



Report to Planning Committee 1 August 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Julia Lockwood, Senior Planner x5902

Report Summary			
Application No.	23/00832/FULM		
Proposal	126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works		
Location	Land off Mansfield Road, Clipstone		
Applicant	Harper Crewe	Agent	Grace Stevens, Cerda Planning Ltd, Castle Donnington
Web Link	23/00832/FULM 126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works Land Off Mansfield Road Clipstone (newark-sherwooddc.gov.uk)		
Registered	25.05.2023	Target Date	23.08.2023
		Extension of Time	05.08.2024
Recommendation	That planning permission is REFUSED for the reasons set out in Section 11 of the report.		

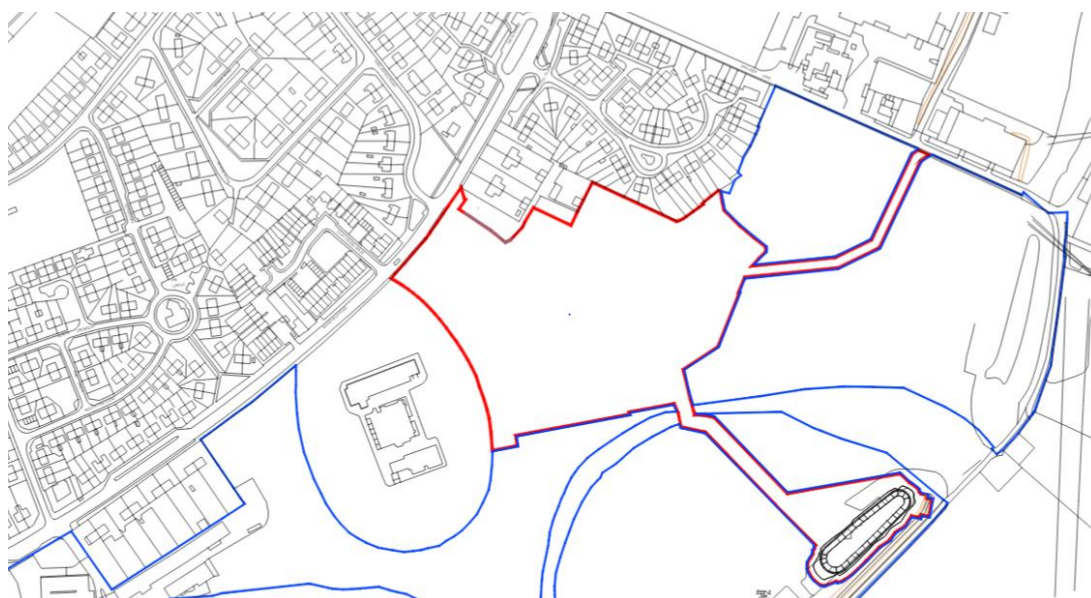
This application has been referred to the Planning Committee for determination by the local ward member, Councillor Paul Peacock, due to concerns regarding the design of footpath at perimeter of headstock land leading to Anti-Social Behaviour, too few bungalows, drainage concerns, no details regarding play area, added pressures on local health services, added pressures on education places and added pressure of further junction on Mansfield Road and only one road in and out of the estate.

1.0 Background

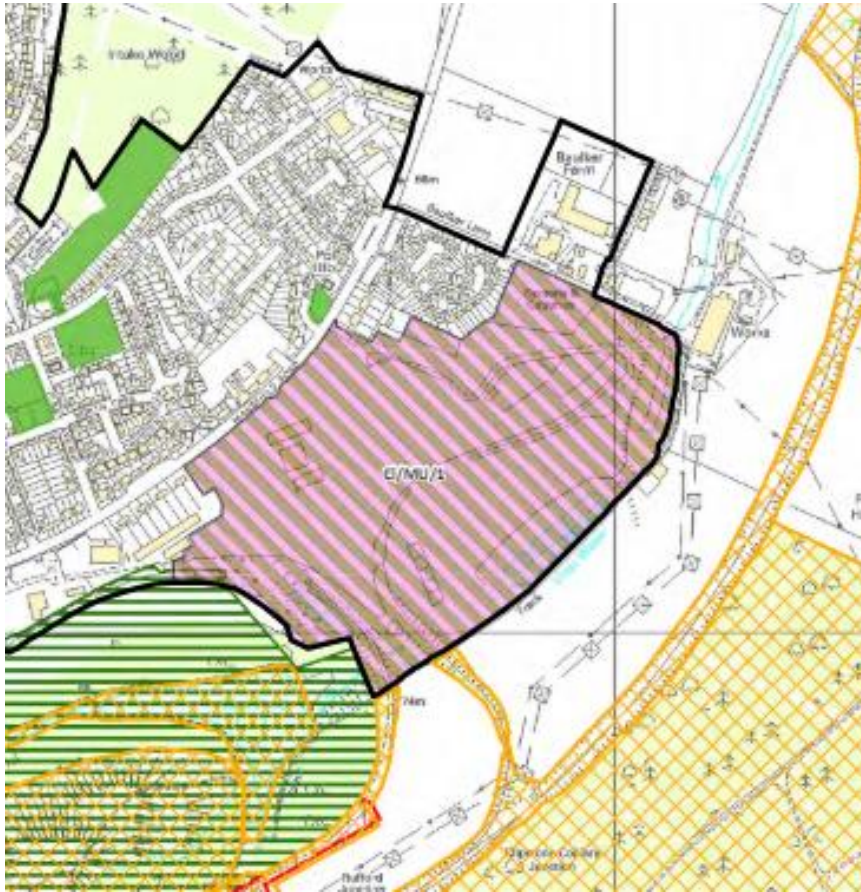
1.1 The delay in forming a recommendation on this application is due to enabling the applicant the opportunity of addressing various concerns raised by consultees (mainly NCC Highways) on numerous occasions. This has demonstrated that the Local Planning Authority has sought to work positively and proactively with the applicants as required by the NPPF and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.0 The Site

- 2.1 The application site comprises 5.57ha of brownfield land located on the south-east side of Mansfield Road, close to the northern entrance into the village of Clipstone and within the defined village boundary. The site is currently open grassland, secured by high fencing around its boundaries and used to form part of the former Clipstone Colliery site, which has now been largely demolished and remediated, although the Headstocks and Powerhouse remain. There was a mine shaft located within the application site but this has now been capped. There is a row of mature lime trees situated towards the northern boundary extending into the site.
- 2.2 The site slopes downwards away from Mansfield Road and has a gradual fall from north to south ranging from 88.90m AOD to 80.1m AOD. The red line of the application site extends narrowly to the south-east and then widens out to include an open water basin. Vicar Water (an existing watercourse) flows adjacent to this south-eastern boundary. There is also a narrow extension of the red line to the north-west linking to Baulker Lane, where there is an existing combined water sewer. The unusual red line boundary of this application is shown below.

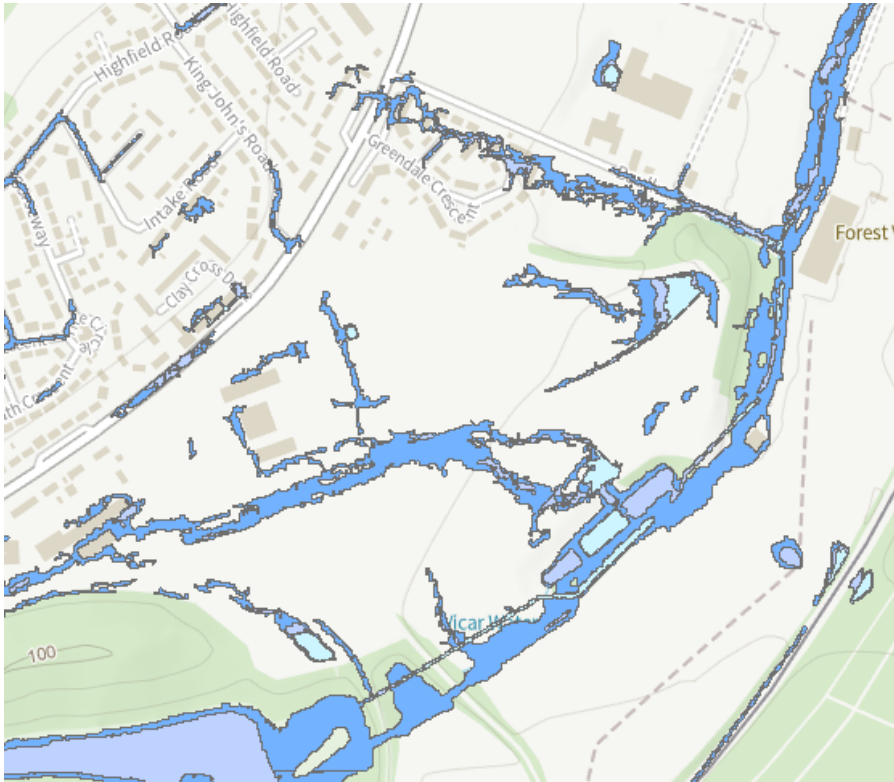


- 2.3 Immediately to the south-west of the site are the landmark Headstocks and Powerhouse structures which are Grade II listed buildings accommodated within a larger fenced off 'topple zone' area. On the opposite side of Mansfield Road is more recent residential development. To the north, fronting Mansfield Road are 'The Villas' (former Clipstone Colliery management housing) and to the south-west of the headstocks are a row known as 'The Cottages,' both of which are Non-Designated Heritage Assets, as is the majority of the older parts of Clipstone village which represents a model colliery village with particular interest in its history and layout.
- 2.4 To the east and south of the application site is the remainder of the former colliery site, which is also currently open grassland. This land, together with this application site, falls within a Mixed Use allocation (Policy CI/MU/1) defined within the Allocations and Development Management DPD. This wider allocation site is 27.8ha in area and shown in pink shading on map below.



Extract from Proposal Map – Allocations and Development Management DPD

- 2.5 Running along the south-eastern boundary of the open water basin (along the black line on the above map) is the joint Clipstone Bridleway No 3 and Sustrans Route 6, which runs from Vicar Water Country Park in the south-west. Beyond this public right of way to the south-east is Sherwood Pines Country Park. Beyond the allocated site to the south-east is Vicar Water Country Park. Both country parks are identified as Sites of Conservation Interest. Vicar Water Country Park also includes a Site of Special Scientific Interest, three Local Wildlife sites, one of which holds a butterfly of high conservation priority and is also a Local Nature Reserve. The site is also within 5km radius of Birklands and Bilhaugh Special Area of Conservation (SAC) (a European site) which is approx. 3.7km to the north and the Sherwood possible potential Special Protection Area (ppSPA) for breeding nightjar and woodlark, whose boundary is less than 100m to the south of the redline boundary at its nearest point.
- 2.6 The site is located within Flood Zone 1, at lowest risk of fluvial flooding. In terms of pluvial flooding, the map below shows the dark blue areas are at low risk of surface water flooding, with the lighter blue at medium risk and the lightest blue at high risk. This shows there is some very limited areas at low risk along the south-west boundary and towards the eastern boundary of the site, with the former mine shaft shown as a circle at high risk, within the main part of the site. However, there is high and medium risk at the south eastern side of the site where existing basins are located.



