



Report to Planning Committee 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner x5902

Report Summary			
Application No.	23/00832/FULM (Major)		
Proposal	126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works		
Location	Land off Mansfield Road, Clipstone		
Applicant	Harper Crewe	Agent	Richard West, 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	07.10.2024
Recommendation	That planning permission is APPROVED, subject to a S106 Agreement and the conditions set out in Section 11 in the report.		

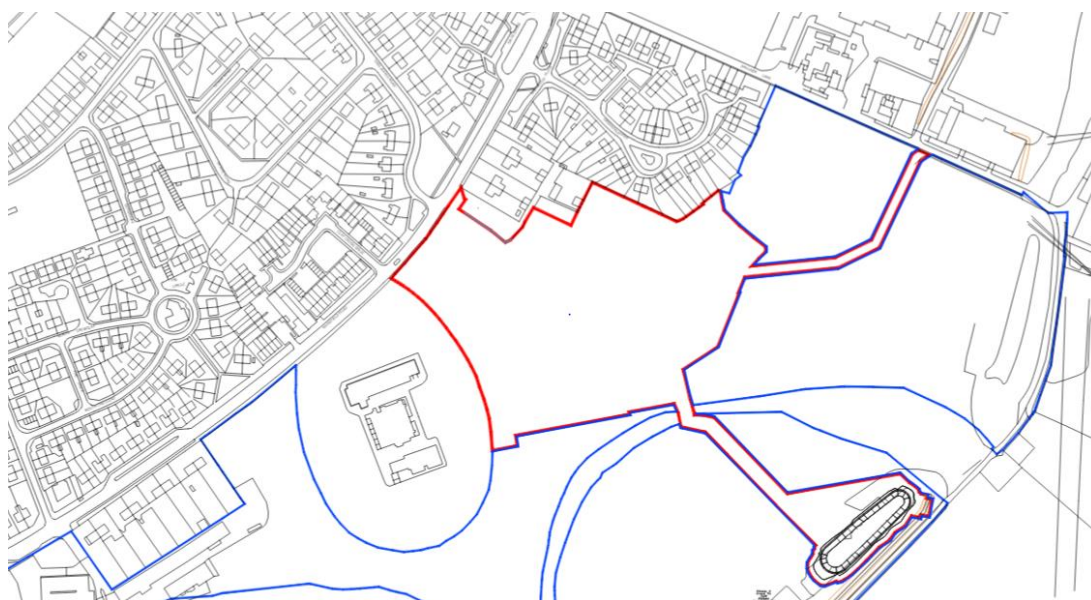
This application has been referred to the Planning Committee for determination by the local ward member, Councillor Paul Peacock, due to concerns regarding the design of footpath at the perimeter of headstock land leading to Anti-Social Behaviour, too few bungalows, drainage concerns, no details regarding 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

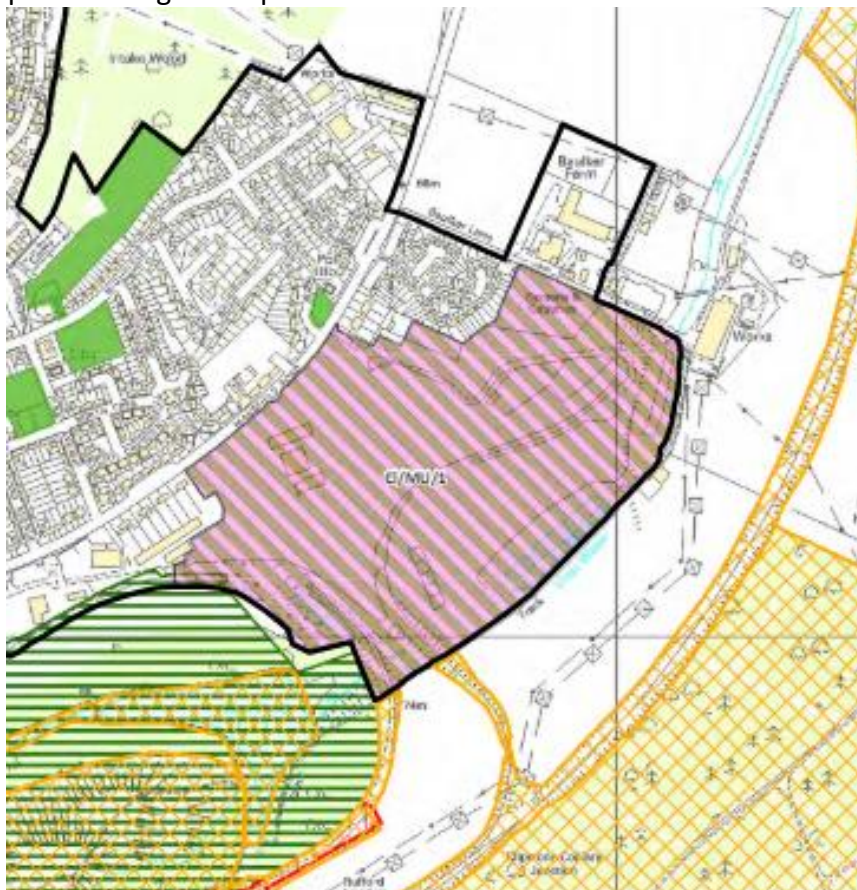
- 2.1 The application site comprises 5.57ha of brownfield land located on the south-east side of Mansfield Road, close to the northern entrance into the village of Clipstone and within the defined village boundary. The site is currently open grassland, secured by high fencing around its boundaries and 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 red line boundary of this application is shown below.



