the A1 road and the East Coast Main Line railway. It is assumed that this layout is to remain private. For this number of dwellings, the proposed vehicular access into the site is required to have a minimum width of 4.8m for the first 5m into the site. The layout plan submitted shows the access to be just over 3m wide and positioned at an angle such that the driver of an emerging vehicle would have difficulty being able to gain adequate visibility of approaching vehicles from Coddington Road (to the west).

There are 7 parking bays provided within the site, however, the parking bays numbered 1 and 2 on drawing no. 005-HDL A102 Rev. A have a combined length of 7.6m, which is considerably less than the 11m required. This would result in a vehicle overhanging the access drive, causing obstruction. There is a concern the parking provision is insufficient for the size of units – it is reasonable, in this

location, to expect that 2 spaces are provided for each dwelling with 2 bedrooms. On street parking in this location should not be encouraged.

There are no footways along the site frontage and so is unsuitable for pedestrian activity.

In view of the above, the Highway Authority would recommend that this application be refused for the following reasons:

1. The proposed access to Hollowdyke Lane is geometrically substandard resulting in unacceptable danger to users of the highway in that the access is of insufficient width to accommodate vehicular movements.
2. The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway.”

Network Rail –

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.
- 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.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails 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 Rails Asset Protection Project Manager.

Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rails boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rails existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. 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 Rails 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.

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 Rails adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rails boundary. This will allow construction and future maintenance to be carried out from the applicants 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 applicants 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. We note that the noise assessment recommends specific glazing to properties which should help mitigate against this issue.

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 Rails 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.

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/OPE, 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: Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, YO1 6JT
Email: assetprotectionlneem@networkrail.co.uk”

NSDC, Environmental Health - No observations in relation to contaminated land.

NSDC, Environmental Health – Concerns were initially raised about the internal layout of the development and the officer’s desire to place the noise sensitive/habitable rooms away from the railway line and A1 as much as possible. The amended layout plans now accord with my request and I have no further comments to make.

NSDC, Access and Equalities Officer -

“As part of the developer’s considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their 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. 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 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 ‘vehicular free’ access to the proposals. In particular, ‘step-free’ access to and into the dwellings is an important consideration together with an obstacle free suitably surfaced firm smooth ‘traffic free’ accessible route to and into the dwellings from facilities such as car parking and from the site boundary with reference to site topography and practicality to achieve. It is recommended that inclusive access be considered to garden areas, amenity spaces and external features.

Carefully designed approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre 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.”

No representations have been received from local residents/interested parties.

Comments of the Business Manager, Growth and Regeneration

Principle of Development

In terms of the principle of development, the site is within the defined Newark Urban Area, which is defined as a Sub-Regional Centre where its function is to be the focus for housing growth, as set out in Spatial Policies 1 and 2 of the Core Strategy. The provision of new housing within such settlements is supported in principle as it is considered to be a sustainable location for new development with a range of local facilities, including schools, good public transport links and local employment.

The provision of one bedroom units would accord with the housing need identified in the Council’s DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area), either in the open market or affordable housing sectors. As such, the principle of residential housing is considered to be acceptable in general terms, on a market or affordable basis, subject to an assessment against site specific criteria set out below.

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 accepted 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.

Impact on Visual Amenity and Character of the Area

Policy DM5 of the Allocations and Development Management DPD states that the rich local distinctiveness of the District's character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing for new development.

The ground levels on the site are relatively high compared to surrounding levels. In order to reduce the visual impact of the built form and to better reflect the existing development on the other side of Main Street, the ground levels of the site are to be reduced. This is maximized adjacent to Main Street where the road rises in height forming the bridge over the railway line where ground levels are reduced by approx. 1.5m. This is reduced in depth away from this boundary.

In terms of layout, the existing proposal shows parking provision on the Main Street/Hollowdyke Lane corner with access off Hollowdyke Lane which leads immediately into the turning/parking area. The applicant was advised during pre-application discussions that built form on the site should be situated close to this corner and Main Street, to provide a strong street scene frontage on the most prominent corner. However, it has become clear that this has had to be compromised in order to comply with the Highway Authority given the access point into the site is in such close proximity to the junction with Main Street. As a result of the short visibility splay, the Highway Authority wish this corner to be free from any obstruction so that cars leaving the site can see whether the cars coming down Main Street from the railway bridge are slowing down to suggest that they will be turning into Hollowdyke Lane. A strong visual feature on this corner in terms of either buildings, boundary treatment or landscaping therefore may need to be compromised and limited. This does potentially result in the most prominent part of the development being a tarmacked parking and turning area. Amendments have been received to place more of the turning/parking area towards the rear of the building. From this perspective the layout is not ideal, however, little further improvement can be undertaken. It is considered that the use of grass-crete or alternative paving treatments may help reduce and mitigate against a sea of tarmac at the front of the site, although some restricted height of corner boundary treatment could be achieved. On balance it is considered that this need not be fatal to the application.

The different blocks and angles of the building assist in breaking up its bulk and massing and adds interest to the street-scene. I consider that the design of the building is acceptable.

The railway line and A1 form a physical barrier that largely contains the built form from the open countryside on the other side of these main infrastructure routes. As such the impact of the development on the character of the open, un-developed nature of the countryside to the north-east of the site would be minimal.

On balance, it is considered that the proposed development broadly accords with Core Policy 9 and Policy DM5 in this case.

Impact on residential amenity

Core Policy 9 seeks to ensure a compatible mix of uses and new development complements the existing built environment. The NPPF at paragraph 109 reinforces the national policy intention that new development should not be affected by unacceptable levels of pollution.

Policy DM5 of the DPD states that the presence of existing development which has the potential for a detrimental impact on new development should also be taken into account and mitigated for in proposals. New development that cannot be afforded an adequate standard of amenity or creates an unacceptable standard of amenity will be resisted. It also states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts, over-shadowing and loss of privacy upon neighbouring development.

The principle of placing new residential development on this site, adjacent to both the railway line and A1 has had to be very carefully considered. The railway line is situated at a lower level than the application site and will result in infrequent high noise levels from passing trains. The A1 is situated above the ground level of the site and is likely to result in more of a constant low drone of constant traffic noise. Clearly neither are ideal in terms of its impact on the occupiers of the proposed apartments, however, a Noise Assessment has been undertaken which includes a detailed study including taking noise readings from the site. The Council's Environmental Health Officer initially raised concerns and suggested amendments to the internal layout of the apartments which put the more noise sensitive rooms (bedroom, living room) closest to Main Street and the lesser sensitive rooms (kitchen and bathroom closer to the A1). In addition the stairwell was re-positioned on the northern elevation of the building, in order to provide a further buffer to noise from trains.

On the basis of these amendments, the Council's Environmental Health officer does not object, however a condition has been imposed to require details of additional internal sound-proofing to the design of the building to be submitted and approved.

Existing residential dwellings are located to the north-west and south-west of the site. There is a distance of approximately 15m between the front elevation of dwellings fronting Main Street and the proposed building. Whilst this distance is limited, it is acknowledged that the road between the two is public realm. There is a distance of approx. 29.5m from the gable end of the proposed building to the dwelling on the other side of Hollowdyke Lane and development on the application site would be on a higher ground level. There are two first floor windows in this gable end serving a second window to a bedroom and a bathroom, which could be conditioned to be obscure glazed if Members felt this was required, given the relative difference in ground levels. However, officers are of the view this separation distance is adequate in protecting the privacy of the occupiers of No 142 Main Street, given the juxtaposition of this dwelling.

On balance, therefore it is considered that the relationship between the proposed apartments and existing dwellings are acceptable and subject to appropriate conditions, that the living environments of future occupiers can be acceptable through the mitigation measures outlined above. The proposal therefore broadly accords with Core Policy 9 and Policy DM5 of the Development Plan.

Impact on the highway safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Initially the Highway Authority raised concerns regarding the access, parking and turning areas as outlined in their comments set out in the Consultations section above. However, following the submission of amended plans, the objection of the highway Authority have now been overcome and subject to conditions is considered not to detrimentally impact on highway safety.

Notwithstanding the suggestion of connection of pedestrians of the site to footways on the other side of Main Street, the Highway Authority has requested through condition that two footways are provided on either side of Hollowdyke Lane that will then extend along the grass verge of Main Street to connect to the existing footway on Main Street. Although concerns have been raised during discussions about the short distance of the access from the junction with Main Street (approx. 20 m), no condition requiring a visibility splay has currently been suggested to enable drivers exiting the site to see traffic driving down Main Street from the railway bridge. However this has been queried with the Highways Authority given their concerns and a response is awaited. The comments of the Parish Council have been considered and taken into account, however, none of the concerns raised are considered to warrant the refusal of planning permission.

Taking all matters carefully into account, it is considered that the proposal accords with Spatial Policy 7 and Policy DM5 of the Development Plan.

Impact on Ecology

Open, more natural sites and vacant buildings often provide a habitat for a variety of species, some of which may be protected by law. Core Policy 12 and Policy DM7 require proposals to take into account the need for continued protection of the District's ecological assets.

The submitted Phase I Habitat Survey submitted with the application states that the local wildlife area known as Balderton Ballast Pit is separated from the survey/application site by the railway line and associated embankment. This boundary feature is such that there is unlikely to be any significant ecological impact upon the nature conservation site from the proposed development. The survey also identifies a second local wildlife site, Balderton Railway Pond, located approx. 560 metres to the south-west of the survey/application site. Again it is situated on the opposite side of the East Coast Mainline, across the A1 trunk Road and intervening arable farmland so it is unlikely that the proposed development could have any significant impact on the site or its features.

The report states that the building on the site, a former stable, is of rudimentary construction and as such offers no roost potential for bats and little potential for nesting birds. However, it does state the hedgerow on both the eastern and southern boundary is intact and unmanaged and offers opportunities for nesting birds and is likely to be a valuable foraging resource for birds and

also potentially for bats, although given the small extent of habitat affected it is unlikely to be significant. As such, the report states that as much of the existing hedgerow should be retained but where there is any loss of hedgerow (which will be necessary to provide vehicular access) shall be compensated for by new hedgerow planting on the site using native species. Any external lighting used on the development should be bat-friendly. Any clearance of vegetation should be undertaken outside bird breeding season (March – September inclusive). The report states the impact on amphibians is considered would be negligible and a precautionary approach should be taken in relation to the protection for badgers and hedgehogs, through a condition during the construction period. In addition enhancements should be sought for additional bird and bat boxes to be incorporated within the new development.

Although it is acknowledged that the application will result in the loss of some of the native hedgerow along the southern boundary, a condition can be imposed on any permission requiring replacement hedge planting on the site. The remaining comments covered by the report can all be secured through condition.

On this basis, subject to appropriate conditions, it is considered that the impact of the proposed development on the ecological value of the site is acceptable and in accordance with Core Policy 12 and Policy DM7 of the Local Development Framework.

Flooding/Drainage Issues

Core Policies 9 and 10 require flooding and drainage to be carefully considered as part of any development proposals.

The site is located within Flood Zone 1 and therefore it is concluded that there is no in principle objection to the proposal on flooding grounds. However, the site is prone to issues regarding surface water flooding, which can be adequately addressed through the imposition of a condition. This aspect has been raised by both the Highway Authority and Network Rail and so it is important for drainage on the site to adequately deal with this issue.

Other Matters

Due to the proximity of the site to the main east-line railway line, a detailed consultation response has been received from Network Rail which deals with a variety of matters and concerns. All the matters they have requested to be covered by condition, have indeed been conditioned, including a method statement to be submitted and approved.

Highways England has been consulted due to the site's proximity to the A1; however, no comments have been received to date. It is not expected that they would raise objection to the scheme.

Whilst the applicant has suggested that the scheme could be transferred to an affordable housing provider, it has been assessed on the basis of market housing as per the original submission. No weight has therefore been given to the scheme potentially being for affordable housing as this is not the premise upon which the application is made.

Planning Balance and Conclusion

The application site forms the outer edge of the defined urban area as set out within the Allocations and Development Management DPD and as such the principle of development on the

site is acceptable. The scheme will provide 6 additional residential units, either market or affordable, providing one bed units for which there is a need, which weighs in favour of the development. Although the development on the site is tight, for the reasons set out above, it is considered that it would not be detrimental to the visual amenities of the area or be harmful to either the residential amenities of existing residents or proposed occupiers of the site, and is acceptable in terms of highway safety, ecology and flood/drainage issues, subject to appropriate conditions.

As such, the scheme is considered to be in accordance with the Development Plan and is offered to Members with a recommendation of approval.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

Conditions

01

The development hereby permitted shall not begin later than 3 years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

Site Location Plan & Proposed Site Plan (Drawing No: 005 HDL A102 Rev H);
Proposed Ground Floor (Drawing No: 005 HDL A100 Rev C);
Proposed First Floor (Drawing No: 005 HDL A101 Rev C);
Proposed Elevations (Drawing No: 005 HDL A106 Rev B);
Proposed Sectional Elevations in Context (Drawing No: 005 HDL A105 Rev B); and
Proposed Vehicular Movements (Drawing No: 005 HDL A106 Rev B)

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

Development shall not be commenced until detailed samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Roofing tiles

Reason: In the interests of visual amenity.

04

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 and to minimise the risk of pollution in accordance with the requirements of Core Policy 9.

05

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

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

06

Prior to development commencing on site, details of all external lighting to serve the development hereby approved shall be submitted to and approved by the local planning authority in writing. This should follow the guidelines set out in Bats and Lighting in the UK (BCT, 2009). The approved lighting shall be installed prior to the occupation of any of the dwellings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity on the site.

07

The precautionary approach to ecology during construction works as outlined in paragraph 6.2.2 c of the Phase I Habitat Survey by BJ Collins dated June 2017 submitted in support of this application shall be adhered to in that:

Prior to construction a pre-commencement check should be made by an ecologist to confirm that no new badger setts have become established within 30m of the site

During construction open trenches should be closed overnight or if left open include a sloping end or ramp to allow any badgers or other animal that may fall in to escape; and

Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Reason: In the interests of protecting ecology on the site.

08

No dwellings hereby approved shall be occupied until full details and the precise positioning of 2 bat boxes and 2 bird boxes have been submitted to and approved in writing by the local planning authority. The approved boxes shall then be installed in accordance with the agreed details prior to occupation 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.

09

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved hard landscape works for each phase shall be completed prior to the first occupation of the dwelling to which it serves. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers, densities, proposed location and approximate date of planting). The scheme shall include all external boundaries of the site, and be designed so as to enhance the nature conservation value, including the use of locally native plant species.

Existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction in accordance with BS within BS 5837:2012 Trees in Relation to design, demolition and construction.

All hard surfacing materials.

Minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)

Reason: In the interests of visual amenity and biodiversity.

010

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

011

No part of the development shall 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.

Reason: In the interests of residential and visual amenity.

012

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

013

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

014

No dwelling shall be occupied on any part of the application site unless or until two new footways, one each side of Hollowdyke Lane, to link with Main Street have been provided, as shown for indicative purposes on the amended site plan (Rev H).

Reason: In the interests of pedestrian and highway safety.

015

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to highway users.

016

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors

- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

017

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

018

Prior to development commencing on site, a method statement shall be submitted to and approved in writing by the Local Planning Authority. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan and the use of any vibro-compaction machinery. The construction works shall be implemented in accordance with the agreed details.

Reason: In the interests of railway safety.

019

Prior to the commencement of development, details of how the proposed apartments will be sound-proofed shall be submitted to and approved in writing by the local planning authority. The agreed details shall be fully implemented prior to the occupation of any of the apartments hereby approved.

Reason: In the interests of protecting the occupiers of the apartments from noise from the railway line and A1 trunk road.

Notes to Applicant

01

In order to carry out the offsite works required (new access and footways), you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (0115) 804 0015 for details.

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

02

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

03

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. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

04

The full comments of Network Rail are attached for your information.

BACKGROUND PAPERS

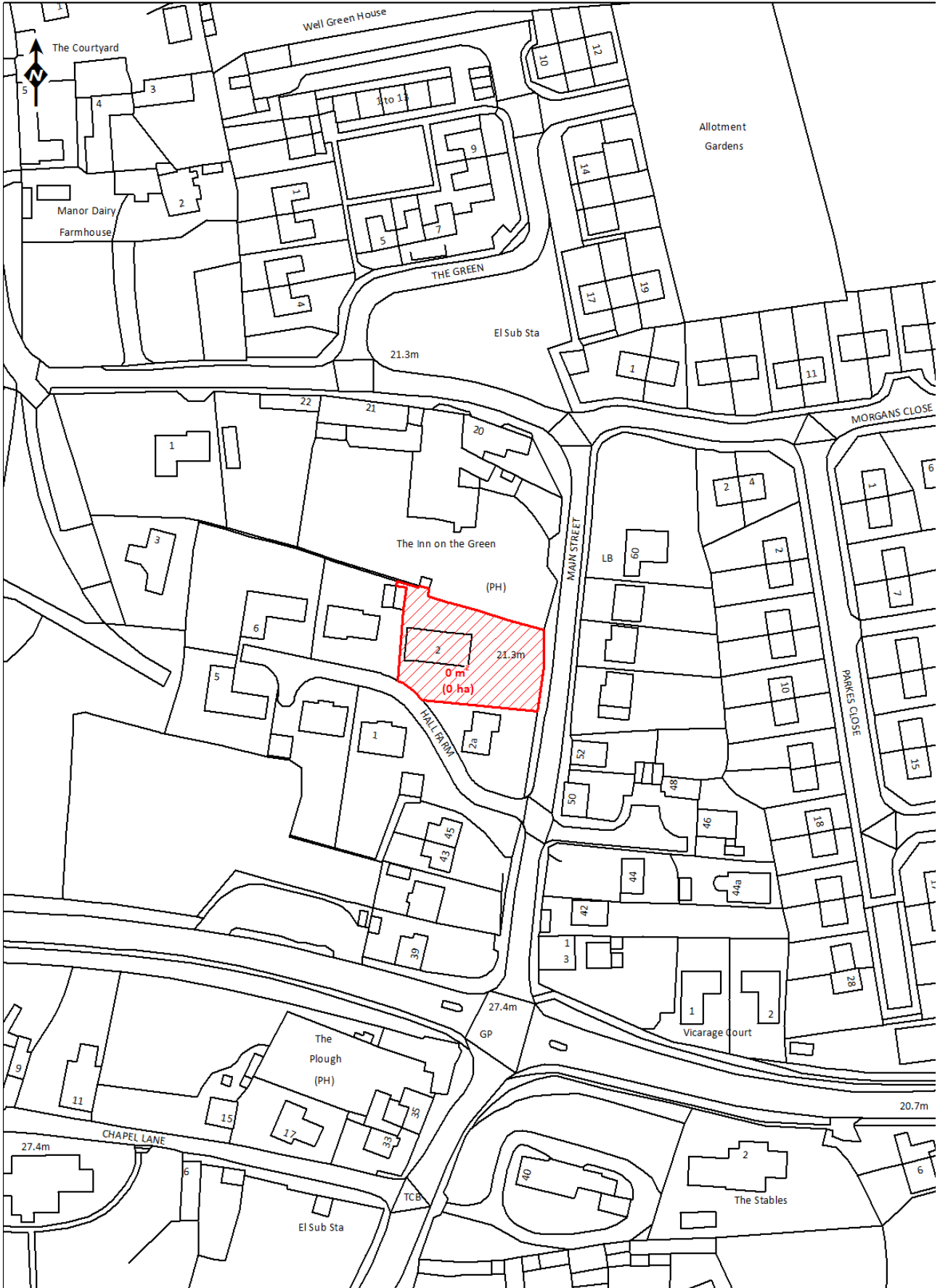
Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00643/FUL



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Application No:	17/01351/FULM (MAJOR)	
Proposal:	Proposed development of 10 new affordable homes. (Resubmission of 16/01881/FULM)	
Location:	Land off Elston Lane, Elston, Nottinghamshire	
Applicant:	Geda Construction – Mrs Marie Wilson	
Registered:	24 July 2017	Target Date: 23 October 2017

This application has been referred to Committee by Cllr I Walker in the event that the application is recommended for approval in the interests of transparency. Whilst this scheme is recommended for refusal, given the weight attached to Members previous decision on behalf of the Local Planning Authority, the Business Manager, Growth and Regeneration is of the opinion that the material planning considerations need to be rehearsed by the Committee.

The Site

The site comprises a pentagon shaped field/paddock of approximately 0.41 hectares which is located just outside of Elston, to the north-west of the village. The site is located just outside of the Conservation Area which lies almost immediately to the south-east.

With topography that rises gently from the west then falls away gently to the east, the site is bound by low post and rail timber fencing. There is an existing field gate located to the southern corner of the site, closest to the village. The site is set back from Elston Lane, from which the site is accessed, by deep grass verges. There are no footpaths along this part of the rural lane, which is at a slightly lower level than the land either side.

Sharah House (a traditional cottage currently being extended to its front), Home View (a modern bungalow), Holly Dene and Corner Cottage (both Local Interest Buildings) are the nearest residential properties that are located on the opposite side of road on slightly elevated ground. The wider landscape comprises gently rolling topography with the land to the north-west and north-east being higher than the application site and comprising grazed pasture/agricultural fields.

The site is located within Flood Zone 1 but is within an area prone to surface water flooding according to the Environment Agency Maps.

Relevant Planning History

16/01881/FULM – ‘Proposed development of 10 new affordable homes’. This application was refused contrary to officer recommendation by the Planning Committee on 7th March 2017 for two reasons;

1). The application site is, as a matter of fact, located in the Open Countryside. Even if as a matter of principle development of the site were to be supported (as a justified rural exception site)

development should still only proceed if that development respects the overall character and appearance of the area. In the opinion of the Local Planning Authority, in this case the scheme proposed is alien to the existing grain of the village in proposing an urbanising cul-de-sac development on the edge of a village which fails to manage a transition into open countryside or respect the historical character of the area. The development is thereby contrary to the provisions of the NPPF, NPPG, and policies Spatial Policies 3 (Rural Areas), Core Policy 2 (Rural Affordable Housing), Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Newark and Sherwood Core Strategy and policies DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Allocations and Development Management DPD with together form the Development Plan. There are no other material planning considerations that would in the opinion of the Local Planning Authority outweigh such harm; and

2). The application site is, as a matter of fact, located in the Open Countryside. Residential development would not normally be supported in such circumstances given the implicit harm of encroachment into the countryside. The Council accepts that this application is submitted with evidence to demonstrate that there is an up-to-date affordable housing need in Elston. It equally accepts that the scheme proposed would address the majority of this identified need and that no market housing is promoted. The Council is not, however, satisfied that this site represents the best site or sites to deliver the need within or adjacent to the existing village. Given the concerns identified in reason for refusal number 1 above, the Council is of the opinion that planning permission should be refused in the absence of a robust assessment as to the availability and suitability of other site(s). To allow the application at this time would represent unsustainable development, contrary to the provisions of the NPPF, NPPG, and the Core Strategy (Policies CP2, SP3) and Allocations and Development Management DPD (Policy DM12). There are no other material planning considerations that would in the opinion of the Local Planning Authority outweigh such harm.

APP/B3030/W/17/3180014 - An appeal against this refusal has been lodged by the applicant whom has requested that it be heard by the Written Representations procedure. The appeal has now been validated by PINS on 8th September 2017 with the statement of the Council's case being due on 13th October 2017.

The Proposal

This scheme is identical to the previous scheme determined by the Planning Committee earlier this year. The key difference is the submission of additional/revised information which is highlighted in bold text below.

Full planning permission is sought for 10 affordable dwellings to be sited around a new cul-de-sac arrangement.

The scheme comprises four x 2 bedroom bungalows (Plots numbers 1, 2, 3 and 10), four x 2 bedroom two storey houses (Plots 4, 6, 8 and 9) and two plots (Plots 5 & 7) would have 3 bedrooms over two stories. The applicant has stated that 8 of these would be affordable rented products with 1 x 2 bedroom house (Plot 4) and 1 x 3 bedroom house (Plot 5) being for shared ownership.

The layout shows an area of land tucked into the site which is annotated as a grassed communal area with central SUDs feature and pumping station. A new farmer's access (to replace the access that would be lost) would be provided to the north-western edge of the development to serve the

agricultural land beyond the site.

The application is accompanied by a **Design & Access Statement (Rev E revised 20.07.17)**, Ecological Appraisal (FPCR, Halsall Lloyd Partnership, September 2016), Flood Risk Assessment, Draft Heads of Terms and an Affordable Housing Statement (the applicant has requested these are taken from the previously refused scheme), **Combined Phase 1 Desk Study and Phase 2 Exploratory Investigation, GeoDyne August 2016, Geophysical Survey by Contour Geophysics, February 2017** and a **letter from NCHA dated 22nd March 2017** to PINS setting out details of site selection and other supporting information. This is considered in the appraisal section below.

A summary report of the affordable housing needs of Elston, Midland Rural Housing, December 2016 and Elston Housing Needs Survey, Midland Rural Housing, December 2012 have also been included in the submissions.

The following drawings comprise the revised submission:

Proposed Site layout 102 L
Site Location Plan 001-A
Site Location Within Village Context Plan 002-A
Proposed Street Elevation, Drawing No. 210-B
Plots 1, 2 & 3 Plans and Elevations, 220-A
Plots 6 & 7 Plans and Elevations, 221-B
Plots 8 & 9 Plans and Elevations 222-B
Plot 10 – Plans and Elevations 223-A
Plots 4 & 5 – Plans and Elevations 224-A
Materials Schedule submitted 24th July 2017
Proposed External Works, Drainage GA Plan, D396_100_P14

On 20th and 21st September additional information has also been provided upon request that attempts to address Members concerns regarding site selection. This information is detailed within the main body of the report.

Departure/Public Advertisement Procedure

Occupiers of 17 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press with an expiry date of 31st August 2017.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 3	Rural Areas
Spatial Policy 7	Sustainable Transport
Spatial Policy 9	Site Allocations
Core Policy 1	Affordable Housing Provision

Core Policy 2	Rural Affordable Housing
Core Policy 3	Housing Mix, Type, and Density
Core Policy 9	Sustainable Design
Core Policy 10	Climate Change
Core Policy 12	Biodiversity and Green Infrastructure
Core Policy 13	Landscape Character
Core Policy 14	Historic Environment

Allocations & Development Management DPD

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 DM8	Development in the Open Countryside
Policy DM9	Protecting and Enhancing the Historic Environment
Policy DM12	Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions SPD (December 2013)

Newark and Sherwood Landscape Character Area SPD (December 2013)

A summary report of the affordable housing needs of Elston, Midland Rural Housing, December 2016

Elston Housing Needs Survey, Midland Rural Housing, December 2012

Consultations

Elston Parish Council – No comments have been received at the time of writing in relation to this application.

In relation to the previous application they raised ‘no objection’ and stated that ‘Concerns expressed on possible highway problems on Pinfold Land and the clerk was asked to convey these to the district council.’

NCC Highways Authority – have not commented to this scheme but previously commented on 23rd February 2017 as follows:

“Further to comments made on 28 December 2016, I am in receipt of revised drawing 102-L. It is understood that the majority of the access (shared surface) is to remain privately maintained. As a private street matters of lighting and drainage become a matter for the Local Planning Authority to consider.

The turning facility adjacent to Elston Lane surrounded by a new footway, and the new footway connecting with Low Street, are works that should be carried out under a Section 278 Agreement with this Authority.

No objections are raised subject to the following conditions:

No part of the development shall be occupied unless or until the works to provide a vehicular turning area and footway link on Elston Lane as shown indicatively on drawing 102-L have been provided to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and to promote sustainable travel

No part of the development hereby permitted shall be occupied until the private shared surface access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

Note to Applicant:

As a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- The provision of an indemnity us against future petitioning by residents to their road under Section 37 of the Highways Act 1980.
- The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

Original comments received 28th December 2016 stated:

“The submitted proposal as shown on drawing 102-H is unacceptable. It does not meet the guidance given in the 6C’s design guide. The access should not simply appear as a road without a footway and if a service margin were to be used it should extend around the whole of the kerbed carriageway to allow for kerb maintenance/replacement (albeit at a reduced width where services are not intended).

It is uncertain how highway drainage would be dealt with in a fashion that would be acceptable to the Highway Authority.

There is no safe pedestrian link with the village. A footway across the whole site frontage and extending south-eastwards to the existing footway at the junction of Low Street/Pinfold Lane would be expected. This could be achieved within the extent of the public highway.

It is recommended that this application be refused on the grounds that:

- pedestrian/vehicle conflict would be increased to the detriment of highway safety;
- the application fails to demonstrate a satisfactory means of highway drainage and as a consequence may lead to a potential source of danger to highway users;
- the access layout fails to provide for adequate future maintenance.
- the proposal does not offer reasonable and practical ways of accessing the site other than by private car, and is therefore contrary to the principles of Spatial Policy 7 of the LDF Core Strategy.”

NCC Lead Flood Risk Authority – No objections subject to the following (identical advice as previously given):

“No works shall commence until a detailed surface water drainage design and management plan has been submitted and approved by the LPA. This design and management plan must include or address the following:

- a. Evidence that the hierarchy of drainage options, infiltration - discharge to watercourse – discharge to sewer has been followed correctly and any decisions made supported by facts.
- b. Hydraulic calculations must show compliance of the proposed system to current design standards including climate change allowances. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change 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.
- c. Details of maintenance regimes for any SUDS along with how these will be managed for the lifetime of the development.
- d. Details of what elements of the system will be adopted and by whom, including highway drainage, public sewers, SUDS and above and below ground storage assets.
- e. Flow paths for exceedance flows.
- f. Any flood resilience measures proposed for new buildings.”

NCC Developer Contributions – have confirmed the developer contributions should be as previously set out (which is noted as follows)

“With regard to the above development, I can confirm that a development of 10 dwellings would yield 2 primary places and 2 secondary places. It is acknowledged that the Planning Practice Guidance does not allow for contributions from developments of 10- units or less, and which have a maximum combined gross floor space of no more than 1,000sqm. However unless there is clear evidence available that this application is below this threshold, the County Council would wish to seek a contribution of **£22,910 for primary education** to accommodate the additional pupils projected to arise from the proposed development. It is assumed that the contribution for secondary education would be provided by CIL. Further information about the contributions that would be sought and the justification for this can be found in the attached document.” (document was attached)

Trent Valley Internal Drainage Board – “The site is outside of the Board’s district but within the extended catchment area.

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

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

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

If you should require any further information please do not hesitate to contact the Board.”

Severn Trent Water – “With reference to the above planning application the Company's observations regarding sewerage are as follows.

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.”

NSDC (Conservation) – comments as previously made; No objection:

“The proposal site is adjacent to the Elston Conservation Area (CA). By virtue of its scale and form, the proposal is capable of affecting the setting of the designated heritage asset. In addition, whilst there are no heritage assets formally identified within the site, there are buildings and features nearby including Local Interest buildings and areas/features of archaeological interest. Impact on non-designated heritage assets is a material consideration.

Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The courts have said that these statutory requirements operate as a paramount consideration, ‘the first consideration for a decision maker’. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, ‘Historic England Advice Note 2: making changes to heritage assets’ advises that the main issues to consider in proposals affecting heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

There are various heritage assets in close proximity to the site identified on the HER, including areas or features of archaeological interest, as well as Local Interest buildings. In accordance with Annex 2 of the NPPF, Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as

stated under 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, paragraph 139 of the NPPF reminds us that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Significance of Elston CA

The CA was designated in 1992. Elston is first mentioned in Domesday. The medieval origins of Elston can be understood in the grid network of lanes forming the historic core of the village. The landmark Church of All Saints, which is Grade II*, originates from at least the 13th century, and is a focal building within the lane grid. There are otherwise a number of historic buildings, cottages and farmsteads within the CA, typically 18th and 19th century vernacular buildings.

The 1801 Enclosure Map (attached) shows a tightknit arrangement of buildings along Low Street (formerly 'Bottom Street') with a series of narrow plots perpendicular to the road. The 1912 County OS Series shows that many of these plots had orchards to the rear. The roadside bank at the junction of Pinfold Lane with Low Street is thought to be the remnants of the village pinfold. The proposal site sits within a larger enclosure formerly in the ownership the Revd. Philip Storey (as shown on the 1801 extract). The adjacent east field was owned by the Darwin family (Erasmus Darwin was born at Elston Hall and is the grandfather of Charles Darwin). The water course to the north known as Codders Dyke is historic in origin also. The field remains legible as that shown on the Enclosure Awards.

There are a group of Local Interest buildings opposite the proposal site, including Corner House and Hollydene (as identified on the County HER). In addition, Sarah House appears to have a degree of historic and architectural interest.