Extract from Surface Water Flood Map – Environment Agency

2.7 The site has the following constraints:

- High risk relating to former coal mining activity;
- Adjacent to Grade II Listed Buildings and Non-Designated Heritage Assets.

3.0 Relevant Planning History

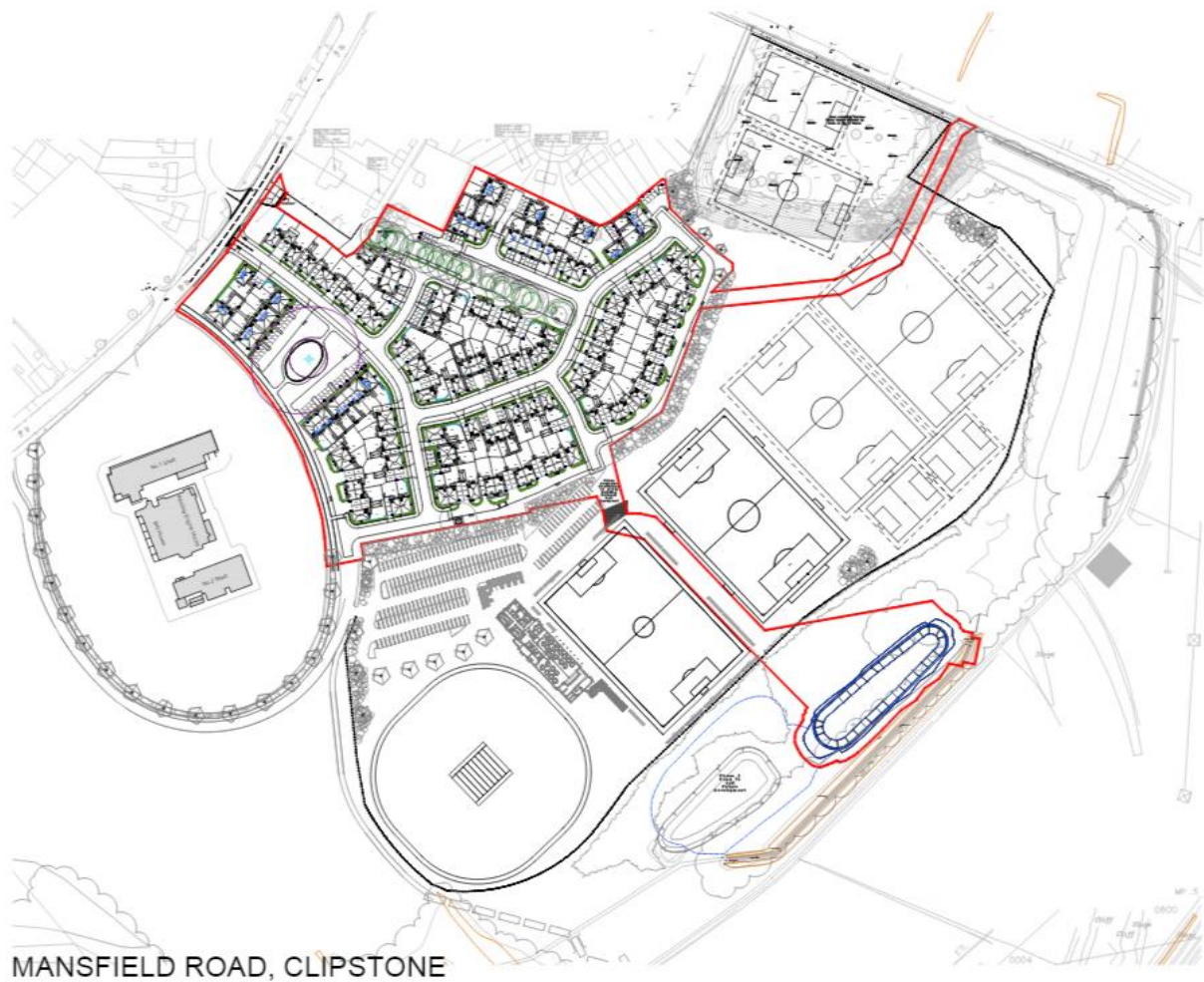
3.1 04/00378/OUTM - Use of land for 500 dwellings, business parks and open space, Refused 26.05.2004

3.2 06/01902/LBC - Demolition of all buildings and structures within curtilage (excluding listed headstocks and powerhouse), approved 08.03.2007

3.3 18/SCR/00010 – Outline planning permission for the retention of Headstocks and Powerhouse and erection of approx. 120 No. dwellings, 12 ha of employment provision, retail and enhanced open space (all matters reserved except for access) – EIA not required, 24.09.2018

On adjoining site to the east (also within the allocated site):

3.4 23/01846/FULM – Proposed Leisure and Recreation Facilities at Clipstone Colliery – pending consideration. This is illustrated on the wider site plan extract below.



Wider allocated site plan submitted with application 23/00832/FULM.

4.0 **The Proposal**

4.1 The application seeks full planning permission to construct 126 dwellings with open space, landscaping, highways, drainage infrastructure and associated works. The development comprises 88 units of market housing and 38 units (30%) of affordable housing, each have between 1 and 5 bedrooms. There are 14 different house types proposed which are predominantly two storey although there are 18 two-and a half storey dwellings, 8 bungalows and 6 maisonettes. A plan has been submitted showing solar panels being added to roof slopes of every dwelling.

House Type	No. of Bedrooms	House Type	Floor Space MSQ	Plots
Market				
Ward	2 bed	Single storey semi-detached bungalow	64.2	Four Plots: 10, 11, 17, 18
Tove	2 bed	2 storey semi-detached	74.46	Eight Plots: 26, 28, 31, 32, 74, 75, 90, 92

Tove	2 bed	2 storey mid-terrace	74.46	Two Plots: 27, 91
Joseph	3 bed	2 storey semi-detached	87.43	Twenty-four Plots: 4, 5, 8, 19, 20, 22, 23, 46, 56, 58, 59, 60, 61, 62, 63, 65, 78, 95, 96, 97, 98, 102, 106, 107
Archer	3 bed	2 storey detached	94.4	Twelve Plots: 2, 3, 25, 29, 30, 57, 68, 73, 79, 88, 89, 93
Thurston	3 bed	2 storey detached	95.6	Eight Plots: 1, 21, 24, 33, 64, 76, 87, 101
Thurston	3 bed	2 storey semi-detached	95.6	Six Plots: 9, 47, 66, 55, 77, 103
Cunningham	3 bed	2 storey detached	95.6	Two Plots: 12, 67
Madden	3 bed	2.5 storey semi-detached	114.59	Eighteen Plots: 6, 7, 13, 14, 15, 16, 69, 70, 71, 72, 80, 81, 82, 83, 84, 85, 99, 100
Elliott	4 bed	2 storey detached	120.5	Two Plots: 86, 94
Jarvis	4 bed	2 storey detached	121.5	Two Plots: 104, 105
Total				88 Plots
Affordable				
Murray GF	1 bed	Single storey maisonette	51.26	Three Plots: 50, 108, 125

Murray FF	1 bed	Single storey maisonette	62.85	Three Plots: 51, 109, 126
Fernsby	2 bed	Single storey mid-terrace bungalow	64.2	Two Plots: 43, 44
Fernsby	2 bed	Single storey semi-detached bungalow	64.2	Two Plots: 42, 45
Chester	2 bed	2 storey semi-detached	80.49	Twelve Plots: 34, 37, 40, 41, 48, 49, 52, 54, 114, 116, 123, 124
Chester	2 bed	2 storey mid-terrace	80.49	Four Plots: 35, 36, 53, 115
Singer	3 bed	2 storey mid-terrace	95.4	Two Plots: 111, 112
Singer	3 bed	2 storey semi-detached	95.4	Eight Plots: 38, 39, 110, 113, 120, 121, 122, 118
Thurston	3 bed	2 storey semi-detached	95.6	One Plot: 117
Aston	4 bed	2 storey semi-detached	107.56	One Plot: 119
Total				38 Plots

4.2 The dwellings are set back approx. 14m from the Mansfield Road frontage, allowing new trees to be planted along the street frontage. There are three properties that front Mansfield Road with side gardens enclosed with 1.8m brick walls with new hedgerow planting in front. A new vehicular access is to be taken from Mansfield Road. The submitted plans also show a narrowing of Mansfield Road at the access point, but these are works within the highway and outside the red line of the application site, which would be controlled through a S278 Agreement with the Highway Authority. There is an existing access to the north which provides private rear access to the dwellings fronting Mansfield Road to the north which needs to be retained for legal reasons. A new fence and gate are shown on the plan to provide a level of security and show it to be a private access. The red line boundary of the site in the south-east corner also includes planting and car parking to serve the proposed recreational development currently being considered under ref: 23/01846/FULM.

4.3 A narrow arm of the application extends to the north-west linking to Baulker Lane, where there is an existing combined water sewer. The red line of the application site also extends narrowly to the south-east and then widens out to include an open water basin. This would be designed as an attenuation basin to accommodate the excess

surface water from the proposed development.

- 4.4 The proposed layout shows a children's LEAP (Local Equipment Area for Play) adjacent to the south-western boundary with the headstocks, within an area of open space, with rows of car parking on each side. The area is where the former mine shaft, which has now been capped, is positioned. The other areas of open space being offered by the development is shown on the plan below.