Site Location Plan Extract

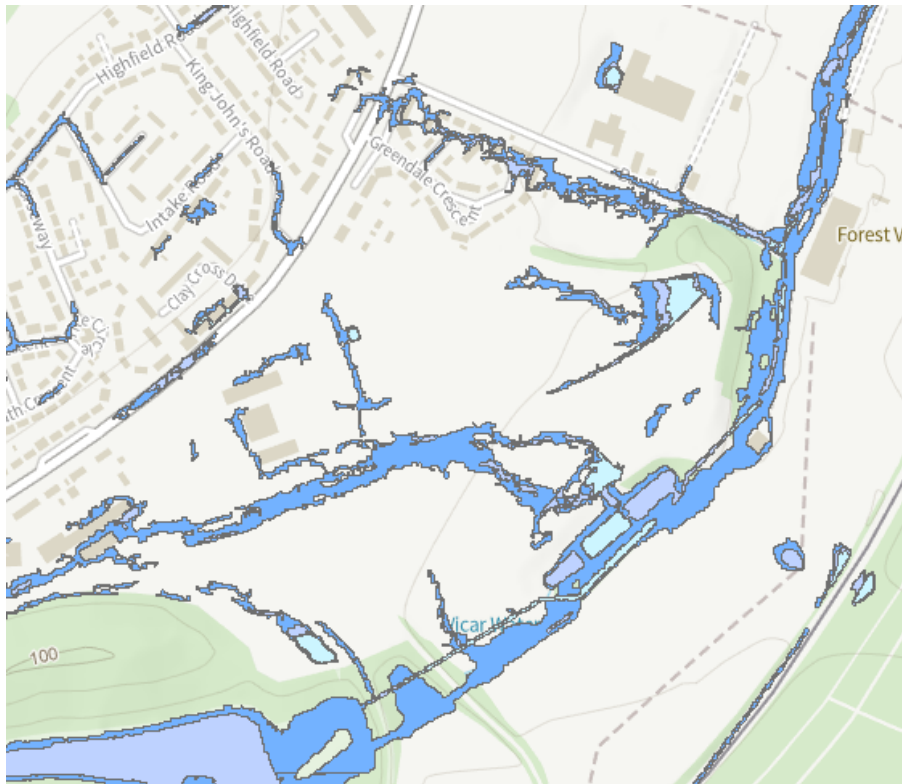
- 2.3 Immediately to the south-west of the site are the landmark Headstocks and Powerhouse structures which are Grade II listed buildings accommodated within a larger fenced off 'topple zone' area. On the opposite side of Mansfield Road is more recent residential development. To the north, fronting Mansfield 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 southeastern 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, on the grounds of over-provision of housing, it is not an allocated site and does not represent small-scale residential development, no securing mechanism for the provision of affordable housing, insufficient information to demonstrate provision of children's play space, sports fields or amenity open space, insufficient justification for the proposed demolition of the Grade II listed headstocks and range of curtilage listed buildings, insufficient information has been provided in relation to the impact on the surrounding highway network and access details, insufficient information submitted in relation to the impact on protected species.

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.

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-	95.6	Six Plots:

		detached		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 At the entrance to the site, dwellings would be set back approx. 14m from the Mansfield Road frontage, allowing new trees to be planted along the street frontage. There would be 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.



Proposed Site Layout Plan Extract

4.3 A narrow arm of the application extends to the north-east 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.



Open Space Layout Plan Extract

- 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, as listed below:

- T4 – Lombardy Poplar
- T5 – Common Apple
- T6 – Lawson’s Cypress
- T10 - Scots Pine
- T11 – Silver Birch
- G1 – Lawson’s Cypress
- G2 – Common Ash
- G3 – Mixed Group
- G4 – Mixed Group
- G5 – Silver Birch, Lombardy Poplar, Goat Willow
- G16 – Silver Birch, Common Hawthorn, Elder

Part Removal of Groups

- G12 – Leyland Cypress, Scots Pine
- G13 – Silver Birch, Lombardy Poplar
- G14 – Silver Birch, Common Hawthorn, Scots Pine, Elder

