

PLANNING COMMITTEE – 15 MARCH 2022

Application No:	21/02094/OUTM
Proposal:	Outline application for the development of up to 50 dwellings (including affordable housing), open space, childrens play space and associated infrastructure, including a new access off Mansfield Road, with all matters reserved
Location:	Field Reference Number 8890 Mansfield Road Edwinstowe
Applicant:	Trustees of the Thoresby Settlement
Agent:	Pegasus Group - Mr Andrew Hodgson
Registered:	28.09.2021 Target Date: 28.12.2021
	Extension of Time Agreed Until 18.03.2022
Website Link:	21/02094/OUTM Outline application for the development of up to 50 dwellings (including affordable housing), open space, childrens play space and associated infrastructure, including a new access off Mansfield Road, with all matters reserved expect access Field Reference Number 8890 Mansfield Road Edwinstowe (newark-sherwooddc.gov.uk)

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Edwinstowe Parish Council has objected to the application which differs to the professional officer recommendation. In addition to this Cllr Peacock has requested the application be considered by committee for the reasons set out in the consultation response section below.

The Site

The site is located on the western edge of Edwinstowe, adjacent to the existing settlement edge and to the north of the A6075, Mansfield Road. The site comprises a parcel of agricultural land c2.39 hectares in area, currently in arable use that has been partially allocated in the Development Plan for housing under policy Ed/Ho/2. The site is defined by agricultural hedgerows of varying maturity to the east, south and west whilst the northern boundary appears to be open. Dwellings to the east are predominantly late twentieth century of a mixture of single storey, dormer and two storey dwellings. There are some land level differences between the land to the east and the site as well as gradual rising landform across the site. There are also a small number of dwellings to the west alongside Mansfield Road which are outside of the defined village envelope of Edwinstowe.

The nearest public right of way is over 370m to the west from accessed off the A6075 in a northerly direction. The designated Conservation Area of Edwinstowe is over 600m to the east of the site. The site lies within the influence zone of a site of special scientific interest and within the 5km buffer zone of a RSBP important bird area boundary for nightjar and woodlark. The site is within Flood Zone 1 according to Environment Agency maps. Other than a small area in the south

eastern corner of the site, along Mansfield Road, the site is at very low risk of surface water flooding.

Relevant Planning History

Pre-application advice has been sought on the proposed scheme but there is no formal planning history relevant to the site.

The Proposal

The application seeks outline planning permission for the residential development of the site for up to 50 dwellings with associated facilities and infrastructure. The quantum of the development has been reduced during the life of the application (the original proposal was for 60 units).

The original application sought to agree matters of access but given that there may still need to be minor tweaks to the access arrangements this has been removed from formal consideration albeit it is accepted that the development would be served by a single vehicular access which is proposed to be a T-junction from Mansfield Road. The indicative plans show an intention for cycle and pedestrian accesses to be provided through the extension of Lintin Avenue and Thorseby Drive.

The application has been considered on the basis of the following plans and documents:

- Site Location Plan – P20-3462_02 Rev C;
- Framework Plan – P20-3462_01 Rev F (*due to be updated prior to committee to reflect the reduced quantum of development*);
- Fig 9: Landscape Strategy – P20-3462_09B;
- Design and Access Statement – Pegasus Group – P20-3462_18B;
- Planning Statement – Pegasus Group – P20-3462;
- Landscape and Visual Impact Assessment – Pegasus Group – P20-3462
- Heritage Statement – Pegasus Group – P20-3462;
- Geophysical Survey Report – Sumo Survey – SUMO-02226;
- Flood Risk Assessment and Drainage Strategy – SCP Transport – VL/210032/FRA/Rev A;
- Transport Statement and Access Design – Pegasus Group – P20-3462;
- Framework Travel Plan – Pegasus Group – P20-3462;
- Habitats and Protected Species Report – Paul Hicking Associates – 2140 –PHA;
- Arboricultural Report and Impact Assessment – AWA Tree Consultants – AWA3783;
- Topographical Survey – 4862 Sheets 1 to 4;
- Underground Utilities Survey – 4862 Sheets 1 to 3;
- Air Quality Assessment – Create Consulting – NP/VL/P21-2313/01 Rev B;
- Noise Impact Assessment – Create Consulting – MT/VL/P21-2313/02 Rev. A;
- HRA Shadow Screening Assessment – Paul Hicking Associates - 2140 – PHA;
- Paul Hicking Associates letter dated 8th December 2021;
- Paul Hicking Associates letter dated 16th December 2021;
- Heritage Statement – Pegasus Group - P20-3462;
- Transport Statement Addendum – P20-3462 dated February 2022.

Departure/Public Advertisement Procedure

Occupiers of 116 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 re-consultation has taken place on the basis of the latest revised plan with the expiry date for comments of 14th March 2022. Any comments received between agenda print and the committee meeting will be report to Members through the schedule of late communications.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 5 – Delivering the Strategy
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 10A – Local Drainage Designations
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
ShAP3 – Role of Edwinstowe

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- District Wide Housing Needs Survey 2020, ARC4
- Affordable Housing SPD
- Developer Contributions SPD
- Landscape and Character Appraisal SPD

Consultations

All consultee comments and representations in these agenda papers are based on the original 60 unit scheme. Any updated comments in relation to the reduced quantum will be reported directly to Members.

Edwinstowe Parish Council – Object on the basis of the summarized reasons:

- Mansfield Road is a very busy road, further traffic would exacerbate traffic problems;
- Additional traffic will present problems for residents wishing to access Jubilee Park;
- The bus stop opposite the access is busy with pupils at certain times;
- Local schools are full and the new primary school at Thorseby Vale is uncertain;
- The situation with regards to secondary schools is uncertain;
- There are already parking problems;
- Around 120 new houses have been completed in the past 2 years, add on 800 at Thorseby Vale and 30 on Ollerton Road and there is an enormous strain on the High Street meaning residents will look for alternative shopping opportunities;
- Medical services are stretched;
- The site appears to be prime agricultural land;
- There is an SSSI in the area behind the site;
- Existing houses will be overlooked and will lose privacy;
- The area shown on the strategic plan as EDH02 is smaller than the plan submitted as a site plan;
- The site extends beyond the village envelope;
- The strategic buffer has gone;
- The development lies within the Sherwood Special Landscape area;
- This development may well be the straw that broke the camels back - when can residents expect a line to be drawn as far as building developments are concerned;
- The village will have grown exponentially changing the nature of the village.