- 4.5 A proposed 3m wide footpath is provided adjacent to the south-west boundary with the listed headstocks, which is currently mostly defined by a 1.8m high chain link fence. There is a row of mature limes trees towards the northern part of the site which, following negotiation, are now to be retained. There are a number of single and groups of trees that are proposed to be removed (all classed as Category C trees) mainly close to the northern boundary and close to the proposed attenuation basin.
- 4.6 In terms of new planting, the scheme shows the two main road thoroughfares as having one side of the road with tree planting within a grass verge. New tree planting is also shown along the Mansfield Road frontage, along the proposed footpath with the headstocks, along the boundaries with the proposed recreation development to the south-east, east and north-east. New native hedgerows are also shown to be planted along front and side boundaries of the new dwellings.
- 4.7 The scheme has been amended several times throughout the course of the

application. The application has been accompanied by the following list of plans and supporting documents:

- Location Plan (Drawing No: SL-028 Rev A)
- Site Wide Master Plan (Drawing No: SL-027 Rev B)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev B)
- Tove Floor Plans (Drawing No: PD-012-TOV Rev A)
- Tove – As – Elevation (Drawing No: PD-013-TOV Rev A)
- Thurston – As - Floor Plans (Drawing No: PD-012-THU Rev A)
- Thurston – As – Elevation (Drawing No: PD-013-THU Rev A)
- Archer – As – Floor Plans (Drawing No: PD-012-ARC Rev A)
- Archer – As – Elevation (Drawing No: PD-013-ARC Rev A)
- Aston - Floor Plans (Drawing No: PD-012-AST Rev A)
- Aston - Elevation (Drawing No: PD-013-AST Rev A)
- Chester – As – Floor Plans (Drawing No: PD-012-CHE Rev A)
- Chester – As – Elevation (Drawing No: PD-013-CHE Rev A)
- Cunningham – As – Floor Plans (Drawing No: PD-012-CUN Rev A)
- Cunningham – As - Elevation (Drawing No: PD-013-CUN Rev A)
- Elliott – As – Floor Plans (Drawing No: PD-012-ELL Rev A)
- Elliott – As – Elevation (Drawing No: PD-013-ELL Rev A)
- Fernsby – As – Floor Plans (Drawing No: PD-012-FER Rev A)
- Fernsby – As – Elevation (Drawing No: PD-013-FER Rev A)
- Jarvis – As – Floor Plans (Drawing No: PD-012-JAR Rev A)
- Jarvis – As – Elevation (Drawing No: PD-013-JAR Rev A)
- Ward Floor Plan (Drawing No: PD-012-WAR Rev A)
- Ward Elevation (Drawing No: PD-013-WAR Rev A)
- Joseph - Floor Plans (Drawing No: PD-012-JOS Rev A)
- Joseph – As – Elevation (Drawing No: PD-013-JOS Rev A)
- Madden Floor Plans (Drawing No: PD-012-MAD Rev A)
- Madden Elevation (Drawing No: PD-013-MAD Rev A)
- Murray – As – Floor Plans (Drawing No: PD-012-MUR Rev A)
- Murray – As – Elevation (Drawing No: PD-013-MUR Rev A)
- Singer – As – Floor Plans (Drawing No: PD-012-SIN Rev A)
- Singer - As – Elevation (Drawing No: PD-013-SIN Rev A)
- Thurston Affordable Floor Plans (Drawing No: PD-012-THU AFF Rev A)
- Thurston Affordable Elevation (Drawing No: PD-013-THU AFF Rev A)
- Garage Drawing (Drawing No: PD-025-G&M Rev A)
- Proposed Street Scenes (rec’s 9 May 2024)
- Proposed Coloured Site Layout (rec’d 3 July 2024)
- Means of Enclosure (Drawing No: SL-005 Rev B)
- Materials Plan (Drawing No: SL-004 Rev B)
- Solar Panel Plan (Drawing No: SL-026 Rev B)
- Affordable Housing Plan (Drawing No: SL-025 Rev B)
- Open Space Plan (Drawing No: SL-011 Rev C)
- Indicative Site Appraisal (Sheet 1 of 2) (Drawing No: 1 Rev K)
- Indicative Site Appraisal (Sheet 2 of 2) (Drawing No: 2 Rev K)
- Indicative Drainage Strategy (Sheet 1 of 2) (Drawing No: 17 Rev E)

- Indicative Drainage Strategy (Sheet 2 of 2) (Drawing No: 18 Rev E)
 - Landscape Strategy (Drawing No: CLI2309_LP01 Rev P5)
 - Proposed Access Arrangements (Carriageway Narrowing) (Drawing No: CSCC-BSP-XX-XX-D-S-008 Rev P03)
 - Proposed Access Arrangements (Carriageway Narrowing) Vehicle Swept Paths (Drawing No: CSCC-BSP-XX-XX-D-S-0009 Rev P03)
 - Visibility Splays Plan (Drawing No: 11 Rev D)
 - Indicative Speed Calming Features Plan (Drawing No: 19 Rev D)
 - Parking Strategy (Drawing No: SL-010 Rev B)
 - Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P03)
 - Parking Log Categories saved on file 19 June 2024
 - Refuse Strategy (Drawing No: SL-009 Rev B)
 - Refuse Vehicle Tracking – 11.595m Vehicle (Drawing No: 10 Rev D)
 - Shared Drives Exceeding 25m Delivery Vehicle Tracking (Drawing No: 10 Rev A)
 - CEMP (Drawing No: SL-007 Rev C)
 - Management Company Plan (Drawing No: LE-007 Rev D)
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- Habitat Stack
 - Bird Box
 - Bat Box
 - Typical Street Tree Station
 - Typical Park Tree
 - Hedge Reinforcement Fence
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- Clipstone Masterplan Statement
 - Planning Statement by Cerda dated March 2023
 - Design and Access Statement by Welbeck dated March 2023
 - Heritage Impact Assessment by Marrons dated March 2023
 - Flood Risk Assessment and Drainage Strategy by Travis Baker dated March 2023
 - Landscape and Ecological Management Plan by DSA dated March 2023
 - Arboricultural Impact Assessment Rev C by SEED dated May 2024
 - Ecological Appraisal by Rachel Hacking Ecology dated March 2023
 - Letter from Rachel Hacking Ecology saved in file 10 June 2024
 - Shadow Habitat Regulations Assessment (Rev 03.06.2024) by Rachel Hacking Ecology 2024
 - Transport Assessment by BSP dated March 2023
 - Parking Appraisal by BSP dated March 2024
 - Travel Plan by BSP dated March 2023 (Rev P02)
 - Acoustic Assessment by Ardent dated March 2023
 - Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
 - Phase 2 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
 - Consultants Coal Mining Report by the Coal Authority dated June 2019
 - Mine Shaft Treatment Report by Eastwood Consulting Engineers dated 2 Oct 2023
 - Letter dated 3 June 2024 from Eastwood Consulting Engineers (Ref: 44147- ECE-XX-XX-CO-C-0012)
 - CDM Designer's Risk Assessment by DSA dated March 2023

5.0 Departure/Public Advertisement Procedure

- 5.1 Occupiers of 68 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. Further re-consultation has taken place in respect of amended plans received as necessary.
- 5.2 Site visit undertaken on 16.11.2023

6.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
MFAP1 – Mansfield Fringe Area

6.2 Allocations & Development Management DPD (2013)

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 Substances
DM12 – Presumption in Favour of Sustainable Development
Policy CI/MU/1 – Clipstone – Mixed Use Site 1

- 6.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of all the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan, with consideration to the Draft Amended DPD, as applicable.

6.4 Other Material Planning Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)
- National Design Guide - Planning practice guidance for beautiful, enduring and successful places September 2019
- Newark and Sherwood District Wide Housing Needs Survey by Arc4 2020
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- Affordable Housing SPD 2013
- Developer Contributions and Planning Obligations SPD, December 2013 (as amended by 2016 indexation figures)
- NCC Developer Contributions Strategy 2021
- Planning (Listed Buildings and Conservation Areas) Act 1990
- The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3 (Historic England)
- Newark and Sherwood District Council Open Space Assessment and Strategy, adopted January 2022
- Fields in Trust Guidance for Outdoor Sport and Play
- Building for a Healthy Life 2022, Homes England

7.0 Consultations

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

(a) **Statutory Consultations**

- 7.1. **Nottinghamshire County Council (Highways)** – Object to the proposal on the grounds of highway safety. Concerns include, under-provision of parking due to triple tandem parking at turning heads and junctions, no ‘large’ garage plans/elevations have been submitted, which also need to show bicycle storage, other garages proposed are not compliant as they are not wide enough, shared private drives are within root protection areas of trees to be retained, swept paths have been carried out using a small van which is not representative, leading to vehicle egresses into the adjacent Public Open Space, width of private drives do not comply with SPD, access road serving some plots are too narrow, drag distances for bins on a number of drives is exceeded, one visibility splay is missing, the management plan requires adjustment, the footway crossing to the existing access from Mansfield Road needs to be reduced in width.
- 7.2 **Nottinghamshire County Council (Lead Local Flood Authority)** – No objection, subject to a condition requiring a detailed surface water drainage scheme, based on the principles set forward by the submitted Flood Risk Assessment and Drainage Strategy by Travis Barker Ltd to be submitted and approved.
- 7.3 **Nottinghamshire County Council (Planning Policy)** – The planning obligations sought by NCC in order to mitigate the impact of the proposed development are:

- Transport - A bus service contribution of **£150,000** is paid to provide improvements to the local bus serves to serve the site; the imposition of conditions requiring the location of bus stops within the development; requiring the re-location and improvements of 2 bus stops NS0441 Colliery and NS0441 Colliery and requiring a scheme for introductory bus passes to occupiers.
- Education – Primary – there is a forecasted surplus of places in the planning area and the impact of the development would not lead to a deficit in provision, so primary education is sought. Secondary – a contribution of **£525,080** and post 16 education contribution of **£105, 016** is requested to accommodate pupil growth from the development. One non-mainstream setting place is requested for a Special Educational Needs and Disabilities (SEND) requiring a contribution of **£90,322**.
- Library stock contribution of library stock of **£4,366** for Clipstone library.

Full justification for all the above is set out in the response received from NCC Policy).

The Rights of Way officers state the site sits adjacent to Clipstone Bridleway 3, along the eastern boundary. There does not appear to be any impact onto this bridleway except with the intention to provide links from the development. Any link therefore needs to provide for equestrian as well as cyclist/pedestrian use, and should be an appropriate surface, not tarmac, to bridleway standard. None of the paths within the development will be adopted by the Rights of Way section and needs to be managed by a management company.

They also refer to the Nottinghamshire Spatial Planning and Health Framework, referencing Active Design principles.

7.4 **Natural England** – No objection, based on the plans submitted, the proposed development will not have significant adverse impacts on designated sites Sherwood Forest Golf Course Site of Special Scientific Interest and Clipstone Heath SSSI. The proposed development is located in the Sherwood possible potential Special Protection Area for breeding nightjar and woodlark and as such a risk-based approach should be taken to potential impacts arising from the development, including direct, indirect and cumulative impacts. The Ecological Appraisal noted that the site is sub-optimal for nightjar and woodlark and as such the objectives for the ppSPA will not be compromised as a result, there are also barriers including a watercourse and disused rail track. Natural England advised a shadow Habitat Regulation Assessment be submitted to rule out any likely significant effects and this has now been submitted. Comments were also made on recreational disturbance and as mountain biking is noted as a major issue for erosion within Clipstone Heath SSSI this increase in dwellings may increase effects from this issue form local recreational pressure. Some consideration of how to mitigate for any increases in mountain biking recreation at the site should be given, for example through signage, limiting direct access and/or providing suitable alternative spaces for the activity.

7.5 **The Coal Authority** – No objection, subject to two conditions requiring remediation works to address the mine entry and a signed declaration by a competent person

confirming that the site is safe and stable for the approved development to be submitted to the LPA.

(b) Town/Parish Council

7.6 **Clipstone Parish Council** – Object to the application on the following grounds:-

- the availability of school places;
- Medical facilities for residents are already stretched;
- There is no pedestrian crossing over Mansfield Road;
- Will result in increased traffic;
- Proximity of proposed new junction to King Johns Road opposite;
- Lack of recreational facilities for children and potential anti-social behaviour consequences;
- Minimum parking provision is planned for proposed properties;
- There is not provision for emergency vehicles access should the primary road into the development be blocked.

(c) Representations/Non-Statutory Consultation

7.7 **NHS Nottingham/Nottinghamshire Clinical Commissioning Group** – Confirm that local health practices are working at capacity and this scheme would lead to pressure upon services. A financial contribution of £982 per dwelling is sought towards improvements to health infrastructure to be spent at any one of the three closest practices, Sherwood Medical Partnership – Crown Medical Centre, Forest Town Branch, Oak Tree Land Surgery.