To the northeast beyond the dyke, the HER records the possible location of a Roman villa (HER entry M1440). An extensive scatter of Roman pottery dating from the 2nd to 4th century AD was identified. Fragments of tile, including tegulae and tesserae with mortar still adhering were also found, suggesting the remnants of a building. Little other information is known about the site however.

Assessment of proposals

The proposal seeks approval to erect 10 new affordable homes. The proposed layout has the feel of a rural mews, with linear plan forms arranged around an informal yard. Continuous roof lines are used, and the roof envelopes include natural slate and traditional pantiles with chimneys. The house types are varied in scale and form, but the overall appearance references traditional rural vernacular. This approach is likely to sustain the character of the area, despite the density of the development. The use of appropriate landscaping and boundary treatments such as post and rail fencing help to reinforce this character. On balance therefore, we consider the proposed development to be acceptable, causing no harm to the setting of the CA or nearby Local Interest buildings.

Whilst we are mindful that the site is outside of the CA, the proximity of the designated area, the relative significance of the field enclosure as setting to the CA and the presence of other heritage assets nearby indicate that the development will benefit from appropriate detailing and materials.

The design arrangements would therefore benefit from a number of modest revisions, including the use of brick arches rather than soldier courses above windows, gable chimneys built into the gable rather than inset along the ridge (but not including central stacks), timber or mock timber joinery and cast metal or mock cast rainwater goods. Notwithstanding the submitted details, these elements could be addressed via suitably worded conditions, along with further information on window and door design, details on eaves, verges, wall construction (perhaps in the form of a brick panel) and any other external accretions.

In the absence of a heritage impact assessment with an appropriate archaeological survey, it is difficult to be certain as to whether there might be any archaeological potential within the field. As the proposal is a major application, further advice might be sought from the County Archaeologist. If this is not possible, note that whilst the site is not identified specifically on the HER, scatter finds in the adjacent field have some interest, including remnants of Roman building fabric. If the applicant agrees, it might be prudent to consider a watching brief condition. However, the applicant could seek advice from an independent archaeologist.”

NSDC (Strategic Housing) – Previously commented as follows: Supports the proposals:

“A strategic objective of the Council is to increase the amount of affordable housing in the district and the Council’s Local Housing Strategy has a strategic aim to:-

‘Deliver an increased supply and choice of affordable housing to meet local need and manage the impact of housing growth to ensure there is a positive impact on our urban and rural communities’.

Due to the predominant rural nature of the district, the Council is committed to delivering affordable homes in rural areas for local people who are unable to meet their housing needs on the open market and to promote inclusive and thriving communities. The NPPF indicates that in rural areas, exercising the duty to co-operate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including the use of rural exception sites where appropriate.

MAIN AFFORDABLE HOUSING POLICY CONSIDERATIONS

Core Strategy/Affordable Housing Supplementary Planning Document

“Core Policy 2 – Rural Affordable Housing. Core Policy 2 allows for the granting of planning permission for small rural affordable housing schemes as an exception to normal policies. The District Council will pro-actively seek to secure the provision of affordable housing, in defined parts of the district on rural affordable housing ‘exception’ sites. Such sites should be in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3, Rural areas relating to Scale, Need, Impact and Character of development”. Such sites have traditionally been expected to deliver 100% affordable housing, which will be required to remain affordable in perpetuity (schemes involving shared ownership or in a designated protected area will normally have staircasing limits placed at a maximum 80% ownership or make provisions for the registered provider to re-purchase).

EVIDENCE OF HOUSING NEED

For the purposes of the rural exception sites policy, the Council defines local need as identified needs in the individual village, or second, local area it serves (defined as being in the Parish in which it sets). Before the Council will grant planning permission for affordable housing on a rural exception site it must be satisfied that there is an evidenced need for affordable housing in the locality traditionally gained from the completion of a Parish Housing Needs Survey.

To support the delivery of affordable housing in rural locations, the Strategic Housing Business Unit through its enabling role has a long standing partnership with Nottingham Community Housing Association (NCHA), Trent Valley Partnership (TVP) and parish councils to undertake housing needs surveys in the district's rural parishes with a population of less than 3,000. The District Council either approaches or is contacted by a parish council to conduct a survey to ascertain levels of need for affordable housing. After completion of a survey and in response to an identified need, a call for land is instigated with the parish council, and any forthcoming sites are then assessed by the Council's Development Management Business Unit in terms of suitability.

Parish Housing Need surveys were undertaken in 2006 and 2012 in Elston. They indicated a need for affordable housing for local people. Newark and Sherwood District Council's housing register also shows that several people have expressed a preference to live in Elston and, when properties have occasionally become available, they always attract multiple bids reflecting the popularity of in this location. The District Council owns 20 properties in Elston. Of these, 12 are two bedroom bungalows designated as supported accommodation and 8 are let for general needs (7 x 3 bedrooms and 1 x 4 bedroom).

The 2012 housing needs survey report recommended that the Parish Council should consider developing a small scheme of affordable housing within the next five years. Since 2014 the Parish Council and District Council have been working together, in partnership with Nottingham Community Housing Association, to identify a suitable site on which to develop a small scheme of affordable properties. A site has become available and Nottingham Community Housing Association has put forward a proposal to develop ten affordable properties. As a result, the Parish Council requested a brief follow-up (letter-drop) survey of all households to ensure that there is sufficient level of interest in affordable housing to warrant a development. The results of this letter in November 2016 identified 15 households in need of affordable housing. Two applicants have been nominated twice meaning that there are **13 individual households in housing need eligible for affordable housing**. In addition, there were 2 responses from local residents stating that they each knew of several people requiring housing in Elston but, although they have provided their own contact details, they have not provided details of the people concerned. These have therefore been discounted.

CONCLUSION

The proposal is fully supported by the Council's Strategic Housing Business Unit. The development of rural affordable housing schemes meets the Council's strategic housing and planning objectives to increase the supply and delivery of affordable housing. With this in mind, the Council's Strategic Housing Business Unit is considering a grant contribution to support the scheme and if recommended will be presented to Policy Committee for Officer and Member consideration. The scheme, if approved, will be subject to a legal agreement ensuring that the housing remains affordable in perpetuity and prioritises local people in terms of allocation."

NSDC (Community Facilities) – Previous comments remain the same: ‘I have no objection to this proposal but would request that a contribution towards community facilities be made in accordance with the Council’s current Developer Contributions Supplementary Planning Document. Such contribution to be allocated to the existing village hall.’

NSDC (Parks and Amenity) – No specific comments received but previously commented as follows ‘As a development of 10 or more properties this scheme should make public open space provision for children and young people as set out in the Council’s Developer Contributions and Planning Obligations SPD. Given the size of the development I believe this would be best delivered through the payment of a commuted sum for the provision/improvement and maintenance of the existing playing field and equipped play area located adjacent to Elston village hall. I note that the ecological appraisal finds that the hedgerows around the development site are of biodiversity value and these should thus be retained and improved.’

NSDC (Environmental Health) – ‘In response to the planning consultation in relation to the application above I can confirm environmental health has no observations’

Representations from 28 local residents/interested parties have been received all objecting on the following summarised grounds:

Principle/Location of the Site

- Objected to last application and this resubmission does not address issues.
- Should be rejected again;
- Outside of village envelope;
- Village is not appropriate for more housing
- This application would extend the village into the countryside;
- There are other, better sites within the village for this affordable housing;
- Sets dangerous precedent given its location outside of the village
- Not opposed to infill development within the village.
- The redevelopment of the green field site is environmentally wrong.

Highway Issues

- Pinfold Lane has become the main route in and out of the village since the closure of Elston Lane which is single narrow track with no footpaths. Verges are being eroded both sides exposing the edges of the road surface causing damage to the road surface;
- Concern regarding construction traffic impacts to pedestrians and cyclists;
- Concerns regarding highway safety generally in the area;
- Village is now used as a rat run from other villages accessing the A46.
- Prior to the new A46 there were two ways in/out of the village to the old A46, however no 50% of the village need to use the lane
- This is an old country lane not modern highway, a traffic assessments should include early morning peak.
- Junction of Pinfold Lane/Top Street is very dangerous and traffic calming measures have not worked with NCC advising that no more safety improvements will be made until there is a serious accident.
- Lack of a path being proposed to join the development to the village. No footpaths along the lane and its not safe – proposal will make matters worse
- Although Elston lane is now a dead end, a lot of traffic that comes down Low Street at speed still thinks they can still join the A46. If the application is approved consideration

should be given to changing the junction with Pinfold Lane and Low Street into a corner and moving the junction to be with Elston Lane and Low Street.

- Concern at insufficient parking – most properties would have two cars and where will visitors park?
- Light to roads is very poor;
- Roads not designed to accommodate the daily flow they now serve;
- Pinfold lane not wide enough for two vehicles to pass;
- When question of affordable housing came up there was still access to A46 but this has now changed;
- If approved it should be subject to S106 Agreement to secure footpath along the full length of Pinfold Lane, road widening and a mini- roundabout.
- The plans have car parking spaces for 20 vehicles however given the number of residents, likely that many of the homes will have at least 2 cars, therefore additional cars/visitors parking will by default be on Elston Lane which doesn't take into account the impact on existing residents and their access.
- The highways and general infrastructure is also just not suitable for this level of expansion.
- Regarding the construction parking suitable off road location must be found to accommodate the additional construction vehicles as there have been recent problems with parked cars making it difficult for vehicles to pass resulting in eroded grass verge.
- Lane is a bus route

Infrastructure

- There are no facilities in the village for more residents; no work, doctors, chemist, shops;
- The village pub has shut
- Two local bus companies have reduced services to the village with no service on a Sunday the service to Nottingham being a 25m walk to the old A46
- Concern that existing local children will not be able to get a place at the primary school which is at capacity;
- Too much pressure on this village, A46 has moved closer to the village, a proposed skate board site is nearby etc.
- Concern that the scheme wouldn't deliver any improvements to infrastructures such as the school etc.
- Concern regarding utilities capacity (see below)

Drainage/Flood Risk

- There have been existing issues in recent years where village sewerage system has been overloaded a number of times during heavy rain storms, causing the bottom end of Old Chapel Lane to be flooded with raw sewerage. Some Remedial work has been done by Severn Trent;
- Water but this doesn't increase the capacity of the system. Additional effluent generated by another 10 families could overload the sewerage system again, causing flooding and contamination of the local water courses;
- Land drainage is poor, heavy rain causes drains to overflow and the lane floods at its busiest point
- No mains surface water drains in the village
- Sewerage system already working at capacity
- Drainage in village is inadequate, no surface water drainage with road flooding frequently

Need for affordable housing

- Already Alms Houses on Top Street available for low rent and so little demand that restrictions have been lifted and there is a large number of bungalows off Carrgate which are housing association or Council and elsewhere. More will cause an imbalance in accommodation.
- 10 affordable houses are not required in Elston – a scheme for 2 would be more appropriate;
- Resident completed a housing needs survey and was under impression it would be freehold available for purchase. This is not what resident agreed to and not something that resident would support.
- The village needs affordable houses for 10 families not luxury houses for 3 families who can afford to move where they like. Now willing developers are forced to build on the fields around the village to satisfy the needs of the village rather than the needs of the privileged.
- There are numerous issues in the manner that the application has been made not least of which is the fact that the villagers have been advised by the parish council chair that agreement to the application by the parish council (on behalf of the village) to social housing is based upon a majority agreement by villagers in a vote over 14 years ago to build more affordable housing in Elston.
- Affordable housing on a freehold basis is not the same as social housing on a leasehold basis. The villagers did not vote for social housing to be built in this village.
- Question the need - there have been difficulty finding occupiers for other affordable houses in the village
- Support the provision of affordable housing in Elston but only on sites previously identified by the Parish Council within the village. This site was not on their list.
- Scheme is likely to keep people in the rental sector market as opposed to support them to own their own home.
- If the scheme is genuine affordable housing in helping Elston young residents stay local then the scheme should be remodelled to include more shared ownership and less rental properties.

Amenity

- Loss of views
- Loss of privacy –overshadowing
- Possible increase in crime
- Increase in noise
- overbearing nature from the size of the development and number of people

Other Matters

- Query that application form suggests there are no trees/hedgerows but ecological appraisal refers to one
- Unwanted increase to the historical footprint of this village;
- Impact on wildlife such as monkjack deer, woodpeckers, buzzards, sparrowhawks which I fear will be displaced;
- Will significantly impact on this aspect of village life and change the character of this part of the village.
- There is a discrepancy on the plans (see proposed site layout) in that on the diagram plot 10 is shown as a bungalow, however in the dwelling mix index box, plot 10 is listed as a two storey house. (*Noted – this is an error*)

Comments of the Business Manager

Background

This is an identical scheme to that considered by the Planning Committee in March 2017. Whilst the professional officer view was for approval, Members resolved to refuse the scheme for two reasons as follows:

01 (related to adverse impact on character/countryside)

“The application site is, as a matter of fact, located in the Open Countryside. Even if as a matter of principle development of the site were to be supported (as a justified rural exception site) development should still only proceed if that development respects the overall character and appearance of the area. In the opinion of the Local Planning Authority, in this case the scheme proposed is alien to the existing grain of the village in proposing an urbanising cul-de-sac development on the edge of a village which fails to manage a transition into open countryside or respect the historical character of the area. The development is thereby contrary to the provisions of the NPPF, NPPG, and policies Spatial Policies 3 (Rural Areas), Core Policy 2 (Rural Affordable Housing), Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Newark and Sherwood Core Strategy and policies DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Allocations and Development Management DPD with together form the Development Plan. There are no other material planning considerations that would in the opinion of the Local Planning Authority outweigh such harm.”

02 (related to site selection)

The application site is, as a matter of fact, located in the Open Countryside. Residential development would not normally be supported in such circumstances given the implicit harm of encroachment into the countryside. The Council accepts that this application is submitted with evidence to demonstrate that there is an up-to-date affordable housing need in Elston. It equally accepts that the scheme proposed would address the majority of this identified need and that no market housing is promoted. The Council is not, however, satisfied that this site represents the best site or sites to deliver the need within or adjacent to the existing village. Given the concerns identified in reason for refusal number 1 above, the Council is of the opinion that planning permission should be refused in the absence of a robust assessment as to the availability and suitability of other site(s). To allow the application at this time would represent unsustainable development, contrary to the provisions of the NPPF, NPPG, and the Core Strategy (Policies CP2, SP3) and Allocations and Development Management DPD (Policy DM12). There are no other material planning considerations that would in the opinion of the Local Planning Authority outweigh such harm.

This application has been submitted in an attempt to address the second reason for refusal.

As Members will be fully aware it is my role as professional officer to provide advice and offer a recommendation of whether to support or resist a scheme, and the reason(s) for this must be based (s38) on the Development Plan and any other material planning considerations. This case presents a relatively unusual set of circumstances for a local authority planner when it comes to advising elected Members. This Committee, in acting as the Local Planning Authority has been very clear in setting out planning harm for the two refusal reasons above. This decision has been challenged but at the time of this report such a challenge remains to be heard. Thus, as a matter

of fact, the last refusal currently represents the only published and unreversed view that this Council has given. Balanced against this is the fact that my professional judgement has not changed. My previous assessment of the scheme (which could not have had regard to the Council's view) remains a matter of fact as set out in the original officer report for 16/01881/FULM.

As a Local Authority planner I am now charged with offering a recommendation which balanced my previous view against the clear concerns of the Council overall, which is a new and significant material planning consideration.

As a matter of fact my professional view has not changed. For this reason the sections that are in italics below remain unchanged and are repeated from my previous report to Members. However the resolution of Members to refuse the scheme is now a significant and new material to the consideration to weight in the overall planning balance. I consider this is more detail in the 'Additional Information on Site Selection' and 'Planning Balance and Conclusion' sections, towards the end of this report.

Principle

The proposal relates to a residential scheme for 10 dwellings and has been submitted on the basis that the units will all be affordable in an attempt to meet a local need for affordable housing.

The NPPF, at paragraph 54, states that, 'In rural areas... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.' The stance of this is re-affirmed by Core Policy 2 of the Core Strategy which states that the council will pro-actively seek to secure the provision of affordable housing on such exception sites. The acceptability of such schemes will be subject to the sites being located in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3 relating to Scale, Need, Impact and Character.

Location

The site is outside of the main built up part of the village and is, in policy terms, within the open countryside. In order to comply with the rural exceptions policy, the site has to be located in or adjacent to the built up part of the village. The site lies to the northern edge of the village on the north-eastern side of Elston Lane.

On the opposite side of the road is a small cluster of residential development and on the same side of the road, the site shares part of its boundary with a dwelling (White Gable Farm) with the remainder of the southern boundary shared with a generous sized triangular shaped parcel of land which houses a telecommunications cabinet. For the purposes of the policy, I accept the argument that the site is adjacent to the main built up part of the village and thus meets the primary requirement of Core Policy 2. It is noted that in accepting this site as being on the edge of the village, this could lead to a pressure for development on the intervening land. However if this happened this would be assessed on its own merits.

Scale

The scale criterion of SP3 relates to both the amount of development and its physical characteristics, the latter of which is discussed further below in the character section of the

appraisal. SP3 provides that new development should be appropriate to the proposed location and small scale in nature.

In 2006 the number of dwellings in Elston was 276 and taking into account commitments and completions since that time (7) and the proposed development of 10 dwellings, together this would increase the number of dwellings by 6.15%. I consider that this level of increase to be appropriate.

Need

The site is being promoted as a rural exception site for all affordable housing. SP3 requires that new housing in rural areas should only be allowed where it helps to meet an identified proven local need.

In this case I have noted the detailed comments of the Council's Strategic Housing Officer who confirms that a Parish Needs Survey has been undertaken (and updated) and confirms a need for 13 such affordable houses within the Parish. It appears that this scheme has come about following partnership working between Nottinghamshire Community Housing Association alongside the Parish Council. I am satisfied that a scheme for 10 units would go some considerable way to meeting a proven identified need for the purposes of SP3.

Character

SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The layout of the proposal is mews style of development located around a cul-de-sac. Single storey properties would front the highway, albeit they would be set back from the roadside behind the retained deep grass verges. The two storey dwellings are located to the rear of the site and this assists with reducing the impact from the public realm and to the surroundings. The design ethos is very much of traditional local vernacular which would form an attractive development that is sensitive to the surroundings. I note that the amendments have taken on board some of the comments from the conservation officer such as positioning the chimneys centrally. I also note that the materials palette comprises slate, clay pan tiles and red brick, all of which are typical in Elston. Other detailing such as joinery eaves and verge details could be controlled by condition. Overall I consider that the scheme has a well-conceived layout and design which is genuinely tenure blind and is sensitive to its rural surroundings. In my view this accords with Policies SP3, CP9 and DM5.

Given that the site is located adjacent to the Elston Conservation Area, this is also a material planning consideration. Indeed I note the comments from the Conservation Officer who concludes that the scheme would cause no harm to the setting of the Conservation Area or nearby Local Interest Buildings which I concur with in this instance. Given the Conservation Officers comments regarding potential archaeology within the field and in the absence of a Heritage Impact Assessment it is considered prudent to impose an archaeological watching brief condition to ensure that the potential interest is safeguarded. I am therefore satisfied that the proposal accords with CP14 and DM9 in this regard.

Impact

The impact criterion of SP3 states that new development should not generate excessive car-borne traffic from out of the area. It goes on to say that new development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Impacts are considered separately below.

Housing Mix and Density

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

The proposed scheme being for 8 x 2 bedroom properties (4 of which are single storey) and 2 x 3 bedroom properties meets a local need but also meets the broad aspirations of CP3 in terms of mix. The density of the scheme falls short of 30 dwellings per hectare. However I consider this to be entirely appropriate given its position at the edge of the settlement with the countryside adjacent and this assists with allowing the development to sit comfortably within its surroundings. The type of dwellings is discussed in the affordable housing section later in this report.

Impact on Residential Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that development proposals should ensure there would be no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Plot 1 on the western side of the new access would be located c25m from Sarah House (2 storey) on the opposite side of Elston Lane, whereas Plot 10 to the eastern side of the new access would be located c19.8m from Holly Dene and c27.5m from Home View (single storey). Both new dwellings would be single storey in nature and I consider the distances are sufficient to meet the needs of privacy and avoid unacceptable impacts of overlooking and overshadowing. Plots 8 and 9 which are two storey would have their rear elevations set c16m from the boundary with White Gables Farm which sits beyond the boundary by a further c42m. Therefore I am also satisfied that this distance is more than adequate to protect the amenity of this neighbour.

I conclude that the development would preserve the amenities of neighbouring properties and would have no undue adverse impact that would warrant a refusal of this scheme.

Impact on Highways/Sustainability

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

The Highways Authority initially objected to the scheme on the grounds that the scheme had no footway, drainage to the highway was unclear and that there was no safe pedestrian link to the

village. Amendments to the scheme have sought to address these concerns and the plans now show a footway around the road leading into the site and a footway from the site extending to the south-east which would link to the existing footways to the village.

Indeed I note that the majority of consultation responses received have raised concerns regarding road safety issues such as the narrow width of Elston Lane itself, the traffic in the area generally, concerns during the construction period and the fact that the lane is now a dead end following the dualling of the A46. A full summary of highway concern is set out in the consultation section of this report.

In terms of car parking, the scheme seeks to provide two off-street parking spaces per plot. There is no provision for visitor parking although it would be possible to park on the cul-de-sac itself and this in itself is unlikely to lead to parking along Elston Lane.

In response to the amended plan, the Highways Authority have removed their objection subject to the inclusion of conditions. In coming to this view it is implicit that they have considered matters raised such as the acceptability of flows of traffic to the site, the width of the carriageway and its adequacy to serve the proposed development and how it links with the wider transport network. I note the Highways Authority do not explicitly suggest a condition to deal with the footpath link to the village. However given this is of importance in terms of the sites sustainability I consider that a condition is necessary and reasonable to control the timing of its provision.

Given the Highways Authority now offer no objection and given that the development can be made safe in highway terms through conditions, I consider that the proposal is acceptable in this regard in compliance with the relevant policies.

Landscape/Visual Impact

CP13 sets an expectation that development proposals positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that they contribute towards meeting the landscape conservation and enhancement aims for the area. DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It goes on to say that features of importance within or adjacent to development sites should wherever possible be protected and enhanced.

The site lies within the South Nottinghamshire Farmlands Character Area within the Elston Village Farmlands. Landscape condition and sensitivity to change is described as moderate giving a policy action of 'Conserve and Create'. In this context features on site such as the existing hedgerow should be retained (which the agent has confirmed will be the case) and enhanced. New soft landscaping will also be expected (indeed as is indicated on the site layout plan) including trees to be planted in the public realm including the site frontage and the communal open space. Landscaping can be secured through condition and this together with the sensitive design, lead me to conclude that the proposal would be appropriately sited without harming the landscape character of the area in accordance with the identified policies.

Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively

manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at lowest probability of flooding from river and coastal sources. This site therefore passes the Sequential Test. However the site lies within a (washed over) area that is identified on the EA flood maps as being prone to surface water flooding.

A drainage strategy has been prepared for the site which states that ground infiltration is not possible due to the clay soils. Rainwater would therefore drain into a proposed attenuation pond (the on-site SUDs feature) which would assist in the reduction of water discharge. Water would then be pumped with the foul water to the nearest STW drain between Low Street and Pinfold Lane. The strategy indicates this has been agreed in principle by STW.

Whilst STW have yet to comment on the drainage strategy as their previous comments of no objection were made before its submission, I have no information that would contradict the applicants submission. Indeed I note the LLFRA raise no objection to the scheme subject to the inclusion of a condition to deal with drainage. The strategy submitted is unlikely to be sufficient to negate the need for the condition but any further comments from the LLFRA on this will be reported to the Committee as a late item.

In summary, subject to the inclusion of the conditions suggested by consultees, I have no reason to refuse the application on the grounds of flooding or the disposal of surface/foul water from the site.

Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

An Ecological Appraisal accompanies the application which concludes that subject to conditions, ecology is not a constraint to the site's development.

Two non-statutory designated local wildlife sites are within 2km of the site; Stoke Wood (a dedicious woodland typical of Trent Valley of historical importance) and the River Trent (a characteristic section of the river Trent) approximately 2km from the site. Neither of the two site are considered to impact upon the proposals given the distances involves and the relatively small scale nature of the development. Other habitats on both sites were considered to be of negligible value to wildlife.

The majority of the site comprised horse-grazed, species poor semi-improved field compartments and a run of native hedgerow some 15m in length which whilst is species-poor was assessed as being of high nature conservation value and the ecology report recommends its retention, enhancement and sympathetic management.

The site was surveyed for evidence of protected species and no evidence of badgers nor bats was found. The site is unable to support reptiles and impacts on Great Crested Newts is also considered

to be low, although the hedgerow presents some potential to support foraging bats and commuting reptiles. It was concluded that the site has some limited potential for nesting birds.

The existing hedgerow of high nature conservation value has potential for foraging bats. This is to be retained as part of the development.

In conclusion, I concur that the proposal should not be resisted on ecology grounds and conditions could be imposed to control the recommendations contained within section 4.21 of the Ecology Report, sensitive lighting (4.24), that no removal of vegetation is undertaken during bird breeding season as per section 4.34 and to secure biodiversity enhancements (planting, bird, bat and hedgehog boxes) as per section 4.37. Subject to appropriately worded conditions I conclude the scheme would accord with CP12, DM7 and the NPPF.

Impacts on Local Infrastructure (including Viability)

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. The policies state that this infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Certainly the Council's SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

In this case, a scheme of 100% affordable housing provision will be exempt from paying CIL on the basis of the social housing exemption provisions.

During the consideration of this application, there have been negotiations in relation to S106 developer contributions and viability issues. The applicant's position is to provide 100% affordable housing through a registered provider and to not provide any additional S106 developer contributions.

Based on the SPD I have set out below what the normal expectation for contributions would be (this is also summarise in the table below). The SPD also states that there is no discount for education contributions on developments that are solely or wholly for affordable/social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing.

Affordable Housing

As detailed by the Council's SPD and Core Policy, for schemes of 10 or more dwellings, on-site affordable housing is expected with a tenure mix of 60% social rented and 40% intermediate housing.

A regular development of 10 or more houses would be expected to provide 30% on site affordable housing is required as per CP1. For 10 dwellings this would equate to 3 on site dwellings being 2 for social rent and one for intermediate. However the site is being promoted as a rural affordable

exception site and is seeking to provide 100% on site affordable housing. The offer would therefore equate to 8 x social rent and 2 x intermediate. The scheme thus exceeds the affordable housing contribution in this case by 6 social rented dwellings and 1 intermediate dwelling.

Public Open Space

For applications of 10 dwellings or more, provision of public open space for children and young people is expected at a rate of 18m² per dwelling. In this case 10 (dwellings) x 18m² would be expected equating to 180m².

Given the shape and size of the site and the relatively low numbers of dwellings proposed, one would not normally expect to see the provision of this on such a small site which was also acknowledged by the Council's Parks and Amenities Manager who advised that a contribution would be best delivered through payment of a commuted sum for the provision/improvement and maintenance of the existing playing field and equipped play area located adjacent to Elston village hall.

However the revised plan shows the provision of a modest communal area of open space incorporating the SUDs basin of approximately 302m² between Plots 9 and 10 and the proposed pumping station. Whilst this has not been requested to be provided on site by Officers, this has come about given the required re-design necessary in connection with the surface water drainage for the site. Not all of this area would be functional, usable public open space given it accommodates a SUDs feature which would have water within it at times, however this would provide a level of amenity open space that residents would benefit from and overall I consider that this broadly accords with the policy. Treatment of this area would be a matter that can be controlled through either condition or a S106 Agreement.

Community Facilities

For developments of 10 or more dwellings, where schemes would lead to an increased burden on existing community facilities, a contribution may be sought which is based on £1,181.25 per dwelling (indexed at 2016) in line with the Council's SPD. The Council's Community, Sports and Art Manager has suggested that a developer contribution should be directed to the Elston Village Hall, albeit no specific project has been identified.

Education

The County Council have set out that a development of 10 dwellings would generate two primary school places and have set out that the existing primary school (in Elston) is at capacity. A contribution of £22,910 is therefore being sought by NCC as LEA.

Developer Contribution Requirement	Expected based on SPD for a scheme of 10 dwellings	Offer
Affordable Housing 30% on site however as an exception site 100% would be sought	3 affordable housing units on site.	100% affordable housing (80% social rent and 20% intermediate) Represents an additional 6 social rent and 1 intermediate product over and above what would ordinarily be expected.
Primary Education	£22,910 for two primary school	None

<i>The development would yield 2 primary school places costing £11,455 each</i>	<i>places</i>	
Public Open Space (provision and management/maintenance) <i>Children's and Young People Space of 18m2 per dwelling or Off-site contribution</i>	<i>Provision of 180m² of open space on site;</i> <i>or</i> <i>£927.26 per dwelling for provision (£9,272.60) and £1031.30 for maintenance (£10,313) totaling £19,585.60</i>	<i>c302m² of grassed communal area including SUDs basin.</i>
Community Facilities <i>£1181.25 per dwelling where justification is made</i>	<i>£1,181.25 per dwelling (which would equate to £11,812.50)</i>	<i>None</i>

However the level of contributions should only be sought where clear and convincing justification has been made that the contributions are necessary in order to deal with the impact arising from the development. In the case of both public open space and community facilities no robust case has been made as to in what way the scheme would place undue pressure on existing facilities nor in the case of the village hall is there is an existing project identified (such as new roof etc) on which the monies could be spent. I therefore do not consider it appropriate to pursue these in any case. With regards to primary education, a detailed case has been made that shows that the monies are required to support and create 2 primary school places at the local school which is at capacity and therefore I consider that seeking the contribution would be appropriate.

Viability

The developers have put forward a case that this 100% affordable housing scheme cannot support any other developer contributions. In support of this assertion a viability appraisal has been submitted adopted the HCA Toolkit method.

I am mindful of Paragraph 176 of the NPPF which states that to make a development acceptable the options for keeping costs to a minimum should be fully explored so that development is not inhibited unnecessarily. Planning Practice Guidance states that where the viability of a development is in question, local planning authorities should look to be as flexible in applying policy requirements wherever possible.

It is clear from the information submitted that this scheme is relying heavily on HCA Grant monies of £230k and the District Council (housing Strategy) is also considering a capital contribution of £100k for the scheme to proceed. It is clear that the grant money would be ring fenced solely for the provision of affordable housing and would not be available to form a contribution towards any other S106 requirement.

In any event the viability appraisal has been independently assessed and the advice received is that the scheme based on up-to date build cost rates the scheme is in negative viability. Whilst I do not seek to challenge the viability conclusions the proposal falls short of the policy requirement to secure the required level of contributions towards community facilities and primary education provision. This is a negative of the scheme and needs to be weighed in the planning balance.

5 Year Housing Land Supply

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 accepted 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.

Additional Information on Site Selection

This application as originally submitted included a letter (from NCHA to the Planning Inspector in connection with the pending appeal) which attempts to address the second reason for refusal in terms of site selection. In summary this letter states that a Parish HNS was undertaken in 2006 which identified a need for affordable housing and that since that time the Parish Council, the District Council (Strategic Housing Officers), Midlands Rural Housing and NCHA have worked together to find a suitable site. A November 2006 'Call for Land' advertised in the local newsletter received no response and a village walk identified 4 potential sites. In May 2009 (3 years later) a further village walk with the Parish Council took place with 7 sites (including the previously identified sites) being identified, with 3 of these being preferred albeit none of which were able to be pursued. This letter gives limited anecdotal evidence as to why this site was selected. The letter does not identify on a plan(s) where the sites are located albeit it describes them loosely. It fails to say why/how the planning application came to be and why there are no other sites within the village considered.