NSDC Cllr Paul Peacock - Email received dated 18.10.2021 stating against the development and requesting consideration at Planning Committee, summarised as follows:

- Edwinstowe has already grown exponentially in terms of numbers of homes built but this not been reflected in the availability of services and facilities;
- The S106 funding is not enough to make a difference and too slow to be effective;
- There is too much traffic on the roads and not enough parking on the High Street;
- The site should have been de-allocated;
- Housing need in the District has been over-estimated;
- The site is prime agricultural land and should not be lost for the sake of short term profit;
- Mansfield Road is a busy road and the 30mph speed limit is regularly ignored;
- There are no zebra crossings;
- The site lends itself to a habitat for many species;
- Brownfield derelict sites should be used instead.

NCC Cllr Scott Carlton – Letter received dated 14.10.2021 stating cannot support the application, summarized as follows:

- Housing growth in Edwinstowe in recent times has been significant, including at Thoresby Colliery, which is starting to place significant pressure on the amenities of the village;
- It is already becoming harder to access the GP – CCG comments confirm facilities are working at capacity;
- This application will also add additional pressures on current and future planned schooling;
- Seek assurances over the level of current need and what scoping work has been done to assess that in this locality more houses are required;
- It is difficult to find a parking space in the village;
- The site shows a farm access so would presumably have farm traffic passing through;
- Parking spaces appear low;
- Have emergency services been consulted;
- Seek assurances that the existing properties will not be materially affected by loss of; privacy, amenity view, sunlight or financially adversely affected.

NCC Highways – Latest summarised comments received 28.02.2022:

- Disappointing that the development would only have one access point meaning that there will be detriment to the highway network should an incident or roadworks affect the point of access – albeit not a highways capacity issue;
- Lintin Avenue and Thoresby Drive are not suitable for construction traffic which should be addressed by a construction management plan;
- Speed surveys appear to have been done during a week of fog which is likely to have reduced speeds;
- Suitable visibility is likely to be available in consideration of the wide verge;
- If the site frontage hedge is to be retained it is essential that a maintenance plan is in place to ensure the visibility splay is kept clear;
- Eastbound speeds are a concern and are considered incongruous with residential development and associated increased vehicle, cycle and pedestrian movements – therefore seek mitigating measures on the eastbound approach;
- It will be necessary to site the refuge further west;
- Any reserved matters application will require the design to be in compliance with the NHDG;
- The Travel Plan is not acceptable in its current form.

Overall conclusion is no objection subject to conditions and informatives.

NCC Planning Policy –

Minerals and Waste – No Minerals safeguarding and consultation areas or waste sites in close proximity to the site.

Strategic Highways – No observations.

Planning Obligations Sought

Education - £228,969 (based on 13 pupils x £17,613 per place) for Primary education.

Libraries - = £2114 (based on 138 (population) x 1.532 (items) x £10.00 (cost per item)).

Transport – No contribution sought but comment as follows:

Based on the plans provided, the closest bus stops (NS1051 & NS1052) are situated in close proximity to the proposed vehicular access to the site. Transport and Travel Services would not wish to relocate either bus stop unless absolutely necessary. This should be taken into account as part of the detailed design. Should a relocation be necessary, the developer would be responsible for providing a suitable new location(s) and for funding the works required, which would be requested as a Planning Condition.

Further clarification that based on the submitted plan the bus stops would not need to be relocated subject to comments from HDC.

Additional comments were received that the Heritage Assessment failed to identify the Non-designated Heritage Assets of Villa Real Farmhouse and the associated small parkland. It has since been confirmed that the revised statements submitted during the life of the application has addressed those concerns and no objections are raised.

NCC Flood – No objection subject to condition.

NSDC Environmental Health (noise) – *Original comments seeking submission of a noise assessment. Revised comments on submission:*

On reviewing the noise survey provided by Create Consulting Engineers Ltd the report suggests that the land would be suitable for housing subject to the measures outlined in the report and conclusions section (7) of the noise report which outlines a number of recommendations that should be adopted and investigated further to enable the successful development of the site.

Once layouts and the building designs have been agreed, and once internal services have been finalised, a detailed acoustic design should be undertaken to ensure the developments compliance with all relevant standards.

The report outlines that no MUGA is planned only a local equipped area of play (LEAP) to the West extent of the site which will not require a noise survey.

Conditions also suggested for a construction method statement; restricted hours of operation / delivery and measures to control dust.

NSDC Environmental Health (air quality) - During construction phase, the impact of potential dust emissions is considered to be low for human health receptors but medium for dust deposition soiling from earthworks, construction and trackout.

The report therefore recommends a series of mitigation measures (section 6 of the report) which are based on IAQM Guidance. I broadly concur with the assessment and recommendations made within it. I can also agree with the proposal that these dust control mitigation measures should be incorporated into a Construction Environment Management Plan (CEMP) for the development.

NSDC Conservation – The site is adjacent to a dwelling identified on the County HER, Villa Real Farmhouse. The building dates to the 18th century. The building has historic and architectural interest.

The application site appears to not have a current or historic relationship with Villa Real. However the building enjoys a rural context.

The application is an outline for up to 60 dwellings. All matters are reserved except the access. The submitted indicative plan shows areas of open space to the west of the site, between Villa Real and proposed housing. Retaining a much of a green buffer to the west of the site will be important to retain the rural context of Villa Real.

Archeological Officer – The applicant has already undertaken some archaeological work on the site, but still needs to undertake a trial trench evaluation and any subsequent mitigation work required. The results of the geophysical survey suggest there is nothing of major significance, however these results still need testing.