7.8 **NSDC, Conservation** – The proposed development would cause moderate-high level of harm to the setting of the Listed Buildings as it would encroach upon the immediate setting which helps accentuate its dominance. This would be contrary to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. With reference to planning policies, this would be ‘less than substantial harm.’ It would also have a harmful impact on the setting of the adjacent Non-designated Heritage Assets. The proposed design and style of housing and landscaping would help to minimise some of the proposed heritage harm. It is also acknowledged that this development forms part of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks and powerhouse, and there will be public benefits arising from the proposed housing development. It will be for the decision maker to determine whether those public benefits balance or outweigh the heritage harm identified.

7.9 **NSDC, Strategic Housing Officer** – No objection - the proposed scheme of 30% affordable housing is being provided in a policy compliant way, comprising 60% affordable rent, 25% First Homes and 15% shared ownership. The type of provision is also acceptable and the inclusion of 8 bungalows will address the housing need in Clipstone.

7.10 **NSDC, Environmental Services – Waste** - Residents from a number of properties have to drag their bins well in excess of 30m in breach of H6 of Building Regulations 2010. All properties should have space for 3 bins and those with gardens should have space

for 4 bins. All roads appear to be 5.5m wide, the min requirement for collection vehicle access. This would leave no room for vehicles parking on the roadway. This could be addressed by the introduction of parking restrictions. Some private roads are less than 5.5m wide – and if access cannot be made by a collection vehicle, then emergency response vehicles will be equally restricted. There are concerns that under-provision of parking close to every hammerhead, could result in the inability of collection vehicles to turn in the vent that parking occurs in these areas. Open Spaces – there is a lack of connectivity with neighbouring facilities, with no links to the nearby bridleway, national cycle route or vicar Water County Park. If these cannot be built in at this stage, then S106 provisions should be made to build in sustainable transport links. Any provision should account for the crossing of Vicar Water and the potential for earth works. Although indicated that the site will remain under a management company, requests are that only native tree, shrub and plant species are planted due to the proximity of the Vicar Water Country Park Local Nature Reserved.

- 7.11 **NSDC, Environmental Health** – No objection subject to conditions requiring a Construction Environmental Management Plan and a scheme to protect dwellings directly adjacent to Mansfield Road from noise, to be submitted and approved.
- 7.12 **NSDC, Contaminated Land** – No objection, subject to the imposition of the full contaminated land condition.
- 7.13 **NSDC, Ecology and Biodiversity Lead Officer** – In ecology terms, the application sets out that on going works as part of the Nottinghamshire Three Rivers Restoration Project (NTRRP) is being used as mitigation for this planning application. It appears that a number of proposed mitigation and compensation measures are no longer deliverable (as the submitted Landscape Strategy states they are to be removed), or do not form part of this application (within the red line of the recreation application site) and there are then still several measures where uncertainty remains regarding deliverability.

A significant proportion of the application site is formed by neutral grassland, which is described in the Ecological Appraisal as follows:

“The largest expanse of grassland (TN1) mostly originated as a sown grassland on brownfield land following the cessation of mineral extraction at Clipstone Colliery but has been affected by disturbance and colonisation of further species. The parcel is a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey.”

The Ecological Appraisal then identifies that, ““without mitigation, the loss of part of this grassland will have an adverse impact at district level of value.” As matters stand at the moment, I would advise that there is currently very little being proposed in the way of compensation for this loss, and if this situation remains the same when matters have been clarified, my advice will be that the proposals do not meet the requirements of the NPPF and local policies DM7 and Core Policy 12 in relation to Biodiversity matters.

7.14 **NSDC, Tree and Landscape Officer –**

Main access route: Indicative tree lined street show trees with canopies of 4m diameter. The approx diameter should be anticipated to be 8m, and a height of 12m, to allow sufficient clearance for large vehicles to move along the road whilst also being visually significant.

Space for trees: It is considered that there is insufficient space between the tree lined streets and the houses, which will cause conflict as the trees grow and ultimately place pressure on them to be removed – the available space is key to the visual appearance/long term retention.

Children’s Play Area: The nearest alternative children’s play area is approx. 1km away, with major road barriers between. The proposal would serve a significant population and would be in high use. It would be useful to see how it is proposed to design such a space. The combination of parking/access roads on three sides gives a significant incongruous tarmac appearance around it.

Utilities: Hydrology of the site has a strong impact on the long term health of trees. The placement of a soakaway within close proximity to the row of existing limes trees and should be re-positioned/removed. Severn Trent Water adoption criteria state the min distance of between 6 to 10m is required between their assets (underground pipelines) and trees. Due to the limited distance between proposed tree lined streets and proposed utilities that run down the middle of the roads, there is a clear conflict. The Tree Officer considers that that the tree lined streets are therefore not viable and cannot be successfully achieved.

Attenuation Basin: The removal of trees around the attenuation basin and group to be “cut back” away from edge of pond, but no details have been provided and this is immediately adjacent to a highly used public right of way. Impacts within Root Protection Areas should be shown and demonstrated.

7.15 **Representations from 5** third parties/local residents that can be summarised as follows:

- Hundreds of new houses have been built in Clipstone;
- Lack of infrastructure for more houses;
- Lack of schools with many children travelling outside the area;
- Lack of doctors;
- Very poor drainage causing flooded roads;
- Lack of maintenance of green spaces through-out the village;
- Roads and pavements needing repair;
- Increased traffic through the village;
- The land around the headstocks should be used for a small supermarket to create much needed jobs;
- Units for new and existing businesses should also be built as well as a much needed dentist;
- The application should be advertised more widely than just letters to people in the immediate vicinity;
- Concern that the allocated site is being developed in a piecemeal fashion instead of as a comprehensive scheme, which isolates the focal feature of the headstocks and is a missed opportunity;

- The aim is to ensure the headstocks are protected for future generations, and NSDC and Welbeck and the Welfare should all work together for this aim;
- The proposed playing pitches with function room and catering facilities are suffocating commercially viable leisure uses that would support and provide potential income for headstock repairs;
- With housing adjacent it may prevent the van storage use on the adjoining site;
- Highways have objected to the staggered junction with King Johns Road;
- The proposed footpath to the south-west causes security issues for proposed houses, providing thieves with a means of escape
- The footpath along the south-west boundary will significantly impact on security of the headstocks and provide improved access to the boundary fence owned and maintained by a third party;
- Security of neighbouring properties is needs to be taken into account and the extensive means of access would allow means of access to cut through the boundary fence;
- This footpath should be deleted;
- The development should not block access to the rear of their properties.

8.0 Comments of the Business Manager – Planning Development

8.1 The key issues are:

- Principle of Development
- Housing Type, Mix and Density
- Impact on Visual Amenity
- Impact on Heritage Assets
- Impact on Residential Amenity
- Impact upon Highway Safety
- Impact upon Flooding and Drainage
- Impact on Ecology and Trees
- Other Matters
- Developer Contributions

8.2 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 ‘Presumption in Favour of Sustainable Development’ of the Allocations and Development Management DPD.

8.3 As the application concerns designated heritage assets and the setting of a listed building and Non-Designated Heritage Assets, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed

buildings stating that the decision maker “*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

- 8.4 The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the setting of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

Principle of Development

- 8.5 Spatial Policies 1 (Settlement Hierarchy) and 2 (Spatial Distribution of Growth) of the adopted Amended Core Strategy, identify Clipstone as a Service Centre where the focus, as a sustainable settlement, is for housing and employment growth. Clipstone is expected to accommodate 25% of housing service centre growth over the development plan period. The site is located within the defined Urban Boundary of Clipstone as identified on the proposal map in the Allocations and Development Management DPD and also forms part of an allocation for mixed use under policy CI/MU/1 (Clipstone – Mixed Use Site 1). The policy states the mixed uses should comprise retention of the headstocks and powerhouse, around 120 dwellings, 12 hectares of employment provision, retail and enhanced Open Space. This application relates only to the residential element which is proposed in the north-west corner of the site with a new access from Mansfield Road.
- 8.6 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.
- 8.7 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 Clipstone as a sustainable settlement for its residents, encouraging new housing, employment activities and the provision of new community infrastructure.
- 8.8 The site allocation Policy CI/MU/1 is being proposed to be carried through as part of the Amended Allocations & Development Management DPD. Slight amendments are proposed through this process, and a total of 3 representations (1 subsequently superseded) have been received but none raise objections and it is therefore possible to afford some weight to the wording of the emerging site allocation policy.

- 8.9 The emerging policy is set out below with the proposed changes to the current adopted policy showing wording proposed to be removed 'struck through' and new wording proposed to be inserted in red:

"Land at the former Clipstone Colliery has been allocated on the Policies Map for mixed use development. The site currently accommodates the Grade II listed headstocks and powerhouse to which national planning controls continue to apply in terms of their conservation. ~~An options appraisal is currently under preparation to assess the future of this listed building. Assuming~~ Including the retention of the headstocks and powerhouse, the site will accommodate around 120 dwellings, 12 hectares of employment provision, retail and enhanced Public Open Space. The retail element will be of a size and scale which helps facilitate the wider delivery of the scheme and may include a small supermarket and other complementary facilities to help to meet the needs of the site and the wider settlement.

In addition to the general policy requirements in the Amended 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:

- A Master Plan, forming part of any planning application(s) setting out the broad locations for the different types of development and their phasing, taking account of infrastructure provision, constraints and the need to ensure that the delivery of the range of uses is not prejudiced;*
- Responding to the conclusions of the options appraisal for the future of the listed former colliery headstocks and powerhouse;*
- The implementation of suitable measures to address legacy issues such as openings within the site which relate to its former use as a colliery;*
- No residential development shall take place in areas identified as being within Flood Zones 2 & 3;*
- The positive management of surface water through the design and layout of development to ensure that there is no 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 buffer landscaping as part of the design and layout of any planning application to minimise the impact of development on the ~~adjoining~~ **SINC Local Wildlife Sites (which are both within and adjacent to the site)** and Vicar Water Country Park;*
- **That as this allocation is within 400m of Sherwood Forest ppSPA, it has the potential to provide functionally linked habitat for woodlark and nightjar and***

therefore should be subject to the risk based approach set out in Policy DM7 Biodiversity and Green Infrastructure should be followed; and

- *Green Infrastructure provision through the partial restoration of the site and connections to the Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6 through the design and layout of any planning application. Green Infrastructure and public open space shall be designed to reflect the need to provide SANGS to relieve recreational pressure on the Birklands & Bilhaugh SAC in line with Policy DM7.”*

- 8.10 Key to any proposal is the requirement for a masterplan, which is more critical in this case given the application only concerns part of the allocation. The applicant has provided a broad layout plan (copied in para 3.4 above) and an accompanying statement. The uses shown on the masterplan include the proposed housing scheme, a sports facility to serve the needs of the village and surrounding areas (including a multi-sports arena, an AGP pitch, a Stadia pitch, a cricket ground, parking and a clubhouse/changing provision) and is pending consideration under application 23/01846/FULM. It is proposed that the sporting facilities would replace provision at the existing ‘Lido Ground’ but in doing so allow a greater quantum of provision and quality than that currently available. The Masterplan shows the listed headstocks and powerhouse retained, with an area kept free of development around them, although with no development proposals identified for that area, and there is a further residual part of the allocated site shown to the south-west with no proposed uses shown here.
- 8.11 In terms of the area to the south-west, the Statement outlines that there are no alternative land agreements in place to deliver uses that would be contrary to the allocation and it remains available for uses which accord with the site allocation policy (employment and retail). Regarding the headstocks and powerhouse, it is outlined that they sit within alternative ownership – but that the masterplan for the remainder of the site would not impact on their retention, and a sufficient buffer area has been retained so that their redevelopment would not be prejudiced.
- 8.12 In terms of the suitability of the proposed range of uses – the broad locations are shown through the Masterplan diagram, and the housing would be in line with the allocation policy. Taken in the round, provision of the sporting facilities would have the potential to outweigh the lack of enhanced open space as originally anticipated, but this application has yet to be determined. In terms of the employment use likely to be delivered, there would likely be a reduction in scale. Although not strictly in accordance with the policy, given the benefits to the community from those facilities, then some pragmatism around the scale of employment delivery would seem appropriate.
- 8.13 No phasing of the development has been submitted, although as this housing element is most advanced, it is anticipated that its delivery would commence first (if approved), with the sports facilities to follow. There is no objection to this approach for delivering the allocation, provided each separate application can ‘wash its own face’.