Further information was requested from the applicant and the following was received on 20th/21st September 2017 which is summarised below:

Type	Date	From/to	Content
Letter	03.11.2008	from Trent Valley Partnership to NSDC, Strategic Housing	Regarding a lack a response from Parish Council suggesting a village walk in relation to looking at 4 sites identified; Site 1 – Land at end of Carrgate Lane Site 2 – Land on Mill Road belonging to Lineham House Farm Site 3 – Land west side of Pinfold Lane Site 4 – Land/buildings belonging to Hall Farm
Advert	Not provided	Midlands Rural Housing to landowners	Advert by MRH calling for sites that could be developed for affordable housing. This advert does not say where it was displayed, when or how many times.
File note of Village walk	12.05.2009	File note does not say whom prepared it	Details a village walk with 4 parish councilors to view 7 sites; (see below)
<p>Site 1: Winston Drive/Carr Gate Lane – Land at the head of Winston Drive (Cul de Sac). Large field at the rear of existing local authority housing, with access available at the head of the cul de sac or via the N&SDC garage site. (Landowners identified and same as site 3 below)</p> <p>Site 2: Winston Drive – N&SDC garage site. Large area of parking and garages, giving access onto adjoining field.</p> <p>Site 3: Land off Carrgate Lane/Old Chapel Lane (SHLAA Ref: 08 0498). Large area of farmland opposite existing housing. (Landowners identified and same as site 1 above)</p>			

<p>Site 4: Land off Top Street – Paddock adjacent to Hall Farm giving access to large disused yard area behind. Landowner would want an access road to the yard incorporating in any plans. Land owner identified.</p> <p>Site 5: Land off Pinfold Lane – Large paddock area. Possibly conservation area and buffer zone between village and new A46 dual carriageway. Landowner identified although comments that planners comments were unfavourable.</p> <p>Site 6: Orchard site off Low Street (SHLAA Ref. 08 0497). Land owner identified but notes that parish council members felt owner would be unwilling to sell.</p> <p>Site 7: Land off Low Street (SHLAA Ref. 08 0496), opposite the end of Pinfold Lane. Area of paddock with house and buildings at entrance to village. Notes that the site is unlikely to be suitable but doesn't say why.</p>			
Plan	Undated	N/A	Plan appears to show the sites that were considered albeit this is not properly annotated
Letter	11.06.2009	From Trent Valley Partnership to the landowners of Site 3 above.	Letter contacting the landowner of the preferred site enquiring if they would be willing to sell to enable affordable housing development.
Chase up letter	14.07.2009	From Trent Valley Partnership to the landowners of Site 3 above.	Chasing up from last letter having had no contact.
Letter	06.08.2008	Letter from TVP to Elston Parish Council	Providing update indicating they had identified a preferred site but that the land owners were at that time unwilling to sell.
Letter	06.08.2009	Letter from TVP to landowners of site 4 as identified above	Letter contacting the landowner of site 4 enquiring if they would be willing to sell to enable affordable housing development.
Email	14.04.2010	Email from TVP (possibly to plan drawers)	Gives update that landowner wanted to see the proposals before progressing
Letter	06.04.2010	From TVP to landowner of site 4	Update and advising that Tree survey would be required
Letter	03.06.2010	From TVP to landowner of site 4	Advising that drawings had been prepared and sent for review
Plan	Not dated		Block plan showing an affordable housing scheme on site 4
Email	18.08.2010	Email from NSDC planner to NSDC Strategic Housing which was then forwarded to TVP	Providing positive in principle pre-application advice regarding site 4 as identified above
Email	22.09.2010	Email from NCHA to TVP	Relates to what the land owner of site 4 is looking for and comments that they are undertaking feasibility sketch.
Email	22.09.2010	From TVP to Elston Parish Council	Update to EPC stating that NSDC planners were not happy with first proposals and that landowner not

			happy with second. More feasibility sketches are being prepared.
Email	05.05,2011	Email to Elston Parish Council	Update to EPC advising that grant funding was uncertain at that time
Email	16.08.2011	Email exchange between NCHA and landowner of site 4 as identified above	Update to landowner advising that still interested in developing the site but grant funding had not been awarded so they were looking at other ways of funding the development
Email	Unknown (possibly towards the end of 2011)	Email to Elston Parish Council from TVP	Providing an update that an agreement in principle existed with landowner of site 4 but that that lack of grant funding was the stumbling block. Talks about a policy review and that they were hopeful for a start on site latter half of 2013.

The map showing the locations of alternative sites is not totally clear and whilst the information has not been particularly well presented I am satisfied that the information provided does demonstrate that alternative sites were explored early on in the process. However there is nothing to explain what happened between 2011 and the submission of the application for this site which was received earlier this year; a 6 year gap where land owners may well have a different perspective in terms of their ability/willingness to sell than in 2008/2009 when the call for land was first requested. Despite being specifically asked to address this omission, the applicant hasn't.

It is interesting to note that the 2012 Elston Housing Needs Survey identified that only 2 affordable houses were required and recommended that the Parish Council consider developing a small scheme for affordable housing within the next 5 years. It then appears that the document entitled 'A Summary Report of the Affordable Housing Needs of Elston' dated December 2016 was in effect a 'mini-survey' and commissioned after this application site had been selected. It states:

'A site has become available and Nottingham Community Housing Association has put forward a proposal to develop ten affordable properties. As a result, the Parish Council has requested MRH to carry out a brief follow-up (letter-drop) survey of all households to ensure that there is sufficient level of interest in affordable housing to warrant a development.'

The applicant has endeavoured to explain why sites within the village have not been able to come forward as follows:

"Further to the email correspondence we sent through to you yesterday we would also like to again reiterate that generally, it is much more difficult to secure sites for affordable housing within the village as landowners have open market land value aspirations as evidenced by the completed unit values of this current open market development in Elston:-

<http://www.rightmove.co.uk/property-for-sale/property-66454319.html>

Open market land values exceed rural exception site land values many times over hence most rural exception sites are developed on the edge of villages not in them."

I acknowledge that generally sites within the built up parts of villages will inevitably attract higher land values as they are more likely to be developable for market housing which is more lucrative. However in this instance I consider that the applicant has not properly demonstrated that the other sites both within and on the edge of the village have been properly explored.

For example the comment in relation to site 6, that parish councilors felt the land owner would be unwilling to sell has not been evidenced in any way. Moreover, a prime example of this lies with an existing District Council owned site off Carrgate Lane/Winston Drive/Darwin Close in Elston (which is identified as Site 1 in the list of 7 above). In 2016 Newark and Sherwood Homes (NASH) announced a commitment to rolling out a 5 Year Housing Delivery Programme for new affordable homes on land that is owned by this District Council. This programme will deliver approximately 360 new affordable dwellings across the district to directly meet affordable housing need. Planning permissions have already been issued for c67 dwellings with c18 of these either already under constructed or complete demonstrating a willingness and ability to deliver.

As part of this process ALL council land assets and holding are being reviewed for development potential. As part of this process NASH have engaged in pre-application discussions on a range of sites. Whilst this is clearly not public facing I am in a position to confirm that site in Elston (site 1) has been identified as having potential for up to 5 affordable dwellings. This is a site that is available and the owners are willing to bring this forward with some feasibility works having already been undertaken. Indeed the only reason it hasn't yet been advanced into a formal planning application is so as to not to 'tread on the toes' of the housing officers that have supported this current application/appeal. Now that the position of the Council is clear from the last refusal, NASH are prepared to progress the scheme on behalf of the Council and are advancing to a formal submission. There is therefore no reason why this other site which is sequentially preferable in that it relates to a brownfield site (as opposed to a green field site) within the village (as opposed to being outside of the village) cannot be advanced to deliver some (albeit less) affordable housing for Elston thus meeting the need. There may well be other sites that could deliver the remaining need for Elston as this hasn't been robustly explored.

Planning Balance and Conclusion

As detailed above it is my role as an officer to offer a recommendation one way or the other. My professional view on this scheme was fully set out as part of the Committee report for 16/01881/FULM. I do not seek to revise my opinion, which is a matter of fact. That said, as an officer, I am required for offer also have regard to any new material planning considerations. In this case I must now also balance 1) the fact that this scheme has been refused on two grounds by the Local Planning Authority and that at the time of writing such grounds have not been successfully challenged; and 2) whether the possible availability of other site(s) to provide the development, which is less harmful and acceptable as a matter of principle within the main built up area of the village, is determinative to such a degree that the overall planning balance changes.

In terms of the first reason for refusal (which relates to character/layout design/impact upon the countryside etc.), the scheme is identical. Therefore I accept that Members, who are the LPA decision makers, are unlikely to change their position. As this matter has not been addressed in any way, the only conclusion that I can draw is that this reason for refusal should remain as previously expressed. I say this in attaching balanced but determinative weight to the LPA's position, which is subject to challenge but which at the time of writing has not been overturned.

With regard to the previous second reason for refusal relating to site selection, Members

previously considered this to be determinative. Whilst the issue of site selection was not persuasive in my own conclusions and judgements I do accept that the principle of ensuring that an appropriate site to deliver identified housing need is capable of being a material planning consideration, especially in circumstances where principal (out of settlement) and character (reason for refusal 1) harm is identified and where such need can be met without causing such levels of harm. Taking this further, I have therefore assessed the submissions from the applicant and it is my view that the information submitted does not sufficiently address Members concerns in that the applicant has failed to demonstrate, even with the additional information, that other acceptable sites in planning terms have been sufficiently explored and discounted. Indeed I am aware that there is a Council owned site identified amongst the 7 sites previously looked could be brought forward within the village to meet some of the identified affordable housing need.

For these reasons, whilst I do not take away from my previous judgements in relation to planning application 16/01881/FULM I am now faced, as your professional advisor with new and significant material planning considerations to weigh in an overall planning balance. Whilst my recommendation is just that, very finely balanced, I am of the opinion that I must attach weight to the fact that a scheme identical to that now before you has been refused and has not been overturned. In attaching weight to the reasons for refusal it is clear that this scheme cannot address the harm alleged in reason 1. In attaching weight to reason 2 I consider that there are now site(s) potentially available to provide need that would be within the village and would not cause the planning harm identified by reason for refusal 1. On this basis, and on a finely balanced case, I recommend refusal.

RECOMMENDATION

Taking into account all material planning considerations, that the scheme is refused on identical grounds to previously advanced:

01

The application site is, as a matter of fact, located in the Open Countryside. Even if as a matter of principle development of the site were to be supported (as a justified rural exception site) development should still only proceed if that development respects the overall character and appearance of the area. In the opinion of the Local Planning Authority, in this case the scheme proposed is alien to the existing grain of the village in proposing an urbanising cul-de-sac development on the edge of a village which fails to manage a transition into open countryside or respect the historical character of the area. The development is thereby contrary to the provisions of the NPPF, NPPG, and policies Spatial Policies 3 (Rural Areas), Core Policy 2 (Rural Affordable Housing), Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Newark and Sherwood Core Strategy and policies DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Allocations and Development Management DPD with together form the Development Plan. There are no other material planning considerations that would in the opinion of the Local Planning Authority outweigh such harm.

02

The application site is, as a matter of fact, located in the Open Countryside. Residential development would not normally be supported in such circumstances given the implicit harm of encroachment into the countryside. The Council accepts that this application is submitted with evidence to demonstrate that there is an up-to-date affordable housing need in Elston. It equally

accepts that the scheme proposed would address the majority of this identified need and that no market housing is promoted. The Council is not, however, satisfied that this site represents the best site or sites to deliver the need within or adjacent to the existing village. Given the concerns identified in reason for refusal number 1 above, the Council is of the opinion that planning permission should be refused in the absence of a robust assessment as to the availability and suitability of other site(s). To allow the application at this time would represent unsustainable development, contrary to the provisions of the NPPF, NPPG, and the Core Strategy (Policies CP2, SP3) and Allocations and Development Management DPD (Policy DM12). There are no other material planning considerations that would in the opinion of the Local Planning Authority outweigh such harm.

BACKGROUND PAPERS

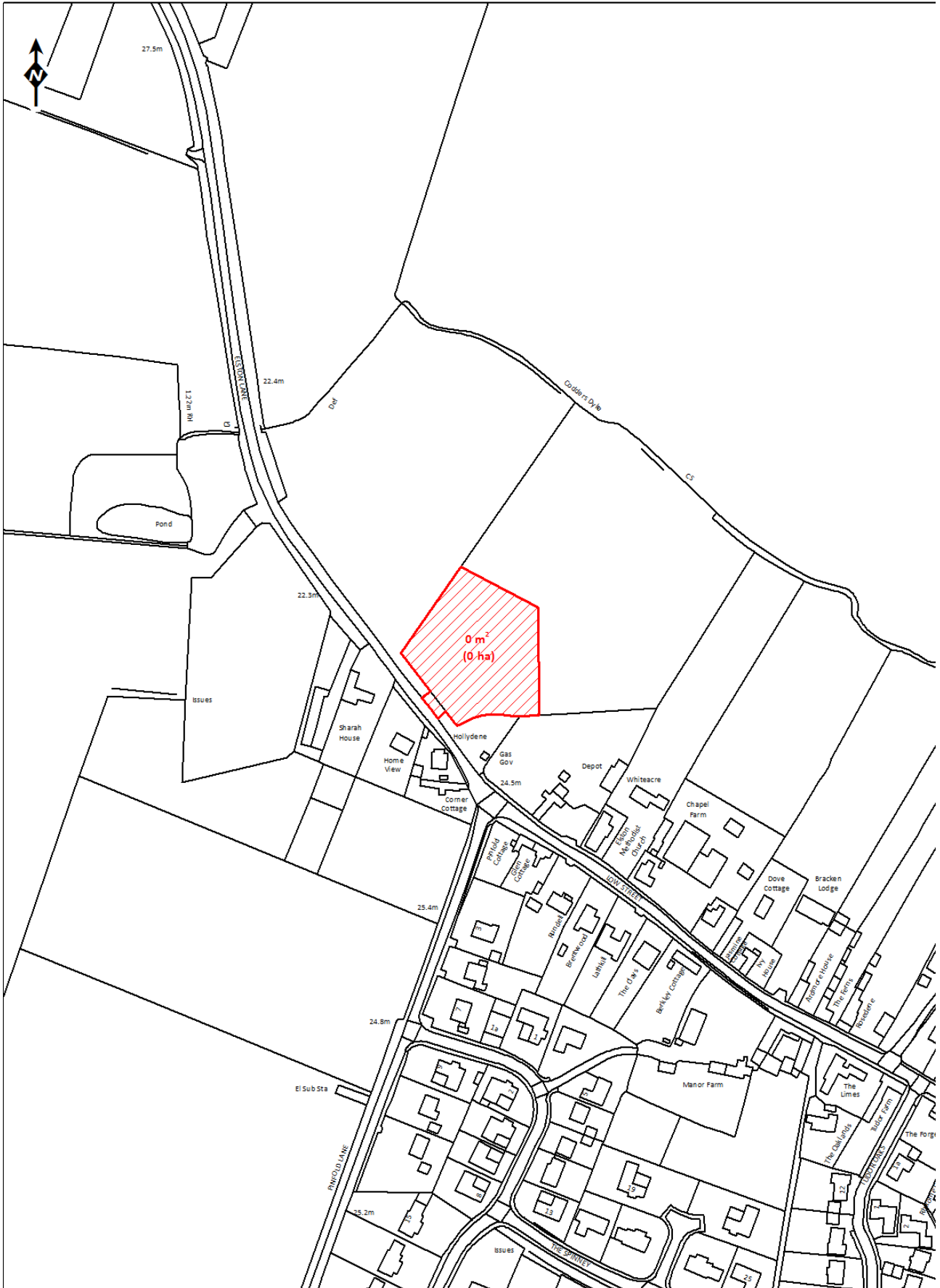
Application case file.

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/01351/FULM



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Application No:	17/01490/FUL
Proposal:	Householder application to demolish the existing conservatory and construct a single storey extension across the full width of the rear of the existing house.
Location:	110A Hawton Road, Newark on Trent, Nottinghamshire
Applicant:	Mr & Mrs Ian and Debbie Dickinson
Registered:	16 August 2017 Target Date: 11 October 2017
	Ext of time agreed until 23rd October 2017

This item is being presented to the Planning Committee in accordance with the scheme of delegation as one of the applicants is a member of planning staff at the Council.

The Site

The application site is located to the western side of Hawton Road in Newark and accommodates a detached dwelling with a relatively large rear garden which adjoins the rear of properties on Woodlands Close. The property is accessed from Hawton Road and has a driveway and parking to the frontage. It is located within the main built up part of Newark urban area and is surrounded by residential properties of a variety of size, design and age. To the rear of the property there is currently a large brick plinth and timber framed conservatory.

Relevant Planning History

None relevant.

The Proposal

The application proposes the demolition of the existing conservatory and the erection of a single storey rear extension to accommodate a sitting and dining area. The proposed sitting area and dining extension will project 4m to the rear of the property and would expand the whole width of the dwelling at the rear measuring 10 metres. This part of the extension would have an eaves height of 2.7m with a raised roof light with a total height of 3.6 metres.

The extension would then project a further 2.75 metres to provide a covered canopy area to the rear of the property. The canopy would be created with timber posts and a flat roof and again would expand the full width of the rear of the property. A timber screen is proposed to the north and south elevations for the first metre with the remainder left open. The canopy would be at the same eaves height as the proposed extension, 2.7m.

Publicity

Occupiers of 5 properties have been individually notified by letter. In addition, a site notice was posted on the 31st August 2017 having an expiry date of 21st September 2017.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9: Sustainable Design

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

Policy DM6 – Householder Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014

Consultations

Newark Town Council – No objection.

One letter of objection has been received and one letter of support has been received. The representations can be summarised as follows:

Support: Have no objection

Objection:

- Loss of light;
- Overshadowing;
- Reduction in light to living room and kitchen;
- There is a living room window on the west elevation and kitchen/dining window on the south elevation of No. 110;
- Concern over accuracy of shadow study;
- Land to 110a is slightly higher than 110;
- There needs to be an accurate overshadowing modelling, there is no way of assessing it from the information supplied.

Comments of the Business Manager

Principle

The proposal relates to a householder development which is accepted in principle by Policy DM6 of the DPD subject to an assessment against a number of site specific criteria including the impact

of the proposal on visual and residential amenity. Policy DM5 also relates to visual and residential amenity and highway safety.

Impact on Character of Area

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. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life and can include replacing poor design with better design and widening the choice of high quality homes. Policy DM6 of the DPD states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and the existing dwelling in terms of design and materials. Policy DM5 contains similar criteria. Supplementary Planning Document 'Extensions to Dwellings' states that extensions should be sensitive to the host dwelling and prevailing character of the surrounding area.

The existing dwelling is a large detached dwelling situated to the south of the town within a built up residential area. Hawton Road consists of a mixture of detached and semi-detached two and single storey dwellings and is a wide tree lined residential street to the south of Newark containing a variety of design and style of properties. The application property is set back from the highway behind a low brick wall with iron railings above.

The application proposes a single storey rear extension to provide a dining and sitting area. The proposed extension is relatively modern in design, constructed from render, timber and pressed metal facias. The extension would also provide a canopy to the rear over the patio area. The majority of the extension would have a flat roof with a rooflight/lantern above. The rooflight would be set in from the width of the extension expanding approximately 8.5 metres across the width of the extension and would project approximately 1 metre above the flat roof. The rooflight has a staggered design and would have side windows and roof light. Whilst, contemporary in design, the extension would be sited to the rear of the main dwelling and would be subordinate, replacing a large brick and timber conservatory. Positioned to the rear the extension would not be visible from any public vantage points. There is no uniformity in style, design or age of properties along Hawton Road and the use of contemporary materials and design would not have a detrimental impact on the surrounding area. The scale, design and location of the development is such that it is considered to form an acceptable development that would not adversely impact on the character and appearance of the area.

I consider that the scale, design and location of the development is such that it is considered to form acceptable development that would not adversely impact on the character and appearance of the area and as such accords with the NPPF and Policy DM5 and DM6 of the ADMDPD.

Residential Amenity

Policy DM6 of the ADMDPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, overshadowing or over-bearing impacts.

To the south the adjoining property, no. 112, is set back behind the front building line of the application site and extends further to the west than No. 110a Hawton Road. The proposed single storey extension projects along the rear fenestration of the property and would replace a brick and

timber conservatory. There is a hedgerow along the shared boundary between these two properties and No.112 has a blank flank wall facing the proposal. Due to the size, scale and location of the extension it is not considered that the proposal would adversely affect the amenities of No. 112.

The adjoining property to the north, No. 110, is set in line with the adjacent dwelling at No. 110 Hawton Road. I have considered whether the proposal would have an adverse impact upon the occupiers of this dwelling carefully through loss of light and overshadowing. No.110 lies directly to the north of the application site and is currently separated by a close boarded timber fence. To the rear of No. 110 forms an 'L' shape and there are ground and first floor windows which face the application site. The proposed extension would project from the rear of the property for 4 metres with a further 2.75 metres providing a covered canopy area. The canopy would be created with timber posts and a flat roof and a timber screen is proposed for the first metre with the remainder left open. The canopy would be at the same eaves height as the proposed extension, 2.7m, with the total length of the rear projection being 6.75 metres. The extension would be sited directly to the south of No. 110 and would be offset from the shared boundary by 1.5 metres.

Lying directly to the south there is the potential for the proposal to create overshadowing to the rear of No. 110. However, due to the positioning of the host property the existing dwelling extends approximately 2.5 metres further to the rear of the southern flank wall of No. 110. The windows on the south and west elevation of No. 110 would already have some overshadowing from the bulk and mass of the main existing dwelling house. The proposed extension would have a solid wall and timber panel for 5 metres and then would be open. With a flat roof proposed with a height of 2.7m closest to the boundary and no windows proposed the extension would not create any overlooking or impact on privacy. Whilst the length of the extension is 6.75 metres, the height has been kept low with a flat roof and rooflights. The rear area of No. 110 would be slightly affected by the length of the proposal but there is considered to be sufficient amenity space to the rear so as not to be adversely affected to a degree that would warrant a reason for refusal. The area immediately to the south west of No. 110 is already considered to be overshadowed by the main dwelling house and the proposed extension would have no greater impact. Overall, it is considered that due to the design and scale of the proposal, that the residential amenity of No. 110 would not be adversely affected to warrant refusal.

The applicants have submitted a full planning application but under the General Permitted Development Order 2015, until 30th March 2019, prior approval can be sought for an extension up to 8 metres in length which doesn't exceed 4m in height. The proposed length and height of this extension is currently permitted development with the impact on adjoining properties being the only consideration. As stated above, due to the size and scale of the extension and the impact the existing dwelling currently has on the south and west elevation of No. 110 it is not considered that the proposal would have a detrimental impact on the residential amenities of No. 110.

To the west, properties on Woodlands Close are separated by the rear garden areas and due to the scale and separation distance to the extension, are unlikely to be affected by the development. To the east the properties are separated by the highway, Hawton Road, and will not be adversely affected by the proposal.

Overall, it is not considered that the proposal would result in any significant adverse impact upon the living conditions of neighbouring occupiers and is in accordance with amenity consideration contained within Policy DM6 of the ADMDPD.

Highway Safety

The existing dwelling has off street parking to the frontage of the property off Hawton Road. The property also has an integral double garage. The proposal would not have any impact on the current level of parking and nor would it increase the number of bedrooms in the property. The development is not considered to have any impact on highway safety and the proposal complies with the above policies and guidance.

Conclusion

The principle of development is considered to be acceptable and the proposed design would not unduly impact on the character and local distinctiveness of the area in terms of design and materials. The development would not be detrimental to the amenity of neighbouring properties by reason of overlooking, overshadowing or overbearing impact or impact upon highway safety. As such it accords with the relevant local policies and core principles of the NPPF.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

01

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

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

02

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

- Proposed elevation PL 06
- Site Plan PL 02
- Proposed Ground Floor and 3D Images PL 05

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

Background Papers

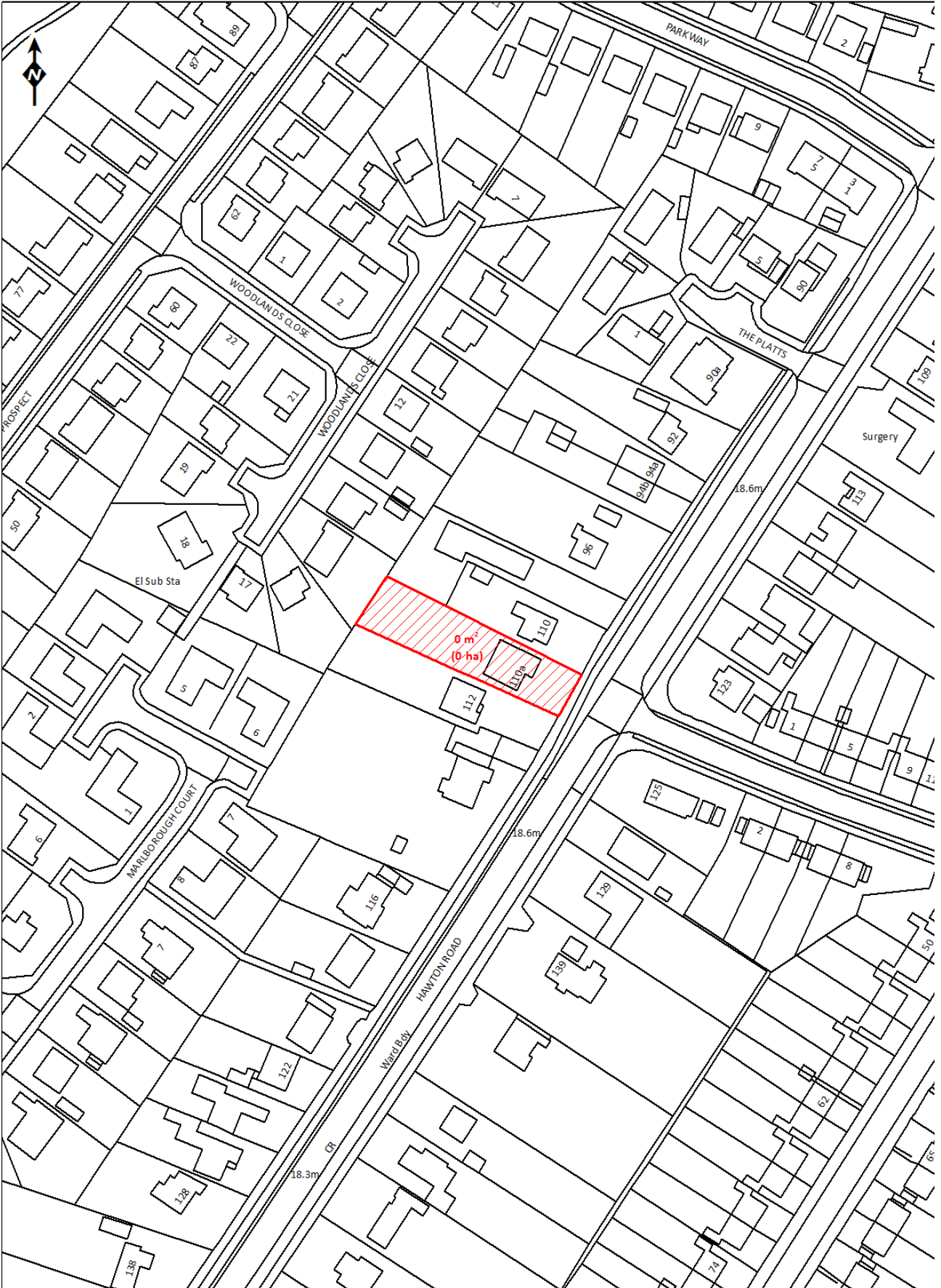
Application Case File.

For further information, please contact Jennifer Wallis on ext. 5419.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/01490/FUL



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Application No:	17/01021/FULM (MAJOR) and 17/01022/LBC	
Proposal:	Conversion of Hall into Hotel and spa. Extensions to Hall to provide hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool. Associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.	
Location:	Kelham Hall, Main Road, Kelham, NG23 5QX	
Applicant:	Kelham Hall Ltd - Mr Jonathan Pass	
Registered:	FULM: 14th June 2017	Target Date: 13th September 2017
	LBC: 7th June 2017	Target Date: 2nd August 2017

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Kelham Parish Council has objected to the application which differs to the professional officer recommendation. In any case this matter would be presented to the Committee given that at the time of decision the Council retains an interest in the site.

The Site

Kelham Hall is composed of two listed buildings, the Grade 1 building which is a mid C19 manor house built by Sir George Gilbert Scott and A. Salvin and the Grade II former monastic buildings built in 1927-9 by Charles Clayton Thompson. The former manor house is a red brick and slate structure with Gothic detailing. The architectural detailing here is quite ornate. The former monastic buildings are built of brick and concrete and are arranged around a courtyard. These buildings are built in the Arts and Crafts style and use typical features like tile detailing, overhanging eaves and leaded lights. In addition the monastic complex includes a chapel, constructed as a large dome. The Dome has stained glass decorative lancet windows.

The gardens primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860 and sit within an earlier landscape. The site has a fascinating and complex history and in 1903 was taken over by the Sacred Mission to become a theological college with an additional wing and chapel added in 1928 by CC Thompson in the Byzantine style. The buildings were later adapted for office use and were occupied by the District Council between 1973 and September 2017. In recent years elements of the building have been leased to the applicant and used for various functions including weddings and corporate events.

The Hall and grounds are within the village of Kelham as well as the designated conservation area. The main access to the site is from the A617 Newark to Mansfield Road. Owing to the proximity of the site to the River Trent, a large proportion of the eastern side of the site is within Flood Zone 2 and Flood Zone 3 according to the Environment Agency maps.

Relevant Planning History

There have been numerous planning and listed building consent applications in relation to the Hall in recent years. Some of these (such as listed building consent applications for the subdivision of internal rooms) have been in association with the sale of the building and the necessity for the Council's continued operation. However, it is not considered that there are any specific applications which are directly relevant to the current proposals and material to the current decisions. As is confirmed through the application submission, the applicant has been in discussions with the local planning authority (LPA) for formal pre-application advice on the submitted scheme.

The Proposal

The proposal has been amended throughout the life of the application both through revised plans for the internal arrangements received 3rd August 2017 and by a revised Masterplan and covering email received 23rd August 2017. In addition a further revised Masterplan and accompanying Parking Analysis was received on 13th September 2017. For the avoidance of doubt the following description will primarily identify what is currently being sought for planning permission and listed building consent before moving to confirm the elements of the scheme which have been revised / removed through the amended plans received. The appraisal outlined below is solely on the basis of the revised scheme.

As is implied by the description of development above, the applications seek permission for various elements summarised as follows:

Conversion of Hall to Hotel and Spa

Gilbert Scott Wing

- The Gilbert Scott Wing is intended to provide a hotel offer as well as continuing the role as a wedding and corporate venue
- Works to the ground floor include (but are not limited to):
 - minor alterations such as the removal and replacement of existing suspended lighting grids
 - general redecoration
 - the removal of a modern partition between the Members Room and Library (i.e. G33 and G34)
- Works to the first floor include (but are not limited to):
 - the provision of 13 hotel suites with associated en-suite accommodation (including through the creation of new internal walls and 'pod' en-suites within existing rooms)
- Works to the second floor include (but are not limited to):
 - the provision of 14 hotel suites with associated en-suite accommodation (including through the creation of new internal walls and 'pod' en-suites within existing

- rooms)
 - the installation of a platform lift to allow access into the roof space
 - removal of existing doors e.g. internal door within S28
- Works to the second floor include (but are not limited to):
 - the provision of 2 premier suites with associated en-suite accommodation

Salvin Wing

- The Salvin Wing is to be converted into a day spa incorporating hotel accommodation, staff accommodation and residential accommodation in connection with site management
- Works to the ground floor include (but are not limited to):
 - the creation of a raised swimming pool enclosed in a glass structure
 - removal of existing doors and infilling of openings
 - creation of new partition walls to separate treatment rooms etc.
 - living accommodation in association with one of two managers dwellings
- Works to the first floor include (but are not limited to):
 - the provision of 8 hotel bedrooms with associated en-suite accommodation
 - the provision of staff accommodation forming 7 bedrooms with both shared and en-suite bathroom provision
 - the provision of a second managers dwelling forming 6 bedrooms; a bathroom; an en-suite and kitchen and living facilities
 - sleeping accommodation in association with one of two managers dwellings

Thomson Wing

- The Thomson Wing is to be converted and extended to provide a new main entrance as well as further hotel accommodation and the associated facilities such as a hotel restaurant, bar and kitchens
- Works to the ground floor include (but are not limited to):
 - the creation of a new hotel entrance including the replacement of the existing doors adjacent to G28
 - the removal of internal walls notably (but not solely) in the proposed hotel lobby and bar / lounge area
 - the insertion of a glazed garden room restaurant within the internal courtyard
 - the insertion of a new lift
- Works to the first floor include (but are not limited to):
 - the creation of a void above the ground floor lobby with a glazed balustrade creating a seating area
 - the provision of 14 hotel bedrooms and associated en-suite accommodation largely created by the insertion of new partition walls
- Works to the second floor include (but are not limited to):
 - the provision of 16 hotel bedrooms and associated en-suite accommodation largely created by the insertion of new partition walls

- demolition of existing internal walls (e.g. room S13)
- Works to the third floor / attic level include (but are not limited to):
 - The provision of a Penthouse Suite with two associated bedrooms
 - The provision of a Bridal Suite with three associated bedrooms

Dome

- The Dome will be refurbished and extended to continue its contribution towards the use of the site as a venue for weddings and corporate functions
- Works to the basement include (but are not limited to):
 - The creation of toilet facilities
- Works to the ground floor include (but are not limited to):
 - an extension to create a dome reception area with associated hotel lobby and bar area
 - raising of central floor area of the Dome by approx. 100mm
 - replacement of existing stairs with ramp
 - reinstatement of side windows and lightwells
 - the removal of the existing modern bar
- Works to the first floor include (but are not limited to):
 - extension to the existing gallery though the re-location of the existing timber balustrade
 - creation of an external roof terrace over ground floor kitchen
- The extension would incorporate a new stair and lift enclosure to provide access to all floors of the Thomson Wing and the basement beneath the Dome extension

Associated Landscaping and External Works

Works within the grounds include (but are not limited to):

- The introduction of access gates at the main entrance of the site
- The widening and diversion of the existing access drive
- Provision of car parking totaling 203 marked spaces in a main and secondary car park and the allowance for a further 209 spaces in an overflow area
- Reinstatement of Parterre and Parkland

The application submission has been accompanied by the following supporting documents:

- Arboricultural Impact Assessment
- Design and Access Statement, Planning Statement and Heritage Impact Assessment
- Desk Based Archaeology Assessment
- Flood Risk Assessment
- Preliminary Ecological Appraisal and Bat Building Assessment
- Transport Assessment
- Travel Plan

- Tree Survey
- Room Schedules have also been submitted to support the accompanying plans outlining the proposed works to the Salvin Wing and Gilbert Scott Hall
- Bat Survey dated August 2017 (submitted during the life of the application)

As is mentioned above, the applications have been amended since the original submission owing to concerns raised by consultees and officers. The changes have been outlined through revised plans received 3rd August 2017 in relation to the works to the existing Building and revised plans received 23rd August 2017 and 13th September 2017 in respect of a revised Masterplan; Landscape Masterplan; Parking Analysis and associated covering email. The key changes to note are the removal of 44 Holiday Lets which were proposed along the northern boundary of the site adjacent to the A617. It is stated that this element of the scheme will come forward through a separate planning application in due course. There is also no use for caravan and camping proposed as part of this application. Again, the applicant has stated that this will be the subject of a further application at a later date.

