



Report to Planning Committee 5 October 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, Ex 5793

Report Summary			
Application Number	21/00996/OUTM (MAJOR)		
Proposal	Outline Planning Application for the residential development with all matters reserved for up to 95 dwellings (the Proposed Development)		
Location	Land West of Rufford Colliery Lane, Rainworth		
Applicant	Romo Holdings Limited	Agent	Aspbury Planning - Tony Aspbury
Web Link	21/00996/OUTM Outline Planning Application for the residential development, with all matters reserved except means of access, for up to 95 dwellings (the Proposed Development) Land West Of Rufford Colliery Lane Rainworth (newark-sherwooddc.gov.uk)		
Registered	29.04.2021	Target Date	29.07.2021
		Extension of Time	06.10.2023
Recommendation	That Planning Permission is APPROVED subject to the Conditions detailed at Section 10.0		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Rainworth Parish Council has objected to the application which differs to the professional officer recommendation.

1.0 The Site

The 7Ha (approx.) site is located within the urban area of Rainworth. The majority of the site appears to be greenfield and contains grass, trees and shrub land with informal pathways crossing through it. It is however likely that the land was used historically in connection with the Rufford Colliery and/or the adjoining redundant railway line due to evidence of excavation/tipping of materials on the site. The southern part of the site is a designated Local Wildlife Site.

The site is located on the south side of the A617, undeveloped land is located to the west and land mainly used for recreation purposes is located to the east on the opposite side of Rufford Colliery Lane including a pétanque club and skate park. The land to the east and west are designated as Local Wildlife Sites. Residential properties and Rainworth District Centre are located to the south of the site.

The “*Rainworth Heath*” Site of Special Scientific Interest (SSSI) is located approximately 0.1km to the north of the site, whilst the “*Rainworth Lakes*” SSSI is located approximately 0.4km to the south of the site. The site is also located with the buffer zone area for the potential Sherwood Forest Special Protection Area (SPA) for breeding birds (nightjar and woodlark).

A strip of land falling within Flood Zones 2 and 3 and containing a water body is located along the east edge of the site.

The site is allocated for employment development under Policy Ra/E/1 for B1 (now Use Class E(G) Business Uses which can be carried out in a residential area without detriment to its amenity), B2 (General Industrial) and B8 (Storage and Distribution) uses in the Allocations and Development Management Development Plan Document (July 2013) (DPD).

The site visibly falls in gradient towards its centre with land rising towards the A1617, Rufford Colliery Lane and former railway embankment to the south.

2.0 Relevant Planning History

07/00474/RMAM - Phase one commercial development comprising of two storey hybrid business units under approval notice 06/01030/OUTM – permission 08.11.2007

07/00196/RMAM - Proposed cut & fill earthworks to facilitate future site development of agricultural land (Re-submission) – permission 30.03.2007

06/01030/OUTM - Commercial development inclusive of access road infrastructure – permission 01.02.2007

74840312 - Removal of dismantled rail bank – refused 21.09.1984

95/51434/CMM - Removal of part of disused railway embankment – decision by County

95/51401/CMA - Construction of a by-pass road – decision by County

3.0 The Proposal

The application seeks outline planning permission with all matters reserved for the residential development of the site for up to 95 dwellings. As such the submitted plans are for illustrative purposes only and matters reserved for subsequent approval include appearance, access, layout, landscaping and scale.

The submitted Development Framework and extract from the plan below proposed a series of perimeter blocks with proposed dwellings fronting the roads and private gardens to the rear. Footpath connections would be provided alongside the provision/retention of 3.4Ha

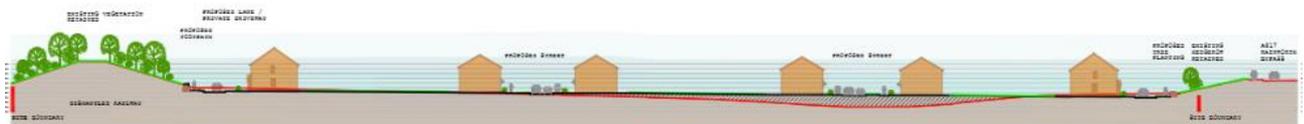
approx. green infrastructure including sustainable urban drainage systems (SUDS).



Extracts from Drawing Nos 9474-L-02E Development Framework Plan and 9474-L-04 F – Illustrative Layout Plan (Partial)

Amended plans and documents have been received during the lifetime of the application (in March 2022) to change the proposed access to the development so that it would be served off Rufford Colliery Lane leading onto the B6020 Kirklington Road as opposed to directly onto the A17 Rainworth By-Pass. The applicant in seeking the legal right to make this amendment is one of the main reasons for the delay in the determination of the application. This necessitated the submission of a revised Flood Risk Assessment. Further dialogue on acceptability of the revised access with the Highways Officer has occurred since this time. Alongside this, further ecology work and the need for independent ecology advice has been sought with the submission of Breeding Bird Surveys in September 2023. The need for further survey works and independent ecology advice further delayed the determination of the application albeit an agreement to extend the time limit for determining the application has been forthcoming in the interest of working positively and proactively during the process.

Due to the existing land levels, the proposed Illustrative Cross Sections show that land levels would need to be relevelled and raised in part to provide a more level developable area.



Extract from Drawing No 9474-L-03E – Illustrative Cross Sections

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

- 9474-L-07A Site Location
- 3614_Rev0 Topographical Survey
- 9474-L-02E Development Framework Plan
- 9474-L-03E Illustrative Cross Sections

- 9474-L-04 F Illustrative Layout Plan (Partial)
- 9474-L-05C Streetscenes
- 9474-L-06A Aerial Sketch View
- LSRBR-BSP-ZZ-XX-DR-S-0005 P03 Proposed Site Access Arrangements Pétanque Way Improvements
- LSRBR-BSP-ZZ-XX-D-S-0007 Rev P05 Off Site Cycleway Improvements (Indicative only)
- Transport Assessment (by bsp Consulting May 2022)
- Travel Plan (January 2022)
- RAIN-BSP-ZZ-XX-DR-C-0001 Rev P02 Surface Water Drainage Strategy Plan
- Flood Risk Assessment and Drainage Strategy: RAIN-BSP-ZZ-XX-RP-C-0001_P03 29th July 2022
- Planning, Design and Access Statement April 2021
- Employment Land Statement October 2020
- Marketing Report March 2022
- Draft Heads of Terms for Section 106 Agreement 21.04.2021
- Arboricultural Assessment March 2021
- Air Quality Assessment March 2021
- Acoustic Assessment March 2021
- Phase 1 Desk Study Report 23rd December 2020
- Ecological Statement for Habitats Regulations Assessment at Land South of A617, Rainworth (28th June 2022) (Shadow HRA)
- Ecological Surveys (April 2022)
- Ecological Appraisal (February 2021)
- Protected Species Surveys (2020)
- Response to Consultee Comments (Letter by Rachel Hacking Ecology 25.11.2022)
- Ecological Statement: Response to Consultee Comments 22/06/2023
- Breeding Bird Surveys (2023)
- Statement of Community Involvement April 2021

4.0 Departure/Public Advertisement Procedure

Occupiers of 51 neighbouring 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 due to the amended plans received in relation to the change to the proposed access.

Original site visit undertaken 12/05/2021.

5.0 Planning Policy Framework

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
Spatial Policy 9 Selecting Appropriate Sites for Allocation
Core Policy 1 Affordable Housing Provision
Core Policy 3 Housing Mix, Type and Density
Core Policy 6 Shaping our Employment Profile
Core Policy 9 Sustainable Design
Core Policy 10 Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13 Landscape Character
Core Policy 14 Historic Environment
Policy MFAP1 Mansfield Fringe Area

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
DM10 Pollution and Hazardous Materials
DM12 Presumption in Favour of Sustainable Development
Policy Ra/E/1 Rainworth Employment Site 1

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Building for a Healthy Life 2020
- Residential Cycle and Car Parking Standards & Design Guide (Supplementary Planning Document) June 2021
- District Wide Housing Needs Survey 2021
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- NCC Developer Contributions Strategy (December 2021)
- Housing Needs Study and Sub Area Summaries 2021

6.0 Consultations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

Environment Agency – The majority of the site is indicated to lie within Flood Zone 1, at low risk of flooding with a small portion of the site within Flood Zones 2 and 3, at medium to high risk of flooding associated with the ordinary watercourse, Rainworth Water within the eastern extent of the site. The proposed development itself, including all dwellings, will be restricted to parts of the site within Flood Zone 1. Therefore, flood risk posed to the development is considered to be low. The proposed development access onto Pentanque Way is shown to cross Rainworth Water within Flood Zone 3. However, topographical survey demonstrates the access to be suitably raised above the level of the watercourse so that safe access and egress can be maintained from site during a flood event. We therefore have no objection to the proposed development.