- 8.14 The policy requirements around infrastructure provision, addressing constraints and demonstrating that the full delivery of the site allocation would not be prejudiced are critical and that there is confidence that those areas of the site beyond the housing element can be delivered for the anticipated uses should permission be granted for residential here.
- 8.15 Overall, it is considered that the policy requirement has been met around the provision of a masterplan, although it is acknowledged that the range and scale of uses emerging through the process are not totally aligned with the allocation. However, this alternative approach delivers strong local benefits to the community, which has the potential to outweigh the lack of provision of 'enhanced open space' and potentially reduced employment land. Provided there are no site-specific details of this application that would prevent the allocation from being comprehensively delivered, then the proposed departure from the site allocation in relation to the masterplan, is not considered to be fatal in this case.

Housing Mix, Type and Density

- 8.16 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 5.57ha, restricting the measurement to the main residential area only, the area measures 4.1ha. Based on these figures, a scheme of 126 dwellings would create a site density of around 31 dwellings per hectare. The maximum quantum of development therefore complies with these density requirements.
- 8.17 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.
- 8.18 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 2.5% 1 bed flats, 3.5% 2-bed bungalows, 12% 1 to 2-bed houses, 26.9% 3-bed houses, 34.3% 4+ bed houses. The proposed development provides 6 (4.7%) 1-bed flats, 28 (22.2%) 2-bed houses, 8 (6.3%) 2-bed bungalows, 81 (64.3%) 3-bed houses and 3 (2.4%) 4-bed houses. Although the housing survey identifies a need for a higher proportion of larger dwellings than that provided, this is not considered to be so fatal to the scheme to warrant refusal of permission. The dimensions of all units are above the national described space standards minimums (best practice).
- 8.19 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 and should comprise 60% affordable rent, 25% First Homes and 15% shared ownership. NSDC's Strategic Housing Officer raise no objection to the application on this basis and welcomes the proposed 8 bungalows.

- 8.20 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 Visual Amenities

- 8.21 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.
- 8.22 The site would be surrounded on three side by existing built development, with the currently open land to the north-east and south-east, being part of the wider mixed use allocated site, for which there is a pending application for sports and recreational development. The proposed new housing is not likely to form a boundary with the open countryside but is likely to be seen as part of the built-up area of Clipstone. As such a new development of mostly two-storey dwellings (and 18 two and a half storey dwellings) would not be out of context here (as indeed when the colliery was in operation, this land was filled with associated colliery buildings), although the character of the site at the current time is one of being green, open and free from built form. Whilst the layout of the development on the site does not reflect the grid-like layout characterised by the 20th century former colliery houses, the design of the houses themselves do seek to respect the form, type, materials and architectural detailing of the colliery houses (see examples below). The semi-detached and set of four units in a short terrace with hipped roofs and chimney detail, constructed in brick, together reflect the distinctiveness of the traditional housing in the model colliery village.





- 8.22 A row of mature trees (mostly limes) have been retained as part of the redevelopment of the site, following negotiations, which form a corridor of green infrastructure within the site. A tree lined green space is provided along the Mansfield Road frontage which is approx. 14m deep. Efforts have also been undertaken to secure some tree-lined streets in grass verges, along the two main thoroughfares, although the Council's Tree and Landscape Officer has raised a number of concerns in this regard and has concluded that they are unlikely to prove viable in the long term. The children's play space is centred on the former mine shaft on the site which has now been capped in accordance with a scheme permitted by the Coal Authority. Concerns have been raised with the developers that the layout is far from ideal with this area being edged on each side by access and parking, raising concerns relating to conflict and safety between children/balls and vehicles. Providing high fencing around this area was not considered to be acceptable in visual impact terms. Furthermore, the parking layout on the western side of the play area does not comply with the SPD requirements, with no landscape areas between every 4 parking spaces. This parking area also accommodates parking to serve the two dwellings that front Mansfield Road in the south-west corner of the site, which is a considerable distance from these units.
- 8.23 Due to the combination of these concerns, the case officer invited the developer to re-design this south-western corner of the layout, but this was declined. In addition, whilst it is fully acknowledged that the existing access serving the rear of properties fronting Mansfield Road must be retained for legal reasons, as the proposed plan shows, a significant area (approx. max 15m wide by 8m deep) would be retained as a large, overly engineered tarmacked area along the site frontage, and represents a missed opportunity to create a more visually appealing frontage in this area. Proposed new fencing and gate are proposed across the access, 10m back from the highway in acknowledgement of its accessibility for private users only. No details have been provided of this means of enclosure. It is therefore considered that should any permission be forthcoming, a condition for details of a scheme for this area, should be submitted and approved.

Below is plan showing the open space proposed within the development.



Area	Function	Required	Provided
Purple	LEAP – Local Equipment Area for Play	400 sqm	401 sqm
Dark Green	Provision for children and young people	2, 160 sqm	2, 848 sqm
Light Green	Amenity Green Space	1, 814 sqm	3, 748 sqm
Lightest Green	Green Verges	-	857 sqm

8.24 Adjacent to the south-west boundary of the site runs a 3m wide footpath which provides a pedestrian tree-lined connection route, to permeate through the site. This then seeks to link with a footpath that is shown on part of the remaining allocation site (on the submitted Masterplan) that would connect with Sherwood Forest Pines Park, Vicar Water County Park and Sustrans Route 6 to the south-east, as required by the allocation policy. It is considered that this needs to be secured through a S106 Agreement. The Ward Member has raised concerns that this proposed 3m wide footpath would be highly inviting to moped riders in the local area and consideration needs to be given to discourage this. The developers were concerned that any restriction should not prevent access to pushchairs, disabled scooters etc. It is considered that in the event that planning permission is granted, a condition requiring

details of several appropriately designed chicanes to be provided along the straight length of path to discourage such anti-social behaviour. Knee-high rails should also be conditioned to be provided to prevent cars running along this path from the play area parking provision. One letter has been received from a third party, concerned that the proximity of the footpath to the existing boundary treatment (chain link fence), is likely to put this fence at risk from damage and reduce security to the adjoining site. Whilst this is acknowledged, it is clear from the masterplan, that the design concept is for footpaths/roads to run along the boundary with the listed headstocks, in order to give space to their setting and pay homage to these structures in terms of layout, rather than new development to turn its back on these landmark features. Security risks are always going to increase as the surrounding site is opened up to being in the public realm again.

- 8.25 Although the defensive space between front elevation of dwellings and the street frontage is very limited, the provision of hedgerow planting along frontages and side elevations, would provide a green belt of softening, together with the green verge along the two main thoroughfares.
- 8.26 Although there are elements of the scheme that are not ideal, particularly around the children's play area, overall, it is considered that the proposal would generally accord with Core Policy 9 and Policy DM5 in terms of its design/layout and visual appearance.

Impact on Heritage Assets

- 8.27 Core Policy 14 and Policy DM9 require the continued conservation and enhancement of the character, appearance and the setting of the District's heritage assets and historic environment in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.
- 8.28 The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF 2023). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities for new development within the setting of heritage assets to better reveal its significance (paragraph 212).
- 8.29 The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the

Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

- 8.30 Paragraph 208 states that where a development proposal will, lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. Para 209 of the NPPF states that 'effect of an application on the significance of a heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect the non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.31 The proposal would be situated immediately adjacent to Clipstone Colliery headstocks and powerhouse (Grade II) and the planned colliery village and managers housing, which are both considered to be Non-Designated Heritage Assets (NDHAs).
- 8.32 The headstocks and powerhouse are the remains of a mid-20th century industrial complex associated with the development of coal mining in post-war England. Clipstone was one of the country's most productive coal mines and these structures were at the forefront of technological advancements at the time of their construction, notably the winding systems. The buildings were designed in Modernist style. The significance relates to the association with the development of coal mining industries in North Notts in the mid-20th century, retention of historic fabric, illustrative technological interest, archaeological interest with the two deepest shafts in the country and the integrity of the complex. Crucially, however, the headstocks are landmark features as they dominate over the immediate colliery village but are also highly visible in the wider Sherwood Forest landscape. Pre-dating the colliery, Vicars Water/Pond was created by the Duke of Portland in the 1870s as a fish pond and boating lake. Following the closure of the pits, much of the wider railway heritage to the south of the headstocks has been lost and has since returned some of the setting of the headstocks to a greener and more verdant setting which compliments and accentuates the building's prominence in the landscape.



Fig.1 c.1939 OS map [online] (National Library of Scotland)

- 8.33 Clipstone Colliery Village (NDHA) was predominantly laid out in the 1920s in a geometric plan form, designed by Houfton & Kington architects. The garden city housing style was popular with planning housing schemes during the early 20th century and the houses in the colliery village are characterised by their steep pitched roofing and central green area. The significance relates to the historic association with Clipstone Colliery in the early-20th century, the planned village layout and connection to the historic interest of the adjacent Listed Building.
- 8.34 The manager's housing for the colliery is situated along the other side of Mansfield Road, deliberately positioned at the former entrances to the colliery. 'The Villas' are situated to the east, immediately adjacent to the site, and 'The Cottages' situated to the west. Due to the more prominent status of the occupiers, these are larger semi-detached houses with spacious gardens. The buildings have a strong historic significance due to their connection with the development of the colliery, architectural interest and designed importance.
- 8.35 Clipstone Headstocks and Powerhouse (Grade II listed) is a prominent asset within the District and, due to its vacancy and accelerated deteriorating condition, it is considered a heritage asset 'at risk.' Historically, the land immediately surrounding the headstocks housed ancillary industrial buildings which have since been demolished following the closure of the colliery in 2003. Whilst the resulting open grassed landscape is not associated with the colliery and is not a characteristic feature of an industrial landscape, the clearing of the ancillary industrial buildings has better revealed immediate views and appreciation of the headstocks and powerhouse. As set out in the NPPF's definition of the setting of a heritage asset, the surroundings in which the heritage assets are experienced are 'not fixed and may change as the asset and its surroundings evolve.' In recent years, the gap site has accentuated the dominance of the structure and retained a sense of segregation between the residential and industrial areas of Clipstone.
- 8.36 The principle of any housing development on this site has the potential to harm the setting of the listed headstocks as it would encroach upon its industrial setting,

diminish the historic legibility of the site and interrupt key views of the heritage asset in the immediate vicinity. Whilst this would not harm all of the setting of the heritage asset (i.e. the longer range views) it would still have a high visual impact. It also has the potential to impact views and appreciation of the adjacent NDHAs.