Given the limited results, any further evaluation and mitigation work could be undertaken as a condition of consent.

Tree Officer - Proposal is broadly acceptable with ample scope for significant soft landscaping to improve boundary treatments and increase biodiversity within the site. Recommend any approval has attached conditions.

Natural England – *Original comments requesting further information in the form of a Habitats Regulations Assessment.*

Revised comments received confirming no objection. Further advice given on designated sites / landscapes.

Nottinghamshire Wildlife Trust – No comments received.

RSPB – Original comments object pending further information relating to direct, indirect and in combination impacts on the Birklands and Bilhaugh SAC and species associated with the potential Sherwood Forest Special Protection Area (ppSPA) including impacts to nightjar and woodlark and biodiversity net gain.

On the basis of revised information, no objection subject to conditions including creation of a habitat creation and management plan.

Woodland Trust - The Trust maintains a holding objection to this application on the basis of potential deterioration of Birklands ancient woodland (grid ref: SK620681), an Ancient Semi Natural Woodland and Plantation on Ancient Woodland Site designated on Natural England's Ancient Woodland Inventory (AWI). This ancient woodland site is also designated as SSSI and SAC and home to a significant population of ancient and veteran trees.

Community Relations Manager – If this application were to be approved I would expect a Community Facility contribution in accordance with the requirements of the current Supplementary Planning Document, such contribution to be used to support improvements to the existing community infrastructure in the locality.

Specific priorities include the refurbishment and improvement of the Bowls Pavilion at Fourth Avenue and improvements to the village hall for future proofing,

NHS CCG – Contribution of £982 per dwelling sought for enhancing capacity / infrastructure within existing local practices:

- Major Oak Medical Practice;
- Middleton Lodge Practice;
- Meden Medical Services Branch (Warsop PCC).

Strategic Housing – Suggested breakdown of affordable units for incorporation into S106.

Parks and Amenities – No comments received.

Representations have been received from 16 local residents/interested parties which can be summarised as follows:

Principle of Development

- Why does the village need a further 60 homes with the current development of over 800 homes on Thoresby Vale;
- The proposed housing extends beyond the allocated housing area and the strategic landscaping buffer has been removed;
- The effects of the housing being built should be realized;
- The development would lead to further development on the northwest side of the village;
- There is no need for more affordable housing as there is already plenty in the form of ex colliery and council houses;
- If anything there is a shortage of bungalows and accessible accommodation;
- Population growth has dropped since Brexit but new builds continue at a much greater rate;
- The village is turning into a town;

Impact on Infrastructure

- The resources are already stretched to meet the needs of the current population;
- These homes will add extra pressure to the schools; parking on the high street and the doctors surgery;
- The police don't patrol anymore;

Impact on Amenity

- There is little distance between the field and neighbouring properties
- The noise and development is causing anxiety;
- The view across open fields will be lost;
- There would be an increase in crime and antisocial behaviors because of foot access and a proportion of the houses being occupied by drug users and criminals;
- The proposed development for 2 and 2.5 story buildings will have a massive negative impact on the amenity of adjoining and local properties, which are predominantly bungalows through overlooking, overshadowing, loss of daylight, loss of privacy, potential noise and late night activity, and dust and vibration during the construction process;
- Residents choose to live here for quiet environment;

Impact on Wildlife

- Many flocks of birds gather here at various times of the year;
- The land is excellent for crops;

Impact on Highways

- There are already bottlenecks at junctions causing traffic jams and increased pollution of idling traffic;
- There isn't enough parking in the village;
- Ollerton roundabout can't cope with the additional traffic;
- The entrance to the proposed development is opposite Jubilee Park and a bridleway therefore the increased traffic in this area could pose a safety risk in an area where children are playing;
- The village is overwhelmed with traffic as a main road from Mansfield, Centre Parcs and Ollerton;

Other Matters

- Only contacting premises close to the proposal is inadequate;

Comments of the Business Manager

Principle of Development

This Council is able to demonstrate in excess of the necessary 5 year housing land supply and the Development Plan is considered up to date. Applications for development are therefore assessed against the development plan as required in statute and in line with DM12 of the plan.

Spatial Policies 1 and 2 of the adopted Amended Core Strategy, identify Edwinstowe as a Service Centre where the focus, as a sustainable settlement, is for housing and employment growth. Edwinstowe is expected to accommodate 25% of service centre growth over the development plan period. The majority of the site is located within the defined main built up area of Edwinstowe as identified on the relevant map of the Allocations and Development Management DPD and is allocated for housing under policy Ed/Ho/2 for around 50 dwellings, subject to the following:

- *Public open space within the site or at alternative locations within the village, provided in accordance with Policy DM3. Developer Contributions and Planning Obligations, which shall be designed to reflect the need to provide SANGS to relieve pressure on the Birklands and Bilhaugh SAC.*
- *Appropriate design which addresses the sites gateway location and manages the transition into the main built up area. In order to protect the setting of the Sherwood Forest Country Park, appropriate buffering in accordance with the landscape character of the area should be included within the northern part of the site;*
- *Developer funded localised sewer capacity improvements as required; and*

- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured by condition on any planning consent are likely to be required to reflect the medium archaeological potential of the site.*