Following a review of the Phase 1 Desk Study Report (BSP Consulting, 23/12/20) submitted to support this planning application, I can confirm that I would have no objections to the proposed development. I agree with the recommendations within the report to undertake exploratory investigation works. Any site investigation works should include a groundwater investigation in order to develop a robust hydrogeological conceptual site model which will then feed into any groundwater risk assessment required. I recommend that if planning permission is granted conditions relating to contamination/preventing water pollution are included on the decision notice.

Natural England –

Comments received 18.07.2023:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Rainworth Heath Site of Special Scientific Interest (SSSI) and Rainworth Lakes SSSI and has no objection.

Comments received 28.07.2022:

Natural England agree with the assessment submitted in the Ecological Statement for Habitats Regulations Assessment at Land South of A617, Rainworth, Nottinghamshire (28th June 2022). The proposed development is unlikely to have a Likely Significant Effect (LSE) on the possibility of a protected Special Protection Area (Sherwood ppSPA). The submitted documents do set out that green infrastructure will be provided however in reviewing the illustrative layout Natural England note that there will be a partial circular path around the proposed development. If this were to be extended and a complete circular route provided it would provide a suitable route for the majority of future residents dog walks and would likely reduce the impact of visitor pressure on surrounding areas.

Comments received 13.04.2022:

In my previous response on 25th May 2021, I advised that the proposed development of the site could impact both SSSI's water quality and a CEMP would be required to avoid impacts during construction. I also advised that biodiversity net gain and impacts on the ppSPA should be considered as part of the application.

The submitted surface water drainage strategy does not suggest there would be any major issues with the approach however there is not enough detail contained within it to determine there would be no impacts on the designated sites. The applicant would need to propose a SuDS scheme specifically designed to ensure water quality which is in line with the CIRIA Suds manual in order to rule out any impacts.

NCC Highways –

Comments received 12.09.2023 (prior to access being removed as reserved matter for subsequent consideration):

The applicant has submitted drawing number LSRBR-BSP-ZZ-XX-D-S-007 Rev P05 to the Highway Authority. Whilst there are minor amendments which would need to be made (i.e. removal of verge in visibility splays, minor amendments to white lining and inclusion of cycle stands) the principle is acceptable.

Furthermore, a revised site access drawing was also submitted to the HA (Proposed Site Access Arrangements Pétanque Way Improvements – Drawing LSRBR-BSP-ZZ-XX-DR-S-005 Rev P03 which includes part details of improvements to the footpath/cycleway linking to the Rainworth Bypass, which is also indicatively acceptable.

Accordingly, we would have no objections subject conditions to relating to the proposed development being limited to up to 95 dwellings, further technical details to be submitted at reserved matters stage(s) and the delivery of off site improvement works. Off site improvement works include the provision of a 3-metre shared cycle/pedestrian route linking the development to the A617 Rainworth Bypass and cycle parking provision adjacent to the nearest bus stop.

Comments received 05.07.2022:

As it stands, the junction is shown to be operating well over practical capacity in the design year (in particular the Southwell Road (east) arm has issues). The junction is already equipped with MOVA, on-crossing detection, CCTV and UTC so the remaining available option would be widening, for which highway land appears to be available. Alternatively, we would consider additional cycle and/or pedestrian measures. The aim would be to offset the capacity issues created at the traffic signal junction by further encouraging sustainable transport, for not only the residents of the proposed development but the wider community, to reduce overall traffic impacting this junction. There does appear to be some scope to improve the existing facilities to Southwell Road (west) and NCC would be happy to work alongside the developer to achieve a suitable and proportionate solution.

It is noted that there is a proposal is to provide a short, shared route linking Petanque Way to the A617, which is welcomed (noting it requires third party land). The alignment is taken as indicative only, with suitable gradients to be demonstrated at detailed design and perhaps avoiding the third party land.

NCC Lead Local Flood Authority (LLFA) – No objection subject to conditions relating to the submission and approval of a detailed surface water scheme.

(b) Town/Parish Council

Rainworth Parish Council – Object for the following reasons:

- The application is contrary to the development plan which identifies the site as being more suitable for employment, retail and business use which is needed in the local area

- Rapid growth in dwellings has led to population growth whilst schools, doctors surgeries and local retail businesses have remained the same. Rainworth is at bursting point, residents have to wait unacceptable lengths of time to get a doctors appointment and local children are struggling to gain entry to their chosen schools
- There needs to be a growth in retail and business to meet the day to day convenience and service needs of its local catchment population. There are minimal employment opportunities in Rainworth.
- No built development should take place or impact upon part of the site covered by the SINC.
- Flood risks due to part of Rainworth Water running through the site.
- The change of access would immediately have an adverse effect on the quiet road which is used by many local children who regularly use the skate park and youth club. The safety of children is paramount, and no safety measures have been included to protect children who need to cross this road to gain entry to their play facilities.

(c) Representations/Non-Statutory Consultation

Nottinghamshire Police Designing out Crime Officer - Nottinghamshire Police would encourage the developers to apply for Secured By Design for the build.

Seven Trent Water – Foul is proposed to connect into the public combined water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge into a watercourse which we have no comment.

Coal Authority - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

NHS CCG – Contribution of £982 per dwelling (£93,290 in total) sought for enhancing capacity / infrastructure within existing local practices:

- Hill View Surgery
- Rainworth Centre
- Abbey Medical Group

RSPB -*Comments received prior to the submission of further bird surveys 02.08.2022:*

From the information provided in the ecological survey report (Rachel Hacking Ecology 2022) it is not possible for us to make a competent assessment of the potential impacts on nightjar and woodlark populations in the area. We also disagree with the conclusions of the HRA that there will be no recreational impacts and consider that needs to be given further consideration in how to mitigate impacts (eg, provision of a onsite SANGS) on sites north of the Rainworth bypass that form part of the current Important Bird Area and potential proposed SPA (ppSPA), and the surrounding SSSIs.

Nottinghamshire Wildlife Trust – *Comments received prior to the submission of further bird surveys 16.11.2022:*

Increased recreational pressure - The site is allocated for employment development, not housing development.

Breeding birds – We support decision to do targeted survey for breeding birds in habitat to be affected by vegetation removal prior to works being carried out.

Woodlark – The site sits within the buffer zone of the possible potential Special Protection Area (ppSPA) and is immediately adjacent to both a ppSPA core area and Important Bird Area (IBA) core area of ppSPA Sherwood Forest. It is a statutory requirement to comply with the ppSPA policy and Natural England's 2014 Guidance Note. Despite the site shows levels of disturbance, it supports heathland scrub and presence of woodlark cannot be ruled out. We consider surveying the site for woodlark necessary.

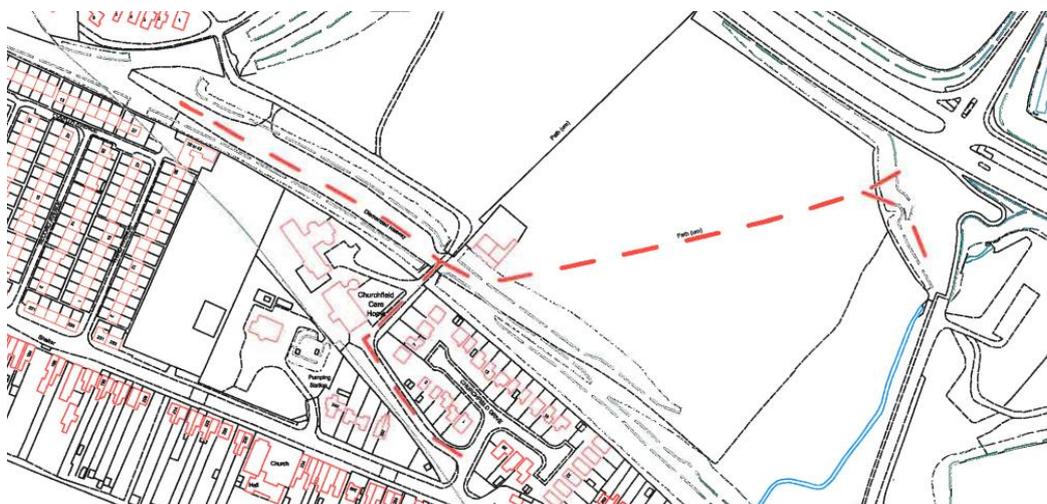
Reptiles: We consider it necessary to carry out updated reptile survey. No works should be carried out until next reptile active season i.e. spring 2023. This will mean that the last survey will have been carried out over two years ago. Further, juvenile common lizards were recorded during the survey, meaning the site support breeding population of common lizard.