- 8.37 The style of housing proposed is reflective of an interwar planned garden estate type housing, which would be similar in character to the adjacent NDHA colliery village. In addition, the proposed materials would be sympathetic to the local character and distinctiveness. The majority of houses have been designed to be reflective of the overall 2-storey character of the surrounding dwellings in the colliery village.
- 8.38 There is greenery proposed along the southern and eastern edges of the development as well as a play area. It is indicated on the illustrations and detailing that the boundary treatments to many of the properties, particularly in key views, would be a hedge reinforced fence. The greenery and landscaping could help integrate with the adjacent meadow/greenery immediately surrounding the headstocks.
- 8.39 The Council's Conservation Officer has concluded that it is unlikely there would be any heritage-related benefits arising from the proposed development and this scheme would not help contribute to the long-term conservation of the vacant and 'at risk' Listed Building. The layout of the development would not wholly prohibit access or possible re-use of the headstocks, but there is concern that the cumulative effect would isolate the Listed Building and inhibit possible opportunities for its adaptive reuse. There are unlikely to be any heritage-related public benefits which would balance or outweigh the level of harm to the Listed Building and Non-Designated Heritage Assets.
- 8.40 In summary, the Conservation Officer is of the view that the proposed development would cause moderate-high level of harm to the setting of the Listed Building as it would encroach upon the immediate setting which helps accentuate its dominance. This would be contrary to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. With reference to Policy DM9 and para 208 of the NPPF, this would be 'less than substantial harm.' It would also have a harmful impact on the setting of the adjacent Non-Designated Heritage Assets (para 209 of the NPPF). The Conservation Officer goes on to state that the proposed design and style of housing and landscape would help minimise some of the proposed heritage harm. It is also acknowledged that this development forms part of the requirements of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks, and there would be public benefits arising from the proposed housing development. It must be considered therefore whether those public benefits balance or outweigh the heritage harm identified. This is discussed further in the overall planning balance within the conclusion of this report.

Impact upon Residential Amenity

- 8.41 Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Core Policy 9 also seeks a high standard of design that contributes to a compatible mix of uses.
- 8.42 The nearest existing dwellings to the proposed development are located to the north.

Two storey houses front Greendale Crescent, and the rear elevations of these properties would be positioned approx. 13m (at its nearest point) from the side elevation of a proposed two storey dwelling. There are no openings proposed in the side elevations of the proposed new dwellings at proposed Plots 39, 40 and 49. Although situated directly south of these existing dwellings, given the distances between and the positioning of main window openings in front and rear elevations, it is considered the proposal would not result in an unacceptable impact in terms of loss of privacy or light, or over-bearing impacts.

- 8.43 To the rear of 3 Mansfield Road, planning permission was granted in 2022 for the erection of two new dwellings. The rear elevation of these new dwellings (with two bedroom windows at first floor level) are 10m from the boundary with this application site. These windows would line up with the rear garden of proposed Plot No 34 and there are no openings proposed in the side elevation of Plot 34. This relationship is considered to be acceptable and would not result in an unacceptable impact on the occupiers of these dwellings to the west in terms of loss or privacy or light or over-bearing impact.
- 8.44 The nearest dwelling fronting Mansfield Road to the north is approx. 37m from the nearest proposed dwellings to the south and south-east. This distance means the proposed development would not result in any unacceptable impacts to the amenities of occupiers of this existing property.
- 8.45 In response to the concerns raised by Environmental Health colleagues concerning working hours on Saturdays during the construction period, an amended Construction Environmental Management Plan has been submitted to reduce the working hours on a Saturday in line with the Environmental Health office's comments, which could be conditioned on any grant of permission.
- 8.46 Whether the proposal creates a satisfactory living environment for the proposed new dwellings is material to decision making. As has been established earlier in the report, all new dwellings exceed the national described space standards for new dwellings and all have a private garden space commensurate to their size. The amenity of proposed occupiers is therefore considered to be acceptable and accords with Core Policy 9 and Policy DM5 in this regard.

Impact upon Highway Safety

- 8.47 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. In addition, the Council has adopted a Supplementary Planning Document (SPD) to guide the design and quantum of parking to serve new residential development.
- 8.48 Building for a Healthy Life (design guidance) acknowledges that well designed development will make it more attractive for people to choose to walk or cycle for short trips. Parking should also be sufficient and well-integrated. With regards to the latter, the Council has adopted a supplementary planning document (SPD) for cycle and car parking standards. For Clipstone, the quantum of car parking spaces required

(as a minimum) per dwelling would be as follows to meet the requirements of the published Parking SPD:

1 bed	1 space
2 bed	2 spaces
3 or more beds	3 spaces

- 8.49 Visitor parking is only required where the minimum number of spaces has not been met. Parking spaces are expected to meet the minimum dimensions set out in the SPD including garages where they are relied upon for parking. Secure undercover cycle parking (not to impinge on the minimum garage dimensions set out above) is also expected at a minimum rate of 1 space per 1 bedroom dwelling, 2 spaces for 2 and 3-bedroom dwellings, and 3 spaces for 4 or more bedroom units.
- 8.50 The layout relies on a variety of parking solutions including frontage parking and parking to the side in tandem. There are currently 18 of the proposed 126 plots, served by triple tandem parking, which is considered to represent an under-provision, given that it is highly unlikely to be used in practice and would ultimately result in increased likelihood for parking on the road. In proposed properties with no garage, the submitted details show bicycle storage being provided within small timber structures in rear gardens.
- 8.51 Members will note in the consultation section above that the Highway Authority continue to object to the proposed development. The concerns raised by the Parish Council in relation to increased traffic, and impacts on Mansfield Road are considered to be acceptable. The objections by the Highway Authority relate to concerns regarding layouts within the development itself and are considered cumulatively to result in a harm to highway safety. Notwithstanding this objection, the agent has insisted that the application be reported to Planning Committee without any further delay and they intend to submit further amendments to seek to overcome the concerns raised and are relying on the Highway Authority being able to provide a quick response between publication of this report and Planning Committee.
- 8.52 As the application currently stands, therefore, the proposed development would result in harm to highway safety and is therefore recommended for refusal on these grounds and failure to comply with Spatial Policy 7, Policy DM5 and the guidance within the NPPF and the Residential Cycle and Car Parking Standards & Design Guide SPD.

Impact upon Flooding and Drainage

- 8.53 Policy CI/MU/1 states the development must ensure no detrimental impact in run-off to surrounding residential areas or existing drainage regime. It must be demonstrated prior to determination of the application that there is sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.
- 8.54 Core Policy 9 states that the Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances

the natural environment and contributes to and sustains the rich local distinctiveness of the District. Through its design it should pro-actively manage surface water including, where feasible the use of Sustainable Drainage Systems and provide for development that proves to be resilient in the long term, taking into account the potential impacts of climate change. Core Policy 10 states that new development must mitigate the impacts of climate change by minimising their potential adverse impacts during their construction and eventual operation. New proposals for development should therefore ensure that the impacts on natural resources are minimised and the use of renewable resources encouraged and be efficient in the consumption of energy, water and other resources. New development must positively manage its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime.

- 8.55 The site lies entirely within Flood Zone 1 and is therefore not a site which has been identified as being at risk of main river flooding. There is low and very low surface water flood risk identified within the main body of the application site, although this increases around the attenuation basins. A Flood Risk Assessment and Drainage Strategy has been submitted which does not identify any other form of flooding on the site.
- 8.56 The Geo-Environmental Assessment produced by Eastwoods states “Due to the depth of made up ground, soakaway drainage is generally not expected to be viable.” Therefore alternative surface water disposal has been proposed. The surface water for the site will be proposed to discharge into the existing Vicar Water course at 8.5l/s. The FRA states an additional allowance of 2.5l/s has been factored in at storm manhole S23 for the existing colliery headstocks land for the future, but not for any other part of the wider allocation site. A S104 application will be submitted to Severn Trent water for the adoption of the on-site surface water drainage.
- 8.57 There is private cellular storage for the 100yr + 40% climate change events which would be managed by a private management company. Foul drainage for the site is proposed to outfall to the existing combined sewer located in Baulker Lane. Modelling work have established that the development would not result in the need for capacity improvements. Severn Trent would adopt both surface water drainage and foul water drainage systems who would also maintain them. The proposed cellular storage and attenuation basin would be managed by a private management company.
- 8.58 The Lead Local Flood Authority raise no objection, subject to condition and on this basis, it is considered that the proposed development would not result in any unacceptable increase to flood risk either on the site or elsewhere and therefore accords with Core Policy 9, 10 and Policy CI/MU/1.

Impact upon Ecology and Trees

- 8.59 Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites

should, wherever possible, be protected and enhanced. According to the PPG, policy should be applied in a hierarchy to avoid, mitigate and lastly compensate.

- 8.60 A Preliminary Ecological Appraisal has been submitted which concludes that the proposed development would not result in any adverse impact upon any protected species and no further surveys are recommended. Mitigation measures proposed relate to site clearance works taking place outside the bird breeding season and hedgehog friendly landscaping which can be controlled by planning condition.
- 8.61 Consideration of the potential impact of the proposed development upon the potential Special Protection Area (pSPA) and the conservation of woodlark and nightjar would also be required.
- 8.62 This planning application was submitted prior to the mandatory requirement for 10% Biodiversity Net Gain (BNG) to be demonstrated on major development sites.
- 8.63 The site is located within Natural England's (NE's) Indicative Core Area (ICA) within which the need for the impact on the potential Sherwood Forest Special Protection Area (ppSPA) 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. The site is also located 3.7km from the Birkland and Bilhaugh Special Area of Conservation (SAC) to the north.
- 8.64 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 these designations including breeding nightjar and woodlark populations have been adequately avoided or minimised as far as possible using appropriate measures and safeguards. Whilst there would be no direct impacts resulting from the proposal, in terms of indirect impacts there is a potential for greater recreational pressure on these areas. It is however acknowledged that many of these areas are managed which would mean that in many cases, dog walkers etc. would keep to established routes.
- 8.65 The first stage of any Habitat Regulations Assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.
- 8.66 The application has been supported by a 'Habitat Regulations Assessment and Appropriate Assessment' and represents a shadow HRA. This has screened the proposed development and concludes that no Likely Significant Effect (LSE) is expected from the development to Birklands and Bilhaugh SAC. Therefore Stage 2 of the HRA: and Appropriate Assessment is not required in relation to this element. However, it concludes that there is potential, without mitigation for LSE on woodlark because of a loss of potential foraging habitat including tall grassland and scrub. Therefore, the HRA progresses to Stage 2: Appropriate Mitigation Measures must be identified to demonstrate beyond scientific doubt that the project would not result in adverse effects to the integrity of Sherwood Forest ppSPA. The woodlark record was located on land outside of the red line boundary for the housing development.