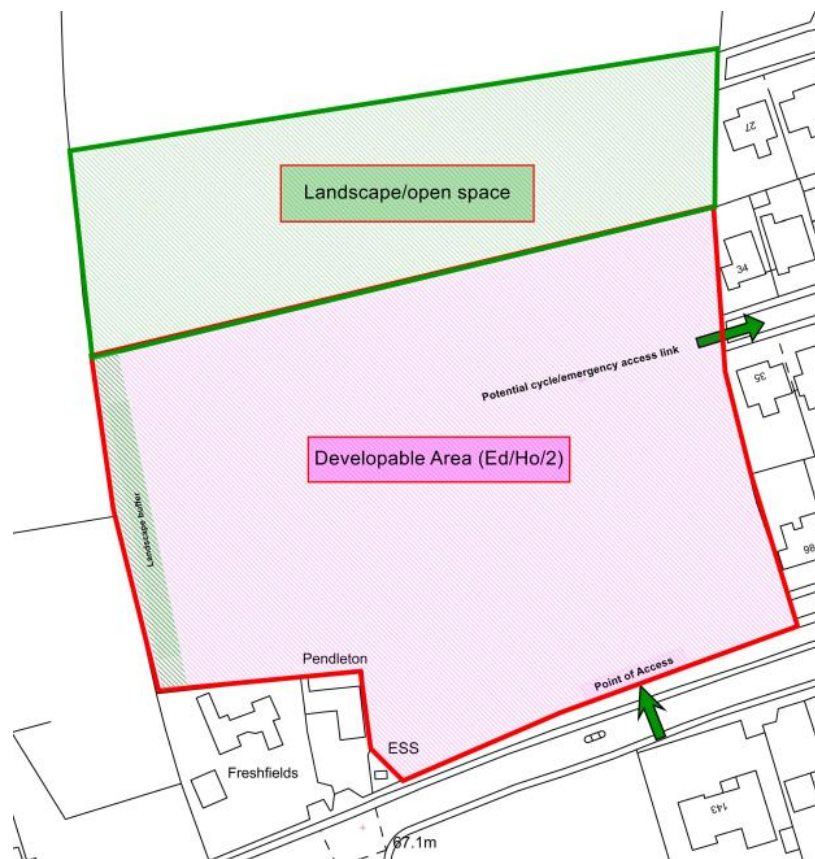
The revised proposal is for up to 50 units thereby meeting the intentions of the site allocation.

As per the comments of the Parish Council and interested parties, the original indicative plans showed that the developable area did not align entirely with Ed/Ho/2. As can be seen from the extract below, the settlement boundary for the village runs broadly along the same line as the rear gardens for the dwellings to the north of Thoresby Drive. Beyond this is an indicative strategic landscape buffer.



This has been subject to discussions during the life of the application on the basis that it would mean some of the dwellings would technically speaking be in the open countryside and therefore contrary to the development plan.

The latest indicative plan now shows that the area outside of the village envelope would be solely used for landscaping / open space with no residential development:



The site location plans remains unchanged. Although the plans are indicative at this stage, it would be reasonable to condition that any reserved matters application should not include residential development outside of the settlement boundary. On this basis the principle of the development is accepted by the policy allocation and the overall spatial strategy.

Landscape, Design, Character and Layout

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy which forms a Supplementary Planning Document. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District.

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the LCA.

The site lies within the Sherwood Regional Landscape Character Area and falls within policy zone 25 (Birklands Wooded Estatelands) of the SPD. This area generally has an undulating topography, a strong heathy character, frequent wooded skylines and trimmed hawthorn hedges. The landscape condition is considered to be 'good' and sensitivity to change is defined as 'moderate' giving a policy action embedded in CP13 of 'conserve and reinforce'. For example expectations are to conserve and reinforce the ecological diversity and distinctive character of the heathland and

semi-natural woodland habitats and to conserve and reinforce existing hedgerows and tree cover particularly oak and birch alongside woodland edges.

There is an implicit recognition through the site allocation that the character of the site will fundamentally change through its residential development. However, the allocation indicates the mitigating factors that will be expected to come forwards in such development namely public open space and an appropriate design to address the gateway location at the edge of the village. As referenced above, specifically it is suggested that there should be a landscape buffer within the northern part of the site.

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA). This document confirms that overall the proposed development will result in limited impacts at a localized level likely to affect the site area and its immediate context only. In the wider landscape, potential views of the proposals are limited and generally screened by topography, the existing built form of Edwinstowe and existing vegetation including Sherwood Forest to the north.

The LVIA suggests that the main landscape buffer should be along the western boundary stating that on maturity this buffer will help to assimilate the proposed development into the local landscape and provide screening for views from local receptors, particularly from the west. Notwithstanding this, the latest indicative plan has significantly increased the area of open space along the northern boundary to address the policy principle issue. The LVIA forms a site specific and robust assessment of developing the site and therefore the conclusions in relation to including a further landscape buffer on the western boundary are not disputed subject to the detail of the landscape strategy which would come forwards at reserved matters stage.

The NPPF sets an expectation for local planning authorities to make appropriate use of tools and processes for assessing and improving the design of development including specific reference to frameworks such as Building for a Healthy Life (BHL). Given the outline nature of the proposals it is not possible to undertake a thorough design assessment. Nevertheless, the submitted Design and Access Statement demonstrates that an in-depth assessment of the site and its surroundings have been undertaken in preparation of the indicative plan.

Housing Mix, Type and Density

Core Policy 3 sets out that densities of 30dph or more will be set for locations and allocations that are not part of the strategic urban extensions in Newark. Taking the whole site area into account, a scheme for 50 dwellings would create a site density of around 21 dwellings per hectare. However, based on the developable area the actual density for the areas of built form would be much higher. Nevertheless the quantum of development conforms to the expectation of the site allocation and there is an implicit allowance for a site specific density noting the policy requirements to manage the transition between open countryside and the main built up area. Moreover, any reserved matters application would still be required to demonstrate acceptable character and amenity impacts and thus it may be that the detailed design stage leads to less than 50 units coming forwards (which would still be in the realms of the outline application if approved given that the description of development as revised refers to 'up to' 50 dwellings).

In terms of the type and mix of units, CP3 sets out that the district council will seek to secure a housing development which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, small houses of 2 beds or less and housing for the elderly and disabled population. It goes on to say that the Council will seek to secure an appropriate mix of

housing to reflect local housing need and reflect the local circumstances of the site which may include viability considerations.

Within the Sherwood Sub Area (within which Edwinstowe is based) the recently (2020) published housing needs survey indicates that the overall need is as follows: 4 bed or more units (35.8%), 3 bed houses (20.2%), 1-2 bedroom houses (15.5%), 2 bedroom bungalows (14.4%), 3 or more bedroom bungalows (12.9%) with the rest of the need being made up of smaller flats.