Amendments made also relate to changes to parking provision; tree works; the overall landscape approach and the removal of an originally proposed bin store close to the corner of Home Farm Close. These changes will be further addressed in the overall appraisal below.

Departure/Public Advertisement Procedure

Occupiers of 37 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. An additional round of consultation has been undertaken in respect of the revised plans received with an overall date of consultation expiry of 14th September 2017.

Planning Law and Policy

17/01022/LBC

Section 38(6) of the Planning and Compulsory purchase Act 2004 1990 does not apply to decisions on applications for Listed Building Consents, since in such cases there is no statutory requirement to have regard to the provisions of the Development Plan. LBC applications should be determined in accordance with the law (see, in particular, s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the relevant policies in the NPPF (in particular paragraphs 126-141). The objectives of the Development Plan and its policies may, though, be a material consideration in those decisions.

S.16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the LPA may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions. S.16(2) states that in considering whether to grant listed building consent for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72(1) states that in the exercise, with respect to any buildings or other land in a Conservation Area, of any of the provisions mentioned in subsection (2) (the planning acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

17/01021/FULM

Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990).

The Development Plan

The relevant policies of the Development Plan in relation to this application are as follows:

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 3: Housing Mix, Type and Density

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

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

Allocations & Development Management DPD (adopted July 2013)

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Historic England Good Practice Advice Notes (notably GPA2 and GPA3)

- Historic England Advice Notes (notably Note 2: making changes to heritage assets)

Consultations

Kelham Parish Council – Comments dated 18th July 2017:

Averham, Kelham and Staythorpe Parish Council objects to the above application on the following grounds:

1. Holiday lets within a functional floodplain.
 - a. Some of the proposed holiday lets fall within Flood Zone 3b. Newark and Sherwood Level 2 Strategic Flood Risk Assessment (SFRA) 2008 states that land which would flood with an annual probability of 1 in 50 (5%), or greater in any year, is defined as Flood Zone 3b (functional floodplain). The holiday lets are classified as More Vulnerable in accordance with table 2 of the PPG. Tables 1 and 3 of the PPG make clear that this type of development is not compatible with the Flood Zone and should not therefore be permitted.
 - b. Safe access and egress for the Holiday Lets.

The FRA fails to consider safe access and egress to the Holiday Lets located within areas at risk of flooding.
 - c. Floodplain storage compensation.

The FRA lacks detailed information on how floodplain compensation methods will be used to ensure that there is no increase in flood risk elsewhere as a result of development.
2. Design of proposed holiday lets.

The proposal seeks to develop substantial holiday let accommodation within the Kelham Conservation Area. The proposed design takes little or no account of the surrounding architecture with the conservation area.
3. The holiday lets appear to have no provision for disabled users to access first floor accommodation. As part of the developer's considerations of access to and use of the proposals, with particular reference to inclusive access for all including disabled people, attention is drawn to BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people – Code of practice. At the time of writing floorplans for holiday lets have been removed from public access without which it is not possible to comment or determine the application.
4. There are proposals for the hotel elements and also the holiday lets however other than indicative location for the pool there are no proposals relating to the Spa element. This should be key as the development is being proposed on the basis of a luxury hotel and spa.

The Design and Access Statement makes specific reference to public usage and memberships being made available both would generate income. However, this exposes a fundamental flaw in the business plan as no account has been taken into account of the revenue that this would generate. This also calls into question the holiday lets aspect of the scheme. D&AS states that the 44 number units are required to make the Business Plan robust. The Business Plan does not take into account the potential revenue from the Spa therefore the number of holiday lets cannot have been calculated on a firm basis and would appear to be more of a desire than an actual need.

5. There is no proposed plan for underground services which could have significant adverse effect on trees within the grounds.
6. There are no plans for woodland maintenance and no details regarding the soft landscaping of the proposed holiday let area. Will there be additional screening planted for residents?
7. Car parking area
 - a. The parish council questions the proposed location of the car park adjacent to Home Farm Close. Vehicle movements, car doors slamming and noise from clients would be better located elsewhere.
 - b. Furthermore we note that the surface material of the proposed car park is to be gravel / shingle which would further increase noise from vehicles.
8. The application contains no plans for an outside lighting scheme. Any scheme should seek to reduce and mitigate the impact of light pollution on neighbouring properties.
9. Previous works, carried out by N&SDC, to the façade of The Dome, under listed buildings consent 05/01704/LBC, was assessed and designed to address acknowledged and significant statutory nuisance noise emanating from the building during events.

There appears to be no reference or guarantee to maintaining, or more preferably improving, the sound insulation value. The parish council would expect an acoustic engineer's assessment to support the proposals within the application.
10. The location of the service area is also close to residences, subjecting them to noise from deliveries, and noise and odours from the kitchens.
11. The parish council notes that the waste bin area is proposed to be sited directly adjacent to the gardens of private houses of Home Farm Close. The parish council finds this location completely unacceptable and questions the location on the grounds that it would result in unacceptable odour, flies and vermin. It is also located near the Mission Dyke, resulting in polluted run-off contaminating the dyke.

12. The Parish Council requested clarity regarding pedestrian and vehicular access to the church. Will the church be afforded a parking area and who would be responsible for maintenance of this and the unmade section of the road to the church?
13. The Parish Council questions the safety aspects of developing two children's play areas adjacent to and on either side of the access road to the church and southern area of the grounds.
14. The Parish Council is concerned about the greatly increased burden that the proposal will place on the sewage and drainage infrastructure of Kelham especially with the addition of a Spa and pool. How will this be addressed?
15. The desk-based archaeology report advises that there is a high probability of finding medieval and post-medieval archeology in the grounds of Kelham Hall (p.43 of report). However, the report does not take into account the findings of the 2016 pilot project where geophysical surveys potentially revealed the route of the original road shown on Clampe's Siege Plan of Newark 1645 (findings published in *The Plough* of December 2016 and *Transactions of the Thoroton Society*, 2016, vol 120, pp71-74).

Further funding has been secured from the Heritage Lottery Fund for a two-year project for work on Kelham Hall grounds and the surrounding area. This independent project needs to be accommodated within the redevelopment plan.

Additional comments received 14th September 2017:

Object to the proposal.

The Parish Council is OBJECTING to the above amended proposed development on the following grounds:

1. The Parish Council is pleased that the waste management areas has been changed, however the new plans do not indicate where the new area is to be located.
2. With the removal of the holiday lets, there is no need for additional car parking to the front of the Hall.
3. The new plans do not allow enough space for deliveries.
4. The noise and nuisance from the deliveries to the residents of Home Farm Close has not been satisfactorily addressed.

The Parish Council also feels that the amended plans do nothing to address any of the points listed in our comments on the original application. These are as follows:

1. The Spa element. This should be key as the development is being proposed on the basis of a luxury hotel and spa. The Design and Access Statement makes specific reference to public usage and memberships being made available both would generate income. However, this

exposes a fundamental flaw in the business plan as no account has been taken into account of the revenue that this would generate. This also calls into question the holiday lets aspect of the scheme. D&AS states that the 44 number units are required to make the Business Plan robust. The Business Plan does not take into account the potential revenue from the Spa therefore the number of holiday lets cannot have been calculated on a firm basis and would appear to be more of a desire than an actual need.

2. There is no proposed plan for underground services which could have significant adverse effect on trees within the grounds.
3. There are no plans for woodland maintenance and no details regarding the soft landscaping of the proposed holiday let area. Will there be additional screening planted for residents?
4. The application contains no plans for an outside lighting scheme. Any scheme should seek to reduce and mitigate the impact of light pollution on neighbouring properties.
5. Previous works, carried out by N&SDC, to the façade of The Dome, under listed building consent 05/01704/LBC, was assessed and designed to address acknowledged and significant statutory nuisance noise emanating from the building during events.

There appears to be no reference or guarantee to maintaining, or more preferably improving, the sound insulation value. The parish council would expect an acoustic engineer's assessment to support the proposals within the application.

6. The Parish Council questions the safety aspects of developing two children's play areas adjacent to and on either side of the access road to the church and southern area of the grounds.
7. The Parish Council is concerned about the greatly increased burden that the proposal will place on the sewage and drainage infrastructure of Kelham especially with the addition of a Spa and pool. How will this be addressed?

The Parish Council has received letters of objection for this current planning application from local residents. In light of this, the Parish Council submits the above observations and strongly object to the proposed planning application.

Additional comments received 6th October 2017:

Ref: Drawing M2 rev H Proposed Site Master Plan
Parking Analysis rev B dated 12.09.17

Regarding the above two documents the PC would raise the following comments:

On the current parking analysis it would appear the parking provision has been raised from the previous figure of 285 (as indicated in the Design & Access Statement) to 340, an additional 55 spaces. This additional provision is supposedly based on data gathered from events from June to

August 2017. There is no “traffic count” data included in support of these figures. As the Hall currently has no automated parking provision or measures in place via a ticketing scheme, manual or otherwise, the proposal for an additional 55 spaces cannot clearly be demonstrated with any degree of confidence.

The existing main car park indicates an existing provision of 160 spaces plus 43 spaces to the rear of the Salving Wing making a total of 203 spaces. Based on the D&A Statement this leaves a shortfall of 82 spaces. The shaded area indicated as the main car park is not fully taken up as car parking. The existing car parking provision could therefore be expanded in this area to accommodate numbers in excess of the shortfall indicated above. This would totally negate the need for any Overflow/events car parking in the area indicated on the revised Master Plan.

It should also be noted that events are held in the “Event Field” which is located to the south of the proposed parkland area in the field adjacent. Any parking associated with events ought to be located adjacent the “Events Field” if not for convenience of visitors but for Health and Safety/Traffic Management reasons to isolate them from the more “regular” users of the Hall.

There is no proposal to widen the existing access roads on the site unlike previous proposals?

Reference to the location of the storage bin area has been removed however the latest proposals do not indicate a revised location?

The Master Plan still refers to the “potential holiday let development area” this reference should be removed from the drawing as the holiday lets do not form part of this application.

Item E in the notes section on the Master Plan also makes reference to the holiday let development area. As above any reference should be removed as it does not form part of this application.

Item J refers to the visual screening of the Dome and Service Courtyard by the use of “mobile planters”. It is proposed to use this area as the main access for all service vehicles coming to and from the Hall. Given the size, nature and high volume of traffic the use of mobile planters offers little or no protection in relation to air, noise and light pollution that will arise not only to areas and users adjacent to the Hall but also nearby residents. In addition mobile planters would offer little or no protection to pedestrians should a delivery vehicle be temporarily out of control.

NSDC Conservation – *Original comments received 21st July 2017:*

1. Proposal

Conversion of Hall into Hotel and spa. Extensions to Hall to provide hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool. Creation of Holiday Let development of 44. no lets. Associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.

For ease I have highlighted text where there are concerns, further information or amendments required.

2. History, Significance and Designations

Kelham Hall is a Grade I listed building of outstanding national architectural and historic significance. The present Hall was built and enlarged c.1859-61 in the Gothic Revival style, by Sir George Gilbert Scott, renowned architect, for John Manners-Sutton. It is a fine example of Victorian Gothic architecture and of Gilbert Scott's work. Despite the lavish plan for the building some elements were never fully executed, leaving curiosities like the incomplete columns and the crude infill where a staircase was never carried out. This rebuild incorporated the earlier Renaissance Revival style services range dating from 1844-46, designed and built by A. Salvin for the same client.

We understand the present Hall was at least the third house to have existed on the site and while no house is recorded on the site in Medieval times, a house is recorded in the Averham parish register in 1674. Kelham also saw significant activity in the Civil War. Map regression and documentation shows a designed landscaped pre-dating the present Hall with treescape, ha-ha and fish pond / water feature.

The grounds primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860.

While not formally designated the grounds should be considered as a non-designated park and garden heritage asset.

Within the grounds, but historically always the parish church, is the Grade I listed medieval Church of St Wilfred and adjoining graveyard, to the east of the Hall.

In 1903 the Hall was tenanted and later bought by The Society of the Sacred Mission and became a Theological College with an additional wing and new chapel added in 1928 by CC Thompson in the Byzantine style, Grade II listed. Part of this domed chapel was never completed, leaving weather boarded walls instead of completed apse.

From 1973 the Hall passed into the hands of Newark and Sherwood District Council with further adaptation for this new use.

The Hall and grounds are adjacent to Kelham village, which also contains Home Farm (Grade II), associated with the Hall. The Grade II listed lodge and adjacent elaborate gate once marked the original vehicular entrance to Kelham Hall, leading carriages directly into the Carriage Court. The Carriage Court is now a covered structure and used for functions. The gated entrance is used for pedestrians only now, with the existing vehicular access having been created to the west of the grounds.

The site sits within Kelham Conservation Area.

There is a strong historic and visual link between all the heritage assets and together they form a unique complex of very high significance.

There is a significant archaeological potential on this site, from the Civil War, early houses and the designed landscape.

3. Policy and Legislative Framework

In examining the impacts upon the significance of heritage, weight must be afforded to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the desirability of preserving the setting of a listed building. The legislative requirement indicates that it is not enough to simply weigh the extent of harm against the associated public benefit arising out of the proposals as required by the development plan, but that decision makers are reminded to give considerable weight and importance to preserve the special significance of a listed building. This duty applies whether substantial or less than substantial harm has been found. A similar duty has been found to exist in case law to the statutory duty (section 72 of the Act) to preserve or enhance the character or appearance of a conservation area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan in any determination that determination shall be in accordance with the plan unless material considerations indicate otherwise. The relevant policies of the Newark and Sherwood Core Strategy Development Plan Document (adopted March 2011) are CP9 on Sustainable Design and CP 14 on the Historic Environment. The relevant policies of the Newark and Sherwood Allocations & Development Management Development Plan Document (adopted July 2013) are Policy DM5 Design, Policy DM9 Protecting and Enhancing the Historic Environment and Policy DM12 Presumption in Favour of Sustainable Development.

Section 12 of the National Planning Policy Framework (NPPF) (Conserving and Enhancing the Historic Environment) gives the Government's stance on the determination of applications affecting the heritage assets. In common with all applications concerning direct or indirect impact on designated and undesignated heritage assets, paragraph 128 requires *'an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting'*. It is made clear that this description of significance should be proportionate to the asset's importance. Similarly, paragraph 129 requires local planning authorities to *'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise'*. It goes on to note that this should form part of the assessment of impact on any asset.

Paragraph 131 requires local planning authorities when determining applications to *'take account of the desirability of sustaining and enhancing the significance of heritage assets'*. Paragraph 132 takes this further stating that *'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. The more important the asset, the greater the weight should be'*. It goes on to clarify

that *'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

In paragraph 132 notes that substantial harm to or loss of a grade II listed building should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings, should be wholly exceptional. Should a proposal lead to less than substantial harm to the significance of a designated heritage asset, the NPPF states that this harm should be weighed against the public benefit of the proposal' (paragraph 134).

Paragraph 135 notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Paragraph 137 of the NPPF refers specifically to how *'local planning authorities should look for opportunities for development within Conservation Areas... and within the setting of heritage assets to enhance or better reveal their significance'*.

Paragraph 140 refers to enabling development and the need to ensure it would secure the future conservation of a heritage asset.

ID 18a of the Planning Practice Guidance covers *Conserving and Enhancing the Historic Environment*. Paragraph 001 of this section states that, *'Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system.'*

Paragraph 013 of the PPG talks about what the setting of a heritage asset is (using the definition given in the glossary of the NPPF) and how it should be taken into account. This section states that, *'A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.'* It talks of how setting is often expressed by reference to visual considerations but is a wider experience.

The advice enshrined in Historic England's Historic Environment Good Practice Advice in Planning Notes 2 and 3, on Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets respectively are also useful references.

Comments on the proposals

4. Principle of Change of Use

The principle of converting the Hall to a hotel and spa is acceptable. The layout of the Hall in many ways lends itself to this use, being once a series of bedrooms and function rooms. This use also keeps the building in single ownership and prevents division of the curtilage. It is a suitable use for the building and one that it likely to sustain its long term conservation.

The use of part of the land for holiday lets is not in itself incompatible, but the intensity of development currently proposed does cause a conflict with the heritage assets. This is considered below.

5. Conversion of the Gilbert Scott Wing

The revised proposal received 13th July 2017 represent the result of a productive walk-through with the Agents and Historic England. I am happy with these revised proposals, which comprise a sensitive conversion of this part of the site. I am pleased to see principal rooms are not being divided inappropriately and that the issue of creating ensuites has been overcome by linking adjoining rooms or by the creation of an ensuite pod, for which I see several designs, all of which are acceptable. The building also lends itself to this conversion by the existence of service voids which are being well re-used with this application for the necessary S&V pipes for the ensuites. I also understand that the construction of the Hall means that no sound insulation upgrading is anticipated at the moment, and fire upgrades relate to intumescent treatments of doors so far, which if conditioned could be adequately secured without harm. A robust condition allowing us to look at fire protection, heat and sound insulation will be needed if the application is approved.

As well as delivering a sensitive conversion to hotel use, I also note some areas of enhancement, being the removal of the screen in the current Members area and the removal of the crude floor inserted where the stairs were once proposed. While the latter is not being faithfully reinstated, the proposal as submitted better reveals the significance of this part of Kelham Hall. Revealing the Music Room Floor from under the carpeted finish is also a positive element.

A list of the revisions expected following the walk through were listed in Historic England's comments of the 13th July 2017. I am pleased to confirm the revised plans address these issues, but with two exceptions:

- We observed a possible dumb waiter in room F42 and wanted an amendment to allow for its retention and for it to be left un-covered on one side if possible, if not then recorded. Please can you chase the agents about a revision of this item?
- One minor area that we discussed a revision on was how to infill between the decorative capitals in room F31. I see that the most recently revised plans still show a potential division directly around the capitals, although there is now an annotation that says this detail is to be agreed. I am happy that this could be left to condition so long as a 'notwithstanding the detail shown in plan x for room F31, details shall be submitted for the formation of the screen around or next to the decorative columns and capitals etc.' type condition is used.

A new handrail at the Music Room balcony is potentially acceptable but we do not have a detail of this. Given the overall complexity of the scheme before us this could be conditioned, but it would be some comfort to see at least a general plan for how this could be achieved.

I have no objection to the removal of the modern obscure glazing on the landing areas and their replacement with a potentially better alternative, subject to condition, could enhance this area.

6. Conversion of the Salvin Wing

With the exception of the swimming pool in the Salvin Wing, this area of Kelham Hall has not benefited from pre-application discussion. I have now had the chance for a detailed walk through and several amendments are now forthcoming. These relate to minor changes the applicant wishes to make, but also to changes to plan form to remove some of the more harmful elements of the proposal. In the present submission there are a number of areas where stud walls are shown coming off or directly next to chimney breasts, which harms the historic plan form and design intent of the room. The walk through was very productive and I believe we have discussed the means of resolving or improving all these issues.

On the ground floor the following amendments are sought for in conservation terms:

- Retention of the wooden gates leading into the Salvin courtyard
- Reconfiguration of room G46 to avoid having a stud wall by the chimney breast. I accept that some sort of division of this room is very hard to avoid, given various constraints discussed while on site, so the revised proposed plans will still cause some harm, but would be a better scheme than currently proposed
- Better depiction of the panelled room in G47 to show the blocked windows and stairs up to the small connected room

On the first floor the following amendments are sought for in conservation terms:

- Retention of fitted cupboards in F57
- Retention of stairwell window in F58a
- Alterations to the proposed ensembles to rooms F51, F62, F64, F65 (room F64 has a very large chimney breast with off centre fireplace and it seems impossible to avoid some sort of encroachment on the chimney breast, but the architect proposed a revision which would leave this feature more legible)

Pending these amendments I am happy with the conversion of this wing.

7. Conversion of the Thompson Wing

The Thompson Wing comprises a later Grade II section of the building, which includes 'The Dome' chapel and the accommodation wings for the monks. This area of the building is seeing the more radical adaptation in order to bring forward the masterplan for Kelham Hall and broadly I am happy with this, as it allows the Gilbert Scott elements to be retained with very little alterations. The Thompson wing does have architectural interest but is far less elaborate and has already sustained various degrees of subdivisions and opening up. This is the area where the new kitchens

are to be created, for example, and I feel this is the best place for these. Minor amendments to the plans have been received which make a more sympathetic conversion and generally chimney breasts and fenestration are being well respected. Again, ensembles are being created away from architectural features of the room, which is acceptable.

8. New Hotel Entrance in Thompson Wing

One of the main interventions is the creation of a new hotel entrance lobby. To achieve this a rather radical amount of opening up will occur of walls and ceiling. This loss of fabric is not without harm, but I think the balance is struck overall by the need for a proper entrance area with some gravitas and by the mitigating factors developed during the pre-app process. The evolution of the design has ensured that fireplaces remain anchored to the floor by creating walk ways round, and the tiled floor on the ground floor is patterned to reflect the previous location of walls. Essentially the building can still be 'read' and important architectural features will be retained. [I note here that the Design and Access Statement does not have the most up to date visual in terms of fabric retention for the new lobby but that the architect's plans are correct].

A new enclosed entrance hood will also be created. I am happy that this both reflects this Arts and Crafts wing in its design, but will not extend so far as to encroach upon vistas to and from the Gilbert Scott wing. I am happy with the idea of a revolving doorway which will be housed in this entrance hood and will not project any further. I note Historic England's concerns but as this structure is essentially internally housed I do not think it will be incongruous. The overall design of this porch hood area could be improved by using sprocketed eaves and ridge tile detail to match the host building, as well as controlling the joinery work of the revolving door structure.

9. Restaurant Extension to Thompson Wing

A new glazed dining area is to be created within the existing courtyard of the Thompson wing quad. This infills an area adjacent to the Dome, though has been carefully set back so as to still read the Dome projection. The use of the flat roof is not only a contemporary look but carries on the repeated flat roofs used on the Dome. This creates a modern, light and bright dining area without opening up any of the principal rooms of Kelham Hall and helps bring better use to the quad. A simple glazed screen, the details of which need to be conditioned, will be a contemporary and permeable treatment around the historic building. I think this is a significant but acceptable addition to the Kelham Hall complex and reflects the architectural designs around it while providing a modern addition required to sustain its future use.

10. New extension to the Dome

Works to complete the apses at The Dome were never finished and this vertical element was simply filled with match boarding, which I understand has poor heat and sound insulation. While it does represent a curious part of the building's history I am content that it will be recorded in plan form and can make way for a modern new phase to 'complete' the Dome. The design has been the subject of pre-application discussion and I am broadly happy with it. It has been sized so as to not

overshadow or over-dominate the Thompson wing and the small projecting canopy reflects the projecting bays of the adjacent Thompson wing. The high level brick and tall thin windows are a nod to the Dome windows and have become more elegant in this submission. I do note however that the glazed screen at pre-app was seen divided into four clear vertical panels, which suited the proportions of the structure, and this vertical division has been weakened by an overlight and a less expressed vertical emphasis at the door (see images below). I would like to get the four panel vertical emphasis back.



Pre-app elevation on the left, Design and Access elevation on the right, possibly showing a change in the design of the glazed screen, which looked better at the preapp stage

I also wonder if the flanking walls either side of the glass screen entrance need some sort of relief. I appreciate the Dome has large expanses of brick but this section will be seen in the context of the Thompson wing elevation, where there is a regular punctuation of windows.

Can we have a look at the proposed brick for this extension before it may end up approved as part of the plans? And can we see some details of the proposed aluminium clad ply roof before any approval?

I have no objection to the principal of a new basement to this extension, but this will equate to significant excavation with potential archaeological potential, which I will defer to NCC and HE for their advice on. This will also be no doubt be expensive and if viability is called into question I would want to see a justification for why these facilities could not be housed elsewhere.

The expression of the former Lady Chapel by landscaping is a nice addition.

The new tall, thin addition to the Thompson wing which joins to the Dome extension works well as an addition to improve circulation. Getting the right architectural details here (ridge, eaves, brick and brick bond, and joinery) will be important.

11. Internal alterations to the Dome

The extension of the existing balcony to the Dome seems to be based on sound evidence that this was the original intention and would make better sense of the space up there, which is currently underused.

The reinstatement of the light wells leading into the basement of the Dome would enhance the structure and better reveal its significance.

The proposed roof terrace seems like a good use of this existing flat roofed element and the proposed new entrance door and simple glass balustrade is acceptable. I also believe this helps by creating an outdoor space for events which is screened from the existing residential properties nearby.

12. Covered Swimming Pool

The area identified for the swimming pool is a courtyard created to the rear of the building in the Salvin area of development. It has no special qualities as such as an open courtyard, but is more of a service area, and while there are some nice window details the principal facades face elsewhere. The idea of carefully enclosing this area to house a swimming pool is a potentially good use of space.

I am happy with the proposed construction of this enclosure, which following detailed pre-application discussion was modified to be a simple flat roofed covering, which would be hidden from view outside of the courtyard. The very modest raising of part of the flanking wall to achieve this screen is acceptable. A single plane roof is not possible as no elevations line through in terms of sill and window header height, but I think the proposed roof plan is a good solution to this and is a simplified as possible. There is one window which the proposed roof cannot accommodate (not without making an overly complicated roof shape). If this window is sensitively blocked and left legible (which should be conditioned) I think this is an acceptable compromise in order to create a swimming pool.

The glazing I believe rests on free standing columns. While it will form a waterproof junction with the old building, is intended to be self-supporting. This is an approach I support, but it would be a comfort to have this approach confirmed as feasible by structural engineers. While a certain amount of detail will understandably be left to condition, if the broad principle is not then feasible we cannot agree a radically revised scheme via condition. The costing of this element is also no doubt a key part of the overall viability debate so needs to be ironed out in some detail at this stage.

The treatment of the exact junction between new and old will need detailed drawings (by condition), as will the size and spec of the frame and glazing.

A raised pool avoids significant archaeological concerns and seems a good way forward here, though the framework will no doubt need relatively deep, albeit narrow, excavations.

13. Landscaping

The restoration of the Nesfield parterres seems to be based on sound archival research and is a positive element of this scheme. It is not in itself necessary to the overall conversion, neither is the existing situation harmful, but it is an acknowledged benefit of the overall proposal. If approved this should be subject to detailed landscaping conditions of hard and soft landscaping.

I have no objection to the principle of diverging the existing vehicular driveway to create a secondary service driveway, which is a relatively minor intervention that will make the site function better.

I think the use of estate fencing to delineate the open parkland areas is acceptable

I wonder if the granite sets to the edge of the road are needed and whether a more naturalistic edging would be more appropriate, given that this is a road traversing parkland.

Seen in isolation the proposed new entrance gates are an extremely attractive recreation of Gilbert Scott work in the Gothic style. While I am sympathetic to the desire to create a new entrance with a sense of arrival, I do not want to confuse the historic hierarchy of the site and am mindful that the site already has its grand entrance to the north, albeit it one which cannot now be properly re-used. However, I would feel more comfortable with a slightly less elaborate entrance. I do also share Historic England's concern that while estate fencing is the right kind of boundary here, the juxtaposition of very elaborate masonry gates against permeable estate fence does leave the gates somewhat marooned.

I have flagged all the way through pre-app that I am concerned that the loss of the existing staff carpark to holiday lets is forcing this use to the front of the Hall. While I accept small benefits from the removal of cars along the lane to the Church and in front of the Thompson wing, I do not think this outweighs the harm of the proposed two double rows of carparking spaces, plus overflow, directly in the east facing vista from the Gilbert Scott wing. What justification is there about what provision of parking is required? Is this the minimum necessary? How often will the overflow carpark be used? This element will cause harm, albeit less than substantial, to the setting of the Grade I listed Hall and I do not think this is commensurate to the removal of ad hoc parking in a single row on the lane to the church. I also note that while the area in front of the Thompson wing has no formal parking it is still a delivery area for functions so the benefit of removing cars from here is somewhat limited. Attempts to screen the carparking from view from the Hall seem to be restricted to one or two trees only, but in any event a screen here is contrary to the sweeping vistas designed to be taken in from the windows of the Gilbert Scott wing here. Could the overflow area be relocated to share with the Thompson wing loading area perhaps to lessen the harm? This whole element rests heavily upon the Holiday Lets being justified, which then justifies the need to put carparking elsewhere.

I also still have concerns about the proposed infilling of the sunken garden to create a new entrance and turning area. The exact age and function of this sunken area is not clear and I am

concerned that fabric would be lost without a true understanding of its significance. I appreciate the Agents have tried find to find archival evidence on this feature but none can be found. We are at the unavoidable situation of now having to decide upon its loss without a full understanding of its significance.

I remain sympathetic to the desire and need for a high status building like this, and one which is to function as a luxury hotel and events venue, to have a formal entrance and I accept that the historic entrance can never be reinstated. I also accept that it was part of the original intention of Kelham Hall that visitors be brought right up to the building. As such I am keen to support the creation of a new formal entrance and I do see why this proposal is now submitted. I am not totally convinced that a turning circle *next* to the sunken garden is as unfeasible as the Agents imply but I do accept this would be a compromised solution. There will be harm by losing this feature, which recording alone cannot mitigate. This would be direct harm to the non-designated heritage asset of the non-registered park and garden, but also potentially to the setting of the Grade I and Grade II listed parts of Kelham Hall by the loss of a historically significant feature. The proposed new treatment is not in itself inappropriate and there would be no visual harm resulting from the new proposal. While the proposed infill will retain the aerial shape of this feature, being one primarily derived by a change in levels means this infill is only of limited success in interpreting this feature. I have wondered if there is some scope to retain a change in levels while creating a new driveway but I am not sure that the resulting scheme would then be over engineered and in itself an incongruous feature. Overall I see there will be less than substantial harm by losing this feature, but that there is some limited justification and mitigation against this. On balance I would not suggest the whole application is refused on this feature alone but there is harm nevertheless. While one does not justify the other, I wonder if a pragmatic approach to take this forward is to consider that the landscape harm from infilling the sunken garden could be balanced against the landscape benefit of securing the Nesfield parterres through a specific condition?

What is feature marked L at the end of the King Charles Walk, as seen on the Masterplan map? If this is simply a proposed new eye catcher, this is likely to be acceptable, subject to condition.