Objection from Nottinghamshire Wildlife Trust remains in place towards this development. This is a site with potential for wildlife despite being highly used.

NSDC Biodiversity and Ecology Lead Officer – I am satisfied that we are now in receipt of sufficient evidence for me to advise you that there would not be any impact on breeding woodlark or nightjar. I concur with the view of Natural England that there would be no likely significant effect on the ppSPA. A Construction and Environmental Management Plan, Biodiversity Management Plan and lighting scheme is required as a planning condition at reserved matters, and requires approval pre-commencement of any development.

NCC Public Rights of Way - Comments received 19.05.2021:

The Rights of Way section reiterate the fact that there is a claim for a route across the planned development site which the developer has been made aware of and has alluded to in the Planning, Design and Access Statement. We recommend that the developer incorporate the route into the development on the existing line or divert the unrecorded rights through the provisions of the Town and Country Planning Act 1990. This would mitigate the risk of objections or claiming the routes as public rights of way at a later date.



NCC Planning Policy – Comments received 25.05.2021:

The planning obligations being sought by Nottinghamshire County Council in order to mitigate the impact of the proposed development are:

- Transport & Travel Services - The County Council will request that a Bus Stop Infrastructure contribution of £42,500 is paid to provide improvements to the bus stops denoted NS0246, NS0292, NS0303, MA0528 and MA0529 and shall include the installation of real time bus stop pole and displays including associated electrical connections (full justification is set out in the response received).

NSDC Planning Policy – The alternative access which has been proposed is to be welcomed, providing it meets the standards required by the highways authority. If we are satisfied that there is no reasonable prospect of the site being developed for employment purposes (the Marketing Report shows that the site has been continually marketed), residential development should be expected to be fully policy compliant in all other respects for development which is a departure from the Development Plan to be considered appropriate.

NSDC Environmental Health (contamination) – The Phase I Desk Study Report (BSP Consulting) adequately characterises the site and surrounding areas in relation to site geology, history, and potentially contaminative land uses. The conceptual site considers all potential contaminant sources, pathways and receptors.

Further intrusive site investigations (Phase II Exploratory Investigation Works) should be carried out in line with the recommendations provided by the Desk Study Report to investigate the potential contamination, and identify any remediation works required.

The site therefore appears suitable for the proposed development subject to a satisfactory Phase II investigation and subsequent remediation works as necessary. I would therefore recommend use of the standard phased contamination condition.

NSDC Environmental Health (air quality) – The Air Quality Assessment (Air Quality Consultants Ltd) adequately assesses existing local air quality, and future air quality in the context of the proposed development. The assessment concludes the proposed development will not have a significant impact on local roadside air quality, and that future residents will experience acceptable air quality. I therefore recommend that no further air quality or survey assessment work is required.

The potential for dust issues during the construction phase of the development has not been considered by the assessment. The applicant should consider in detail the potential impact of construction methods and working practices on sensitive properties in the vicinity, and ensure best practicable means are employed to minimise dust (and noise).

I therefore recommend a construction management plan is submitted in writing to, and agreed by, the planning authority, to be implemented in full during the construction phase of the development.

NSDC Environmental Health (noise) – *Comments received 17.05.2021:*

The Environmental Health Officer confirmed verbally that they have no objection at this outline stage given plans are indicative subject to a condition requiring a more detailed noise

survey based on a precise layout being submitted at reserved matters stage. This may include the need for mitigation measures and potential repositioning of the proposed dwellings as indicatively shown in the submitted plans.

Comments received 17.05.2021:

The acoustic assessment states that it is based on uninterrupted block building and as a consequence may overstate the screening provided. The Aerial Sketch view suggests detached or semidetached dwellings therefore noise levels may be higher than those suggested within the report. Based on the assumptions within the report the upper windows and outdoor areas are to be to the upper limits of the WHO noise guidelines.

NSDC Archaeology Advisor – If permission is granted, an archaeological condition for a mitigation strategy is recommended. This would initially comprise, but may not be limited to, a geophysical survey to support a targeted trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation.

NSDC Tree Officer –

1. The proposal will result in the loss of habitat, this need to be quantified and addressed.
2. Landscaping
 - a. A measurement of the likely impact of the proposal has not been included, there is clear potential for protected species to be impacted on by the development and a significant carbon loss resultant from the development.
 - b. No mitigation has been put forward - a detail landscaping scheme is needed to address the visual/biodiversity impact on the surrounding countryside demonstrating how
 - i. it will improve biodiversity (section 41 species),
 - ii. be in keeping with the character assessment of the area
 - iii. be of benefit to site usage / improving sustainability, carbon storage balance
 - iv. reach an age to give a meaningful impact (40 years) without having a negative impact
 - v. Demonstrate method for 40 year retention.
 - vi. Include biodiversity enhancements – bat boxes (target to species), foraging strips, wildlife migration corridors etc.

NSDC 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.

In terms of justification, there are various community facilities in the Rainworth locality that would benefit from investment. Priority projects would include Rainworth Village Hall, Rainworth Leisure Centre at the Joseph Whitaker Academy, and the community facilities provide for the wider community as part of the Rainworth Miners Welfare offer and the Rainworth Petanque Club all of which serve the community and all of which would welcome some investment. In terms of a priority project I would highlight the Village Hall, this building is in need of upgrades and improvements to ensure its sustainable future and the Parish

Council and Charity that runs the building on behalf of and for the community have plans for an extension that will provide much needed additional space for community hub type activities including an expanded community library offer.

NSDC Strategic Housing – A suggested tenure breakdown is demonstrated below:-

	Affordable Rent	First Homes	Shared Ownership	Total
2 Bed House	6	5	0	11
2 Bed Bungalow	4	2	4	10
3 Bed House	6	0	0	6
4 Bed House	1	0	0	1
	17	7	4	28

Housing Need for Affordable Housing

In 2021 the Council provided a new district wide housing needs assessment and area analysis. The sub areas are broken down into 8 areas of which Rainworth forms part of the Mansfield Fringe area. There is an annual need for 112 affordable dwellings (67 for affordable rent and 45 for intermediate housing). The main requirement is for 3 and four beds however the Council's housing register provides a good demand for 2 bedroom dwellings.

S106 Agreement

The affordable housing part of development schemes will normally be secured through a legal agreement (S106) to ensure the provision prior to the granting of planning permission.

Involvement of Registered Providers (RP)

Involving RPs early in the process will enable the applicant to better plan the provision of affordable housing in conjunction with the market element of the site. We will expect an applicant to provide the affordable housing for an RP nominated by use. This will ensure the dwellings are well suited to meet local needs.

NSDC Parks and Amenities – No comments received.

Representations have been received from 3 local residents/interested parties prior to the amended red line boundary / position of the proposed site access which can be summarised as follows:

- Strain on the amenities/infrastructure within the village e.g. doctors, schools
- Extra vehicles/traffic on the roads/roads not suitable
- Loss of place to walk
- The site should be used for tree planting to offset fumes etc.
- What is going to happen to the old railway embankment

Representations have been received from 1 local residents/interested parties post the amended red line boundary / position of the proposed site access which can be summarised as follows:

- The village does not have the infrastructure for more dwellings e.g. doctors, schools,

- nurseries
- Road is not suitable for the amount of traffic that would use it

7.0 Appraisal

The key issues in assessing this proposal relate to the

1. Principle of Development
2. Housing Type, Mix and Density
3. Impact on Character and Visual Amenity
4. Impact on Residential Amenity
5. Highways and Parking
6. Drainage and Flooding
7. Impact on Ecology and Trees
8. Contaminated Land
9. Impact on Archaeology
10. Developer Contributions

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD. The Council can demonstrate in excess of the necessary 5 year housing land supply.

Principle of Development

Spatial Policies 1 (Settlement Hierarchy) and 2 (Spatial Distribution of Growth) of the adopted Amended Core Strategy, identify Rainworth as a Service Centre where the focus, as a sustainable settlement, is for housing and employment growth. Rainworth is expected to accommodate 10% of service centre growth over the development plan period. The site is located within the defined Urban Boundary of Rainworth as identified on the proposal map in the Allocations and Development Management DPD and is also allocated for employment under policy Ra/E/1 (Rainworth Employment Site 1). The proposed development (as amended) would provide direct vehicular links to Rainworth District Centre (blue line below) and is capable of being fully integrated into the settlement.