The Planning Statement confirms an intention to bring forwards a range of house types and sizes. Given that the actual housing mix is a reserved matter, it is not possible nor appropriate to debate this matter further other than to acknowledge that the tenure split for affordable dwellings will need to be incorporated into the associated legal agreement as discussed further in the relevant section below.

Impact on Residential Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties. A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. If outline permission were to be forthcoming then the specific details of the scheme in terms of amenity impacts would need to be fully considered including in the context with the potential relationships with the nearest residential curtilages specifically along the western edge of the existing settlement boundary.

Notwithstanding the above, the original comments of the Councils Environmental Health Officer requested the submission of a noise survey in order to fully understand the potential impacts of industrial/commercial premises in close proximity to the site (namely Universal Fabrications Ltd. located at Villa Real Farm on Mansfield Road) and the A6075 Mansfield Road. Officers agree that this is a valid request at outline stage given the potential implications to the development of the site (i.e. the results of the survey could show that large parts of the site area are inappropriate for residential development).

A noise survey has been received during the life of the application which acknowledges the presence of the adjacent industrial use to the south west of the site. Long and short term noise monitoring took place in October 2021 from within the proposed development site as well as a series of measurements from the industrial site. The report concludes with a number of recommendations including a fence on the western boundary and the avoidance of habitable rooms overlooking the neighbouring business. Notably, it is recommended that further calculations would be recommended once a final site layout is available. There is nothing to suggest that the residential development of the site would be inappropriate once mitigation is employed. It would be reasonable to impose a condition to any outline consent requiring that any future reserved matters takes account of the mitigation of the submitted report with an updated report based on the final layout of the scheme. This has been agreed by colleagues in Environmental Health and subject to a condition requiring an updated noise survey with any reserved matters application no objections are raised to the principle of developing the site for residential purposes.

Highway and Parking

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new

development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Council has recently adopted an SPD on residential cycle and parking standards. Clearly it is not possible to assess the scheme against the provisions of this document at this stage but the commitment in the submitted Design and Access Statement for cycle links is welcomed in terms of ensuring that the occupiers of the development have access to sustainable means of travel. It is expected that any reserved matters submission which comes forward takes account of the SPD in the detailed design of the scheme.

The proposal would rely on a singular vehicular access point along the southern boundary of the site from Mansfield Road. The proposed junction includes a 6.75m wide carriageway with 2m wide footways either side. For the avoidance of doubt, the road access and layout is indicative at this stage.

The application submission includes both a Transport Assessment (TA) and a Travel Plan (TP). The TA estimates that the development (based on the original scheme for up to 60 units) would lead to a total of 31 am peak and 29 pm peak trips on a typical weekday. This equates to around one additional vehicle every 2 minutes in both the am and pm peak periods (without reductions to reflect the TP discounts which would include the aim to minimise single occupancy vehicle travel). The proposed site access junction is presented as being capable of operating efficiently within this development traffic scenario.

Both documents have been assessed by NCC as the Highways Authority. Their original comments raised a number of issues including references to comments which were made at pre-application stage which were not addressed in the formal submission. The applicant has sought to address the concerns during the lifetime of the application through the submission of a Transport Statement Addendum.

The latest comments, as summarised above, continue to raise some issues to the development but overall this is not substantiated to an objection. It should be stated that the latest comments are in reference to the previous plan which was for up to 60 units.

The Highways Authority contend that there has been a missed opportunity in not connecting a vehicular access through Lintin Avenue or Thoresby Drive albeit they do acknowledge that this is a connectivity issue rather than a capacity one. The point regarding the potential difficulties if there is a blockage (accident or roadworks) at the access is taken. However, there would be knock on impacts if either of the existing roads were used for day to day access. Firstly, it would have implications to the developable area of the site in that the roads would need to be made wider to be adoptable standard. In the case of taking an access from Lintin Avenue this would directly impact the northern landscape boundary and therefore would not be acceptable in principle terms (i.e. it would take residential development outside of the village envelope). An access from Thoresby Drive would be potentially plausible but it would greatly increase the level of disturbance to existing residents. There is also the issue that it is unlikely to fit with the detailed design of dwelling positions noting that there will be preference for the dwellings to face northwards to overlook the open space.

There is still indicated to be pedestrian and cycle access from the existing roads and therefore it is not considered that connectivity opportunities have been missed to the degree suggested by the highways authority. One of the conditions suggested is for details of pedestrian / cycle links to be

provided but this will be down to the detail of the reserved matters application and therefore this condition is not considered necessary.

The comments go on to criticise elements of the submitted transport data such as the method of visibility splay calculation / speed surveys but not to a degree that lead to an objection given that the concerns can be overcome by condition. The requirement to maintain visibility through the management of the site frontage hedge is not an uncommon request and one that can readily be secured by condition.

There are requests for offsite mitigation measures on the eastern approach and for the indicative refuge to be moved. It has been discussed whether or not these should be within the associated section 106 or by condition but given that the scheme of mitigation is not yet known (and therefore the associated costs are not yet known) it would be more appropriate for these details to be controlled by condition. Although they are outside of the red line for the application site they are within highways land and therefore can be imposed as Grampian conditions.

In the absence of a highways objection, and with the ability to impose conditions as suggested (with some tweaks to suggested wording to ensure they meet the tests) the development is compliant with Spatial Policy 7 and there would be no reason to resist the application on highways safety grounds.

Drainage and Flooding

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems.

The site lies within Flood Zone 1 (at lowest risk of flooding) with the majority of the site at very low risk of surface water flooding according to the EA Flood Maps.

Given the site area, the application has been accompanied by a Flood Risk Assessment (FRA). This document outlines that the proposed required attenuation is 725m³ to attenuate the 1 in 100 year storm (albeit this may be reduced slightly at reserved matters stage noting that the quantum of development has reduced since the original submission). Foul water drainage is proposed to connect to an existing drainage network which runs parallel to the southern boundary of the site.

The drainage provisions have been subject to review by NCC Flood as the Lead Local Flood Authority. No objection has been raised subject to the imposition of a condition seeking exact details.