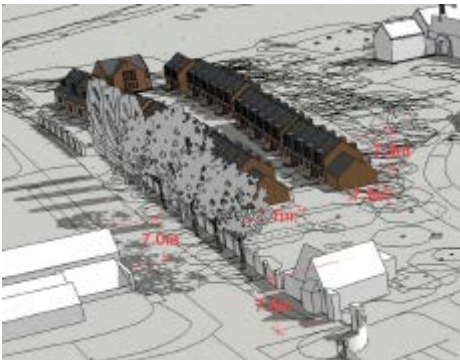
I note the loss of the yews within the Thompson Wing courtyard. I believe these are likely to date to the Sacred Mission and are presumably part of their landscaping phase of the grounds? I do think there is some loss to their removal, however the proposed re-landscaping of this courtyard area would reflect the new space created with the restaurant extension and would be an attractive feature in itself. I also appreciate the flexibility the proposed new landscaping scheme would have, which would help with re-use of this internal courtyard/quad. On balance I am happy to accept the justification for this alteration.

14. Holiday lets

We have stated that the existing staff car park is a potential development site and I maintain that some sort of outbuilding type structure (in character and form, not necessarily in use) could be accommodated here without harm. When plans were submitted of a much more intensive use of

the site we were clear that these would not be able to progress without robust justification. When the double line of development was first submitted we were concerned about it being too alien a plan form and level of development for, not just this part of the Conservation Area, but also for an open part of the Kelham Hall Estate. However, if the proposed development could be insulated from both Kelham Hall and the wider Conservation Area then I felt there could still be potential to accommodate this kind of layout, and that is when we discussed breaking up the long rows and the need to reduce their height.

The last plans submitted at preapp showed this indicative aerial view:



I have always stated my concern about the small end block and have been clear that this would be harmful. That aside, in this previous proposal the row by the street seems to be pulled well away from the A617 boundary with a strong barrier of greenery between the road and the proposed units, which would imply the units would be almost hidden from the A617. I also note how the new units were pulled well away from the Lodge, with a lower section as the new units stepped down towards the Lodge. While we raised the need to see a street scene and subject to height and justification, I was broadly content with this proposal, feeling that it would have a very limited impact from the public realm of the Conservation Area and that the separation distances were acceptable in terms of impact from Kelham Hall.

However, the information now supplied, along with revised plans, has left me very concerned about this holiday let scheme.

This is the aerial plan as now submitted:



The row nearest the A617 now seems to be closer to the road. Despite the indicative tree cover suggested in this aerial, the newly supplied street scene images suggests a far greater impact from the A617 than ever envisaged. While there will be some tree cover, the proximity to the street front boundary is so close that far from being a glimpse of outbuilding the rows of new build will form a relatively solid and imposing development. This brings back into play my initial concerns raised about urbanising this area of the Conservation Area and the Kelham Hall estate, which would not be appropriate.

I appreciate the use of a cat slide roof was in an effort to reduce the gable width to a more traditional form, and while I do appreciate the eaves height of the structures by the road is relatively low, it then rises over a large roofscape (owing to the cat slide) so the roof would be far from hidden. The use of a contemporary standing seam metal roof, (which I think works in appearance from *within* the development where a more contemporary appearance can be sustained), runs the risk of creating the appearance of three large industrial sheds, which would be completely out of character to the Conservation Area and the Kelham Hall estate.

Perhaps if the roof was more recessive a dark grey standing seam roof would be acceptable, alternatively a more traditional roof tile may help, but essentially it is the scale of the development and its proximity to the road which are the main issues.

I also have concern about the new end block which has been removed from the river meadow end and is now increased in size and placed close to the Lodge, listed in its own right. This block crowds the Lodge and exacerbates the urbanisation of this area. While structures sitting gable end onto to the road is far from alien, the combination of this, alongside the linear rows of holiday lets, and then alongside the extremely steep pitch of the Lodge is all too cluttered and chaotic.

I still maintain there is scope for development here, but as per our very early comments, the proposed intensity of use of this part of the site is creating an alien form in the setting of heritage assets and the Conservation Area that cannot be sustained here without harm.

If the street side row was pulled well away from the boundary fence, such that a strong green buffer could be created, this would mitigate concerns greatly. The use of a more traditional roof material would help. Reducing the height of this road side block would also help and the end block by the Lodge should be removed altogether. I have had in-house discussions on whether a quad/horseshoe type arrangement might help, in so much as it would bring bulk away from the boundary into the centre of this site, but I now appreciate this may be contrary to flood mitigation measures. Perhaps parking could be located next to the Lodge, which is not ideal to its setting but is less harmful than the new build block currently proposed. The Agents are going to look at increasing the height of the second row to three stories. At first I was concerned this might give a 'stacked roof' impression from the A617, i.e. a three storey roof seen above and beyond the two storey roof, which would still then be overly urban. However, sketches on the cross section drawings suggest it may be located so far into the site that the line of sight would avoid it from the A617. I also hope the monumental nature of the Dome and the ancillary nature of the rear service yard would be able to accommodate a three storey block nearby. I do also note a strong green corridor between the Hall and the proposed three storey holiday let block, which should also

mitigate its impact. I still suspect it will be an overly intensive use of the site, but it may well go some way to reducing the harm and is worth pursuing.

As explained above, the need to park in front of the Gilbert Scott area on what was open parkland will be harmful. This harm cannot be justified while a more suitable area exists to accommodate parking, which is of course where the existing staff car park is and where the holiday lets are proposed. Without any justification for the holiday lets there remains no justification, in my opinion, to locate the car parking in a harmful location.

15. Viability

There is much that is commendable and interesting about this scheme and I am broadly supportive of the overall conversion. As the plans for the holiday lets are found to cause harm, there is a question over their justification. In the broadest sense I understand they are being argued as being necessary to cross fund the conversion and running of Kelham Hall as a luxury hotel. We have not received any such viability justification, so at present the holiday lets remain entirely unjustified. Not only will financial justification take time to scrutinise I am also concerned that it will include costs that might be classed as desirable but not essential to the business case. I refer here to elements like the restoration of the Nesfield gardens (although whether we would then regard this as being necessary to balance the sunken garden harm needs some thought), the elaborate gateway (which actually I believe is not to be part of the conversion costs and in any event would be improved with a more modest design anyway), the highly decorative panelled ensembles and elements of the new build like the roof terrace and sheer size of the Dome extension. While I am broadly in support of these elements and some will be of benefit, the business case must be made, and scrutinised, for all such elements.

Additional comments received 10th August 2017:

Further to the submission of revised plans and notes from the Agent for Kelham Hall I have the following comments:

Gilbert Scott Wing

Handrail to Minstrel's Gallery in Gilbert Scott - The detail now submitted is a resubmission of the approved revised plans, approved under 05/1078/LBC. I do not think a start was made on this 2015 application so that permission has lapsed, so the applicants should wait for this detail to be considered under this 2017 application. The revised handrail detail was made lighter weight and less decorative, in an attempt not to compete with the historic handrails. There will be an inevitable visual interference from this additional hand rail, but given the proposed change of use to this area (i.e. potentially open to children, public etc.) I am sympathetic to the need to upgrade the railing and feel this is an acceptable compromise.

As per Cara's Summary of Responses to Consultee Comments, received 3.8.17, I am happy that the treatment of the possible dumb waiter in room F42 be conditioned, as am I that the detail for the columns in F31 be conditioned.

Salvin Wing - Revisions 'C'

Further to a productive walk-through I see that our discussions have now translated onto revised plans and I am happy with these. Generally, the plans comprise a sensitive conversion of this area, which has smaller rooms than the Gilbert Scott and less decorative, nevertheless still significant. In some rooms the proposals will better reveal their significance by reinstating lost divisions or removing inappropriate divisions. Features like the timber door to the courtyard are also now being retained.

I note a section of stairs is to be removed within G52. This is to make better use of this space by forming a bedroom here. The stairs date to the Monk's involvement in the Hall and are not Salvin. There is some simple but attractive joinery work to the balustrade but I note that this will be modified and can be partly re-used. This detail should be condition and overall I am happy with this proposal.

The existing door and timber enclosure to be removed outside (just adjacent to room G52) will enhance the external appearance.

The challenge is the accommodation of *ensuites*. Generally this is well done with no concerns. There are two areas where a small amount of harm will occur; one is within room G46 which is being divided by a stud wall, but the treatment of this room has been greatly improved by these modifications and the chimney breast is being left expressed and with a good degree of 'breathing space around it'; the other area is room F64 where a stud wall will come off the chimney breast, however this is an uncharacteristically large chimney breast and the fireplace is actually the same size as in other rooms and set off-centre, so the proposal will still leave the actual fireplace expressed and having looked at various options this seems to be the only practical solution here.

I note the Agents have structural confirmation that their proposed swimming pool structure should work, so we would need to condition the finer details about size of frame, method of fixings, glazing etc.

Dome Extension elevations

I think the revised design of the main glazed screen entrance is now improved and gives a better proportion to this element.

I see that the brickwork facades adjacent have now got an indicative vertical pattern shown. The idea of I agree that brick and brick bond should be conditioned.

Further to the submission of a sample photo of the type of aluminium fascia and timber clad soffit proposed for this extension, I am happy with these materials being used here. I accept it does not have the same qualities of lead but it is not suggested that it is trying to, or needs to, imitate it. I am happy that this is a simple contemporary treatment, which is a modern take on the more historic metal roofs of Kelham Hall.

The justification for the WCs is only relevant as part of wider costings submissions for viability, which has not been received yet.

Thompson Wing

I have looked again at the visual for the porch extension and *cannot* see the sprocketed eaves detail shown, as the Agent suggest (see extract below). However, this detail could be conditioned so I do not think we need any further details now.

I am happy that the treatment of the possible dumb waiter in room F42 be conditioned, as am I that the detail for the columns in F31 be conditioned.

Conclusions

In terms of alterations to the listed building itself I now have no concerns and subject to conditions think this is an acceptable scheme.

I note there are still various significant elements outstanding, with regards to the gates, holiday lets and viability.

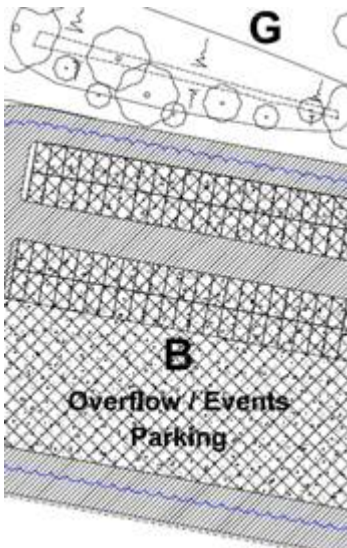
In terms of landscaping, the idea of securing a heritage gain against a heritage loss seems a sensible way forward in this specific case, with reference to the sunken garden.

In terms of the car parking and the submission of the parking provision document, I leave it with you to assess whether their figures are robust and justify the need for the amount of parking submitted. Its location in front of the Hall rests on the use of the staff carpark for holiday lets, and this is yet to be justified, so it is impossible to progress this element.

Additional comments received 7th September 2017:

I see that the holiday lets themselves have for now been withdrawn from the application so this defers any discussion about the principle of them, as well as their design and position, to a later application. However, I also see that this existing staff carpark is still 'allocated' partly to holiday lets.

I do see a relative improvement in the master plan in terms of parking, in so much as the 95 spaces of overflow parking to the front of the Hall seem to have been removed on plan 412.1096.1_M2GP. I would actually like this confirming please though as the annotation on plan 412.10961.1_M3EP is a little confusing with note B sitting over the area where I believe the parking has been taken away from:



Presuming the 95 spaces have been removed from this area then I do accept an improvement, although still in the category of 'less harmful', in this revised scheme.

I note that while the same two double rows of parking exist to the west of the Hall, these have been extended further west by additional bays. While there is some additional harm to the non-designated Park and Garden from the general loss of greenery and parkland character this additional parking would bring, the impact on views to and from the main Hall would not be significantly affected above and beyond that of the last master plan, as the additional car parking spaces effectively stack up in line with the existing parking spaces.

I am still left with the same basic issue which is that formalising and approving parking at the front of the Hall is harmful to the setting of the Hall (see earlier comments). I am aware that this is now described as overflow/events parking but the revised parking analysis suggests it will be used for the day spa and weddings/events. I would have thought this is far more from occasional use but at least weekly if not daily. I have always said that parking here will cause harm and it should therefore ideally be located in the existing staff carpark. This revised masterplan still has an area of the existing rear carpark removed for potential holiday lets, therefore pushing overflow to the front. Until we have any justification established for the holiday lets, there remains no justification to locate the parking, even overflow, to the front of the Hall. The harm caused by this overflow/events parking, even at the less than substantial harm level it will cause, still remains, in my opinion, without justification.

Additional comments received 14th September 2017:

Further to the submission of a revised site masterplan received 12th Sept 2017 with regards to the Kelham Hall applications above I have the following advice.

I believe we now have presented to us a revised number of carparking spaces required for this application. I also see that the existing staff carpark at Kelham Hall is proposed to be used at its capacity for carparking (i.e. no space is being 'reserved' for the holiday lets). I am therefore comfortable that the most suitable space for carparking is not being squandered. I am unable to judge whether the parking provision is accurate or reasonable, but if you are happy in reaching

this conclusion then I understand that there is a more rational justification for placing the spaces that physically cannot be accommodated at the back, in the more sensitive location at the front. This does not make the parking at the front any less harmful, but does go some way to making a clear and convincing justification for this harm.

While there are a lot of functions and uses proposed for Kelham Hall in this application, I do also appreciate that these don't overlap as such, but have been designed to maximise the use of the building, and broadly I accept that the proposed uses are suitable for a building of this size and status. As such, in accepting the new uses of the Hall do have to accept the inevitable carparking and also look at where best to house this. With the least harmful areas now at capacity for parking it becomes inevitable that more sensitive areas are now proposed for parking.

I do share Historic England's concerns about the negative impact of this carparking, and also that the location of the driveway along with the location of the carparking would somewhat segment the historic parkland around the Hall. However, I am not really aware of a solution (within the current proposed use of the Hall) which *wouldn't* cause harm like this. This is the most practical location for the carparking and I also think one cluster rather than dispersed areas of carparking is also better, inevitably then it will create a 'zone' of parking. Given that I am not aware of a less harmful scheme that is practicable and if you are content this level of parking is necessary, then I think the justification for this parking needs to be weighed against the harm.

I am very aware of the *reality* of the parking situation over the last few decades, in so much as the area proposed to be formalised for parking has historically been used for *ad hoc* parking, and I do give this some weight - it would be unfair to consider the land currently proposed for parking to be pristine parkland, because it is not. However I also balance this against the fact that this previous level of parking perhaps didn't trigger the need for planning permission and this does. We should also be clear that 17 events every month is not really temporary parking and the cars and the surface required here will have a negative impact that would be formalised here for the first time. The only way to go to mitigating this harm in some small way is to carefully condition as low key a surface as possible, ideally avoiding hard standing, edging and formal parking bay delineations. The aim being that when these 17 events are not occurring the landscape will still appear open and green.

I hope this now updates Conservation's comments with regards to parking in these applications.

Historic England – Thank you for your letters of 15 June 2017 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

Summary

Kelham Hall is a Grade I listed building of outstanding national significance. The mid19C Hall has been the offices of Newark and Sherwood District Council since 1973 though will be vacated later this year to new premises. This proposal, which has been the subject of extensive pre-application, is for the conversion of the Hall to a luxury hotel and spa. Our previous advice letters dated 29 March 2017 and 26 May 2017 refer. The scheme includes 44 holiday lets to the west of the Hall,

an additional vehicle route through the grounds, new entrance gates, car parking provision and associated landscape works. We are supportive of finding a new sustainable use for this site, compatible with its special architectural and historic interest. We believe this is met by the proposed hotel use, though we remain concerned by the extent and design of the proposed holiday lets and the need for a greater understanding of the archaeological potential of the site, and landscape setting.

Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice and the Historic Environment Good Practice Advice in Planning Notes 2-3. Our detailed advice is set out below.

Historic England Advice

Significance

Kelham Hall is a Grade I listed building of outstanding national significance, placed in the top 2.5% of listed buildings nationally. The present Hall was built and enlarged in c.1859-61 in the Gothic Revival style by Sir George Gilbert Scott for John Manners-Sutton. This major scheme incorporated the earlier Renaissance revival style services ranges dating from 1844-46 built by A Salvin. The Hall is a wonderful display of Gothic forms, entirely asymmetrical with a striking skyline and richness of red brick and stone detail. Pevsner refers to the Hall as of *prime importance for understanding of Scott's ideas on the use of Gothic forms in secular buildings*.

We understand the present Hall was at least the third house to have existed on site - with ownership of the land recorded to Sir William Sutton in the reign of Henry III. Whilst we note there is no house recorded at Kelham during this medieval period, the site saw significant activity during the Civil War and a house is recorded in the Averham parish register on 3 February 1674. The significance of what remains within the grounds of Kelham is not fully understood though clearly map regression and documentation, as submitted, shows a designed landscaped pre-dating the present Hall with treescape, ha-ha and fish pond / water feature.

The gardens primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860 and sit within an earlier landscape, with high archaeological potential. The site has a fascinating history and in 1903 was taken over by the Sacred Mission to become a theological college with an additional wing and chapel added in 1928 by CC Thompson in the Byzantine style. The buildings were later adapted for office use by your authority and most recently the Chapel has been used as a wedding and events venue.

The Hall and grounds are adjacent to Kelham village and lie within the Kelham conservation area - throughout its history, it has a long association with the village and there is significance historic, aesthetic and communal value in the relationship between the designated heritage assets. Indeed the original route through the Hall was located to the north and through the village. The Grade I listed medieval Church of St Wilfred and adjoining graveyard lies to the east of the Hall, its setting now firmly within the landscaped grounds of the Hall. The church remains in active use.

The Proposal and Impact of the proposal on significance

The proposal is for the conversion of the Hall into a hotel and spa with extension to provide a hotel restaurant, entrance court to the Dome and an enclosed spa pool within the Salvin wing and courtyard. The scheme includes 44 holiday lets to the west of the Hall, new access, new entrance gates, car parking provision, hotel frontage, and associated landscape works with restoration of the formal gardens.

We remain supportive of the principle of converting Kelham Hall to a high quality hotel and are encouraged that the scheme aims to restore the gardens and parkland as part of this offer. We have set out below the key heritage issues arising from these applications:

Conversion of Kelham Hall into a hotel and spa.

We considered the plans on site at our meeting on 5th July 2017. We support the principle of conversion and agree the main rooms on the ground floor lend themselves to public use for the hotel and through restoration, to reveal and enhance the grandeur of Scott's interior. To facilitate a hotel, en-suite accommodation is required on the upper floors and within the Thompson wing. The proposal utilises the existing spaces and subdivision has been kept to a minimum. Much thought has clearly been given to how these insertions can fit, without harming the special interest of the interior. It is also fortunate that the construction of the Hall means that upgrading for fire regulations is limited to the use of intumescent products. The generous floor voids assist with acoustic separation, and these voids and those vertically, will hide servicing with the use of the existing cowls. We are therefore content to defer to your conservation officer for more detailed discussion on the M&E and fire upgrading.

We discussed on site a number of concerns and it was agreed that plans would be amended. For ease, I have listed these:

- G33 the removal of the 20C partitions is seen as an enhancement and fully supported
- F31 - though we can see the need for separation to create a corridor to F32, we are not convinced this can be achieved successfully by exposing the capitals on both sides. We discussed enclosing the archway on the corridor side, which is reversible and will allow the decorative archway to be viewed and appreciated from within the F31 suite.
- F42 - can the dumb waiter(?) be exposed within the en-suite to reveal this fitting? If this is not practical then it needs to be appropriately conserved within situ and recorded
- S40a requires rearranging to create an opening to S40a - which is acceptable
- S39 - it was agreed to set the partition for the en-suite back from the reveal of the chimney breast
- S22/S24/S23 - store and bathroom will be swapped over retaining existing spaces
- S38 retain stairs and omit proposed wall from the plan

Within the Thompson wing, we agreed that all chimney breasts would remain exposed within the

newly created bedrooms (e.g. G8). For the reception area, we appreciate the need to create a reception space and why a double height void is desired to give a sense of space and grandeur to the new entrance. It is however unfortunate that the reception cannot be housed in the Scott wing. We note the changes made to form a mezzanine area so that the first floor chimney breasts are not suspended in mid-air. This is an improvement. We also recognise that the new entrance has been improved by the provision of a hood above the doorway, which announces the entrance whilst working with the architectural form of the Arts and Crafts wing. The proposed revolving door to the hotel still appears an incongruous element to the existing façade, which is regrettable. We note your client's concerns about draughts and the internal working environment - this will need to be weighed against the harm to the special interest to the listed buildings. It is important that any alterations to this façade do not compromise views of the Scott wing.

Alterations to the Salvin Wing

The proposed spa is to be located within the Salvin wing using the courtyard to house a spa pool with a new glazed roof over. The plans now suggest the pool will be raised, removing the need for excavation. This is encouraging because of the potential below ground archaeology in this area. With regards the roof, this is complicated and very challenging due to the different heights and architectural features. Discussion on site previously focused on simplifying the roof form to work with the existing elevations and to ensure views from the Scott wing overlooking the garden are not compromised by undue attention focused on any new build. This proposal is for a stepped flat roof which would be hidden behind a higher end wall. Conceptually this is an improvement, although creating a roof structure will undoubtedly change the experience and character of this part of Kelham Hall. This requires robust justification and the success of this part of the scheme, is inherent in the quality of the detailed design. We are not convinced there is sufficient technical information submitted to support with confidence this part of the scheme and recommend further details are required to fully assess impact.

Extension to the former chapel 'the Dome'

Through pre application discussion we have accepted the need for a single storey extension to provide an entrance to the proposed wedding venue. The scale and height has been reduced from earlier iterations and the lift now designed as a seamless addition to the existing Thompson wing. Whilst we agree that the use of brick will help harmonise this modern extension with the former chapel, there is an opportunity here to refine the detailing of the glazing against the brick, using full height glazing to achieve a simple and elegant design. We ask whether the roof can be simplified further and quality materials such as zinc considered. We recommend the canopy is set back so that the new addition reads as a subservient element. We are keen to ensure that the highest quality of detail, materials and finishes are achieved for all new build elements including the proposed restaurant. We see from the plans a basement level is proposed which was not discussed at pre application stage. We ask what archaeological investigations have taken place to inform this part of the scheme.

New vehicle route, new entrance gates, and car parking

The scheme proposes a new vehicle access route towards the hotel to spur off the existing route and provide a direct and separate access to the hotel. Car parking is proposed between the new route and existing and a turning area constructed on the 'sunken garden'. Through pre application discussion we have raised concerns over the impact of these works on the significance of the Grade I listed Hall. Although the submission acknowledges the significance of the landscape, we remain concerned by the lack of understanding of the contribution of the landscape setting to the listed buildings. There are a number of conjectural statements made about the history of the site that are not well-supported with evidence within the text. It is unclear as to the survival of the pre19C landscape and Victorian landscape to inform both a comprehensive restoration and full understanding of the impact of the proposals on the significance. The integration of the car parking into the landscape is not particularly thought through and proposals to screen the car park show a lack of understanding of the historic character of the setting.

There appears to be no robust assessment of the level of parking required including the overflow arrangement and what options the site presents for this. We continue to recommend that all works to the landscape, including the proposed play area, new route, estate fencing (if parts of the land are used for grazing) are considered with a full understanding of significance and very firmly in the context of the restoration of the wider landscape.

The proposed gateway arrangement combining elaborately designed metal gates, brick walls, and timber gate with latticework has been inspired by details taken from Gilbert Scott designs. Estate fencing is to be attached to the gateway to fully enclose the site. The combination of fencing against the ostentatious nature of the gateway seems odd and gives the impression of a gateway having lost its perimeter walls. There is no historic precedent for this design here at Kelham and though we note the requirement for improved security, we are not convinced by this design approach. In the context of a scheme which has put forward viability arguments to justify certain changes (e.g. holiday lets) we have to question this approach and its likely expense.

Proposed holiday lets

We have consistently raised concerns over the amount of development and the proposed layout/design. We have advised that scope for development needs to take its clue from a form of outbuilding arrangement and is reduced in scale, height and massing to read as a subservient form of ancillary development to the main Hall. Whilst the scheme has been reduced in height, the amount of development proposed remains significant. This block will be in closer proximity to the lodge and it will have an impact on views towards the hall and in juxtaposition with the village. The design is urban in form and from the road we are very concerned that the continuous metal roof may give an industrial impression. In our view, it has not been proven that the number or size of holiday lets is necessary to achieve a sustainable scheme for the Hall. Again, whilst this area has seen previous development, the archaeological potential of this part of the site remains unknown.

Archaeology

The PCAs Archaeological Desk-based assessment provides a sound starting point for archaeological assessment but we question whether this delivers a sufficient basis (paragraphs 128/129) for your

authority to safely determine this application. The archaeological potential of the hall and grounds is complex across different periods and may benefit from a range of specific investigation techniques such as field survey, building survey, geophysical survey, archaeological metal detection, trial trenching, and documentary study. There is an exciting opportunity here to further explore this potential, particularly with regards the civil war period. Further archaeological investigation of the areas of new build would be of benefit to both the applicant and your authority as the decision-maker. This would help clarify what the archaeological potential is, allowing the design of the new build elements to respond to that, inform the developer on likely costs associated with archaeology and enable your authority to consider the need for conditions. This type of work is most helpfully carried out prior to determination in our experience.

We recommend your authority seeks the advice of your archaeological adviser.

Policy Context

The statutory requirement to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990), must be taken into account by your authority in determining the application. Kelham Hall and St Wilfrid's Church are designated heritage assets of very high value and one of the twelve core planning objectives set out in the NPPF is the conservation of heritage assets in a manner appropriate to their significance, recognising their value to the community and quality of life [paragraph 17]. Significance can be harmed or lost through development and since heritage assets are irreplaceable any harm or loss to significance requires 'clear and convincing' justification (paragraph 132). When considering the impact of proposals on the significance of a designated heritage asset, including its setting, great weight should be given to its conservation and the more important the asset, the greater the weight should be [paragraph 132]. No higher sense of importance is described in the NPPF.

In determining this application we also refer to paragraphs 137 with regard to conservation areas and 63-65 which are concerned with raising standards of design.

Historic England Position

We are supportive of the principle of the conversion of Kelham Hall to a luxury hotel and can see the many benefits this will deliver. However there remains elements of the scheme which are harmful to significance and we believe require amendment. Where harm is identified this will require robust justification in line with the NPPF and with regards the holiday lets, car parking and vehicle route, we are not convinced this has been demonstrated. We remain concerned by the level of information relating to archaeological potential and how this can be developed to inform the proposals and better reveal and enhance the significance of the Kelham estate. Ultimately, and on the basis of the information submitted, it will be for your authority to consider the justification put forward and to balance all planning considerations in determining this application.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 128-134 and 137 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. We recommend further detailed advice is sought from your conservation team and archaeological adviser. If there are any material changes to the proposals, or you would like further advice, please contact us.

Additional comments received 10th August 2017:

Thank you for your letters of 4 August 2017 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

Historic England Advice

We refer to our previous advice letter dated 14 July 2017, the contents of which remain relevant to the determination of this application. This letter sets out the significance of the heritage assets affected and the policy context in which we have assessed the impact on this significance. We note the amended plans refer to changes to the Salvin wing and Gilbert Scott wing, *Revisions C and B*, including proposals for ensuite accommodation (C27). The amendments include a proposed handrail to the minstrels gallery in front of the existing pillars. We accept the need for improved safety and requirement for an additional rail. We are content to defer to your conservation officer for the detailed consideration of this and Revisions C and B.

With regards the proposed new Dome reception, we note the revisions to the elevational treatment and refer to our previous advice dated 14 July 2017 in which we recommended setting back the canopy and alternative roof materials. We would be pleased to discuss this further and are encouraged to see greater vertical emphasis given to the fenestration.

We note the submitted parking analysis and it will be for authority to determine whether this is sufficient to make an informed decision on this and how the parking can be accommodated on site. We also note the summary of responses to consultee comments and would refer back to our advice letter which includes advice on archaeology.

We remain concerned by elements of this application as detailed in our previous letter and would be pleased to offer further advice.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 128-134 and 137 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Additional comments received 13th September 2017:

Thank you for your letters of 24 August 2017 and 13 September 2017 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

Historic England Advice

We refer to our previous advice letters dated 14 July 2017 and 10 August 2017, the contents of which remain relevant to the determination of this application. The additional information comprises a parking analysis (revision B) with amended proposed site masterplan and landscape masterplan. From the website, we are not aware of further amendments.

As previously advised, it will be for your authority to determine whether the parking strategy is sufficient to make an informed decision on this and how the parking can be accommodated on site - in the context of a firm understanding of the contribution of the landscape setting to the significance of the listed buildings. We note the holiday accommodation is now omitted from the planning application and this area now proposed for the main car park. We have no objection to the continued use of this area for parking, although the revised plan is not particularly clear on any proposals for modifications to this area to accommodate hotel use. Of concern is the proposed siting and justification for the overflow parking, which goes beyond the area currently used for parking. The proposal does not appear well integrated into the landscape and through the use of tarmac and structured grasscrete parking areas, appears a permanent parking area rather than occasional overflow. We are concerned that the design of the new route creates a subdivision of this part of the park that will lead to all of this area being utilised for regular parking, up to the boundary of the new route. This will have a significant impact on the appreciation of Kelham Hall in its designed landscape setting, alongside the other proposals that increase the extent of hard-standing in the vicinity of the Hall. If the new route is justified, we are also concerned to ensure it is designed to minimise the intrusion into views of the Hall, and that any overflow car parking area

retains the parkland character of this part of the landscape. To this end, we would suggest that if a need for turf reinforcement to accommodate levels of overflow car parking use can be demonstrated, that a range of turf reinforcement solutions is considered, taking into account the likely appearance with wear and longevity of each. We also suggest that in considering strategies to minimise the impact on the setting of the Hall and its designed landscape, reference is made to parking strategies employed at other parkland sites where temporary parking for periodic large events is managed on grassland areas.

It is also suggested that an analysis of the elements of the designed landscape attributed to Nesfield's work on the site would be useful in planning any new elements being proposed to complement the new use as a hotel, both in plan and detail. Slight alterations to levels (eg the sunken garden and parterre, and around the steps) were used to great effect to provide a setting for the Hall and to add interest to what is a predominantly flat landscape, as well as cambers employed for paths, and carefully composed views and vistas. Understanding the likely design intent and methods employed would help to ensure new features are designed to integrate well with these key elements of the designed landscape and setting of the Hall. Our previous advice and concerns relating to the sunken garden remain.

We note that the proposed holiday lets have now been omitted from this scheme, which we believe is an appropriate response in relation to concerns raised over the impact of the scale and design of the proposed lets and the need for clear and convincing justification. (paragraph 132 NPPF). Unfortunately we remain concerned by elements of this application as detailed in this and our previous letters and would be pleased to offer further advice.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 128-134 and 137 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We refer to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

NCC Archeology – No comments received.

Newark Civic Trust – Support the proposal.

Notts Building Preservation Trust – No comments received.

The Gardens Trust - No comments received.

The Georgian Group – No comments received.

Victorian Society – Thank you for notifying the Victorian Society of this proposal. This case has been discussed by the Society's Northern Buildings Committee, and I write now to convey our response. While we raise no objection to the principle of what is proposed, we do have concerns and recommendations, which we ask the Council to take into consideration.

The outstanding national, if not international, significance of Kelham Hall is well documented and acknowledged by all. In light of the Council's plans to transfer occupation of the building, the principle of finding a use that is sympathetic to the site's special interest is therefore one we very much welcome. The hotel use these applications propose is, in our view, acceptable.

We appreciate that much thought has clearly been given to the manner in which ensuite accommodation could be provided on the upper floor of the Hall. This fact, allied to the particularities of Scott's original design, mean that it is possible to achieve the level and quality of accommodation required without undue harm to the significance of the building.

We raise no objection to the proposed conversion of the Salvin wing, although we do recognise that the adaptations proposed would be likely to have a major impact on this part of the building, as well as in views from the upper levels of the Hall. The Committee felt that this aspect of the scheme lacked clarity and that its impact was difficult to accurately gauge on the basis of the information supplied. The Council will need to satisfy itself that the proposed interventions here are justified.

The Committee raised significant concerns over the proposed holiday accommodation north of the Hall. Since the Committee discussed the scheme this part of the proposals has been dropped, which we welcome. The holiday units would have been likely to cause a significant impact on the setting and views of the Hall and its wider site and was, in our view, very poorly justified. We understand, however, that while it has been dropped from the present applications, the possibility of returning to this plan at a later date remains. Given that part of the inadequate justification for the holiday accommodation was to contribute to the viability of the wider scheme, the case for it at a later date – unless the Hotel proves unviable – will surely only be further weakened.