Extract from Proposal Map - Allocations and Development Management DPD

Spatial Policy 5 (Delivering the Strategy) states that to ensure the housing and employment needs of the District are delivered over the plan period, sufficient sites have been allocated to more than meet the requirements. Over the plan period, the supporting text to this policy anticipates that development of additional housing and employment will occur in sustainable locations across the district.

Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) of the Allocations & Development Management Development Plan Document (DPD) 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 MFAP1 (Mansfield Fringe Area) further promotes the Service Centre of Rainworth as a sustainable settlement for its residents, encouraging new housing, employment activities and the provision of new community infrastructure.

With reference to the site selection criteria set out in Spatial Policy 9 (Selecting Appropriate Sites for Allocation) the site allocation Policy Ra/E/1 states:

Land West of Colliery Lane has been allocated on the Policies Map for Employment Development. The site is 5.5ha in size and B1/B2/B8 is appropriate.

In addition to the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:

- *The provision of suitable vehicular access from the A617 Rainworth bypass as part of the design and layout of any planning application;*

- *No flood sensitive development should take place in areas identified as being within Flood Zones 2 and 3;*
- *The provision of suitable pedestrian access from the site to the village taking account of known flood risk constraints as part of the design and layout of any planning application;*
- *Provision of a drainage strategy as part of any planning application to ensure that the development does not flood during low annual probability rainfall events or exacerbate the flood risk off-site;*
- *The positive management of surface water through the design and layout of development to ensure that there is not detrimental impact in run-off into surrounding residential areas or the existing drainage regime;*
- *Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;*
- *The incorporation of satisfactory buffer landscaping to minimize the impact of development on SINC's which are located both within and adjoining the site; and*
- *The investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures.*

The proposed development would represent a departure from the development plan and the fundamental policy issues relate to the acceptability of the site for residential as opposed to employment use in accordance with Policy Ra/E/1.

Paragraph 122 of the NPPF advises that *'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'*

Core Policy 6 of the Amended Core Strategy - Shaping our Employment Profile sets out in the final bullet point that by respecting that where the release of sites to non-employment purposes is proposed, any significant benefits to the local area that would result, should be taken into account to inform decision making.

The figures in the Second Publication Amended Allocations & Development Management DPD (September 2023) identify a requirement of 83.1ha of employment land. In total the District has a supply of 185.56ha (figure includes 'available employment land in designated employment areas' and employment land allocations and permissions) so there is a substantial surplus. While these figures are often revised, it is clear that there is no need resist the loss of the site to employment purposes on grounds of employment land availability within the District.

The Planning, Design and Access Statement further concludes that the site is not suitable for employment development (particularly due to its undulating topography) and the requirement to create access from the A617 which has impacted upon the feasibility and viability of development for employment purposes due to high development costs. Additionally, there is less constrained employment land available within the wider area/along the A617 corridor.

An Employment Land Statement which sets out details of the site being put to the market since June 2019 has also been submitted. Although this appears to be a period of almost two years (taking account of when the application was submitted) the report was actually finalised in October 2020 and all but 10 months of this period were influenced by the Covid 19 pandemic. Having said that, the conclusions that are drawn over the site's suitability and viability for the changing employment market do not seem unreasonable. The report states that despite open marketing via a number of platforms, up to October 2020, no formal offers were received for employment use and overall interest was extremely limited.

A further Marketing Report was subsequently submitted in March 2022 which confirms that the land continued to be marketed after October 2020 (for residential development also given the lack of interest for employment). A preferred party to deliver residential development was selected in September 2021 albeit the site has remained live on a number of suitable marketing platforms on an 'All Enquiries' basis since this time. This report further confirms that there has been little interest in any employment uses beyond enquiries from 2 local companies looking to store materials on the site in relation to their trade activities therefore confirming little interest has been forthcoming in that period.

Newark and Sherwood District Council (NSDC) 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 which sets out a presumption in favour of sustainable development. It should be noted that the updated position for Rainworth at the end of March 2023 is that dwellings completed exceed the target for Rainworth. However, the fact that the minimum requirement has been met would not be fatal to any proposals for additional supply and would contribute towards the Government objective as set out in Paragraph 60 of the NPPF to significantly boost the supply of homes. This is provided they are sustainably located and appropriately designed and comply with all other policy requirements, particularly in respect to the provision of affordable housing.

Overall, it has been demonstrated that there is no reasonable prospect of the site being developed for employment purposes. The proposed development of the site for residential purposes is therefore considered an acceptable alternative form of built development on this site given its location within the Urban Boundary of Rainworth. The proposed residential development does however need to be fully policy compliant in all other respects given that it is for a development which is a departure from the Development Plan. As such, whether or not the development is considered acceptable in principle is subject to an assessment of all relevant site-specific considerations as set out in more detail below. These are matters that will be weighed in the overall planning balance as set out in the 'Conclusion and Planning Balance' section of the report below.

Housing Mix, Type and Density

Core Policy 3 (Housing Mix, Type and Density) sets out that densities in all housing developments shall normally be no lower than 30 dwelling per hectare. Whilst the overall site exceeds 7Ha (approx.), the Illustrative Development Framework suggests five discrete parcels of residential development which would equate to a net developable area of 3 Ha. A scheme for 95 dwellings would create a site density of around 32 dwellings per hectare. The maximum quantum of development therefore complies with these density requirements. Due to site constraints, the development of more detailed plans may result in less than 95 dwellings coming forward at reserved matters stage if approved. Provided that there is justification for a scheme with a lower density, this would not be fatal to the acceptability of the development overall.

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 95 dwellings coming forward (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' 95 dwellings).

In terms of the mix of units, Core Policy 3 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.

The Housing Needs Study and Sub Area Summaries 2021 for the Mansfield Fringe Area set out that the overall housing mix for market dwellings required in this area is 0% 1-bed bungalows, 3.5% 2-bed bungalows, 12% 1 to 2-bed houses, 26.9% 3-bed houses, 34.3 4+ bed houses.

In relation to affordable housing, Core Policy 1 seeks to secure 30% of all qualifying new housing development as affordable housing. The submitted Heads of Terms for the S106 agreement indicate that 30% affordable housing is proposed. NSDC's Strategic Housing Officer raise no objection to the application on this basis.

The Planning, Design and Statement confirms an intention to bring forwards a range of house types and sizes. The precise housing mix would be a matter reserved for subsequent consideration through the submission of a reserved matter. As such, it is not possible, nor appropriate, to appraise this matter other than to acknowledge that the tenure split for affordable dwellings would need to be incorporated into the associated legal agreement as discussed further in the relevant section below.

Impact on Character and Visual Amenity

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 (Design) requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The detailed scale, design, landscape and layout are matters that would be reserved for consideration through the submission of a reserved matters application. As such, the specific impacts on character and visual amenity would need to be considered at reserved matters stage. For this outline stage, it is however necessary to consider the principle of the change of the site to housing, in addition to whether or not it would be possible to develop the site for the quantum of development specified without unduly harming the character and appearance of the area.

Whilst the site is located within the defined settlement boundary, the aims of Core Policy 13 (Landscape Character) are still considered relevant in this particular instance. This policy indicates that the development proposals should positively address the recommended actions 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. A high level Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Strategy Core Policy 13.

The proposal is located within the Sherwood Character Area, which has been divided into various Policy Zones. The application site is located in Policy Zone S PZ 8: Vicar Water and Rainworth Heath Wooded Estatelands. The landscape is gently undulating and detracting features to the urban fringes including along the A617 are identified. The landscape condition of this area is defined as 'Very Poor'. The landscape sensitivity of the is defined as 'Moderate' and overall this has led to a policy action of 'Create'. The Policy Actions for this area include concentrating new development around the existing settlements and promoting the sensitive siting of new industrial and commercial buildings. The application site is located within the Urban Boundary of Rainworth and is therefore compliant with the aims of the LCA.

The site is allocated for employment development. The 'Principle of Development' section above accepts that the employment development of the site does not currently pose a realistic fall back for site. Notwithstanding this view, employment development on this site could have a greater impact upon the character and visual amenity of the area since employment buildings tend to be larger than dwellings and may necessitate a larger area of hardstanding to accommodate parking and storage areas. In addition, the site's location within the urban boundary of Rainworth means that resisting any built development on this land as a matter of principle is not a reason that could be sustained at appeal.

The site lies on the southern outskirts of the village on land which is undulating. The site is predominantly located near to 20th century development and there is a variety and intensity of modern housing, road infrastructure and community related development in the vicinity. The development would inevitably alter the existing landscape and the character of the surrounding area by virtue of the fact that a predominantly green site would become a housing site.