Heritage/Archaeology

The site is a considerable distance from heritage assets such as the conservation area and listed buildings albeit the site specific policy explicitly references archaeological potential.

A geophysical survey of the site has been undertaken which did not record any magnetic responses which could be interpreted as being of definite archeological interest. Several anomalies of uncertain origin were identified although the Heritage Assessment contends that these are likely to have been caused by agricultural and/or modern processes. Overall the potential for significant archeological remains of post-medieval to modern date within the site is considered to be low.

The findings presented with the application submission have not been disputed by the Councils Archaeological Advisor who has raised no objections to the development subject to conditions which could reasonably be imposed on an outline approval.

The Heritage Team at NCC submitted comments regarding a failure for the Heritage Assessment to take account of the Non-designated Heritage Assets of Villa Real Farmhouse and the associated small parkland. This has been addressed during the life of the application through a thorough assessment which concludes that the proposed development would result in no harm to the heritage significant of the non-designated Villa Real Farmhouse and its associated grounds. NCC have been re-consulted on the basis of the additional information submitted and confirmed that the revised document has addressed their concerns and any further consideration would be for the local planning authority. As above, conservation colleagues have raised no issues with the application noting the presence of the landscape buffer on the western boundary of the site. There would therefore be no reason to resist the application on heritage grounds.

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 site is bounded by hedgerows and is located within the buffer zones of an important bird area, the Birklands and Bilhaugh Special Area of Conservation (SAC) and the Birklands West and Ollerton Corner Site of Special Scientific Interest (SSSI). It is also located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. The Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

It is material to the determination of this application that the application site has been allocated for residential development of around the same number of dwellings as are being proposed. As part of the plan making process, the Council commissioned a Habitats Regulations Assessment. This document explicitly discusses individual site allocations and in the case of the site allocation reference is specifically made to the likelihood of residents to utilise areas of Sherwood Forest because of the attractive and tranquil nature of the woodland and heathland, the variety of trails on offer and the ease of accessibility stemming from numerous car parks and visitor centres. However, it is equally acknowledged that the management of the majority of these spaces by the Forestry Commission as well as volunteer groups and Natural England, will mean that in many cases, dog walkers etc. will stick to established routes. Overall the increase in visitors is anticipated to be negligible in relation to current levels.

The original application included a Habitats and Protected Species Report which acknowledged the potential impact of the proposed development on breeding Nightjar and Woodlark as well as other designations affecting the site. The report contends that the site is a sub-optimal habitat for Nightjar as the species requires heathland and woodland. There is some suitable habitat for Woodlark along the north and western fringes adjoining the farm fields but no Woodlark were observed during the survey period. Nevertheless it is acknowledged that Woodlark may investigate deposited piles of sand or earth created during the build period for nesting so a mitigation measure of covering these when not in use is suggested.

In terms of other species, no badger setts were identified but given the open connectivity to the wider ecological network, mitigating precautions are outlined. There are field signs for the presence of small mammals outside the boundary of the development site along the river bank and the hedgerow boundary offers the potential for the commuting of reptiles so again precautionary measures are set out within the report.

There are no features within the survey site which could support roosting or hibernating bats and therefore activity is restricted to foraging and commuting. The proposed development offers the opportunity to incorporate permanent roost features for bats within each of the new dwellings.

The report acknowledges the proposals outlined indicate a net biodiversity loss and suggests that the final design should include measures to help rebalance the site towards a potential net gain (or alternatively off site measures may be required within the immediate vicinity). Clearly, it would be preferable to see biodiversity gains on site but given the outline nature of the scheme it is not possible to fully assess this matter at this time. Nevertheless, it is considered reasonable to condition that any subsequent reserved matters application must be accompanied by a Landscape Ecological Management Plan.

As part of the consultation process, concern was raised by both Natural England and RSPB. Specifically further information was sought relating to direct, indirect and in combination impacts on the Birklands and Bilhaugh SAC; Birklands West and Ollerton Corner SSSI and species associated with the potential Sherwood Forest Special Protection Area (ppSPA) including impacts to nightjar and woodlark and biodiversity net gain.

The applicant has sought to respond to the concerns during the life of the application including by submitting a shadow HRA document. On this basis Natural England have requested an 'appropriate assessment' which has been duly completed and sent to Natural England for comment. The latest comments of both Natural England and RSPB raise no objections to the application and conclude that the proposed development will not have significant adverse impacts on designated sites. RSPB have specifically suggested a condition securing a habitat creation and management plan but this can readily be incorporated into the overarching landscaping / ecological mitigation conditions (notwithstanding that any reference to off-site works will need to be included in the section 106 in any case).

Subject to conditions and off site enhancements (discussed further below) no specific ecological harm has been identified which would prevent the grant of outline permission.

Impact on Trees

The submitted Tree Survey includes 10 items of woody vegetation, comprised of 5 individual trees and 5 groups of trees or hedges. Of the surveyed trees, 2 are Category B and the remaining Category C. The Category B trees are just outside of the site at the south western corner and therefore would not be affected by the development. All other specimens are around the boundaries of the site and therefore there is nothing to suggest that they couldn't be retained in the detailed proposals moving forwards. A section of hedge will however require removal to facilitate the creation of the proposed site access. This would be around 25m of a hawthorn hedge which the Tree Survey considers to be negligible in the context of the remaining hedge.

Retained trees will require protection by fencing during the development phase. Additional planting will be expected to come forwards through the detailed design of a reserved matters application and thus the impact on trees is considered acceptable.

Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that 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.

Given the outline nature of the application, the exact number of dwellings is not yet known and therefore the associated legal agreement will need to set out a series of formulas to allow the exact contributions to reflect the development as it is progressed through reserved matters. The figures below have been amended by Officers to reflect the reduced quantum in development and therefore will not align with the figures stated in the consultation section above.

Affordable Housing

Core Policy 1 provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided. The split and type of affordable housing is to be referred to in the associated legal agreement in the form suggested by the Councils Strategic Housing Officers.