We wish to echo the concerns of Historic England in relation to the impact of the scheme on the historic landscape, and suggest that this element requires further consideration and research.

Finally, I refer you to the photograph copied below, which illustrates the original lodge and gate to the Kelham estate that gave, as it still does, access from Main Road, directly opposite Ollerton Road. Given that the developer appears keen to create an impressive and contextual new entranceway to the site, it would be worth bringing this image to their attention. The portal was evidently a hugely impressive structure, with strong group value with the neighbouring lodge. More than adequate information exists by which to reinstate it and we would urge the developer to give this possibility serious consideration. While it would no doubt be a costly exercise (and would have to be absolutely scholarly in its approach), it would deliver significant heritage benefits

to the lodge (which is itself separately listed Grade II), the Hall and its wider site, benefits that could, perhaps, mitigate harm caused by certain other aspects of the scheme. It would also, of course, provide the developer with the impressive formal entry it desires, and from which the Hall – particularly in its new guise as a luxury hotel – would benefit.

Ancient Monuments Society – No comments received.

Council for British Arch – No comments received.

Society for the Protection of Ancient Buildings – No comments received.

Twentieth Century Society – Thank you for consulting the Twentieth Century Society on the above applications, which propose the conversion of the existing buildings into a hotel and spa, and the creation of 44 holiday lets within the setting of the building complex. The complex contains a number of listed buildings, including two post-1914 buildings listed at Grade II – the Dome and the Thompson Wing – which also fall within the curtilage of the Grade I listed George Gilbert Scott house.

The case was discussed by our July committee, where members were supportive in principle of bringing an appropriate new use to the site, especially one that will enable it to remain as a functionally interrelated set of buildings. However we do have concerns, most of which are shared by Historic England and set out in their letter dated 14 July 2017.

Our comments relate to the two twentieth century buildings onsite, the Dome and the Thompson Wing and will take each in turn, along with the proposed building that will link the two and the holiday lets within the setting.

Link building

Committee members did not object to the construction of a new link building in this location. The character of the site is one that is made up of buildings of different ages and we accept the need for an extension here, given that only a single storey infill is proposed. However we fully support the comments of Historic England with regards to the simplification of the detail. Members felt that there was a lack of coherence in the current design - this is particularly in relation to the roof canopy and the current configuration of glazing and brick. We are supportive of the comments of the conservation officer who recommends a return to the consistent vertical emphasis of the pre-app design, which we consider would be more appropriate in its simplicity and proportions.

The Dome

Members were pleased to see that later additions to the interior are to be removed, and welcomed the opening up of the arches and light wells which will have a positive impact. There were no objections to the removal of the timber-boardings to the uncompleted apses and their rebuilding in line with the original plan, but it was considered that the building should be fully recorded in its current form. Again, it was the detail which was queried; in particular the proposed

large arched french window opening to the north-west elevation in order to give access to the balcony. Members considered this was somewhat incongruous with the proportions of the existing elevation and recommended revision.

The Thompson Wing

The creation of a double-height lobby space and a revolving door to provide a new entrance are elements of concern. Members considered that both the loss of original fabric and the insertion of a new revolving component on this key arts and crafts style façade would cause harm to the listed building. Of greater concern however is the treatment of the proposed lobby as shown in the CGI visual provided, and which members considered to be unresolved. Although we understand the design has been amended so that the first floor fireplaces now meet a mezzanine at an angle, they still appear to be almost floating as they face onto the room void. Although the requirement for a suitable entrance lobby was recognised, we would strongly recommend that this aspect of the proposal is reassessed; either reformulated in its current location or relocated elsewhere in the Scott Wing.

Members considered that other internal works and the courtyard restaurant were acceptable, and had no comment in this regard.

Holiday lets

The setting is crucial to the Kelham Hall complex. Members considered that the proposed location, density and form of the holiday lets would have a harmful impact on this setting, and given the lack of robust justification, members objected to this aspect of the application.

Conclusion

Whilst we do not wish to object to the application outright, members strongly recommended that further information is provided in order to properly justify this harm as required by the NPPF paragraph 132, and that the details of some aspects of the scheme are reworked to alleviate this harm, before a decision is made.

I trust that these comments are of use to you in your consideration. Please do not hesitate to contact me at this office if you have any further queries.

Tree Officer - Although a tree survey/constraints plan and associated documentation has been submitted there appears to be insufficient consideration given to the potential impact of proposed new hard surfacing on tree roots.

Of particular concern is the impact of car parking and access road within the RPA of T69 which has already been impacted by the existing drive. Given the age of this tree I would consider that a complete avoidance of the rooting area should be implemented with fencing erected to avoid any incursion from car parking.

Similar concerns are raised with regard to impact on trees T200 and T202 although to a lesser extent.

There is also likely to be detrimental impact on trees along proposed new access runs and car parking areas to the holiday park lettings and secondary car parking unless suitable specified construction methods are implemented that cover less than 20% of the tree RPA as recommended within BS5837-2102.

While I am aware that there are informal parking areas already in place any proposed new surfacing will result in ground lowering/raising to gain a level surface and further ground compaction.

There are no details of any proposed service runs drainage etc. for the proposed holiday lets.

There are no details of any proposed soft landscaping which would indicate the scope of any proposed mitigation planting for trees removed.

Additional comments rec. 6th September 2017:

The proposed revisions are broadly acceptable.

However, the proposals regarding parking in secondary parking area are still likely to result in adversely affecting tree roots. Proposed grasscrete/shingle will not be an acceptable method of construction within rooting areas of trees.

Recommend if any approval is given then the following conditions should be applied:

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include :
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers .
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
 - e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection within the root protection areas

h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

2. Prohibited activities

The following activities must not be carried out under any circumstances.

a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on or adjacent to the application site,

c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.

d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.

e. No soak-away to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

3. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting).

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

5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest unless No works or development shall be carried out until the District Planning agreed otherwise in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the conservation area and setting of the listed building.

Additional comments received 15th September 2017:

Proposed overflow car parking extension is acceptable. All previous comments/recommended conditions are still applicable.

NCC Highways Authority – *Original comments received 28th July 2017:*

This proposal is for the conversion of Kelham Hall into a luxury hotel with a total of 70 bedrooms and the construction of 44 holiday let units, all served by the existing access onto the A617 road, shown as the main site entrance on the site masterplan.

The information within the Transport Assessment indicates that a spa and restaurant are also included within the proposals. Could it be clarified as to whether these are to operate only in association with the hotel use or is it proposed that they will operate independently, i.e. for day visitors. It is stated that there will be 80 employees for the site.

A new car park is to be constructed providing 130 spaces and 6 disabled spaces, the existing car park is to be extended to provide 54 spaces to be used by staff and visitors, and a further overflow car park suitable for 95 vehicles will be available if required.

The details provided relating to the expected visitors to the development are acceptable to the Highway Authority.

A Travel Plan has been submitted, however, not yet assessed. Therefore, there are no highway objections subject to the following:

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

2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan (Drawing M2 Rev. E). The parking areas shall not be used for any purpose other than parking of vehicles. Reason: To ensure that adequate parking provision is made for the proposed development.

Further comments were received in respect of the Travel Plan later that day stating the following:

I have reviewed the Travel Plan for Kelham Hall and found the only issue is the inclusion of www.walkbudi.com as this website no longer exists and just redirects to www.liftshare.com/uk.

If the mention of this website is removed, I would be happy to approve this travel plan.

This request has been actioned by the agent during the life of the application and NCC Highways have subsequently confirmed that the need for the above condition 1 is no longer required.

Further comments received 08.09.2017:

I refer to drawing no. M2 Rev. G and the Parking Analysis following removal of the Holiday Let development on the site. The information submitted states that 160 parking spaces are provided within the existing Main Car Park and 209 spaces within the Overflow/Events Car Park, however, these are not fully demonstrated/laid out on the latest drawing.

From the numbers given, 131 spaces are required based on expected hotel and restaurant occupancy without functions taking place. Obviously, this will increase should events/functions occur.

Therefore, it is recommended that the plan be amended to reflect the parking provision stated.

Further comments received 19th September 2017:

Amended Drawing M2 Rev. H

The holiday lets to the north of the site have now been removed from the development and replaced with the 'main car park' able to accommodate 160 vehicles. The overflow/events car park has been increased to accommodate 202 vehicles with 6 disabled spaces available, although it should be noted that the two 'tandem' disabled spaces are each required to be 6.6m in length as their positions at present may result in them not being able to be used.

The details provided relating to the expected visitors to the site are acceptable to the Highway Authority.

As such, there are no highway objections subject to the following condition being imposed:

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan (Drawing M2 Rev. H). The parking areas shall not be used for any purpose other than the parking of vehicles. **Reason:** To ensure that adequate parking provision is made for the proposed development.

Note

It should be noted that the application site is located within approx. 150m of the proposed Kelham by Pass.

Environment Agency – I refer to the above application which was received on the 15 June 2017.

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning

permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance (PPG) to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development, in particular the FRA fails to adequately assess:

1. Holiday Lets within functional floodplain. Some of the proposed holiday lets fall within Flood Zone 3b. Newark and Sherwood Level 2 Strategic Flood Risk Assessment (SFRA) 2008 states that land which would flood with an annual probability of 1 in 20 (5%), or greater in any year, is defined as Flood Zone 3b (functional floodplain). The holiday lets are classified as More Vulnerable in accordance with table 2 of the PPG. Tables 1 and 3 of the PPG make clear that this type of development is not compatible with the Flood Zone and should not therefore be permitted.
2. Safe access and egress for the Holiday Lets. The FRA fails to consider safe access and egress to the Holiday Lets located within areas at risk of flooding.
3. Floodplain storage compensation. The FRA lacks detailed information on how floodplain compensation methods will be used to ensure that there is no increase in flood risk elsewhere as a result of development.

If the applicants or agents wish to discuss this position with us, they should contact Alison Beaumont on 020 302 53159 or Alison.beaumont@environment-agency.gov.uk.

Overcoming our objection

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

1. Holiday Lets within functional floodplain

Review the location of the holiday lets so that no units are located within Flood Zone 3b (functional floodplain).

2. Safe access and egress

Provide flood risk information for safe access and egress routes to the holiday lets within flood zone 3a. In a 1 in 100 year (1%) event land in this area will flood to depths of up to 1.41m; in a 1 in 100 year (1%) event plus climate change impacts land in this area will flood to depths of up to 1.64m.

3. Floodplain storage compensation

Provide further details of where and how compensatory flood storage will be provided.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Please provide a copy of the subsequent decision notice.

Revised comments received 11th September 2017:

Thank you for re-consulting us on the above application.

Environment Agency position

This response is based on the revision to the application on 24 August 2017 to exclude Development 'E', the Holiday Lets from the application.

As a result of the exclusion the objection to development in Flood Zone 3b is no longer relevant.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Proposed Masterplan, Revision 'G', dated 22/08/2017 and the following mitigation measures detailed within the FRA:

1. Finished floor levels for the Dome extension (existing) are set no lower than the existing levels.
2. Finished floor levels for the Dome extension (proposed) are set no lower than 12.70 metres above ordnance datum (mAOD) as described in Table 4, paragraph 3.1.2.

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

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Further comments dated 13th September 2017:

Thank you for submitting the revised plan showing extra car parking spaces. We have no objection to the revisions.

NCC Flood – Surface water not an issue, minor extensions to the building and revised access wouldn't cause concerns.

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

The Board maintained Mission Drain, an open watercourse, exists through the northern part of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvery, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

Any planting undertaken at the site must be carried out in such a way to ensure that the planting does not encroach within xx metres of any Board maintained watercourse when fully matured.

Under the Land Drainage Act the Board are permitted to deposit arisings from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management Regulations may be required from the Environment Agency.

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 Boards 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.

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

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed 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 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.

A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9 metres wide unless otherwise agreed in writing by the Board. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.

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.

If you require any further information please do not hesitate to contact the Board's Planning and Byelaw Officer, Tracey Richardson.

Severn Trent Water – No comments received.

Notts Wildlife Trust - Thank you for consulting Nottinghamshire Wildlife Trust on the above application.

We have reviewed the Preliminary Ecological Appraisal and Bat Building Assessment (RammSanderson, May 2017) and note that there are recommendations for further bat survey work. Several areas of the main building which would be impacted by the proposed works have been classified as having bat roost potential as well as a number of the trees on site. The proposed works could also impact on bat foraging habitat and therefore transect surveys are required.

In the absence of detailed bat survey work, it is not possible to fully assess the potential impact of the proposal on protected species (bats). As you will be aware, protected species are a material consideration in the planning process. In accordance with Circular 06/2005, we strongly recommend that the LPA requests that emergence/re-entry surveys of the building, emergence/re-entry surveys of affected trees and seasonal transect surveys across the site are undertaken before this application is determined.

Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), 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.

Once the full impact on bats is known, measures for avoidance, mitigation and/or compensation should be integrated into the plans for the site along with other recommendations contained in Section 6 of the report. Given the range of habitats and potential species affected by the proposals, we would expect to see a Construction Environmental Management Plan (CEMP) produced along with a Biodiversity Management Plan for post-work site management – these documents could be secured through use of planning conditions.

Given that further survey is required, NWT objects to this application as it stands.

Additional comments dated 29th August 2017:

Thank you for re-consulting Nottinghamshire Wildlife Trust on the above application. We are pleased to note that the additional bat survey work previously recommended has now been carried out prior to determination, allowing a more complete assessment of the potential impact of the proposal on bats.

Should the application be approved, it is vital that all recommendations from the Bat Survey Report (RammSanderson, August 2017) are implemented in full (see Section 5 of the report). A suitably worded condition should be used to secure these recommendations.

As previously stated, we also recommend that all recommendations in Section 6 of the PEA and BBA report are fully implemented, with a Construction Environmental Management Plan (CEMP) produced along with a Biodiversity Management Plan for post-work site management – these documents could be secured through use of planning conditions.

Given that further survey has been undertaken as required, subject to inclusion of the above conditions, we are able to remove our objection to this application.

Additional comments received 22nd September 2017:

Thank you for consulting Nottinghamshire Wildlife Trust on the revised Masterplan. We have no comments to make regarding this revision (Rev H).

NSDC Economic Growth – Support the proposal - There is a need in the district for additional hotel accommodation and this was evidenced for the Region (D2N2) as a whole in the recent accommodation survey.

NSDC Environmental Health (contaminated land) – No observations.

NSDC Environmental Health (noise) – I note the inclusion of a restaurant in this application and would ask for details of the kitchen extraction system to comply with the requirements of the defra Guidance on the control of odour and noise from commercial kitchen exhaust systems" 2005

NSDC Access and Equalities Officer - As part of the developers considerations of access to and use of the proposals, with particular reference to inclusive access for all including disabled people, attention is drawn to BS8300:2009 - Design of buildings and their approaches to meet the needs of disabled people - Code of practice which contains useful guidance in addition to Approved Documents M and K of the Building Regulations. Access to, into and around the proposals should be carefully considered together with inclusive access to available facilities. In particular, consider access by people with physical, sensory or learning disabilities attention

Access to, into and around the proposals on all floors should be carefully considered as well as access from the edge of the site and car parking provision for disabled motorists. BS8300: 2009 gives further guidance in this regard as well as advice on proportion and layout of accessible car parking spaces. Access to external open spaces, features and facilities should also be carefully considered. The developer is advised to make separate enquiry regarding Building Regulations matters and be mindful of the Equality Act requirements.

Parochial Church Council of St Wilfrids Church – Strongly object to the applications which we were not given notice of.

We believe we should have been consulted upon this matter and need to be consulted upon ongoing as we are custodians of a Grade 1 Listed Building in the middle of this application site.

There are various issues which require clarification including rights of access to the church.

Further comments received 7th August 2017:

Subsequent to a meeting that was held with the applicant, we are now prepared to withdraw our objection to the application, subject to the existing rights of access being retained.

Newark Business Club – Support the application.

The following representations have been received from local residents / interested parties:

17/01021/FULM – 10 letters of representation (1 in support, 1 making comments and 8 objecting)

17/01022/LBC – 5 Letters of representation (all objections)

The main points made in these representations are summarised as follows:

Impact on Listed Church

- St Wilfrid's Church is completely enclosed within the grounds of Kelham Hall yet there is no mention of access to the Church nor has there been consultation with the church

- There is no mention of car parking for the church
- No notice of the planning application was given to the church
- The ambience of the church and the burial ground would be affected

Holiday Lets

- The design of the holiday lets would not be in keeping with the historic nature of the site
- The number of units is misleading to what was implied to residents
- The Holiday lets are proposed in an area at risk of flooding
- The scale of the proposal is too large and will dominate and overwhelm the village and its residents
- The access to the holiday lets is unclear
- The removal of the holiday lets from the revised scheme is beneficial but there is now no requirement for overspill car parking at the front of the hall
- The reference to potential for holiday lets should be removed from the plans entirely

Proposed Use

- There will be increased noise pollution
- It is not clear how the proposed use would work with the existing camping and caravanning
- The use would damage the recreational use of the site for dog walkers
- Support for renovation of hall
- There doesn't seem to be a holistic approach to the development and lacks overall cohesiveness with a danger that if approved the elements would be franchised or sold off
- The scale of the commercial venture is in danger of compromising the historical nature of the hall and its grounds and swamping the small village

Impact on Flooding

- The increased car parking will impede drainage and increased flooding
- The infrastructure for foul and storm water in the area is not adequate for the development which includes increased demand by the pool and spa elements

Impact on Amenity

- The car park will create pollution through increased traffic and noise as well as light pollution
- The bin storage directly backs onto gardens which will attract vermin, flies and odors
- Deliveries will create noise and disturbance (the service area to the Dome is near existing properties)
- The kitchen should be provided in the existing kitchen to prevent the new services yard impacting neighbouring residents
- The recent use has already had amenity impacts especially when there are large events
- The car parking should be further away from neighbouring residents to the south of the new proposed entrance drive creating a larger buffer
- The impacts will inevitably increase over the weekend periods when events etc. will be held and when the restaurant will be in full use
- Although the bin storage appears to have been moved from the revised masterplan it is not clear where it has been moved to
- There is no need for the additional car parking to the front of the hall now that the holiday lets have been removed from the scheme – this will create late night noise and light
- The proposed ‘mobile planters’ will not give adequate amenity protection

Impact on Trees and Ecology

- There would be loss to trees, shrubbery and wildlife – this has already occurred in the formation of the business at present

Impact on Highways

- There is no traffic data to support the addition of 55 spaces
- The parking would be better allocated close to the events field and away from the residential areas
- The latest plans appear to show that the parking provision has increased to 340 spaces but there is no traffic count data to support the figures
- The area indicated as main car park is not fully taken up as car parking
- Any parking for events should be adjacent to the events field
- There is no proposal to widen the access roads

Other Matters

- The applicant has attempted to buy properties on Home Farm Close to rent

Comments of the Business Manager

Principle of Development

Kelham Hall is located to the south of the village of Kelham and sits wholly within the Kelham Conservation Area. The site features a number of designated heritage assets as well as non-designated heritage assets. In addition, the site is subject to constraints notably the partial positioning within Flood Zones 2 and 3 owing to the proximity of the River Trent bounding the east of the site. These factors lead to a number of considerations in respect to the principle of development sought.

Principle of Proposed Use

The applications as amended relate to the conversion of the existing Hall to create a hotel and spa facility with associated external works such as landscaping treatment and car parking provision.

Section 3 of the NPPF: Supporting a prosperous rural economy confirms that *'planning policies should support economic growth in rural areas.'* Para. 28 states that in order to promote a strong rural economy, plans should, *'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well-designed new buildings.'*

The District Council's Core Strategy was adopted in 2011 outlining the spatial strategy for the District. As Members will be aware the LPA is currently well advanced in the process of Plan Review to a degree that, at the time of writing, the Publication Amended Core Strategy July 2017 has recently completed a period of representation with submission for approval received at the September full Council meeting.

Paragraph 216 of the NPPF confirms that decision takers may attach weight to emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus of the sub-

regional centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then subsequently to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District, including the village of Kelham, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

Both the extant and emerging Core Strategy confirm that the District Council will support and promote local services and facilities in rural communities. Proposals for new development will be considered against five outlined criteria. The outlined criteria relate in many respects to matters which will be considered in further detail below (i.e. the impact criterion is discussed in the context of highways movements in the subsequent highways section of the report and the character and scale criteria are considered in detail in the below heritage assessment). For the avoidance of doubt officers consider that Kelham Hall falls within the main built up area of Kelham which is readily accessible to Newark. It is noted that the services within Kelham are limited to a Church and public house, however given the nature of the proposed development, the proposal offers the opportunity to increase the service offer within the village.

SP3 confirms that the rural economy will be supported including through the encouragement of tourism. It is notable that the reference to tourism development in the need criterion is intended to be revised through the emerging Core Strategy. The revised wording requires employment and tourism uses to be sustainable and meet the requirements of the relevant Core Policies as oppose to the extant document which requires demonstration of a rural / village location. The latter has been addressed through the submitted Planning, Design and Access Statement (P,D&AS) which contends that *'the nature of a luxury country house hotel requires a rural/village location.'* I would concur with this assessment to a certain degree. I am also conscious that the current proposals relate largely to the re-use of an existing heritage asset.

I am mindful that full weight cannot be attached to the emerging plan at the current time, however it would in any case be necessary to assess the proposals against the requirements of other relevant Core Policies, notably Core Policy 7: Tourism Development.

In assessing the proposals against CP7, the submitted P, D&AS states the following:

'Kelham Hall will be noted as a valuable tourist destination, generating economic activity within the region'...and 'will provide a variety of accommodation to suit all budgets, requirements and aspirations'.

It should be explicitly stated that the wording of CP7 has been fundamentally altered and essentially completely re-written through the July 2017 emerging plan. However, elements of the justification text remain identical including the acknowledgment that a healthy tourism industry within the District can help sustainable economic growth, and contribute to prosperous communities and attractive environments. Equally it remains the case that increasing the proportion of visitors who stay overnight is identified as a priority for future tourism development.

The weight attached to emerging policies is a matter for consideration of the decision taker. In reaching a judgement of how much weight should be attached to the emerging policy I am conscious that the extant policy wording does give rise to issues in terms of its consistency with national policy. Moreover, whilst there were some objections to the revised policy at the preferred approach stage earlier in the year, there does not appear to be any representations contending unsoundness through the recent publication stage. It is therefore reasonable to assume that the original objections have been resolved. On this basis, Officers are content that significant weight can be attached the wording of CP7 as presented in the emerging plan document.

The revised wording confirms that, within rural areas, proposals may be considered acceptable subject to a number of matters as follows:

- Design and layout; and
- Individual and/or cumulative impact on local character (including the built and natural environments), heritage assets, biodiversity, amenity, transport, infrastructure, community services and in locations adjacent to the open countryside landscape character; and
- Compliance with the locational requirements of Spatial Policy 3.

Clearly the majority of matters within the first two bullet points lend themselves to a more detailed discussion in respect of other material consideration of the proposal such as heritage and highways implications. It has already been stated above that the proposal is considered to comply with the locational requirement of SP3 and as such officers are content that the principle of the proposed tourism use is acceptable against both national and local planning considerations subject to the further discussion on other matters as outlined below.

Impact on Heritage Assets

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(1) requires the decision maker in considering whether to grant listed building consent for any works, to "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.*" This stance is mirrored by Section 66 which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of

conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of recent court cases (in particular: *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* (2014); *The Forge Field Society v Sevenoaks District Council* (2014); and *Mordue* (2016)).

The NPPF, at paragraph 17 also outlines a number of core planning principles which should underpin both plan-making and decision-taking. Of the 12 principles, the 10th bullet point warrants specific mention in the context of the current applications. This states that heritage assets should be conserved in a manner appropriate to their significance.

Indeed, the importance of considering the impact of new development on the significance of designated heritage assets, is set out in detail in section 12 of the National Planning Policy Framework (NPPF). Paragraph 128 requires LPAs to ensure that in the submission of applications affecting heritage assets applicants should describe the significance of any heritage assets affected, including any contribution made by their setting.

At a local level there are a suite of policies which are also of relevance. These include Policies CP14 and DM9 of the Council's LDF DPDs. CP14 acknowledges the rich and distinctive historic environment of the District and seeks to ensure *'the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment.'* The policy goes on to explicitly identify the need for the *'preservation of the special character of Conservation Areas.'* Again officers note that the emerging plan features slightly amended wording to the policy but the overall stance remains consistent.

Policy DM9 mirrors CP14 in that, *"all development proposals concerning heritage assets will be expected to secure their continued protection of enhancement"*. In respect of development proposals *"affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets,"* proposals *"should utilise appropriate siting, design, detailing, materials and methods of construction."*

The proposals amount to a number of implications to both designated and non-designated heritage assets. These arise in respect of the internal works required for the change of use to a hotel and spa facility; the extensions to existing building; and the external works such as car parking and landscaping which have the potential to affect the setting of both the conservation area and the listed building.

The application submission has been accompanied by a significant level of detail in respect to both the historical associations of the site and the proposed works. As with the above description of proposed works it is considered appropriate to separate discussion to the different areas of the building albeit acknowledging that each of the elements complement and link with one another.

Officers are confident (and indeed it appears to be a general consensus accepted from consultee responses received) that Kelham Hall lends itself well to the conversion to a hotel and spa use with associated facilities. The layout of the existing building in many ways lends itself to this use, being once a series of bedrooms and function rooms.

Conversion of Gilbert Scott Wing

The Gilbert Scott Wing is intended to provide towards the hotel offer of the use as well as continuing the role as a wedding and corporate venue. The proposals have been subject to discussions during the life of the application with consideration given to less intensive alterations such as the use of ensuite pod designs. There are also elements of the Gilbert Scott Wing which demonstrate an enhancement to the listed building such as the removal of modern screens and a modern floor. There are elements within the Gilbert Scott Wing which still require further clarification, such as the treatment of a dumb water in room F42 and how to infill between the decorative capitals in room F31, but I am satisfied that these elements could be appropriately dealt with by condition. I note the comments of Historic England which state a preference to the reception area being housed in the Scott Wing however I am conscious that the operation of the site has been carefully considered and I do not consider it appropriate, nor necessary, to insist on changes to room positioning's in principle.

Conversion of the Salvin Wing

The Salvin Wing would form the day spa facility including hotel, staff and residential accommodation in connection with site management. I have noted the comments of the Parish Council in respect to their comment that there are no proposals related to the spa element but I find this to be unfounded. For the avoidance of doubt Officers are satisfied that there is sufficient information presented on the presented plans on which to reach a judgement.

The use as a spa facility does necessitate a number of significant interventions including the provision of a swimming pool. This has been discussed at pre-application stage (including in respect of potential archeological implications discussed further below). On this basis, the proposal is for the pool to be raised which would remove the need for excavation. As identified by

the comments of Historic England the roof design has proved challenging and it is fully acknowledged that creating a roof structure in this location will change the experience and character of this part of Kelham Hall. Whilst the swimming pool area is not considered to have any special qualities as an open courtyard as such, the enclosure of the area presents complexities in terms of how the roof would flank the walls and interact with the existing windows. Whilst the agent has provided assurance in principle that the enclosure would work structurally, exact design would still need to be subject to further details through condition.

There are elements of the conversion of the Salvin Wing which remain of a concern to Conservation Colleagues as outlined by the latest comments dated 10th August 2017. Principally there are two areas where a small amount of harm will occur; one being in room G46 which is being divided by a stud wall, and the other in room F64 where a stud wall will come off a chimney breast. These factors will need to be balanced in the overall context of the scheme but I am conscious that Conservation has acknowledged that this appears to be the only practicable solution.

Conversion and Extensions of the Thompson Wing

The Thomson Wing is to be converted and extended to provide a new main entrance as well as further hotel accommodation and the associated facilities such as a hotel restaurant, bar and kitchens. As with other elements, the Thompson Wing has been subject to discussions both at pre-application stage and throughout the life of the application.

I would concur with the comments of Conservation colleagues that this area of the building is seeing the more radical adaption in order to bring forward the overall Masterplan. This is deemed acceptable in principle in that it allows the Gilbert Scott elements to be retained with fewer alterations.

The Thompson Wing would house the new hotel entrance which details perhaps some of the most radical interventions in the overall scheme through the creation of a full height lobby removing an existing floor. I do appreciate that the proposed use, in order to become a desirable venue, warrants a grand entrance. The design has been improved such that the fireplaces are no longer 'floating' elements to a degree that the building can still be read (albeit it is acknowledged that the Twentieth Century Society disagree with this assessment). The lobby will also necessitate the creation of an enclosed entrance hood. Officers note the concerns raised by Historic England and the Twentieth Century Society in respect to the proposed revolving door. The agent has justified this element through the by stating that revolving doors will prevent internal drafts which officers deem is a reasonable factor on which to attach weight.

There is a proposed restaurant extension within the existing courtyard quad infilling an area adjacent to the Dome. The design is considered to represent a modern, light approach which would reflect the architectural designs surrounding it.

There is also a proposed extension to the existing Dome. I would concur with the comments of Conservation colleagues that the design (as amended through discussions) would not overshadow or dominate the Thompson Wing. The need for this extension is accepted in the context of providing a different entrance for large events such as weddings.

Landscaping and Gateway Arrangement

As is confirmed by the submitted Masterplan and supporting documentation for the application, the proposal incorporates numerous landscaping elements within the overall grounds of Kelham Hall. Notably, the Masterplan demonstrates the reinstatement of a formal parterre designed by William Nesfield. Officers consider this to be a positive element of the scheme which appears to be based on sound evidence. The difficulty is that this element of the scheme is clearly not required to facilitate the conversion of the Hall to an end use of a hotel. Thus if any heritage benefit is to be attached to this element of the proposal in the overall balance, then a carefully worded condition will be required to ensure that the landscaping elements are implemented prior to the occupation of the use.

The need to secure heritage benefits becomes all the more pertinent when taken in the context of the overall scheme which also includes landscaping elements which could potentially create heritage harm. From pre-application stages, concern has been consistently raised in respect of the creation of an entrance and turning area in the existing sunken garden. The D&AS states that the sunken lawn was possibly intended to provide a formal setting to the Hall before acknowledging that the sunken lawn is one of the few pieces of landscape that has not been recorded. Thus the exact age and function of the sunken area is not clear leaving potential for fabric to be lost without a true understanding of significance. Whilst the intention to conduct a Level 3 Building Survey (in line with Historic England practice) is appreciated this would not in itself mitigate the harm of the loss. Conservation colleagues consider the harm in losing the sunken garden to be less than substantial. It is further acknowledged that the proposal to create the entrance and turning area would not in itself be harmful. Again, the creation of less than substantial harm will need to be weighed in the overall balance of the proposal. However, I am mindful that the applicant has made best endeavors to investigate the historic significance of the sunken garden and I fully appreciate that the proposed use warrants a grand entrance landscape feature.

The overall site Masterplan indicates that the main entrance to the site will be enhanced in security terms through the introduction of gates and piers. The detailing of this element has been supplemented both through discussion with the D&AS and through a scaled plan. There is no doubt that the proposed entrance gates would display an elaborate design with a significant height of an approximate 4.7m maximum. It is however noted that the gates are proposed to be positioned at a 25m set back from the highways edge and thus their prominence in respect of the public realm (notably to users of the A617 will be reduced). Both internal conservation colleagues and Historic England have commented specifically on the proposed entrance gates concurring that the design represents an appropriate interpretation of Gilbert Scott work in the Gothic style. Notwithstanding this, both parties raise concern that the combination of the entrance gates and

the perimeter estate fencing is an odd design approach that gives the impression of the gateway 'having lost its perimeter walls.' I can fully appreciate where this concern arises from purely in the heritage context but I do not consider that this would necessary materialize in reality noting the site specific context surrounding the entrance. Notably the levels of vegetative tree cover which exist around the site boundaries. The boundaries of the site are already inconsistent with some being relatively open whereas others feature more elaborate brick walls. I agree with the stance of the D&AS that an entrance gate is appropriate both in terms of an expectation of a grand entrance for the end use but also is security purposes. The alternative to the approach proposed would presumably be to create perimeter walls which would enclose the entire site as oppose to sympathetic estate fencing. Notwithstanding the costs which would be associated with this, this would potentially create a greater heritage impact in any case. Thus, whilst I appreciate the concern raised by heritage expertise, I do not consider that the design of the proposed entrance gates, acknowledging their overall purpose, would be sufficiently harmful to insist on a revised scheme.