The Illustrative Site Layout indicates that approximately 3Ha out of the overall 7Ha site area would be developed. The remaining area would be used/retained for the provision of green infrastructure including buffer planting areas, tree planting and retention of existing woodland, hedgerow scrub, marsh and grassland. This would soften views of the proposed application site. Acoustic fencing/landscaped bunds would be required to mitigate noise

impacts along the north boundary of the site. Details of such mitigation measures would be required and assessed at reserved matters stage to ensure no adverse visual impacts would result.

The most frequent views of the site can be achieved from passers-by along the A617. These views are considered to be less sensitive given that they tend to be from moving vehicles. Even so it is considered that a carefully design scheme which utilises land levels and existing and proposed landscape features/buffer areas to minimise visual impacts can be achieved on this site in accordance with the requirements of Core Policy 9 and DM5. This is subject to further consideration of siting, scale, design and landscaping at reserved matters stage.

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. As the application is outline, it is only possible to assess the acceptability of the proposed development in terms of any impacts on existing residents or future occupiers as a matter of principle.

The development of the site for residential is less likely to result in adverse impacts upon any existing residential properties to the south of the site. It would still need to be evidenced at the outline stage that the proposed quantum of development would be acceptable in residential amenity terms.

The application site is located in a mixed-use area with recreation uses to the east, vehicle repairs garage to locate to the west, town centre to the south and A617 to the north. As such, an Acoustic Assessment and Air Quality Assessment has been submitted with the application. With regards to noise, the submitted assessment concludes that *'it is possible to develop the site for residential purposes in a way that will properly protect the amenity of future residents of the dwellings'*. It recommends a number of potential mitigation measures including orientating dwellings and designing internal layout to ensure that less noise sensitive facades face the road; and screening more sensitive dwellings using acoustic barriers such as buns and/or appropriate fences. The Environmental Health Officer has considered the findings in this report and has raised concerns that noise from the A617, in particular, has the potential to exceed best practice noise guidelines and may be underestimated in the report.

However, it is also noted that the modelling used is not accurate at this stage since plans are only illustrative. As such, it is considered reasonable for a condition to be imposed to ensure the provision of an updated noise survey with required mitigation at reserved matters stage. The Environmental Health Officer is content with this approach. From a visual amenity perspective, a landscaped bund would be preferable (as opposed to acoustic fencing alongside the A617 unless this can be screened). The acceptability (or otherwise) of the specific mitigation measures can be considered at reserved matters stage. Should the mitigation measures required by this survey require less than 'up to 95 dwellings', there is scope for the quantum of development to be reduced within the remit of the reserved matters application.

Subject to a condition requiring an updated noise survey and details of mitigation measures with any reserved matters application the principle of developing the site for residential

purposes is considered acceptable in accordance with Policy DM5.

Highway and Parking

Spatial Policy 7 (Sustainable Transport) indicates that development proposals should be appropriate for the highway network in terms of 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 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The bullet point under policy Ra/E/1 which relates to *'The provision of suitable vehicular access from the A617 Rainworth bypass as part of the design and layout of any planning application'* and *'The provision of suitable pedestrian access from the site to the village taking account of known flood risk constraints as part of the design and layout of any planning application'* are relevant to the consideration of the alternative residential development proposed.

The original submission was for the means of access to be the only detailed matter being considered at outline stage. However, means of access is now a matter reserved for subsequent approval. This has been agreed by the Agent at the request of the Officer to enable greater flexibility in future road layout to provide required landscape buffer mitigation and so that further final adjustments to the final road layout can be undertaken at reserved matters stage. Even so, it is considered necessary to ensure that the access proposed is acceptable in principle.

As originally submitted, the application proposed access off the Rainworth Bypass (A617). This was in line with the site allocation which considered this an appropriate route for an employment use as routing of additional HGVs through the settlement would not have been appropriate. However, as the proposal is now for a residential development, it is important that it is fully integrated into the settlement. The lack of vehicular access directly into Rainworth would have resulted in a development that would lack integration and feel physically separate. This would not have created a sustainable and socially cohesive development. As such, the site owners have alternatively sought the ability to provide vehicular access onto Kirklington Road to ensure direct links the site with the rest of the village.

A revised Transport Assessment was subsequently submitted. This has highlighted some existing junction capacity issues, particularly in relation to the Kirklington Road signal junction with Southwell Road East (B6020) in the centre of Rainworth. Whilst the proposed development traffic off this junction would only represent an increase of 0.5% against background flows, the Highways Officer still considers that without mitigation, the proposed development could result in traffic issues at this junction given that the junction is already operating over practical capacity (greater than 90%). As such, they consider it appropriate to offset capacity issues by encouraging sustainable transport through additional cycle facilities within the village.

Overall, the Highways Officer raises no objections to the principle of the access off Rufford Colliery Lane [and leading onto Kirklington Road (B6020)] subject to conditions relating to the

proposed development being limited for to up to 95 dwellings, further technical details to be submitted at reserved matters stage(s) and the delivery of off-site improvement works. Off-site improvement works proposed include the provision of a 3-metre shared cycle/pedestrian route linking the development to the A617 Rainworth Bypass and cycle parking provision adjacent to the nearest bus stop.

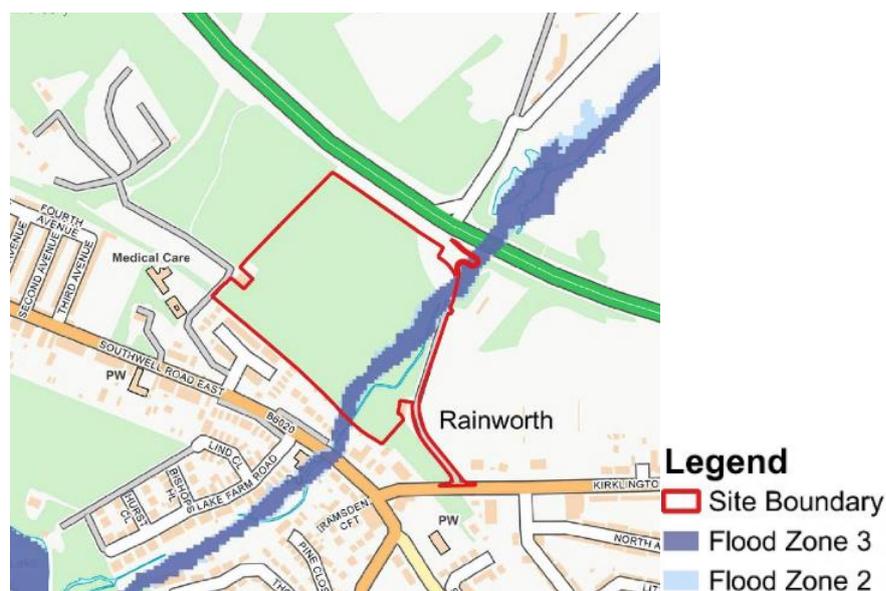
The Council has recently adopted an SPD on residential cycle and parking standards. Clearly it is not possible to assess the scheme against the provisions of this document at this stage. It is expected that any reserved matters submission which comes forward takes account of the SPD in the detailed design of the scheme.

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 (Sustainable Design) requires developments to be pro-actively manage surface water and Policy DM5 (Design) builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems. Core Policy 10 (Climate Change) of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the NPPF set out a sequential approach to flood risk.

The majority of the site lies in Flood Zone 1 (at low risk of flooding) with small part of the east periphery of the site lying within Flood Zones 2/3 (at medium to high risk of flooding) along the route of a watercourse (Rainworth Water).



Extract from Figure 3.1 Flood Risk Assessment and Drainage Strategy 29th July 2022

The following bullet points under policy Ra/E/1 are relevant to the consideration of an alternative residential development:

- No flood sensitive development should take place in areas identified as being within Flood Zones 2 and 3;
- Provision of a drainage strategy as part of any planning application to ensure that the development does not flood during low annual probability rainfall events or exacerbate the flood risk off-site;
- The positive management of surface water through the design and layout of development to ensure that there is not detrimental impact in run-off into surrounding residential areas or the existing drainage regime;
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

In relation to the first bullet point of policy Ra/E/1 (as listed above), the entirety of the proposed residential development area is indicated to be in flood zone 1. However, the proposed access to the site would cross over land in flood zones 2 and 3.