Health

For schemes of 65 dwellings or more, or where schemes would place an additional burden on health infrastructure where they are already operating at capacity, a contribution towards health care infrastructure provision would be sought where this can be justified. The consultation response from NHS CCG confirms that all local GP practices are operating at capacity and therefore even though the application is for 50 dwellings, a contribution of £982 per dwelling has been requested which for 50 units will total £49,100.

Public Open Space

The expectations regarding the quantum of public open space is broken down into different component parts as follows:

Provision for children and young people

This application would need to make provision for public open space at 18m² per dwelling as set out in the Developer Contributions SPD. Given the size of the site this would be expected on site.

Amenity Open Space

Amenity green space, at a rate of 14.4m² per dwelling should be provided on site in line with the SPD and again this would need to be provided on-site.

Natural and Semi-Natural Green Spaces

Ideally 10 ha should be provided per 1,000 population albeit in recognition of the difficulty achieving that all residents should live within 300m of an area of natural and semi-natural green space. Given the positioning of the site at the edge of the village envelope this is easily achievable and no further contributions are sought in this respect.

Suitable Alternative Natural Green Space (SANGS) relates to Birklands and Bilhaugh Special Area of Conservation

The Habitats Regulations Assessment (HRA) of allocated sites identified that further housing development in Edwinstowe would most likely impact on the SAC by increasing recreational pressure on it. It, and policy ED/Ho/2, recommends that this could be most appropriately remedied by the provision of Suitable Alternative Natural Green Spaces (SANGS), on site and within the surrounding area.

As set out in Core Policy CP12 public open space provided in connection with allocations in settlements within a 5km radius of Birklands & Bilhaugh Special Area of Conservation, shall be designed to reflect the need to provide SANGS in perpetuity to relieve pressure on the SAC.

In terms of the quantum of SANGS there is currently no formula to ascertain what this should be. It is reasonable to conclude that it could equate to ensuring that there is enough green infrastructure to take the pressure off the SAC/SSSI by providing practical space, for example a route where occupiers of the development can take a walk/exercise their dogs without having to venture elsewhere to do this. The indicative green loop around the development site is welcomed in this respect.

The applicant has been in discussions with the RSPB during the life of the application to address their original concerns. It was originally suggested (applicant's letter dated 16th December 2021) that the offsite provision would be to manage an area of woodland off Seymore Grove. However, RSPB has since shown a preference for the management of land between the site and the edge of the SAC designation and it has now been agreed that a reasonable off site provision would be the delivery of a 10m wide buffer as shown in yellow on the map below:



This will need to be secured within the S106 agreement with details expected to include a species rich grass and scrub mix with appropriate management.

Management of Open Space

This Council would be unlikely to want to take on the long term maintenance of the public open space and this would need to be achieved via a management company secured through an appropriate obligation within a section 106 agreement.

Community Facilities

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

Any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling would therefore be sought to help consolidate and upgrade existing infrastructure or facilities including the village hall.

Primary Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required, which in this case is a maximum of 11 primary places. Based on the current pupil projections data, there is forecasted to be insufficient capacity within the pupil planning area to accommodate the additional pupils generated by this proposal. The County

Council therefore seeks a primary education contribution which would amount to a total of £193,743 for the maximum quantum of units (based on 11 pupils x £17,613 per place) to be used towards improving, remodelling, enhancing, or expanding facilities to provide additional permanent capacity within the Edwinstowe planning area, to accommodate pupil growth from the development.

In terms of secondary education the development would be covered under CIL regulations, albeit it is zero rated in this location in any event.

Libraries

NCC have provided detail comments which state that Edwinstowe Library is currently below the optimum stock level and therefore based on the predicted population from the development a contribution is requested for library stock. For 50 units this would total £1,762.

Transport

The comments from NCC refer to the potential need for the re-location of two bus stops near the proposed vehicular access and suggest that if these need to be relocated it would have to be at the expense of the application secured through a planning condition. Officers have discussed this further with NCC and further confirmation has been received that based on the submitted plan, the bus stops would not need to be relocated.

Other Matters

County Cllr Carlton has made reference to an annotated farm access at the northern boundary of the site. The agent has clarified that this is simply a point of access for the neighbouring landowners who wish to retain an agricultural access but there is nothing to suggest that this would need to be frequently used for agricultural purposes.

It has also been queried whether or not the emergency services have been consulted. Whilst no formal consultation has been undertaken, Officers have discussed with colleagues at NCC Highways and they have clarified that if a refuse vehicle can access the site then a fire tender can too, in this case the swept paths of the refuse vehicle at the access mean that emergency vehicles would be adequately accommodated.

Comments received during consultation have made reference to the loss of agricultural land. Paragraph 174 of the NPPF (2021) requires planning policies and decisions to recognize the benefits of the best and most versatile agricultural land (land in grades 1, 2 and 3a of the Agricultural Land Classification). The loss of the site for agricultural purposes has already been considered and acceptable in principle as part of the plan making process. The benefits of housing delivery in a sustainable settlement are considered to outweigh the marginal loss of agricultural land.

At pre-application stage, Natural England raised particular concern in relation to the issue of air quality thought to be impacting on Birklands West & Ollerton Corner SSSI and therefore requested that any application be accompanied by an air quality assessment. This has been duly submitted and concludes the following:

“During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. These were assessed in accordance with the IAQM methodology. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be negligible.”

“Based on the assessment results and implementation of best practice techniques, air quality is not considered a constraint to planning consent for the proposed development.”

No concerns have been raised by either Natural England or Environmental Health colleagues in respect to air quality.

Conclusion

The site is on the whole allocated in the Development Plan for residential development. The revised indicative plan now shows that all residential development would be within the settlement boundary in line with the site allocation. Despite the concerns raised locally regarding the level of residential development which is due to come forwards in Edwinstowe, the residential delivery of the site will make a meaningful contribution to the Districts Housing Supply in a sustainable settlement. Moreover, through the associated legal agreement, the applicant has demonstrated that the development would provide for infrastructure required through the additional 50 houses proposed.