- 8.67 Following amendment to the shadow HRA, which includes the fact that the proposed development had already been the subject of an HRA as part of the allocations process, it concluded that there would be no LSE on woodlark. The Council's Biodiversity and Ecology Lead Officer now finds this to be acceptable. As such, there would be no requirement for woodlark mitigation and the amended sHRA is acceptable for Newark and Sherwood District Council to adopt.
- 8.68 However, the Council's Biodiversity Officer has raised concerns regarding the proposed mitigation and compensation measures. It appears that a number of proposed mitigation and compensation measures are no longer deliverable (as the submitted Landscape Strategy states they are to be removed), or do not form part of this application (within the red line of the recreation application site), are already proposed as part of other schemes and therefore being double counted, or indeed being removed as part of other schemes. There are then still several measures where uncertainty remains regarding deliverability, as the land to represent mitigation is outside the application site but not identified on any submitted plan, in order that they may be secured as mitigation/compensation for the proposal. For example, one of the proposed measures for compensation relates to targeted habitat creation for reptiles. The submission states that this area is to be west of the headstocks, but no plan has been provided to enable this to be secured as compensation.
- 8.69 The application sets out that on going works as part of the Nottinghamshire Three Rivers Restoration Project (NTRRP) is being used as mitigation for this planning application. The land along the south boundary (near the waterbody) has been targeted for biodiversity enhancement as part of the on-going Three Rivers Project. Works started in early 2024 and includes scrub control, de-culverting and naturalising the river corridor through physical modifications of the watercourse profile and addition of course organic matter (woody debris). This work is creating new open areas, a naturalised watercourse and an enhanced mosaic of habitats. Felled scrub and new earthworks will stop vehicular access to the vicinity of watercourse corridor providing undisturbed foraging habitat for birds, including woodlark. Water levels in Vicar Water will be enhanced by discharging attenuated and treated surface water drainage from the housing development which would also contribute to access control.
- 8.70 Submissions from the developer's ecologist has confirmed that The Three Rivers Project and removal of the culvert and opening up of the river was always going to happen as part of national policy and that it is being done for the benefit of the wider Vicar Water to Kings Clipstone corridor. It has also been confirmed that these works have been funded by Severn Trent Water and would have happened regardless of the proposed housing development. There are some concerns therefore that the proposed development is using grant funded improvements by public bodies to mitigate the proposed housing development. Further evidence has therefore been requested that demonstrates that these works are sufficiently linked to and have always meant to represent mitigation for the proposed housing development. In addition, further details have been requested on exactly what part of this scheme would be the mitigation for the proposed housing development and for it to be shown on a plan so that if appropriate, it can be secured as mitigation as part of the development. Both requests for additional information are yet to be submitted.

- 8.71 Furthermore, the Council's Biodiversity and Ecology Lead Officer has commented that a significant proportion of the application site is formed by neutral grassland, which is described in the submitted Ecological Appraisal as follows:

"The largest expanse of grassland (TN1) mostly originated as a sown grassland on brownfield land following the cessation of mineral extraction at Clipstone Colliery but has been affected by disturbance and colonisation of further species. The parcel is a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey."

The Ecological Appraisal then identifies that, "without mitigation, the loss of part of this grassland will have an adverse impact at district level of value." As matters stand at the moment, the Biodiversity and Ecology Lead Officer advises that there is currently very little being proposed in the way of compensation for this loss, and if this situation remains the same when matters have been clarified, their advice would be that the proposals do not meet the requirements of the NPPF and local policies DM7 and Core Policy 12 in relation to biodiversity matters and should therefore be refused planning permission on this basis.

Trees

- 8.72 An Arboricultural Report and Impact Assessment has been submitted with the application. There is a row of mature limes trees towards the northern part of the site which, following negotiation, are now to be retained. There are a number of single and groups of trees that are proposed to be removed (all classed as Category C trees) mainly close to the northern boundary and close to the attenuation basin.
- 8.73 The plan below shows the existing, Category B trees (in purple) that are proposed to be retained. The trees coloured grey are Category C trees to be retained and the ones outlined in red are Category C trees to be removed.

- Attenuation Basin: The removal of trees around the attenuation basin (see second plan above) and group to be “cut back” away from edge of pond, but no details have been provided and this is immediately adjacent to a highly used public right of way. Impacts within Root Protection Areas should be shown and demonstrated.

8.75 Their concerns relating to proposed trees include:

- Main access route: Indicative tree lined street show trees with canopies of 4m diameter. The approx diameter should be anticipated to be 8m, and a height of 12m, to allow sufficient clearance for large vehicles to move along the road whilst also being visually significant.
- Space for trees: It is considered that there is insufficient space between the tree lined streets and the houses, which will cause conflict as the trees grow and ultimately place pressure on them to be removed – the available space is key to the visual appearance/long term retention.
- Severn Trent Water adoption criteria state the min distance of between 6 to 10m is required between their assets (underground pipelines) and trees. Due to the limited distance between proposed tree lined streets and proposed utilities that run down the middle of the roads, there is a clear conflict. The Tree officer considers that that the tree lined streets are therefore not viable and cannot be successfully achieved.
- Children’s Play Area: The nearest alternative children’s play area is approx. 1km away, with major road barriers between. The proposal would serve a significant population and would be in high use. It would be useful to see how it is proposed to design such a space. The combination of parking/access roads on three sides gives a significant incongruous tarmac appearance around it.

8.76 The concerns of the Tree and Landscape Officer summarised above are noted. It is disappointing that having managed to negotiate some tree lined streets within this development that in the view of the Tree Officer, they are unlikely to be viable into the future. These matters need to be weighed in the overall planning balance in the conclusion below.

Other Matters

8.77 **Contaminated Land** - The Council’s Environmental Health Team have advised that when the site was remediated, there was concern raised about where the spoil that was spread on the land had come from and that it had not undergone proper testing. Therefore, it is advised that should planning permission be granted, that the standard contaminated land condition be imposed to deal with this outstanding matter.

8.78 **Community Infrastructure Levy (CIL)** - ,The site is located within Housing Low Zone 1 of the approved Charging Schedule for the Council’s Community Infrastructure Levy. As such residential development in this area is rated at £0m² for CIL purposes.

8.79 **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development

which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as the application was submitted prior to the legislation coming into force.

8.80 Developer Contributions

	Contribution Based on up to 126 Dwellings (all index linked)
Affordable Housing	30% on site provision (60% social/affordable rent; 25% First Homes and 15% shared ownership)
Open Space / Children's Play Area/Outdoor Sports Facilities	<p>On site provision & maintenance of amenity green spaces and for children and young people including:</p> <p>Provision of Amenity Green Space 14.4 sqm per dwelling = 0.1814 ha (Policy Requirement 1814 sqm). (Proposed provision 3748 sqm)</p> <p>Provision for children and young people 18 sqm per 2 bed and above dwellings = 0.1414 ha (Policy Requirement 2160 sqm). (Proposed provision 2848 sqm)</p> <p>Long term maintenance of the public open space will be undertaken by a management company.</p> <p>Off site commuted sum for Outdoor Sports Facilities - £737.72 per dwelling = £92,952.72</p>
Education	£90,322 as a contribution towards a single Special Educational Needs and Disabilities (SEND) space
Community Facilities	Off-site community facilities contribution £1,384.07 x 126 = £174,392.82 + indexation
Libraries	£4,366 towards library stock
Transport (for 65+ dwellings)	Bus Stop Infrastructure contribution of £150,000 to provide re-location and improvements of 2 bus stops NS0441 Colliery and NS0441 Colliery

NHS/Health (for 65+ dwellings)	Contribution of £982 per dwelling (£123,732 in total) sought for enhancing capacity / infrastructure within existing local practices: Sherwood Medical Partnership – Crown Medical Centre and/or Forest Town Branch and/or Oak Tree Land Surgery.		
Monitoring Fees (sums for each phased payment / monitoring event, if applicable)	Financial Obligation	Health Education Community Facilities Libraries Transport	£390 £390 £390 £390 £390
	Physical Obligation	Affordable Housing Open Space Biodiversity	£595 £595 £595

- 8.81 The developers have confirmed that the scheme would be fully policy compliant in terms of the required Developer Contributions that could be secured through a S106 agreement.
- 8.82 Concerns have been expressed by the Parish Council and local residents that the development will put increased pressure on services that are already under significant pressure. Nottinghamshire County Council have confirmed that there are sufficient existing education places at primary school level to accommodate the children that would live at the proposed development. The secondary and post 16 education contribution requested by Nottinghamshire County Council has not been included above as this is covered by Community Infrastructure Levy contributions. Should planning permission be granted, financial contributions necessary to support occupiers of the development in terms of health, libraries, community facilities and transport, as set out above, would be secured through an obligation.
- 8.83 In the event of an approval of planning permission, the S106 should also include the management of proposed cellular storage and attenuation basin to be managed by a Private Management Company, to secure and maintain all off-site mitigation/compensation measures and to secure the off-site connection shown on Masterplan to Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6.

Implications

- 9.1 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.