Government guidance states that the sequential test does not need to be applied for individual developments on sites, which have been allocated in development plans. However, as a departure from the allocated use, consideration will need to be given to the need to apply the sequential test if any parts of the development are located in Flood Zone 2/3. As set out in the 'Highways and Parking' section above, vehicular access to the site was originally proposed to the north of the site and off the A617. This would have led to a residential development detached from the village of Rainworth and the from a sustainability perspective was not considered to result in sustainable development. The amended access has however resulted in a situation whereby the alternative access has to pass through the Flood Zone 2/3 area and the sequential test is now required.

The area to apply the Sequential Test across would need to be defined by local circumstances relating to the catchment area for the type of development proposed. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. National policy is clear that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

If the sequential test were to be applied strictly without regard to the specific circumstances of this application, it would fail since there are likely to be other reasonably available sites appropriate for residential development in areas with a lower risk of flooding. However, taking a pragmatic view 'reasonably available' should be applied to reflect context and the specific circumstances of the site. A strict application of the sequential test is not practical in this particular instance as access outside of Flood Zone 2/3 is possible but was amended at the request of the LPA to be off Kirklington Road to provide a more sustainable development integrated with the wider village of Rainworth. All of the proposed residential development would be located in Flood Zone 1.

The proposed dwellings are categorised as 'more vulnerable' in flood risk terms and even though it is only their vehicular access that would cross over flood zone 3a, the Exception Test still needs to be applied. To pass the exception test it should be demonstrated that (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) 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 exception test should be satisfied for development to be allocated or permitted.

Vehicular access connecting the proposed development more conveniently to the village of Rainworth is considered to represent a wider sustainability benefit to the community. Additionally, the submitted Flood Risk Assessment (FRA) demonstrates that the proposed development would be safe for its lifetime and that it would not increase flood risk elsewhere. As none of the proposed dwellings would be situated within Flood Zone 2/3 (as per the submitted Development Framework Plan which set the parameters for the reserved matters application), no specific mitigation measures to mitigate their risk of fluvial flooding are required.), The Environment Agency raise no objection to the application on this basis and the proposed access would be suitably raised above the level of the watercourse so that safe access and egress can be maintained from site during a flood event.

The FRA states that infiltration/SuDS as a means for surface water drainage disposal is likely to be viable (with this to be explored in more detail at reserved matters stage) and it also makes recommendations in relation to floor levels to minimise the risk of surface water flooding. The Lead Local Flood Authority raises no objection to the application on this basis, subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme.

The FRA confirms that the Seven Trent Water sewer (STW) has the available capacity to accommodate the proposed development. New foul public sewer connections would be required by separate agreement with STW.

Subject to conditions including that any reserved matters application would need to be substantively in accordance with the submitted Development Framework Plan, the applicant has adequately demonstrated that the development will not adversely impact on flooding or drainage in accordance with the aims of Core Policy 9 and Core Policy 10 of the Core Strategy, Policy DM5 of the DPD and the provisions of the NPPF.

Impact on Ecology and Trees

Policy DM7 (Biodiversity and Green Infrastructure) supports the requirements of Core Policy 12 (Biodiversity and Green Infrastructure) and states that development proposals affecting sites of ecological importance should be supported by an up-to-date ecological assessment. Core Policy 12 further 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 DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The bullet point under policy Ra/E/1 which relates to ‘The incorporation of satisfactory buffer landscaping to minimize the impact of development on Local Wildlife Sites which are located both within and adjoining the site’ is to relevant to the consideration of an alternative residential development.

Possible Potential Special Protection Area (ppSPA)

The “*Rainworth Heath*” Site of Special Scientific Interest (SSSI) is located approximately 0.1km to the north of the site, whilst the “*Rainworth Lakes*” SSSI is located approximately 0.4km to the south of the site. The site is also located with Natural England’s (NE’s) Indicative Core Area (ICA) within which the need for the impact on the potential Sherwood Forest Special Protection Area (pSPA) for its breeding bird (nightjar and woodlark) needs to be considered. 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 possible using appropriate measures and safeguards. The potential direct, indirect and cumulative impacts may include 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 bird mortality arising from road traffic and/or wind turbines pollution and/or nutrient enrichment of breeding habitats.

The first stage of any Habitat Regulations Assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is essentially a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.

The proposed development of the site has the potential to result in greater recreational pressure on the Sherwood Forest ppSPA than an employment development on this site. Residents are likely 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, would mean that in many cases, dog walkers etc. would keep to established routes.

The current situation is that this is a ‘potential’ possible SPA, and current guidance from Natural England is that a ‘risk based’ approach should be adopted, as set out in their guidance note, and that “...LPAs seek to ensure that plans and proposals are accompanied by an additional and robust assessment of the likely impacts arising from the proposals on breeding nightjar and woodlark in the Sherwood Forest area.”

The application has been supported by an ‘Ecological Statement for Habitats Regulations

Assessment (28th June 2022)' and represents a shadow HRA. This has screened the proposed development and concludes that that no LSE is expected from the development on the ppSPA. Therefore Stage 2 of the HRA: and Appropriate Assessment is not required.

This has been considered by Natural England (NE) who have concluded that there would be no likely significant effect on the ppSPA. It remains for Newark and Sherwood District Council's (NSDC), 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 considered. In this case, it is considered that adequate information been submitted and the Council has therefore adopted the submitted shadow HRA.

NSDC is in receipt of sufficient information to conclude that there would be no impact on breeding nightjar and woodlark. Weight is also given to Natural England's views on this matter, and the Biodiversity and Ecology Lead Officer also concurs with their conclusion. Overall, the increase in visitors is anticipated to be negligible in relation to current levels. Additionally, survey work has confirmed that the application site is considered unsuitable nor in use by either nightjar or woodlark.

Dust Pollution

NE had outstanding comments regarding dust pollution but in their latest response they confirm that this has been addressed by the proposal to provide a detailed Construction Environmental Management Plan (CEMP). To ensure that this is carried through, it is recommended that a condition be imposed to ensure the CEMP is submitted at reserved matters stage should the outline application be approved.

Water Pollution

NE had outstanding comments regarding potential pollution within the Rainworth Heaths SSSI catchment but have confirmed that this has been addressed via the proposed Sustainable Urban Drainage scheme (SUDs). Conditions (as also requested by the LLFA and EA) are recommended in relation to the control of water pollution and the submission and approval of a surface water management plan.

Biodiversity Net Gain

The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

NE have acknowledged that there is currently no statutory obligation to consider Biodiversity Net Gain but expected to see some consideration of BNG within the application. NSDC currently does not have a local planning policy that requires a measurable biodiversity net gain to be provided, therefore a gain of 1% would meet this requirement.

Against this backdrop, the proposal would be required to submit a Biodiversity Management Plan (BMP) to detail measures for maintenance and enhancement of ecological features post construction. Measures within the BMP would need to demonstrate how such opportunities have been maximised, and to ensure that the proposals are implemented. This requirement would be imposed via planning condition.

Impacts on Protected Species

In relation to bats, the surveys undertaken to date do not comply with best practice advice. However, the Biodiversity and Ecology Lead Officer agrees that based on the limited survey results the local bat assemblage is likely to be formed by the common and widespread species that have been recorded. They therefore do not consider it necessary to insist that further surveys be undertaken in this instance and recommends that a condition be imposed to ensure the submission, approval and implementation of a sensitive lighting scheme to demonstrate how potential impacts on potential foraging and commuting habitats from development lighting are minimised.

Mitigation measures for water vole are considered acceptable as proposed and the recommended BMP condition would ensure no adverse impact upon this species.

In relation to reptiles, it is acknowledged that the reptile surveys submitted with the application are now dated. However, the Biodiversity and Ecology Lead Officer has advised that given the low numbers of common lizard recorded, it is reasonably likely that the re-survey requested by Nottinghamshire Wildlife Trust would result in the same population level being recorded (i.e., 'low') and the mitigation strategy proposed is based on such a population level. The recommended BMP condition which takes account of this strategy would ensure no adverse impact upon this species.

Trees

The submitted Arboricultural Assessment confirms that there are a total of 51 individual trees, 18 tree groups, a hedgerow (H1) and a single woodland (W1) on and adjacent to the application site. The highest value tree cover is the Category A woodland area (W1) located to the west of the site (off site) and a mature tree group (in addition to single trees) located along an the embankment on the south west boundary (G1, G2, G3, G4, G7 and G8). Internally within the site, it is likely that all planting has established through self-seeding, with it being apparent that the site has been stripped or disturbed previously. The hedgerow (H1) is a Category C unmaintained and recently planted hedgerow adjacent to the A617. Tree cover alongside Rainworth Water includes some Category B and self-seed groups in Category C.