As is expected for an outline application, the level of detail provided is limited. Nevertheless the supporting documentation demonstrates that the site could appropriately deliver up to 50 residential units without imposing specific harm worthy of refusal at outline stage. The applicant has worked with consultees during the life of the application to resolve the initial issues and on this basis the recommendation is one of approval subject to the conditions below (and the sealing of the associated legal agreement).

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, 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 and shall include details of a management plan. It shall also be designed to include new species rich habitats (including new hedgerow planting), which varies in structure and density along with permanent features for nesting birds, and roosting bats, gaps below fences to allow passage of small mammals such as hedgehog.

The details shall also include a Visitor Management Strategy to include details of zoning levels of activity, how public access will be controlled to limit disturbance to wildlife and physical features to prevent domestic animals from reaching habitats and how these will be monitored and enforced.

The details shall also include management of the roadside hedge to ensure that appropriate highways visibility is maintained throughout the lifetime of the development.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

04

The development hereby permitted authorises the erection of no more than 50 dwellings. Any reserved matters application for the development hereby approved shall only show development in the area marked as 'Developable Area (Ed/Ho/2)' on plan reference P20-3462_01.

Reason: To define the planning permission and to ensure an appropriate landscape buffer is provided within the north part of the site.

05

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved SCP Flood Risk Assessment (FRA) ref VL/210032/FRA/RevA dated September 2021 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

06

No development shall take place until a Construction Environmental Management Plan (CEMP) for the development has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for the following showing explicit regard for all existing neighbouring receptors:

- the parking of vehicles of site operatives and visitors including manoeuvring arrangements;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the proposed site compound;
- the erection and maintenance of security hoarding where appropriate;
- wheel and vehicle body washing facilities;
- provision of road sweeping facilities;
- measures to control the emission of noise, dust and dirt during construction;

- a Site Waste Management Scheme for recycling/disposing of waste resulting from demolition and construction works;
- a Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work;
- the means of access and routeing strategy for construction traffic showing visibility splays and method statement for the use of banksmen;
- details of construction traffic signage;
- management and procedures for access by abnormal loads;
- a strategy to control timings of deliveries to avoid the morning and evening peak travel times where possible;
- hours of construction work;
- management of surface water run-off, including details of a temporary localised flooding management system;
- the storage of fuel and chemicals;
- the control of temporary lighting

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development.

07

No works or development shall take place until an arboriculture method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: To protect existing trees ad hedgerows within the site.

08

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 the proposal site.

- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on 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 the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on 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 protect existing trees and hedgerows within the site.

09

No development shall take place other than in accordance with an archaeological Mitigation Strategy for the protection of archaeological remains, submitted to and approved by the Local Planning Authority prior to the start of development. Where development will result in an archaeological impact to one of the identified areas of archaeological interest, a Written Scheme of Archaeological Investigation must be submitted to and approved by the Local Planning Authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording;
3. Provision for site analysis;
4. Provision for publication and dissemination of analysis and records;
5. Provision for archive deposition; and
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

10

The archaeological site work shall be undertaken only in full accordance with the approved Mitigation Strategy. All archaeological site work must be undertaken only in full accordance with an approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Mitigation Strategy and/or Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

11

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved mitigation strategy and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the recording and to advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible in accordance with the National Planning Policy Framework.

12

Any reserved matters application for the development hereby approved shall be accompanied by a Noise Assessment and where necessary a Noise Attenuation / Mitigation Scheme. The approved attenuation scheme shall be implemented on site prior to the occupation of any dwelling to which the associated mitigation relates.

Reason: To ensure that noise levels are appropriately mitigated and that the mitigation measures are implemented in a timely manner.

13

The development hereby approved shall be carried out in accordance with the recommendations set out within the document Habitats and Protected Species Report – Paul Hicking Associates – 2140 –PHA specifically but not limited to:

- No foundation work should be left uncovered, overnight or for any length of time to avoid mammals becoming trapped in foundation or services trenches. Where this is unavoidable then trenches should be left with a sloping end or ramp to allow any animal that may fall in to escape.
- Pipes over 150mm in diameter should be capped off at night to prevent animals entering.
- The site shall be rechecked for the presence of hedgehog if the project is delayed at any time.
- Any builders sand or earth piles are covered over when not in use.
- The design of external lighting should be carefully considered to avoid impact on existing trees and potential flight zones and is to be designed in accordance with the Bat Conservation Trust guidelines for 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 (2019).

14

To avoid conflict with the legislation for breeding birds hedgerow removal must be undertaken outside the bird breeding season (March- September). If habitat clearance is unavoidable during the breeding season then the following action should be undertaken:

Prior to the commencement of works, the area including any affected vegetation, should be thoroughly searched for nesting birds. If a bird's nest is found then it should remain undisturbed and a 5m buffer zone should be created around the nest including above and below it. The zone around the nest site is to remain free of construction activities and disturbance until the young have fledged and left.

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 (2019).

15

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework.

16

Any subsequent reserved matters application shall include details of the highways arrangements as follows. Once approved the development shall be carried out in accordance with the approved details.

- Plans of all key dimensions including junction and forward visibility splays;
- Swept path analyses of an 11.6 m refuse vehicle throughout the residential areas of the site;
- Road hierarchy's demonstrating adoptable highways and private streets;
- Car parking, servicing and maneuvering areas;
- Cycle storage facilities;
- Bin storage facilities.

Reason: To ensure the development is designed and constructed to suitable standards.

17

Before the development is commenced, details of the highways arrangements as follows shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in accordance with the approved details prior to the commencement of development.

- The precise siting of the refuge on Mansfield Road near the proposed site access taking account of swept paths for refuge and emergency vehicles;
- A mitigation scheme aiming to reduce eastbound speeds.

Reason: In the interests of highway safety.

18

No dwelling shall be occupied until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: In the interests of highway safety.

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 development type proposed is zero rated in this location.

02

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

03

In order to carry out the off-site works required, the applicant 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 the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved

matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact licences@viaem.co.uk

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02094/OUTM