Parking Provision and Vehicular Access Route

The most recently revised Masterplan has focused on the need to address concerns in relation to parking provision raised from both Highways and Conservation colleagues. Confusion arose from the first revised Masterplan in that it appeared to discount spaces within the existing car park on the presumption that this area of the site is being reserved for a holiday lets scheme. To reiterate, the holiday lets originally proposed no longer form part of the existing applications and thus it would be inappropriate to consider the land 'reserved' for any future development (notwithstanding any forthcoming planning applications which will be subject to their own consideration).

The Parking Analysis received on 13th September 2017 confirms that all 160 of the existing spaces in the rear car park will be available to facilitate the proposed use. It goes on to state a requirement for an additional 252 car parking spaces (209 in an overflow car park and 43 in a secondary car park behind the Salvin Wing. The Parking Analysis demonstrates the following requirements:

User	No. of spaces required
Hotel Guests	56
Staff	63
Restaurant Guests	12
<i>Total</i>	131

Clearly the above demonstrates that the existing car park of 160 spaces could accommodate the basis requirements of the use. Indeed this apparent discrepancy has been subject to discussions with the agent and further clarified by the latest revised Parking Analysis. It is stated that additional parking is required to serve larger events such as weddings and seasonal activities. Statistics from previous operations suggest that for the period covering June to August 2017 there

were 50 occasions which generated between 40 and 600 cars and that on average these occasions occurred for 17 occasions per month.

Members should note the concerns of consultees in respect to the positioning of the overflow car parking in respect of its siting in front of the Hall. To quote the comments of Historic England received 13th September 2017 (listed in full above):

'The proposal does not appear well integrated into the landscape and through the use of tarmac and structured grasscrete parking areas, appears a permanent parking area rather than an occasional overflow.'

Officers consider this to be a fully legitimate concern, an average of 17 occasions per month would mean that cars are utilising these spaces for the majority of the time. It is therefore considered appropriate to consider this element of the scheme as a potentially permanent feature of the proposal.

The 'overflow' parking provision and indeed the adjacent entrance drive to the south of the parking provision would amount to heritage harm through segmenting the historic parkland around the Hall and adversely affecting the designed landscape setting of the building. However, given that the existing car park would also be fully utilised and there remains a need for further parking provision, there is an argument that further parking will inevitably create potential heritage harm but at a necessity to allow the use to function efficiently. The slight benefit in creating a more formalized overflow parking area is that the vehicles would be better confined in a cluster rather than dispersed throughout the site. I fully appreciated the comments of Historic England in terms of the need to consider the most appropriate turf reinforcement but consider that this could be secured by an appropriately worded condition.

Archeology

Members will note the comments of Historic England in respect to archeological matters. Colleagues at County Council have been consulted but unfortunately no comments have been forthcoming. The application has been accompanied by a desk based assessment undertaken by appropriate expertise. Whilst I would concur with the comments of Historic England insofar as the acceptance that the archeological potential of the Hall and grounds is complex across different periods, I would disagree that the proposals warrant the need for further works prior to the application determination. The majority of the proposals relate to the conversion of the existing building and elements which would have the most potential to affect archeological significant (i.e. the creation of a swimming pool) have been carefully designed to preserve any archeological potential. On this basis I am satisfied that the proposal could be delivered without harm to archeological significance subject to further works to be secured through condition.

As is implied above, the application has been heavily scrutinised by relevant expertise including colleagues in Conservation as well as Historic England. The full details of these comments can be reviewed in the above consultation section of the report. The concluding section of Conservation

colleagues comments dated 10th August 2017 is notable; *'In terms of alterations to the listed building itself I now have no concerns and subject to conditions think this is an acceptable scheme.'*

There are clearly numerous intricate elements sought through the current applications to allow for the conversion of the Hall to a hotel and spa facility. I am conscious that the importance of each factor of works to the listed building should not be lost in the overall context of the scheme. Nevertheless I am satisfied that the proposed works have been thoroughly assessed by the relevant expertise and through the submission of revised plans found to be acceptable. Clearly the implementation of any approval would need to be subject to a suite of specific conditions in order to ensure that the appropriate level of detail is provided prior to any works being implemented.

Impact on wider Landscape Character (including Trees)

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

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

The application site is within Policy Zone Trent Washlands 11: Cromwell North and South Muskham. This zone is identified as a predominantly flat, large scale arable landscape with large semi-irregular fields; often with low trimmed gappy hedgerows. Kelham Hall is explicitly referenced through the LCA as being surrounded by mature tree cover with a parkland landscape still in evidence. The zone is identified as having a moderate landscape sensitivity with an overall intention to conserve and create. Indeed one of the specific aims of the policy zone is to conserve the historic woodland and parkland landscape around Kelham Hall as well as conserving historic sites within the landscape as a whole.

The submitted P, D&AS at Chapter 13 addresses the Landscape Proposals (noting that this is in reference to the originally submitted proposal rather than the latest landscaping masterplans). It confirms that the landscape of Kelham Hall was specifically designed to reflect the grandeur of the Hall and its setting with gardens influenced by the building and its function.

The application has also been accompanied by an Arboricultural Survey undertaken by RammSanderson and dated May 2017. This survey assessed 202 individual trees, 1 hedgerow and 58 groups of trees. 13 of the individual surveyed trees and 5 groups attained a Category 'A' assessment value. The original proposal confirmed removal of a total of 23 trees within the site

area with the survey concluding that these works should be considered irrespective of any development proposals due to the condition of the trees. However as is discussed further below, the impacts on trees is one of the matters that have been identified as a cause of concern during consultation and thus the amended masterplan has attempted to alleviate these concerns. For the avoidance of doubt the agent has confirmed that the revised scheme would now necessitate the removal of just 9 trees (T116; T198; T147; T148; T149 and 4 Yew trees within the Dome Courtyard). This is on the basis that the majority of the trees originally proposed for removal were as part of the holiday let development no longer proposed. There have also been revisions in relation to positioning of hard standing in order to avoid root protection areas.

The proposals have been assessed by the expertise of a Tree Officer commissioned by the Council. These comments are listed in full in the above consultation section of the report but to confirm, the original scheme warranted concerns that there was insufficient consideration given to the potential impact of proposed new hard surfacing on tree roots. As is confirmed by the agents covering email of 23rd August, revisions were made to the scheme including moving parking areas away from existing trees. The revised scheme has again been assessed by the Tree Officer with revised comments received 6th September 2017. It is confirmed that the proposed revisions are broadly acceptable and a number of conditions have been suggested should permission be forthcoming. These conditions relate to details of tree protection as well as details of planting and associated irrigation measures.

Concern is still raised in respect to the potential impacts of the parking in the area referenced as secondary parking. It is noted that there are three trees within this area which are now proposed to be removed (T147; T148 and T149). One of these is defined as Category B and the other two as Category C. T198 (the Oak tree located in the path of the realigned driveway) is also Category B. Whilst the loss of Category B trees is undesirable, I do not consider this to be fundamental in the overall landscape character implications of the development. Any approval would be subjected to landscaping conditions which would require the submission of details in relation to additional planting which has the opportunity to balance out the loss of the trees identified through a comprehensive landscape delivery. On this basis, I have not identified landscape harm which would warrant a resistance of the proposal.

Impact of Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

Parts of the site are located within Flood Zones 2 and 3 according to the Environment Agency maps. Flood Zone 3 primarily affects the east of the site (immediately adjacent to the River Trent) whilst the extent of Flood Zone 2 affects the majority of the existing building as well as the northern extremes of the site where the main car park is situated. The original scheme was

accompanied by a Flood Risk Assessment. Members will note the original comments from the Environment Agency which objected to the development. However, Members will also note that this is in relation to the original proposals which included the holiday lets. The proposals would amount to a change of use from a less vulnerable use (offices) to a more vulnerable use (hotel) in flood risk vulnerability terms and thus there remains a need to consult the EA. The EA have been re-consulted on the scheme as amended with revised comments received on September 11th 2017. As is confirmed in the consultee section above, the EA have removed their original objection on the basis that the proposals no longer include development within the functional flood plain. A condition is suggested in the respect to the finished floor levels within the Dome.

Para. 104 of the NPPF makes it explicitly clear that there is no requirement to apply the Sequential or Exception Tests to applications for minor development and changes of use but that proposals should still meet the requirements for site-specific flood risk assessments. On the basis that the EA are satisfied with the development as revised, I have identified no reason to resist the development on flooding grounds.

Consideration is also required in respect to matters of site drainage and indeed this is a matter that has been raised as a cause of concern both by the Parish Council and neighbouring comments notably in respect of the impacts of the additional Spa facility. The submitted FRA Statement has addressed matters of surface water and foul water drainage. It is acknowledged that the proposals will lead to a decrease of the total impermeable area of the site (albeit the figures stated take account of the originally proposed built form associated with the holiday lets). It is confirmed that in order to mitigate the developments impact on the site itself and at adjacent areas beyond the site boundary, additional drainage will be installed to accommodate run off from the proposed roof areas and hard surfaces. The FRA concedes that no intrusive ground investigation works have been undertaken thus far and that the final drainage design will be subject to further development as part of the detailed design process utilising sustainable drainage techniques as far as reasonably possible. I have taken account of comments from the relevant consultees on this matter, including NCC Flood and the Trent Valley IDB and see no reason why matters of drainage could not be controlled by condition. I do not envisage that the spa facility would give rise to a significant increase in drainage above and beyond that which would be expected from a standalone hotel use. On this basis the proposal is deemed compliant with Core Policy 10 and the relevant elements of Policy DM5.

Impact on Highways Network

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

The original application submission was accompanied by a Travel Plan undertaken by Aecom and dated May 2017. It should be noted that this document has been updated during the life of the

application (to update an out of date website reference) with a revised document dated August 2017. The Travel Plan relates to the original submission inclusive of the holiday lets development. Nevertheless, given that the revised scheme now represents a less intensive use of the site, officers are satisfied that the document provides an adequate basis on which to assess the likely highway implications of the scheme. The Travel Plan identifies that a Travel Plan Coordinator (TPC) will be appointed prior to the conversion of the site into a hotel and the Council informed of contact details in due course. The TPC would be the primary point of contact for any staff or visitors requiring information regarding the Travel Plan. The document describes the sustainable transport options for the site including cycle and bus routes. Colleagues at Nottinghamshire County Council as the relevant Highways Authority have assessed the Travel Plan and found it to be acceptable. I consider it reasonable to attach a condition to any forthcoming permission to ensure implementation in line with the intentions of the Travel Plan.

As is already mentioned, parking provision has been an element of the proposals that has been subject to discussion during the life of the application. Indeed the revised proposals received on August 23rd 2017 were accompanied by a Parking Analysis document. The content of this document essentially states a requirement for 131 parking spaces for the hotel, restaurant and staff but then goes on to identify a potential provision for 412 spaces (including through an overflow car park). The discrepancy between the figures has been discussed with the agent during the life of the application as has the issue in respect to revised masterplan not explicitly identifying the number of spaces referred to in the document. These matters have been addressed through the revised Masterplan and Parking Analysis received 13th September and the latest comments of NCC Highways dated 19th September 2017 confirm that the details relating to expected visitors are acceptable. On this basis no objection is raised subject to a condition in relation to the provision of the spaces as envisaged.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The original application submission was accompanied by a Preliminary Ecological Appraisal and Bat Building Assessment undertaken by RammSanderson dated May 2017. Review of this document, as is confirmed by the original comments of Nottinghamshire Wildlife Trust, states that at the time of its publication, further bat survey works were required. These have been subsequently undertaken and submitted for review during the life of the application. On this basis further revised comments have been received from Nottinghamshire Wildlife Trust as listed in full above. This confirms that the original objection can be removed subject to the imposition of conditions on any forthcoming permission. I would concur entirely with the need to condition the recommendations of both the original and additional reports. Subject to such conditions, I have identified no harm to the ecological value of the site which would warrant resistance of the

proposal. I note the additional request of NWT for a Construction Management Plan and Biodiversity Management Plan but I consider these to be overly onerous in the context of the overall development (noting that the application largely relates to a change of use with the majority of the works being internal). In any case conditions requested by other consultees such as the Tree Officer will assist in protecting the ecological potential of the site during construction.

Impact on Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that development proposals should ensure there would be no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

It is acknowledged that Kelham Hall is an established building at the edge of the village. Nevertheless there are residential properties in close proximity to the site which warrant consideration in respect of the additional amenity impacts that will be inevitably arise from the proposed development. Notably, the residents of Home Farm Close as well as the properties on Blacksmith Lane both to the north of the development site. I note that a number of the comments received during the consultation of the application relate to potential amenity concerns.

The revised Masterplan has taken the opportunity to address one of these concerns specifically through the removal of the originally proposed bin store close to the corner of Home Farm Close. The email accompanying the amended plans confirms that it is now proposed that all bins be stored as the existing arrangement, within the enclosure at the rear of the Salvin Wing.

However, there are equally a number of outstanding concerns which remain material to the decision. Given the close association with the District Council which has only very recently ceased, Members and Officers are acutely aware of the previous operation of Kelham Hall, predominantly as the office accommodation for the District Council but also, as intensified in recent years, through the operation of events and services in relation to the applicant's lease with the building.

There is no doubt that the proposed use to formalize the hotel and leisure offer of the building will introduce increased activity. The provision of hotel accommodation is likely encourage a greater occupancy for events such as weddings. Moreover, the types of activities proposed are likely to increase occupation of the building in the evenings and at weekends in comparison to an office use. It is acknowledged through the neighbour comments received that events have already been taking place at the site which have increased activity levels. In some respects this allows for a more transparent assessment of the likely amenity implications of the proposal.

I note that the Parish Council has raised concerns in respect to any scheme for outside lighting. I do not envisage that outdoor areas will need to be lit (except for perhaps for security purposes) and thus I consider that this matter could be adequately addressed through a suitably worded condition which requires the submission of further details if lighting is deemed to be required. I have also taken on board the comments in relation to noises and smells which could arise from

the restaurant facility. Notwithstanding that the existing building has operated a canteen and restaurant facility for a number of years, it is equally acknowledged that Environmental Health Officers have requested details of the kitchen extraction system. This comment has been passed to the agent during the life of the application and it has been requested that these details be submitted at a later date through the discharge of a condition on the basis that the specific design of the kitchen equipment is yet to be fully assessed by a relevant specialist. The applicant is aware that if any subsequent kitchen design required any additional external works (such as an external flue) then this would need to be subject to a separate application at a later date.

Having carefully considered the overall context of the proposals I do not consider that the change of use proposed would create amenity impacts which would be significantly detrimental to neighbouring amenity. The formalisation of the use presented has been done so on the basis that the proposals will allow a more efficient operation of the end use. For example, at the present time, there is not necessarily the appropriate facilities to allow events to operate within the confines of the building and thus on occasion there may have been an increased disruption externally such as an overspill from the Dome area of the building. The comprehensive delivery of a hotel and spa facility presents the opportunity to better control and regularize the use of the building. I appreciate that there will inevitably be some level of disturbance through noise (notably vehicular movements within the site) but I do not anticipate that this will amount to a nuisance worthy of refusal or indeed warrant the submission of a noise report. In order for the end use to operate efficiently as a hotel and function suite, there will have to be a degree of internal control over the level of activities taking place in order to ensure the hotel remains an attractive facility for guests. With this in mind, and taking into account the separation distances between the residential curtilages and the existing building as well as the established existing use, I have not identified detrimental amenity impacts which would amount to the application being contrary to Policy DM5.

Other Matters

As is expected through a development proposal of this scale and nature, the consultation period has generated a number of concerns which have not explicitly been dealt with in the above categories of discussion. I do not consider all of these matters to be material planning considerations which should be attached weight in the overall planning judgement. For example, neighbour comments have raised concern in respect to the wider aspirations of the applicant both in terms to attempts to purchase neighbouring properties but also in respect to a potential for the site to be franchised off given the number of differing elements within the overall site offer. Members will be aware that their role is to assess the application on its own merits with the benefit of the supporting documents that have accompanied the proposal. As is clear throughout, this assessment no longer relates to the potential provision of holiday lets within the site. It remains to be implied by the revised masterplan that this element of the proposal will come forward at a later date but this would then subsequently be subject to its own review through a separate planning application process (including relevant periods of consultation).

Other matters raised specifically by the Parish Council and neighbours raise concern regarding the access to the Church and the positioning of children's play areas either side of this access. It is my understanding (through comments received by the Church) that matters of access have been discussed with the applicant during the life of the application and an acceptable agreement reached. Given that this relates to land ownership issues it would not be material to the consideration of the current applications (other than in the context of heritage setting) in any case. The children's play areas are existing facilities and do not form part of the current applications.

Overall Planning Balance and Conclusions

The applications represent significant interventions to a listed building to which the LPA has close associations. Nevertheless, the recent vacancy of the District Council's occupation of Kelham Hall makes the need to find a viable long term use for the heritage asset all the more pertinent. There is a general consensus that the change of use to a hotel and spa facility allowing for the continuation of Kelham Hall as a destination venue is appropriate in principle. It is noted that the principal objections to the original scheme in terms of the provision of holiday lets has been overcome through their removal during the life of the application.

There are a number of factors to weigh in the overall balance of the proposals, and not just in the heritage context. The proposals present the opportunity to enhance the nighttime and tourism economy of the District utilising an existing building and demonstrate elements of heritage benefits including the removal of some modern interventions to the building and the reinstatement of formal parterre landscaping. Despite concerns raised by numerous parties, officers have not identified significant detrimental impacts in respect to amenity; highways; ecological impacts or indeed significant heritage harm which would allow for the proposals to be robustly resisted.

As is already alluded to above, any approval would need to be subject to a comprehensive suite of conditions given the sensitive nature of the site. These are outlined in full below but for the avoidance of doubt the recommendation of officers is that the benefits of the scheme outweigh the less than substantial heritage harm which has been identified and thus the recommendations for both the full planning application and application for listed building consent are for approval.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

17/01021/FULM

01

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

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

02

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

- Proposed Site Masterplan – M2 Rev. H
- Proposed Basement Plan (Dome) – D-01 Rev. A
- Proposed Ground Floor Plan (Dome) – D-02 Rev A
- Proposed First Floor Plan (Dome) – D-03
- Proposed 2nd & 3rd Floor Plans & East Elevation (Dome) D-04
- Proposed Elevations (Dome) – D-05 Rev. A
- Proposed Section and Visuals (Dome) – D-06 Rev A
- Proposed Basement Plan (Gilbert Scott) – GS-01
- Proposed Ground Floor Plan (Gilbert Scott) – GS-02 Rev. B
- Proposed First Floor Plan (Gilbert Scott) – GS-03 Rev. B
- Proposed Second Floor Plan (Gilbert Scott) – GS-04 Rev. B
- Proposed Third Floor Plan (Gilbert Scott) – GS-05 Rev. A
- En-suite Pod Details (Gilbert Scott) – GS-10
- Proposed Floor Plans (Salvin Wing) – SW-01 Rev. C
- Proposed Floor Plans (Salvin Wing) – SW-02 Rev. C
- Proposed Elevations 1 (Salvin Wing) – SW-03 Rev. B
- Proposed Elevations 2 (Salvin Wing) – SW-04 Rev. B
- Proposed Ground Floor Plan (Thompson Wing) – TW-01 Rev. B
- Proposed First Floor Plan (Thompson Wing) – TW-02 Rev. B
- Proposed Second Floor Plan (Thompson Wing) – TW-03 Rev. B
- Proposed Elevations 1 (Thompson Wing) – TW-04 Rev. A
- Proposed Elevations 2 (Thompson Wing) – TW-05 Rev. A
- Proposed Elevations 3(Thompson Wing) – TW-07 Rev. A
- Proposed Gateway Arrangement – SE-01 Rev. A
- Handrail 2 – Details – 06 Rev. C

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

Prior to any upgrades associated with fire protection and sound insulation a full specification of works, including technical drawings if required, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To preserve the special interest of the listed building.

04

Prior to the erection of any infill walls within Room F31 and notwithstanding the details shown on drawing number GS-03 Rev. B (Gilbert Scott Wing: Proposed First Floor Plan), further details of the proposed treatment of columns and capitals, including technical drawings if required, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To preserve the special interest of the listed building.

05

Prior to the fitting out of Room F42 and notwithstanding the details shown on drawing number GS-03 Rev. B (Gilbert Scott Wing: Proposed First Floor Plan), further details of the proposed treatment of the feature thought to be a dumb waiter, including technical drawings if required and a photographic record of its current appearance, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To preserve the special interest of the listed building.

06

No works shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars (for the avoidance of doubt including where openings are being blocked);

Structural glazing including frame and glass;

Treatment of window and door heads and cills;

Treatment of the junction between any additional built form and the existing building;

Configuration or re-configuration of any staircases and their associated features and joinery work;

Treatment of any existing or proposed fireplaces;

Configuration of any en-suite accommodation;

Verges and eaves;

Decorative string courses or brick work including bond;

Gates, gate piers and flanking walls;

Rainwater goods;

Coping;

Extractor vents;

Flues;

Meter boxes;

Airbricks;

Bat boxes (including integrated boxes);

Soil and vent pipes.

Reason: To preserve the special interest of the listed building.

07

No works shall be commenced in respect of the materials identified below until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Facing Materials;

Roofing Materials;

For the avoidance of doubt this includes, bricks; cladding; render; plinths; coping; roof and ridge tiles; finish of swimming pool structure and ply coverings.

Reason: To preserve the special interest of the listed building.

08

No works shall be commenced in respect of landscaping until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

an implementation and phasing programme which for the avoidance of doubt shall include the reinstatement of the formal parterre;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

details of planting pits including irrigation measures, tree staking and guards, and structural cells (as appropriate);

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.);

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity and to preserve the setting of designated heritage assets.

09

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

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

10

The reinstatement of the formal parterres shall be completed (in accordance with details that must be first agreed under condition 8) during the first planting season following the occupation of the use hereby approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of securing the heritage benefits identified as part of the overall planning balance.

11

The developer shall give the local planning authority 14 days notice prior to the occupation of the use hereby permitted and access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measure drawings or taking photographs. Access shall be afforded during works and upon completion.

Reason: To allow to make provisions to monitor conditions relating to the secured heritage benefits of the scheme. For the avoidance of doubt this includes the reinstated of the formal parterre.

12

No works shall commence until a written scheme of Archaeological investigation (WSI) has been submitted to and approved by the LPA in writing. For land that is included within the WSI, no

development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged

until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

13

No works shall be commenced in respect of re-pointing, until details of the extent of re-pointing have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

14

No works shall be commenced in respect of pointing, until a sample panel showing the bond, mortar mix and pointing technique to be used for re-pointing and new pointing has been provided on site for inspection and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

15

No works shall be commenced in respect of any repairs other than strict like for like repair works until a methodology for undertaking repair work has been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

16

No works shall be commenced in respect of the infilling of the sunken garden, until details of a programme of recording has been submitted to and approved in writing by the local planning authority. The recording works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To ensure that features of archaeological and historic landscape interest are properly examined and recorded.

17

Prior to the installation of any external plant including mechanical extract or refrigeration units, a scheme detailing the precise specification in relation to noise output and any proposed means of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented prior to the plant or equipment being brought into use.

Reason: In the interests of protecting surrounding amenity.

18

The development shall be carried out in accordance with Section 5 of the bat survey report undertaken by RammSanderson dated August 2017 specifically the consideration of fauna suitable for bat habitat in any landscaping scheme; the installation of integrated bat boxes and the reduction of external lighting.

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

19

The development shall be carried out in accordance with Section 6 of the Preliminary Ecological Appraisal and Bat Building Assessment undertaken by RammSanderson dated May 2017 specifically the enhancement recommendations within Section 6.5.

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

20

No part of the development shall be brought into use until bin storage facilities have been provided for the development in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to the commencement of the use in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

21

No works shall be commenced in respect of the installation of external lighting until details of such lighting have been submitted to and approved in writing by the LPA. For the avoidance of doubt, this should include details of both freestanding lighting and lighting attached to the building and associated structures. The details shall include location, design, means of attachment where relevant, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

22

No external works shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include :

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection within the root protection areas

h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the conservation area and setting of the listed building.

23

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the conservation area and setting of the listed building.

24

The spa and hotel use hereby permitted shall not be operational until the parking areas are provided in accordance with the approved plan (Drawing M2 Rev. H). The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: To ensure that adequate parking provision is made for the proposed development.

25

The spa and hotel use hereby permitted shall not be operational until a scheme of implementation in accordance with details as contained within the Travel Plan carried out by Aecom and dated

August 2017 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. For the avoidance of doubt the scheme shall include the details of appointment and job description of the Travel Plan Coordinator in line with Section 2.

Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.

26

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Proposed Masterplan, Revision 'G', dated 22/08/2017 and the following mitigation measures detailed within the FRA:

3. Finished floor levels for the Dome extension (existing) are set no lower than the existing levels.
4. Finished floor levels for the Dome extension (proposed) are set no lower than 12.70 metres above ordnance datum (mAOD) as described in Table 4, paragraph 3.1.2.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

27

The development hereby permitted shall not be occupied until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority in consultation with NCC Flood Team and Trent Valley Internal Drainage Board. 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 and to minimise the risk of pollution.

Informatives

01

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

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

02

This application has been the subject of 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).

03

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

04

The applicant is advised that any advertisement may require advertisement consent.

05

The conditions set out above comprise part of the planning approval and must be fully complied with in each case. Failure to comply with the terms of these conditions or failure to comply with the approved plans could render your development unauthorised.

It is very important that work does not take place on site before the relevant conditions requiring the prior approval of plans or the completion of works prior to commencement, have been fully discharged by the Local Planning Authority.

If any of the conditions are unclear or you would like further information regarding our requirements, please do not hesitate to contact the case officer for your application.

17/01022/LBC

That listed building consent is granted subject to the following conditions:

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

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

- Proposed Site Masterplan – M2 Rev. H
- Proposed Basement Plan (Dome) – D-01 Rev. A
- Proposed Ground Floor Plan (Dome) – D-02 Rev A
- Proposed First Floor Plan (Dome) – D-03
- Proposed 2nd & 3rd Floor Plans & East Elevation (Dome) D-04
- Proposed Elevations (Dome) – D-05 Rev. A
- Proposed Section and Visuals (Dome) – D-06 Rev A
- Proposed Basement Plan (Gilbert Scott) – GS-01
- Proposed Ground Floor Plan (Gilbert Scott) – GS-02 Rev. B
- Proposed First Floor Plan (Gilbert Scott) – GS-03 Rev. B
- Proposed Second Floor Plan (Gilbert Scott) – GS-04 Rev. B
- Proposed Third Floor Plan (Gilbert Scott) – GS-05 Rev. A
- En-suite Pod Details (Gilbert Scott) – GS-10
- Proposed Floor Plans (Salvin Wing) – SW-01 Rev. C
- Proposed Floor Plans (Salvin Wing) – SW-02 Rev. C
- Proposed Elevations 1 (Salvin Wing) – SW-03 Rev. B
- Proposed Elevations 2 (Salvin Wing) – SW-04 Rev. B
- Proposed Ground Floor Plan (Thompson Wing) – TW-01 Rev. B
- Proposed First Floor Plan (Thompson Wing) – TW-02 Rev. B
- Proposed Second Floor Plan (Thompson Wing) – TW-03 Rev. B
- Proposed Elevations 1 (Thompson Wing) – TW-04 Rev. A
- Proposed Elevations 2 (Thompson Wing) – TW-05 Rev. A
- Proposed Elevations 3(Thompson Wing) – TW-07 Rev. A
- Proposed Gateway Arrangement – SE-01 Rev. A
- Handrail 2 – Details – 06 Rev. C

Reason: So as to define this consent.

03

Prior to any upgrades associated with fire protection and sound insulation a full specification of works, including technical drawings if required, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To preserve the special interest of the listed building.

04

Prior to the erection of any infill walls within Room F31 and notwithstanding the details shown on drawing number GS-03 Rev. B (Gilbert Scott Wing: Proposed First Floor Plan), further details of the proposed treatment of columns and capitals, including technical drawings if required, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To preserve the special interest of the listed building.

05

Prior to the fitting out of Room F42 and notwithstanding the details shown on drawing number GS-03 Rev. B (Gilbert Scott Wing: Proposed First Floor Plan), further details of the proposed treatment of the feature thought to be a dumb waiter, including technical drawings if required and a photographic record of its current appearance, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To preserve the special interest of the listed building.

06

No works shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars (for the avoidance of doubt including where openings are being blocked);

Structural glazing including frame and glass;

Treatment of window and door heads and cills;

Treatment of the junction between any additional built form and the existing building;

Configuration or re-configuration of any staircases and their associated features and joinery work;

Treatment of any existing or proposed fireplaces;

Configuration of any en-suite accommodation;

Verges and eaves;

Decorative string courses or brick work including bond;

Gates, gate piers and flanking walls;

Rainwater goods;

Coping;

Extractor vents;

Flues;

Meter boxes;

Airbricks;

Bat boxes (including integrated boxes);

Soil and vent pipes.

Reason: To preserve the special interest of the listed building.

07

No works shall be commenced in respect of the materials identified below until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Facing Materials;

Roofing Materials;

For the avoidance of doubt this includes, bricks; cladding; render; plinths; coping; roof and ridge tiles; finish of swimming pool structure and ply coverings.

Reason: To preserve the special interest of the listed building.

08

No works shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the LPA in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged

until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

09

No works shall be commenced in respect of re-pointing, until details of the extent of re-pointing have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

10

No works shall be commenced in respect of pointing, until a sample panel showing the bond, mortar mix and pointing technique to be used for re-pointing and new pointing has been provided on site for inspection and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

11

No works shall be commenced in respect of any repairs other than strict like for like repair works until a methodology for undertaking repair work has been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

12

No works shall be commenced in respect of the infilling of the sunken garden, until details of a programme of recording has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological and historic landscape interest are properly examined and recorded.

Informative

01

The conditions set out above comprise part of the Listed Building Consent and must be fully complied with in each case. Failure to comply with the terms of these conditions or failure to comply with the approved plans could render your development unauthorised.

It is very important that work does not take place on site before the relevant conditions requiring the prior approval of plans or the completion of works prior to commencement, have been fully discharged by the Local Planning Authority.

If any of the conditions are unclear or you would like further information regarding our requirements, please do not hesitate to contact the case officer for your application.

02

This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

03

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).

04

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

05

The applicant, owner(s), agent and/or contractors should be mindful of methods of securing scaffolding to the existing buildings. If these require interventions to the Listed Building then it may require the submission of a separate listed building consent application.

06

The applicant is advised that any advertisement may require advertisement consent.

Notes to Applicant

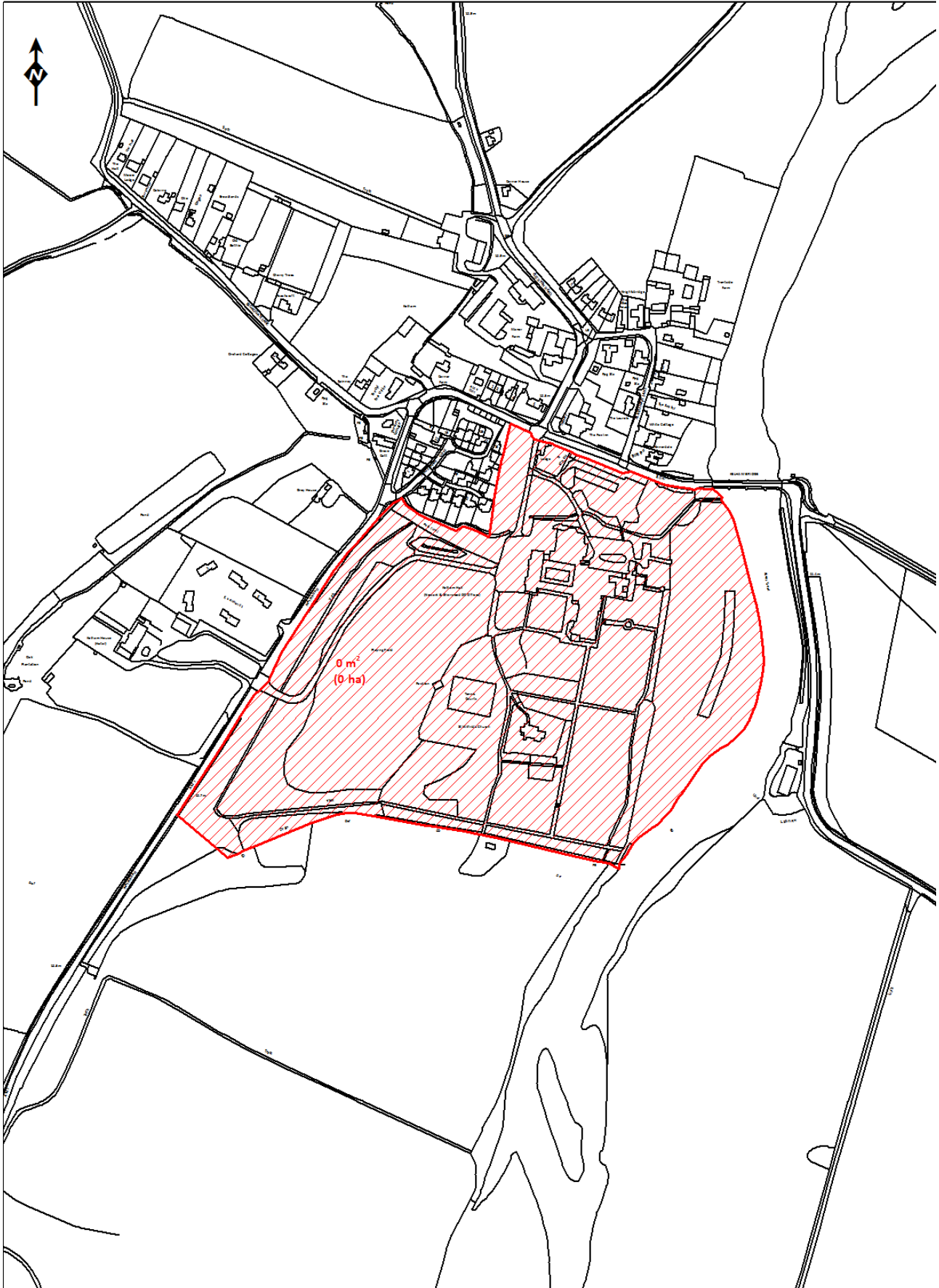
BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

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

Kirsty Cole
Deputy Chief Executive



Application No:	17/01005/FUL	
Proposal:	Demolition of section of existing barns and conversion of existing agricultural barn to dwellinghouse with incidental garden space and improvements to an existing ancillary vehicular access.	
Location:	Holly Farmhouse, Procters Drive, Girton, NG23 7JA	
Applicant:	Mr Oates (R & S)	
Registered:	28th June 2017	Target Date: 23rd August 2017
	Extension of Time Agreed Until 20th October 2017	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Girton Parish Meeting has objected to the application which differs to the professional officer recommendation.