The proposed development parcels are indicatively shown to be central within the site. Buffers are proposed to the existing boundary tree cover including the woodland area (W1) to the west and the higher value Category B trees and groups located to the south and adjacent to Rainworth Water. As such, the proposed development as indicatively proposed would not result in any adverse impacts on any Category A and B trees/groups of trees which are regarded as are trees of high and moderate quality.

The development would likely require the removal of most of the Category C internally self-seeded tree cover – the submitted Assessment states that removal of this tree cover should

not be regarded as a constraint to development due to their low quality and young proportions.

Details of landscape is a matter reserved for subsequent approval. The current indicative Tree Retention Plan whilst considered acceptable in principle, is not to be agreed at this stage in any event and a condition is recommended to ensure further details and justification for any loss is submitted at reserved matters stage. A landscape scheme could mitigate for any essential tree loss and would help to enhance the sites habitat and biodiversity value overall.

Overall

Subject to conditions including the requirement for an Arboricultural Method Statement, Construction and Environmental Management Plan, Biodiversity Management Plan, landscape scheme and lighting scheme no adverse impact on nearby protected sites (including the adjacent Local Wildlife Sites and ppSPA), trees, biodiversity or protected species has been identified which would prevent the grant of outline permission.

Contaminated Land

Policy DM10 (Pollution and Hazardous Materials) of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

I consider the bullet point under policy Ra/E/1 which relates to 'The investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures' to be relevant to the consideration of an alternative residential development.

The Environmental Health Officer and Environment Agency raise no objection to the application and they each request a contamination survey for the site (one in relation to human health and one in relation to water pollution). Two separate conditions are required as the requirements of each are different. This would ensure the site is suitable for its new use in accordance with the requirements of Policy DM10 of the DPD.

Impact on Archaeology

Core Policy 14 (Historic Environment) of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 (Protecting and Enhancing the Historic Environment) 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.

The site lies in a general area of archaeological potential associated with pre-historic, Roman and medieval activity as recorded on the Nottinghamshire Historic Environment Record. Medieval archaeology is noted to the north at Strawberry Hill and recent excavation to the east has identified the first evidence for early medieval charcoal production in the confines of Sherwood Forest. The HER records no identified archaeological activity within the site boundary, however this may well be due to a lack of investigation and data rather than a lack

of activity. Given the surrounding known archaeological activity, the size of the site and its proposed residential development, the Archaeology Officer recommends an archaeological condition for a mitigation strategy to effectively deal with the site to meet the requirements of paragraph 194 of the NPPF. Overall, the Archaeology Officer raises no objection to the application subject to conditions to enable any remaining archaeology that currently survives on this site to be recorded prior to its destruction in accordance with Policies CP14 and DM9.

Developer Contributions

Spatial Policy 6 (Infrastructure for Growth), Policy DM2 (Development on Allocated Sites) and Policy DM3 (Developer Contributions and Planning Obligations) 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 notes that in seeking to secure 30% of new housing development on qualifying sites as affordable housing, but in doing so will consider the nature of the housing need in the local housing market; the cost of developing the site; and the impact of this on the viability of any proposed scheme. In this case as this scheme would be a departure from the Development Plan it would need to be able to provide the full affordable housing requirements to provide alternative benefit to the local area. The submitted Heads of Terms for the S106 agreement proposed the provision of 30% affordable housing in accordance with policy.

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 a contribution of £982 per dwelling has been requested which for 95 units would amount to a total of £93,290. The applicant has agreed to pay this contribution in line with policy.

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. The site is located at the edge of the village envelope close to Rainworth Heath (located on the opposite site of the A617) and no further contributions are sought in this respect.

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.'

Priority projects include Rainworth Village Hall, Rainworth Leisure Centre at the Joseph Whitaker Academy, and the community facilities provide for the wider community as part of the Rainworth Miners Welfare offer, all of which serve the community and all of which would welcome some investment. In terms of a priority project, the Health Improvement and Community Relations Manager has stated that the Village Hall is a building in need of upgrades and improvements to ensure its sustainable future and the Parish Council and Charity that runs the building on behalf of and for the community have plans for an extension that will provide much needed additional space for community hub type activities including an expanded community library offer.

A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling (£131,486.65 + indexation in total) would therefore be sought. The applicant has agreed to pay this contribution in line with policy.

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 proposed development of 95 dwellings on the above site, would yield an additional 20 primary and 15 secondary aged pupils. Based on current data there is a projected surplus of primary places in the planning area and the impact of the development alone would not lead to a deficit in provision. At this time, the County Council will not be seeking contributions towards primary education. In terms of secondary education, whilst pupil projections show insufficient places, such contributions are covered under CIL regulations (albeit noting it is zero rated in this location in any event).

Transport

The comments from NCC request that a Bus Stop Infrastructure contribution of £42,500 is paid to provide improvements to the bus stops denoted NS0246, NS0292, NS0303, MA0528 and MA0529 and shall include the installation of real time bus stop pole and displays including associated electrical connections. Whilst the number of dwellings is not fixed at this stage, this is considered a reasonable request given the junction capacity issues set out in the 'Impact on Highways' section above.

Overall, the applicant has demonstrated that the development would provide for infrastructure required through the additional 95 houses proposed.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Planning Balance and Conclusion

The 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 material considerations indicate otherwise.

The site is allocated in the Development Plan for employment development. The proposed development therefore represents a departure from the Development Plan. It has been demonstrated that there is no reasonable prospect of the site being developed for employment purposes. The proposed development of the site for residential purposes is therefore considered an acceptable alternative form of built development on this site given its location within the Urban Boundary of Rainworth.

In relation to impact on visual amenity, the proposal would alter the open character of the existing site. However, subject to further consideration of design (including materials and finishes) and landscaping (including mitigation planting) at reserved matters stage it is considered that an acceptable scheme that results in no adverse visual amenity impacts can

be developed at reserved matters stage. Likewise, the application is not considered to result in any adverse impact upon highway safety, trees and ecology, contaminated land, flood risk or drainage, archaeology or residential amenity subject relevant conditions and further consideration at reserved matters stage.

The residential delivery of the site will make a meaningful contribution to the Districts Housing Supply in a sustainable settlement. Moreover, through the proposed S106 contributions, the applicant has demonstrated that the development would provide for infrastructure required through the additional 95 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 95 residential units without imposing specific harm in relation to the principle of development. 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 completion of the associated legal agreement).

The proposed residential development is considered to be fully policy compliant in all other respects. For these reasons it is not considered that the proposed development, if approved, would undermine the strategic objectives and targets for sustainable growth set in the development plan. On balance, the benefits are significant and represent sufficient material considerations in this instance to outweigh the harm identified to justify a departure from the development plan. Overall, taking all matters into account and having regard to the three dimensions of sustainable development – economic, social and environmental roles, the proposal is considered to represent a sustainable form of development.

10.0 Recommendation

Approve, subject to the:

- a) the completion of a S106 Agreement requiring the following as set out in the table below:

	<p>Contribution Based on up to 95 Dwellings (all index linked)</p> <p>(NB Some contributions cannot be fixed until final overall numbers are known. The S106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage).</p>
Affordable Housing	30% on site provision
Open Space / Children's Play Area	<p>On site provision & maintenance of amenity green spaces and provision for children and young people including:</p> <p>Amenity Green Space 14.4² per dwelling = 0.1368 ha (1268m²).</p> <p>Provision for children and young people 18m² per dwelling = 0.171 ha (1710m²).</p>

	Long term maintenance of the public open space would need to be achieved via a management company.
Education	None
Community Facilities	Off-site community facilities contribution £1,384.07 x 95 = £131,486.65 + indexation
Transport (for 65+ dwellings)	Bus Stop Infrastructure contribution of £42,500 to provide improvements to the bus stops denoted NS0246, NS0292, NS0303, MA0528 and MA0529
NHS/Health (for 65+ dwellings)	Contribution of £982 per dwelling (£93,290 in total) sought for enhancing capacity / infrastructure within existing local practices: <ul style="list-style-type: none"> • Hill View Surgery and/or; • Rainworth Centre and/or; • Abbey Medical Group.

b) The following conditions:

01 (Time Limit)

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 (Reserved Matters)

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 (Parameters)

The development hereby permitted authorises the erection of no more than 95 dwellings. Any reserved matters application for the development hereby approved shall be substantively in accordance with the illustrative site layout parameters set out on Drawing No 9474-L-02E Development Framework Plan save for any amendments resulting from further survey work submitted at reserved matters stage.

Reason: To define the planning permission and in the interests of biodiversity, residential

amenity, visual amenity and general highway safety and convenience.