10.0 Conclusion

- 10.1 Although the proposal represents a development of 126 dwellings, six above the 'around 120' quoted in the allocation policy, it is considered that the proposal broadly accords with the allocation policy. It is considered that the granting of planning permission for this housing development, independently from the rest of the allocated site area, would not prejudice that development coming forward in the future. The principle of the development is therefore considered to be acceptable.
- 10.2 Whilst no harm has been found in relation to flood risk, residential amenity, or in relation to the proposed housing type, mix and density, affordable housing provision and overall visual appearance, the proposed development would cause a moderate-high level of harm to the setting of the Listed Headstocks and Powerhouse, as it would encroach upon the immediate setting which helps accentuate its dominance. This would represent 'less than substantial harm.' It would also have a harmful impact on the setting of the adjacent Non-Designated Heritage Assets on which a balanced judgement is required, having regard to the scale of the harm and the significance of the heritage asset. The proposed design and style of housing and landscape would help minimise some of the proposed heritage harm. It is also acknowledged that this development forms part of the requirements of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks, and there would be public benefits arising from the proposed housing development. On balance, therefore, it is considered that the benefits outweigh the setting heritage harm identified.
- 10.3 The scheme includes the retention of some existing trees and the loss of others. Negotiations have provided tree lined streets in grass verges along the two main thoroughfares, however, concerns have been raised as to whether these would be viable in the long term due to the limited distance from houses and the impact of underground services/utilities on roots. There is also concern relating to the layout of the proposed children's playspace both functionally and visually. These aspects also need to be given positive/negative weight in the planning balance.
- 10.4 In biodiversity terms, significant concerns have been raised regarding the proposed mitigation and compensation measures set out within the Ecological Appraisal. Currently, many of these measures are no longer deliverable and suggested compensation off site have not been clearly identified and cannot therefore be appropriately secured. The Ecological Appraisal submitted with the application states that the neutral grassland currently on the site represents a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey. The Ecological Appraisal then identifies that, "without mitigation, the loss of part of this grassland will have an adverse impact at district level of value." It is therefore considered that the submitted proposals fail to provide adequate mitigation and/or compensation for this proposed loss and represents a reason for the refusal of planning permission.
- 10.5 In highway safety terms, the Highway Authority objects to the proposal on the basis of a considerable number of concerns that include under-provision of parking (especially at turning heads) with no mitigation, inadequate widths of garages and

private drives, inadequate width of access roads serving some plots, failure to reduce the area accessible by vehicles and it leaves an unnecessarily wide crossing for pedestrians, swept paths have been carried out using a short wheel based transit van (not representative of many home delivery vehicles), significant amounts of dry steering is required with no offsets to private parking areas, visibility splay outside Plot 77 is missing, turning areas of Plots 13 and 14 are within root protection areas of retained trees (which risks them not being able to be delivered if found to be unacceptable impact on the trees), the management plan shows land that needs to be within the functioning highway as being within managed land, the cumulative impact of which makes the internal layout of the site harmful in highway safety terms.

10.6 Although the submission states it would be policy compliant in terms of the requirements of the Developer Contributions SPD, as these have not been secured at the time of the decision being made), this represents the third reason for refusal, as recommended to Members below.

11.0 That planning permission be refused for the following reasons:-

01

The proposed site plan demonstrates an under-provision of parking (especially at turning heads) with no mitigation, inadequate widths of garages and private drives, inadequate width of access roads serving some plots, failure to reduce the area accessible by vehicles and it leaves an unnecessarily wide crossing for pedestrians, swept paths have been carried out using a short wheel based transit van (not representative of many home delivery vehicles), significant amounts of dry steering is required with no offsets to private parking areas, visibility splay outside Plot 77 is missing, turning areas of Plots 13 and 14 are within root protection areas of retained trees (which risks them not being able to be delivered if found to be an unacceptable impact on the trees), the management plan shows land that needs to be within the functioning highway as being within managed land, the cumulative impact of which makes the internal layout of the site harmful in highway safety terms.

The proposal is therefore considered unsustainable and contrary to Spatial Policy 7 (Sustainable Transport) of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM5 (Design) of the Allocations and Development Management DPD 2013 which together form the relevant parts of the adopted Development Plan as well as paragraph 114 (b) of the NPPF, which is a material planning consideration. There are no material considerations that outweigh the harm identified.

02

The Ecological Appraisal submitted with the application states that the neutral grassland currently on the site represents a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey. The Ecological Appraisal then identifies that, “without mitigation, the loss of part of this grassland will have an adverse impact at district level of value.”

The application submission has failed to provide adequate mitigation and/or compensation for the proposed loss and failed to demonstrate that the scheme would have an acceptable impact on the District's ecological assets contrary to Core Policy 9 (Sustainable Design), Core Policy 12 (Biodiversity and Green Infrastructure) of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM5 (Design) and Policy DM7 (Biodiversity and Green Infrastructure) as well as the National Planning Policy Framework and ODPM Biodiversity and Geological Conservation: 06/2005 Government Circular, both of which are material planning considerations.

03

Spatial Policy 6 (Infrastructure for Growth) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. These 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. In the event of an approval, this scheme would require mitigation that cannot be controlled via condition such as securing 30% affordable housing, the finances associated with education, health, libraries, community facilities and off-site outdoor sports facilities, upgrading bus stop infrastructure to ensure the development is as sustainable as possible and to mitigate impacts from increased traffic to Mansfield Road as a result of this development. There is no mechanism to secure these mitigating measures without a unilateral undertaking or planning obligation (under Section 106) being entered into.

Therefore, in the opinion of the Local Planning Authority the proposal (at the point of determination) fails to provide appropriate mitigation for the impacts of the development contrary to Spatial Policy 6 (Infrastructure for Growth), Spatial Policy 7 (Sustainable Transport), Core Policy 1 (Affordable Housing Provision) and Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy 2019, Policy DM3 (Developer Contributions and Planning Obligations) and DM5 (Design) of the Allocations and Development Management DPD 2013 of the Development Plan.

Informatives

01

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

- Location Plan (Drawing No: SL-028 Rev A)
- Site Wide Master Plan (Drawing No: SL-027 Rev B)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev B)
- Tove Floor Plans (Drawing No: PD-012-TOV Rev A)
- Tove – As – Elevation (Drawing No: PD-013-TOV Rev A)

- Thurston – As - Floor Plans (Drawing No: PD-012-THU Rev A)
- Thurston – As – Elevation (Drawing No: PD-013-THU Rev A)
- Archer – As – Floor Plans (Drawing No: PD-012-ARC Rev A)
- Archer – As – Elevation (Drawing No: PD-013-ARC Rev A)
- Aston - Floor Plans (Drawing No: PD-012-AST Rev A)
- Aston - Elevation (Drawing No: PD-013-AST Rev A)
- Chester – As – Floor Plans (Drawing No: PD-012-CHE Rev A)
- Chester – As – Elevation (Drawing No: PD-013-CHE Rev A)
- Cunningham – As – Floor Plans (Drawing No: PD-012-CUN Rev A)
- Cunningham – As - Elevation (Drawing No: PD-013-CUN Rev A)
- Elliott – As – Floor Plans (Drawing No: PD-012-ELL Rev A)
- Elliott – As – Elevation (Drawing No: PD-013-ELL Rev A)
- Fernsby – As – Floor Plans (Drawing No: PD-012-FER Rev A)
- Fernsby – As – Elevation (Drawing No: PD-013-FER Rev A)
- Jarvis – As – Floor Plans (Drawing No: PD-012-JAR Rev A)
- Jarvis – As – Elevation (Drawing No: PD-013-JAR Rev A)
- Ward Floor Plan (Drawing No: PD-012-WAR Rev A)
- Ward Elevation (Drawing No: PD-013-WAR Rev A)
- Joseph - Floor Plans (Drawing No: PD-012-JOS Rev A)
- Joseph – As – Elevation (Drawing No: PD-013-JOS Rev A)
- Madden Floor Plans (Drawing No: PD-012-MAD Rev A)
- Madden Elevation (Drawing No: PD-013-MAD Rev A)
- Murray – As – Floor Plans (Drawing No: PD-012-MUR Rev A)
- Murray – As – Elevation (Drawing No: PD-013-MUR Rev A)
- Singer – As – Floor Plans (Drawing No: PD-012-SIN Rev A)
- Singer - As – Elevation (Drawing No: PD-013-SIN Rev A)
- Thurston Affordable Floor Plans (Drawing No: PD-012-THU AFF Rev A)
- Thurston Affordable Elevation (Drawing No: PD-013-THU AFF Rev A)
- Garage Drawing (Drawing No: PD-025-G&M Rev A)
- Proposed Street Scenes (rec’s 9 May 2024)
- Proposed Coloured Site Layout (rec’d 3 July 2024)
- Means of Enclosure (Drawing No: SL-005 Rev B)
- Materials Plan (Drawing No: SL-004 Rev B)
- Solar Panel Plan (Drawing No: SL-026 Rev B)
- Affordable Housing Plan (Drawing No: SL-025 Rev B)
- Open Space Plan (Drawing No: SL-011 Rev C)
- Indicative Site Appraisal (Sheet 1 of 2) (Drawing No: 1 Rev K)
- Indicative Site Appraisal (Sheet 2 of 2) (Drawing No: 2 Rev K)
- Indicative Drainage Strategy (Sheet 1 of 2) (Drawing No: 17 Rev E)
- Indicative Drainage Strategy (Sheet 2 of 2) (Drawing No: 18 Rev E)
- Landscape Strategy (Drawing No: CLI2309_LP01 Rev P5)
- Proposed Access Arrangements (Carriageway Narrowing) (Drawing No: CSCC-BSP- XX-XX-D-S-008 Rev P03)
- Proposed Access Arrangements (Carriageway Narrowing) Vehicle Swept Paths (Drawing No: CSCC-BSP-XX-XX-D-S-0009 Rev P03)
- Visibility Splays Plan (Drawing No: 11 Rev D)
- Indicative Speed Calming Features Plan (Drawing No: 19 Rev D)
- Parking Strategy (Drawing No: SL-010 Rev B)

- Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P03)
- Parking Log Categories saved on file 19 June 2024
- Refuse Strategy (Drawing No: SL-009 Rev B)
- Refuse Vehicle Tracking – 11.595m Vehicle (Drawing No: 10 Rev D)
- Shared Drives Exceeding 25m Delivery Vehicle Tracking (Drawing No: 10 Rev A)
- CEMP (Drawing No: SL-007 Rev C)
- Management Company Plan (Drawing No: LE-007 Rev D)

- Habitat Stack
- Bird Box
- Bat Box
- Typical Street Tree Station
- Typical Park Tree
- Hedge Reinforcement Fence

- Clipstone Masterplan Statement
- Planning Statement by Cerda dated March 2023
- Design and Access Statement by Welbeck dated March 2023
- Heritage Impact Assessment by Marrons dated March 2023
- Flood Risk Assessment and Drainage Strategy by Travis Baker dated March 2023
- Landscape and Ecological Management Plan by DSA dated March 2023
- Arboricultural Impact Assessment Rev C by SEED dated May 2024
- Ecological Appraisal by Rachel Hacking Ecology dated March 2023
- Letter from Rachel Hacking Ecology saved in file 10 June 2024
- Shadow Habitat Regulations Assessment (Rev 03.06.2024) by Rachel Hacking Ecology 2024
- Transport Assessment by BSP dated March 2023
- Parking Appraisal by BSP dated March 2024
- Travel Plan by BSP dated March 2023 (Rev P02)
- Acoustic Assessment by Ardent dated March 2023
- Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
- Phase 2 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
- Consultants Coal Mining Report by the Coal Authority dated June 2019
- Mine Shaft Treatment Report by Eastwood Consulting Engineers dated 2 Oct 2023
- Letter dated 3 June 2024 from Eastwood Consulting Engineers (Ref: 44147- ECE-XX-XX-CO-C-0012)
- CDM Designer's Risk Assessment by DSA dated March 2023

02

The application is contrary to the Development Plan and other material planning considerations, as detailed in the above reasons for refusal. However, the Local Planning Authority has sought to work positively and proactively with the applicants in order to come to a view on whether the benefits of the proposal were able to outweigh the harm. Whilst it has been determined ultimately that the harm does outweigh the benefits in this case, a number of reasons for refusal have been negated therefore narrowing the issues between the parties. This has demonstrated that the Local Planning Authority has sought to work

positively and as proactively as possible with the applicants as required by the NPPF and by the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.

03

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

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 - 23/00832/FULM