The Site

Holly Farmhouse is situated to the north of Procters Drive within Girton Conservation Area (CA). The property is within the main built area of the village adjoined by residential curtilages. In its wider setting to the north east is the Old Vicarage and the Church of St Cecilia (both Grade II listed). Holly Farmhouse comprises a post-medieval cottage abutted by a substantial mid-19th century addition (dated in the gable 1862) and various attached barns around a crew yard. The age and architecture of the farmstead, as well as its prominence within the historic core of the settlement, ensures that the building complex contributes positively to the character and appearance of the Girton CA. The building group is identified on the Historic Environment Record (HER) (M14694) as a Local Interest building and is discussed in the Girton CA Appraisal (adopted 2008) as having significance.

The site is within Flood Zone 3 according to Environment Agency maps.

Relevant Planning History

The applicant has sought pre-application advice in relation to the current proposal as well as a proposal to extend the existing dwelling which has been approved through a separate planning application reference 17/01006/FUL.

The Proposal

This application seeks full planning permission for the conversion of the existing barns to a single residential dwelling. This would necessitate the division of the barns from the curtilage of the

existing host dwelling through the demolition of a small link section between the barns and the dwelling.

The proposed dwelling would deliver 5 bedrooms set across two stories (with the first floor being solely served by rooflights) as well as associated living accommodation including through the infilling of an existing open lean to element. An attached double garage would be created in an existing cart shed set at a perpendicular angle to the west of the barns.

Other than the aforementioned infilling of the existing lean to element of the barns, no extensions are proposed to the original building footprint.

The proposal has been amended during the life of the application to overcome original consultee concerns. This has involved the submission of a revised Flood Risk Assessment (FRA) and additional bat survey works which in turn has led to the submission of a revised plan to demonstrate a proposed bat loft (received 26th September 2017).

Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

- Conversion of Rural Buildings SPD

Consultations

Girton & Meering Parish and Charitable Conservation Trust – Following your extension in period of reply from the Parish extended from 21st July to 7th August 2017, see enclosed sheet sent to all properties in the Parish (58 in total), of which 22 properties actually site within the village itself, plus Church and Village Hall.

- On the above application there have been several objections offered by residents. The Parish do **NOT** support this planning application at all.
 - Due to the current situation of the village in particular, and all other Parish properties not having full flood protection, it is our opinion there should be **NO new development** until such time as the Parish is protected by the construction of a permanent flood bank as presently being proposed.

Additionally, the current sewage infrastructure in the Village is certainly problematical and will need a serious update by Severn Trent even without the proposal of a further development of a five bed property.

There is also consideration of additional strain on the Emergency Services in a flood situation with additional development, presently Tinkers Lane, Green Lane and certainly Procters Drive are cut off for access along with the northern entrance off the A1133. **Only** with the construction of the proposed flood bank would Tinkers Lane entrance along with Green Lane and Procters remain open for any emergency service.

The Parish fully supports the Environment Agency on the Flood Risk Assessment (FRA) response dated 17th July. We certainly can substantiate the fact that Barns and crew yard as at present do flood regularly, therefore requiring a lifting of the floor level to above 8.79 metres AOD which is impracticable, given the existing buildings.

The Parish notes that NCC Highways do **not** raise any objections to the proposal subject to alteration of the shared driveway widths.

- The Parish would respectfully draw attention to the fact that this entrance has previously, and certainly can be flooded in a flood situation in the future as per 2000, when the whole Village experienced total inundation, also in 2012/2013 Christmas, when the village was inundated for a full 10 weeks!!! (Somerset Levels)
- We note that J H Walter state the property is not affected even by The Fleet, stating they are more than 20m from a water source. This may be a 'tick box' on the application form yet does not portray the actual fact of consistent possible flooding every winter period.

To give just a short precis of the situations affecting Girton Village every winter, therefore also affecting Holly Farmhouse Barn Conversion, it should be accepted that the Farmhouse and its

buildings can and has previously flooded! Until such time as the Parish can achieve its aim of total flood protection by the erection of a 1:100 year flood bank as per those throughout the UK since 1947, the nearest example sitting upon the very edge of the northern entrance into the village.

Presently neither the Village nor the Parish overall have any protection and year on year experience inundation to the surrounds of the village every September through March end, because of Fluvial meeting Tidal on the Trent at Girton, we sit on the very 'cusp'. Plus 64sqkm of Lincolnshire surface water entering the village 24/7*365 via Mill Dam Dyke, along with the Broad Fleet bringing surface water from Newark through Collingham into Girton 24/7*365.

This means the village will continually suffer rising surface water from the above TWO sources once the Oak Doors Flap Gates close at the River Trent outfall of The Fleet, because of the Trent itself rising and then closing those doors when the tides from the Humber Estuary September through the March end, meet any 'fluvial event' anywhere along the Trent and its many tributaries from Stoke on Trent to Girton!

Whether the Trent then overtops causes that increase to be 'on top of' the level of water we already site within from the TWO sources described above. Therefore a full flood event in Girton Village!

There is a point in levels where the flap gates on Mill Dam Dyke are forced closes by reverse flow toward North Scare in Lincolnshire and we therefore accept no more from that one direction 24/7*365. Properties in North Scarle then become 'at risk' for the period of flooding on the River Trent, before it can get out through Girton once more and discharge into the Trent!

The Fleet however continues into Girton village until such point as it also then receives 'reverse flow' when the River Trent does eventually overtop into Girton. A demonstration of this affecting properties elsewhere is Low Street in Collingham.

I apologise for laboring the above pointers, but the existing floor levels within 'Holly Farmhouse Barns' do not preclude the property from flooding.

- The Parish do not support this application.

NCC Highways Authority – This proposal is for various alterations/improvements to the existing barns to create a dwelling with associated parking. The existing access onto Procters Drive is to be widened/improved, as shown for indicative purposes on drawing L-OAT-002-BPP rev. B.

There are no highway objections to this proposal subject to the following:

1. The shared private driveway shall be laid out to a width of not less than 4.25m for at least 5m back from the edge of carriageway in accordance with details first submitted to and approved in writing by the LPA. **Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles. **Reason:** In the interests of highway safety.

Notes to applicant

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

NCC Rights of Way – Attached is a plan showing Girton Byway No 7, which is on the western boundary of the site.

The information that has been provided indicates that this public right of way will not be affected by the proposals.

Nottinghamshire Wildlife Trust - We note that the Bat and Bird Survey report (ESL, November 2016) is clear that further survey is required to fully determine the potential impact of the proposal on protected species (bats and birds).

In accordance with circular 06/2005, we recommend that this work is undertaken before the application is determined.

Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), 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.'

Further comments received 26th September 2017:

Thank you for consulting Nottinghamshire Wildlife Trust on the above. We are pleased to note that, following our previous comments, the required further survey work for birds and bats has now been undertaken and that this was done before the application has been determined, in accordance with Circular 06/05.

We have reviewed the Bat and Bird Survey Report (ESL, September 2017) and are generally satisfied with the methodology and conclusions. The further survey work has confirmed the presence of a bat roost and therefore no work can commence on the roofs or associated structures until an EPS licence has been secured from Natural England. We support the suggested mitigation and would be pleased to see follow-up monitoring included within the licence

application. Information on the success or otherwise of mitigation measures is vital to help in planning future work.

Given the likely presence of nesting birds, we support the recommendation to avoid commencing work during the bird breeding season (i.e. avoiding March to September inclusive). Inclusion of artificial nest opportunities within the new development would be welcomed and would demonstrate a commitment to providing biodiversity enhancements which is encouraged within the NPPF.

Ramblers Association – No comments received.

NSDC Conservation – Many thanks for consulting Conservation on the above proposal.

Holly Farmhouse is situated within Girton Conservation Area (CA). In its wider setting to the north east is the Old Vicarage and the Church of St Cecilia (both Grade II listed).

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals affecting the historic environment are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that

significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate.

Historic England's advice contained within the document 'The Conversion of Traditional Farm Buildings: A guide to good practice' (revised 2012) also provides useful commentary relevant in the determination of this application.

Significance of heritage asset(s)

Due to their age and appearance, Holly Farmhouse, the attached cottage and associated historic barns all contribute positively to the character and appearance of Girton CA. The building group is identified on the HER (M14694) as a Local Interest building and is discussed in the Girton CA Appraisal (adopted 2008) as having significance.

Holly Farmhouse comprises a post-medieval cottage abutted by a substantial mid-19th century addition (dated in the gable 1862) and various attached barns around a crew yard. The age and architecture of the farmstead, as well as its prominence within the historic core of the settlement, ensures that the building complex contributes positively to the character and appearance of the Girton CA.

Assessment of proposal(s)

The proposal seeks approval to demolish a section of the outbuilding attached to the farmhouse and convert the barn range into a dwelling. A concurrent application has been submitted to extend and improve the farmhouse. This is subject to separate report (ref 17/01006/FUL).

Conservation welcomes retention and reuse of the principal barn which has positive historic and architectural interest.

The proposed conversion scheme is appropriate and broadly sustains the heritage values of the site. Traditional references are made in the hopper style windows, and limited intervention into the historic barn is proposed.

It is accepted that the replacement lean-to element on the courtyard site is potentially lightweight in appearance with vertically weather boarding and glazing set back from the columns.

Conservation would have preferred to have seen the single storey link building retained, but recognises that in the context of the whole CA, the loss of this bay is not unduly harmful. The applicant claims that the link building is 20th century; however, historic maps suggest that this building has been in place since at least the 19th century and does therefore have some significance.

We would prefer not to see closeboarded stained fences for boundary treatments. Hedges and/or post rail fencing is preferred (better sustains the character of the CA).

Overall, the proposal will preserve the character and appearance of the CA, and cause no harm to the setting of any other heritage asset. The proposal therefore accords with the objective of preservation required under section 72 of the Act. The proposal also accords with heritage policies contained within the LDF.

If approved, a number of issues will need to be conditioned:

- Details of all facing materials, including the weatherboarding (samples to be submitted);
- Existing pantiles to be salvaged and reused or new clay pantiles of a non-interlocking variety to be used (sample to be submitted);
- Notwithstanding submitted details, all external windows and doors to be agreed (timber to be retained);
- All external accretions to be agreed (RWGs, flues etc.);
- Schedule of works concerning external repairs (repointing, masonry repairs etc.);
- Brick ventilators to be retained, scheme for treatment to be agreed;
- Notwithstanding the submitted details, boundary treatments to be agreed.

I am aware that issues have surrounded flood risk mitigation. Should this impact on the design and conversion approach, please re-consult us.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NSDC Environmental Health (contaminated land) - This application includes the conversion of farm buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site.

The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

Environment Agency – In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance (PPG) to the National Planning Policy Framework. The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Provide details of how the development will be made resilient to reduce the risk of flooding to the proposed development and future users.
2. Specify how the development will be designed to reduce the consequences of flooding and facilitate a quicker recovery.
3. Specify what flood resistant and resilient measures will be used to make the development safe to a flood event height of at least 8.79 metres above Ordnance Datum (m AOD).

Overcoming our objection

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

If this development was a new building we would expect to see a finished floor level at least 300mm above the 1 in 100 (1%) chance of flooding in any given year plus climate change threshold, which in this case would be 8.79m AOD. The constraints of the existing building mean that a finished floor level at this height is unlikely to be achievable. We require details of how the development will be made safe.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Additional comments received 12th September 2017:

Thank you for forwarding the amended plan relating to the above development proposal which was received on 4 September 2017

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the revised Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) revision B, 3rd September 2017 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set at 8.1 metres above Ordnance Datum (m AOD) as specified in section 5.2 of the FRA.
2. The flood resilience measures specified in section 5.3 of the FRA shall be implemented, providing resilience to at least 8.8 metres AOD.
3. Identification and provision of a safe route into and out of the site to an appropriate safe haven as specified in section 5.4 of the FRA

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

Reasons

To reduce the risk of flooding to the proposed development and future occupants. To reduce the effects of flooding and facilitate a quicker recovery. To ensure safe access and egress from and to the site.

Trent Valley Internal Drainage Board - No comments received.

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

Spatial Policy 3 (both in its extant and emerging form) states that, within the main built up areas of villages, consideration will be given the schemes which secure environmental enhancements by the re-use of redevelopment of former farmyards / farm buildings. The primary consideration for conversion of rural buildings is it should be demonstrated that the architectural or historical merit of the building warrants its preservation and it can be converted without significant re-building, alteration or extension. This aligns with the stance of the adopted SPD in relation to the conversion of traditional rural buildings.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals affecting the historic environment are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development

(paragraph 7). LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

The NPPF states that applications for changes of use are not the subject of a sequential test in flood risk terms. The application therefore falls to be assessed in terms of the exception test which seeks to ensure that the development will be safe for its lifetime without increasing flood risk elsewhere.

Impact on Character including in the Heritage context

Due to their age and appearance, Holly Farmhouse, the attached cottage and associated historic barns all contribute positively to the character and appearance of Girton CA. The building group is identified on the HER (M14694) as a Local Interest building and is discussed in the Girton CA Appraisal (adopted 2008) as having significance.

The proposal indicates that the barns will not be extended. A minor bay would be demolished between the cottage and barns, and the timber lean-to in the crew yard would be infilled with timber and glazing. The cartshed range on the west wall would be rebuilt as garaging, and the modern open barn would be retained.

The barns as existing are vacant and thus the current proposal creates a potential to bring the barns into a long term viable use. The heritage benefits associated with this weigh positively in the overall balance of the scheme. Indeed conservation colleagues have accepted that the conversion scheme sustains the heritage values of the site through the use of traditional references such as hopper style windows and the overall stance to keep interventions to a minimum. Perhaps the greatest intervention, the infilling of the existing lean to element of the barn, is considered to be lightweight in its nature through the use of vertical weatherboarding and large glazed elements.

The preference from conservation colleagues for the link between the main dwelling and the barns to be retained, I find to be an appropriate compromise to allow for the separate occupation of the barns and a minor element of the proposal when taken in the context of the overall scheme. Subject to appropriately worded conditions, officers are satisfied that the barns are capable of conversion without compromising the heritage significance of the site. The proposal is therefore compliant with CP14 and DM9 as well as the relevant paragraphs of the NPPF.

Impact on Flood Risk

The site, and indeed the entire village, is considered by Environment Agency mapping to be within Flood Zone 3. This essentially means that the site has a 1 in 100 or greater probability of river flooding in an average year. Understandably, this is a significant issue which is referenced by the comments of the Parish including through anecdotal evidence that the site has experienced flood events in the past (again in line with events experienced by the rest of the village).

It is fully appreciated that matters of flooding are a sensitive matter and indeed the stance of both national and local planning policy is that development should be directed towards areas at the lowest risk of flooding. The starting point for this approach is through the application of the Sequential Test.

However, there is no requirement within the NPPF to apply the sequential test where the development relates to the change of use. Essentially it would not be possible for an application for a change of use to occur anywhere other than the location of the site to which the change of use applies.

Nevertheless, there remains a need to apply the exception test. The requirements of the exception test are outlined at para. 102 of the NPPF confirming that, in order for the test to be passed:

- 'it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

Both elements of the test have to be passed in order for the development to be considered acceptable.

In respect of the first bullet point, the proposal involves the creation of an additional residential unit. This is considered to represent a wider sustainability benefit in that it contributes to the delivery of the Districts housing supply at a time where the government agenda is strongly supportive of new housing. It also sustains a long term viable use for these historic buildings of interest.

Moving on to then assess the development against the second bullet point, the application has been accompanied by a site specific FRA. As Members will note from the content of the above consultee comments, the FRA has been revised during the life of the application owing to an original objection from the EA. The revised FRA and Drainage Strategy was received on 4th September 2017 and is dated as Revision B. Of particular relevance is Section 5 of the report which deals with matters of flood risk mitigation.

It is acknowledged that ideally floor levels should be set at a minimum of 300mm above the anticipated flood levels in a 100 year + event. This would necessitate floor levels of 8.8m AOD. However, it is stated that this would be impracticable in respect of resultant floor to ceiling heights and thus the proposed floor levels are intended to be at least 8.1 AOD (being 300mm above the adjacent Proctors Drive). Given that the required floor levels cannot be achieved, it falls for the consideration of other mitigation measures as listed by the bullet points within para. 5.3 of the report. A number of options are considered including an additional layer of engineered brickwork externally; flood resistant doorways; a solid concrete ground floor; and a damp-proof membrane. The limitations and benefits of the options are articulated by the report confirming that in practical terms, conversion could include some or all of the measures. The first measure of externally engineered brickwork has been discounted on the basis of the potential heritage implications as discussed with colleagues in conservation. Nevertheless, the remaining methods appear to represent feasible methods of mitigation against a flood event. Members will note that this has been confirmed through the revised comments of the EA which have removed their original objection on the basis of conditions in relation to the revised FRA.

The revised FRA also deals with matters of surface water and foul water drainage. It is noted that the latter was a concern raised by the comments of the Parish. However, officers consider that there is no evidence to suggest that the relatively small amount of foul effluent created by the additional dwelling could not be dealt with through the existing infrastructure system.

Whilst in ordinary circumstances, the LPA would strongly resist the provision of an additional residential dwelling in an area at high risk of flooding, it should also be noted that there is a requirement to assess each application on its own merits. Given the existing nature of the barns and thus the lack of requirement to apply the sequential test, the sole assessment of the current application in flood risk terms is the application of the exception test. On the basis of revised details which have been submitted during the life of the application, the applicant has demonstrated that the proposed dwelling could be made safe for its lifetime in flood terms and the EA has subsequently removed their original objection. Despite the legitimate concerns of the Parish, listed in full above, it is considered that it would be extremely difficult to resist and uphold a reason for refusal on flood risk grounds. However, I would fully concur with the requirement of the EA for any approval to be strictly conditioned in line with the mitigation measures outlined.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximizes 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.

Owing to the vacant nature of the barns, the original application submission was accompanied by a Bat and Bird Survey dated November 2016. However, as is referred to in the original comments of Notts Wildlife Trust, the report required further survey works to be undertaken. These surveys

have been submitted during the life of the application in the form of an additional report dated September 2017.

The report confirms that the buildings support a small colony of brown long-eared bats that move between a network of roost sites. It is assumed that this is a small breeding colony based on the timings of the surveys. On the basis of the survey results, in order for the development to proceed a European Protected Species (EPS) licence will be required from Natural England.

Natural England has produced a guidance note on 'European Protected Species and the Planning Process' in 2010 to provide clarification of the duties placed on Local Planning Authorities by the Conservation of Habitats and Species Regulations 2010. Strict statutory provisions apply where EPS are affected, as prescribed in Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. An EPS licence will be required from Natural England prior to any works commencing. As such, it is necessary to consider the likelihood of a license being granted as part of the determination of this application by applying three tests which are; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.

In terms of the first of these tests relating to overriding public interest I am mindful that due to the small scale nature of the proposal the public benefits are limited. However, the proposal does promote the opportunity to utilise a currently vacant building thus contributing towards the available housing stock within the district. If the current proposal was resisted there is potential that the building would remain unused and fall into further disrepair, with potential loss of the non-designated heritage asset.

Section 3.7 of the September revision of the report outlines a mitigation strategy if the development were to proceed, the details of which would be submitted with any subsequent EPS licence application. One of the mitigation intentions is to construct a 'roof void' over the proposed study and utility rooms (demonstrated through the submission of amended plans) which is the area of the buildings where the bats currently roost. Further measures are suggested in relation to the protection of bird nesting opportunities and timing of works outside of the breeding season.

The revised report has been subject to review by NWT with revised comments received 26th September 2017. The conclusions and recommendations of the report are supported and can be appropriately secured by condition. Overall, once the relevant legislation in terms of bat protection is applied, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

Impact on Amenity

Given the nature of the development, which involves separating currently ancillary buildings from the existing host dwelling, there is a broad acceptance that the proposed dwelling will share a close amenity relationship with the adjacent Holly Farm. The requirements of Policy DM5 are that proposals can demonstrate appropriate provisions of amenity for both the occupiers of the

proposed development as well as existing neighbouring land uses.

The built form of the barns is already established and thus there is little opportunity for the development to amount to an increase in overbearing or overshadowing impacts. However, clearly the change of use to a separate residential dwelling necessitates the insertion of habitable rooms with windows. It is noted that in respect to the infilled section to the east of the development site, the windows outlook would be orientated directly towards the shared boundary with Holly Farm. However, they would overlook the front garden of the property and owing to the single storey nature of the barns I am confident that the outlook will not amount to a loss of neighbouring privacy which would be detrimental to amenity value. This view is taken in the context of the distance of the barns from the shared boundary but also the existing wall boundary which exists between the barns and that marked as the limits of the host dwelling curtilage. Land to the north and west is open in nature such that I have identified no other detrimental amenity impacts which would warrant resistance of the application.

The site area resulting from the division of the barns from the host curtilage is sufficient in size to allow for the provision of adequate outdoor amenity space to serve the occupiers of the dwelling. The proposal is therefore compliant with the relevant elements of Policy DM5 of the DPD.

Impact on Highways and Rights of Way

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal outlines the use of an existing access from Proctors Drive which provides access to an existing cart shed intended to be converted to garage accommodation to serve the dwelling. There are requirements to improve the access through increasing the width to 4.25m for 5m from the highway. With the ability to secure this by condition as recommended by NCC Highways, I have identified no detrimental impact arising from the proposal to the highways network. Although Proctors Drive is narrow in its width, I do not consider the occupation of one additional dwelling would materially increase vehicular movements to a degree which would cause conflict to existing road users.

Green Lane to the west of the application site boundary is designated as a public right of way. I concur with the comments of NCC Rights of Way that the proposed development would not materially affect the safe and efficient operation of the footpath.

Conclusion

The proposal relates to the conversion of an existing non-designated barn complex within the village of Girton as well as the designated conservation area. Spatial Policy 3 demonstrates support for proposals which relate to the re-use of rural buildings of architectural merit. It is considered that the proposal therefore presents the opportunity to contribute towards housing

supply whilst bringing a non-designated heritage asset into a long term viable use.

The flood risks of the site are fully appreciated but despite full consideration of the concerns raised by the Parish the proposal is considered to meet the requirements of the NPPF in respect to flood risk subject to conditions.

No other harmful impacts have been identified in respect to other matters such as highways, ecology or amenity and thus the recommendation is for approval of the application subject to the conditions outlined below.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Floor Plans – Proposed – L-OAT-002-FPP Rev. E dated 13-09-2017
- Elevations – Proposed – L-OAT-002-EP Rev. C dated 13-06-2017
- Block Plan – Proposed – L-OAT-002-BPP Rev. B dated 01-03-2017

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing Materials

Bricks

Roofing Tiles

Weatherboarding

For the avoidance of doubt the existing pantiles should be salvaged and re-used where possible.

Reason: In the interests of visual amenity and to preserve associated designated and non-designated heritage assets.

04

No works shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

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

Treatment of window and door heads and cills;

Verges and eaves;

Rainwater goods;

Coping;

Treatment of existing brick ventilators;

Extractor vents;

Flues;

Meter boxes;

Airbricks;

Soil and vent pipes.

Reason: In the interests of visual amenity and to preserve associated designated and non-designated heritage assets.

05

No development shall be commenced in respect of any repairs until a methodology for undertaking repair work has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: In the interests of visual amenity and to preserve associated designated and non-designated heritage assets.

06

The shared private driveway shall be laid out to a width of not less than 4.25m for at least 5m back from the edge of carriageway in accordance with details first submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

07

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

08

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) revision B, 3rd September 2017 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set at 8.1 metres above Ordnance Datum (m AOD) as specified in section 5.2 of the FRA.
2. The flood resilience measures specified in section 5.3 of the FRA shall be implemented, providing resilience to at least 8.8 metres AOD.
3. Identification and provision of a safe route into and out of the site to an appropriate safe haven as specified in section 5.4 of the FRA

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

Reasons: To reduce the risk of flooding to the proposed development and future occupants. To reduce the effects of flooding and facilitate a quicker recovery. To ensure safe access and egress from and to the site.

09

The development hereby permitted shall not be occupied until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include the types, height, design and materials. The approved boundary treatments shall be

implemented on site and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

10

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 3.7; 4.4 and 5.2 of the Bat and Bird Survey undertaken by esl dated September 2017 unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt these measures include, but are not limited to, the provision of a bat loft as demonstrated by plan reference L-OAT-002-FPP Rev. E dated 13-09-2017; the provision of nesting opportunities for swallows in the open fronted cartshed; and the avoidance of work within the breeding bird season.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

11

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc. to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc. incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Class G - chimneys, flues etc. on a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc.

Or Schedule 2, Part 14:

Class A - installation or alteration etc. of solar equipment on domestic premises

Class B - installation or alteration etc. of stand alone solar equipment on domestic premises

Class H - installation or alteration etc. of wind turbine on domestic premises

Class I - installation or alteration etc. of standalone wind turbine on domestic premises

Reason: In the interests of visual and residential amenity.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floor space as a result of the development.

02

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

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County council's Highways Area Office tel: (0300) 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

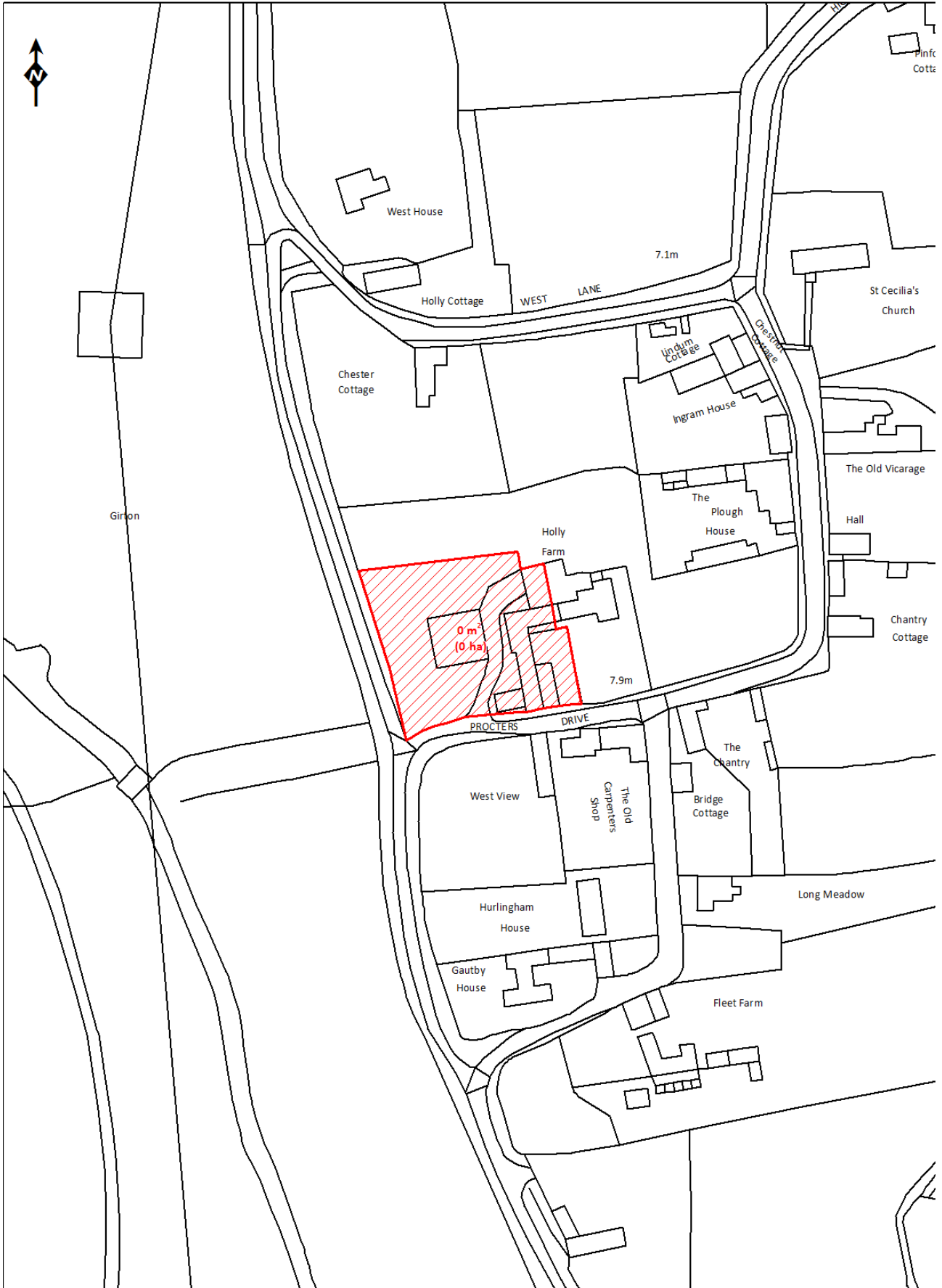
Application case file.

For further information, please contact Laura Gardner on ext 5907.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/01005/FUL



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APPEALS A

APPEALS LODGED (received between 15 September and 11 October 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.

2.0 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 Growth & Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/17/3181738	17/00719/FUL	Land To The Rear Of 51 Lansbury Road Edwinstowe Nottinghamshire NG21 9QH	Proposed single-storey ('self-build') bungalow (Resubmission of 16/00390/FUL)	Written Representation
APP/B3030/W/17/3182663	17/00675/FUL	Denholme Cottage Halam Road Southwell Nottinghamshire NG25 0AH	New Chalet bungalow to the rear of Denholme Cottage	Written Representation

APPENDIX B: APPEALS DETERMINED (between 15 September and 11 October 2017)

App No.	Address	Proposal	Decision	Decision date
16/00898/LBC	48 - 50 Westhorpe Southwell Nottinghamshire NG25 0NG	Conversion of 2 No. dwellings to form 1 No. three bedroomed dwelling (internal alterations only)	DISMISS	25.09.2017
17/00029/FUL	Land At Lunaris 16 Hemplands Lane Sutton On Trent Nottinghamshire NG23 6PU	Erection of a Detached Dwelling with Associated Access	ALLOW	22.09.2017
17/00297/FUL	Sherwood House 12 The Avenue Newark On Trent Nottinghamshire NG24 1ST	Householder application for proposed single storey side extension	ALLOW	27.09.2017
17/00969/LBC	28 Easthorpe Southwell Nottinghamshire NG25 0HY	Householder application for alterations to existing house including change of use of store to Play room, removal of existing garage type doors to be replaced by brickwork and new sash window, new sash window to east elevation to existing opening.	APPLICATION WITHDRAWN	06.10.2017

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 Growth & Regeneration