04 (Surface Water)

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 Flood Risk Assessment and Drainage Strategy: RAIN-BSP-ZZ-XX-RP-C-0001_P03 29th July 2022, has been submitted to and approved in writing by the Local Planning 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 Sustainable Urban Drainage Systems (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.
- Provide surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved Flood Risk Assessment and Drainage Strategy.
- 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 shall 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.
- Provide for all exceedance to be contained within the site boundary without flooding new properties in a 100 year+40% storm.
- Provide details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure.
- Provide details of safe access and egress including sections and levels details of crossing over Rainworth Water;
- Provide 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 following the advice contained in the FRA and Drainage Strategy is required to ensure that the development has sufficient surface water management, is not at increased risk of flooding, does not increase flood risk off-site.

05 (Human Health)

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems, and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

06 (Water Pollution)

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, 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

potentially unacceptable risks arising from contamination at the site

2. 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.

3. 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.

4. 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 does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

07 (Water Pollution)

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

08 (Drainage)

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

09 (CEMP)

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;
- measures to control the emission of noise, dust and dirt during construction;
- 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.

10 (Trees)

The reserved matters application(s) shall be accompanied by an arboricultural method/impact statement and scheme for the protection of retained trees/hedgerows for each phase. The application(s) shall be designed to retain existing trees on site where possible and where trees are to be removed justification for their loss shall be provided. Scheme details 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, 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 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 and associated ground protection 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.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme for that phase.

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 area.

11 (Landscaping)

Each reserved matters submission for the landscaping (as required by condition 2) shall include the submission of full details of both hard and soft landscape works for the site and a programme for implementation. This submission shall include:

o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts, gabions and structures e.g. furniture, refuse or other storage units, signs, lighting etc. For the avoidance of doubt this shall include a circular path around the proposed development.

o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of each phase of the development, whichever is soonest. 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 the interests of visual amenity and biodiversity.

12

Part 1 (Archaeology)

No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority in writing. The Mitigation Strategy will include appropriate Written Schemes of Investigation for a geophysical survey and trial trench evaluation and provision for further mitigation work as necessary. These schemes 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
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.

13

Part 2 (Archaeology)

The archaeological site work must be undertaken in full accordance with the approved written schemes referred to in the above Condition. The applicant will 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 shall take place without 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.

14

Part 3 (Archaeology)

A report of the archaeologist's findings shall be submitted to the Local Planning Authority (and should be submitted to the Historic Environment Record Officer at Nottinghamshire County Council) within 3 months of the archaeological works hereby approved being commenced. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation 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 investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

15 (Noise)

The submission of each reserved matters application shall be accompanied by a Noise Assessment which shall include updated background noise modelling data where appropriate. This Assessment shall inform a Noise Attenuation Scheme which shall also be submitted to and approved in writing by the Local Planning Authority at each reserved matters stage. For the avoidance of doubt, any attenuation measures include soft landscaping proposals which aim to assimilate any proposed hard landscape features (in accordance with Condition 11). The approved Noise Assessment and Noise Attenuation Scheme shall be implemented on site prior to first occupation of any dwelling and retained thereafter.

Reason: To ensure that noise levels from existing noise sources are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity.

16 (RAMS)

No development shall be commenced until a statement of Reasonable Avoidance Measures Statement (RAMS) and timetable has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats and shall include:

- a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;

- b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction;
- c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- d) details of a person responsible for the management of the protection zones.

The content of the Statement should be guided by BS42020:2013: Biodiversity – Code of Practice for Planning and Development.

Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintaining and enhancing biodiversity and ecological assets.

17 (BMP)

Any subsequent reserved matters application(s) shall be accompanied by the submission of a Biodiversity/Landscape Environmental Management Plan (BMP/LEMP) to include full details of the of the measures to protect and enhance existing features which shall be approved in writing by the Local Planning Authority. This shall include:

1. purpose, aims and objectives of the scheme;
2. a review of the site's ecological potential and any constraints;
3. description of target habitats and range of species appropriate for the site;
4. selection of appropriate strategies for creating/restoring target habitats or introducing target species. This shall include but not be limited to the provision of bat boxes;
5. selection of specific techniques and practices for establishing vegetation;
6. sources of habitat materials (e.g. plant stock) or species individuals;
7. method statement for site preparation and establishment of target features;
8. extent and location of proposed works;
9. aftercare and long-term management;
10. the personnel responsible for the work;
11. timing of the works;
12. monitoring;
13. disposal of wastes arising from the works.

All habitat protection, creation and/or restoration works shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintaining and enhancing biodiversity.

18 (Lighting)

Any subsequent reserved matters application(s) shall be accompanied by the submission of a detailed lighting scheme. The detailed lighting scheme shall demonstrate how potential impacts on foraging and commuting bats have been minimised, with evidence of the input by an appropriately competent ecologist and include:

- Details of light intrusion, source intensity, and upward light; and

- Details of the lighting fittings including their design, colour, intensity and periods of illumination.

No external lighting works shall be installed within any part of the application site other than in accordance with the approved details or in accordance with any alternative external lighting scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of visual amenity and biodiversity.

19 (Access)

The reserved matters (for each development phase, if applicable) of the development hereby permitted shall include detailed plans and particulars relating to the following items:

- i) A detailed layout plan to include all key dimensions including junction and forward visibility splays and shall be accompanied by a swept path analyses of a 11.6 m refuse vehicle throughout for the residential development;
- ii) Details of highways and private street works;
- iii) The layout and marking of car parking, servicing and manoeuvring areas;
- iv) Details of the means of foul and surface water drainage;
- v) Cycle and bin storage facilities
- vi) Timescales and a programme for implementation.

The development shall be implemented in accordance with the approved details.

Reason: In the general interests of pedestrian and highway safety.

20 (Highways)

Any subsequent reserved matters application(s) shall be accompanied by the submission of detailed plans and specifications for approval in writing by the Local Planning Authority for the following works:

- i) The provision of the access road as indicatively shown on Drawing Number LSRBR-BSP-ZZ-XX-DR-S-0005 Rev P03 'Proposed Site Access Arrangements Pentanque Way Improvements'
- ii) The provision of a 3-metre shared cycle/pedestrian route linking the development to the A617 Rainworth Bypass as indicatively shown on Drawing Number LSRBR-BSP-ZZ-XX-DR-S-0005 Rev P03 'Proposed Site Access Arrangements Pentanque Way Improvements'
- iii) The provision of the cycleway improvements as indicatively shown on drawing number LSRBR-BSP-ZZ-XX-D-S-0007 Rev P05 'Off Site Cycleway Improvements'
- iv) The provision of 3 number Sheffield Cycle Stands or other similar approved cycle parking, located near to Bus Stop NS0292

For the avoidance of doubt, these plans are indicative and will be subject to detailed technical appraisal.

Prior to commencement of development hereby approved, the works approved by this condition shall be commenced. These works shall be completed prior to the occupation of the dwellings hereby permitted. Confirmation of completion of the works shall be submitted to

the Local Planning Authority in writing prior to occupation of any of the dwellings.

Reason: In the general interests of pedestrian and highway safety.

21 (Housing Mix)

The reserved matters (for each development phase, if applicable) of the development hereby permitted shall be substantively in accordance with the housing mix need set out in the Housing Needs Study (by Arc4 December 2020) and associated Sub Area Summaries 2021 for the Mansfield Fringe Area (or as set subsequently in any updated versions of these reports).

Reason: In the interests of providing a suitable housing mix for the area.

22 (Pedestrian Routes)

Any subsequent reserved matters application(s) shall include submission of the detailed design and specification of pedestrian access routes across the site (and shall incorporate the claimed route identified by NCC Rights of Way in their comments dated 4 May 2021 either in its existing or a proposed diverted alignment) for approval in writing by the Local Planning Authority. The route(s) shall be constructed in accordance with the approved details prior to the occupation of development.

Reason: To retain a safe and sustainable pedestrian route(s).

23 (Levels)

Any subsequent reserved matters application(s) shall include submission the existing and proposed ground and finished floor levels of the site for approval in writing by the Local Planning Authority. The submission shall include sections through the site. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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) (England) Order 2015 (as amended).

03

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. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

04

It should be noted 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 Highways Development Control Team (Newark & Sherwood) by phoning Nottinghamshire Customer Services on 0300 500 8080.

05

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email Matthew.Adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

06

Nottinghamshire County Council Rights of Way section advise that there is a claim for a route across the development site. They recommend that the developer incorporate the route into the development on the existing line or divert the unrecorded rights through the provisions of the Town and Country Planning Act 1990. This would mitigate the risk of objections or claiming the routes as public rights of way at a later date.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 21/00996/OUTM