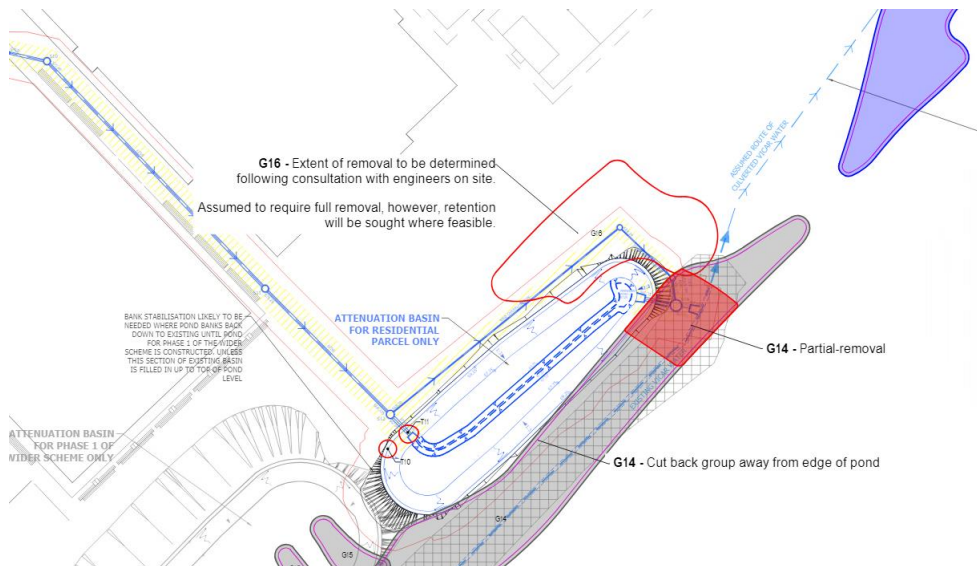
Trees to be removed are outlined and coloured in red below.

Trees to be retained (also Classified as Category B trees) T1 and G6 (all Common Lime in a row) are shown shaded purple below (G10 and G11 are to the east and outside the red line of the application site). None of the trees to be removed are considered aged or veteran.

Northern edge of site:



Attenuation Pond:



The above plan also shows the removal of a group labelled G16 (Silver Birch, Common Hawthorn, Elder) a small area within the red line but a larger area outside the red line boundary of the application site.

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. The proposed site layout shown in para 4.2 above shows the planting of 76 new trees 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)
- Full Allocation Phased Master Plan (Drawing No: 1418- A- (08)106_Rev A02)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev G)
- 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)
- Garage Drawing (Large) (Drawing No: PD-025A-G&M Rev S)
- 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 P04)
- 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 E)
- Habitat Stack
- Bird Box
- Bat Box
- Typical Street Tree Station
- Typical Park Tree
- Hedge Reinforcement Fence

Documents:

- 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
- Biodiversity Mitigation Assessment from Rachel Hacking Ecology dated 18 September 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 5 – Delivering the Strategy
 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

6.5 On 30 July 2024 the Government published a consultation on proposed reforms to the NPPF (2023). The consultation and draft NPPF do not constitute Government policy or guidance. However, they are capable of being material considerations in the assessment of this application.

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)** – No objection, subject to conditions requiring a Construction Management Plan to be submitted, longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works to be submitted and approved, a drawing showing a reduction in

width to the existing site access to be submitted and approved, prior to final surfacing of access drives, driveways and/or parking areas of each plot, a drainage scheme shall be submitted and approved, access and parking areas to be surfaced in a bound material, prior to occupation the access to the site shall be provided, prior to occupation, the refuge identified to the south-west of the proposed access shall be upgraded, a drawing shall be submitted showing traffic management measures to prevent parking where required shall be submitted and approved, details of the locations of bin stores shall be submitted to and approved, landscaping details to be submitted and approved, details of the future management and maintenance of land to the front of Plot 78 shall be submitted and approved, pedestrian visibility splays shall be kept clear of all obstruction above 0.6m above the carriageway,

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)** – No objection, 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 local bus services and a bus stop infrastructure contribution of £24,400 to provide improvements of 2 bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent and requiring a scheme for introductory free 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 no primary education contribution 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 from 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, improved boundary treatments and external materials as well as 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** – No objection subject to conditions. In their 6th formal response to this application, they now state, that now all outstanding issues regarding mitigation and compensation measures have been resolved, the agreed measures are required to make the proposed development acceptable in

terms of compliance with the biodiversity elements of the NPPF, Amended Core Strategy Core Policy 12 and Policy DM7 of the Allocations and Development Management DPD. As such they advise that those measures that would be on-site should be secured by appropriate conditions on any approval. This would be via a Construction and Environmental Management Plan (CEMP) and Biodiversity Management Plan (BMP) for the on-site mitigation/ compensation. The off-site measures would need to be secured by an appropriate method, but that should include a separate Biodiversity Management Plan specific for the off-site compensation.

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 have been received from FIVE third parties/local residents that can be summarised as follows:

- Hundreds of new houses have been built in Clipstone already;
- 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

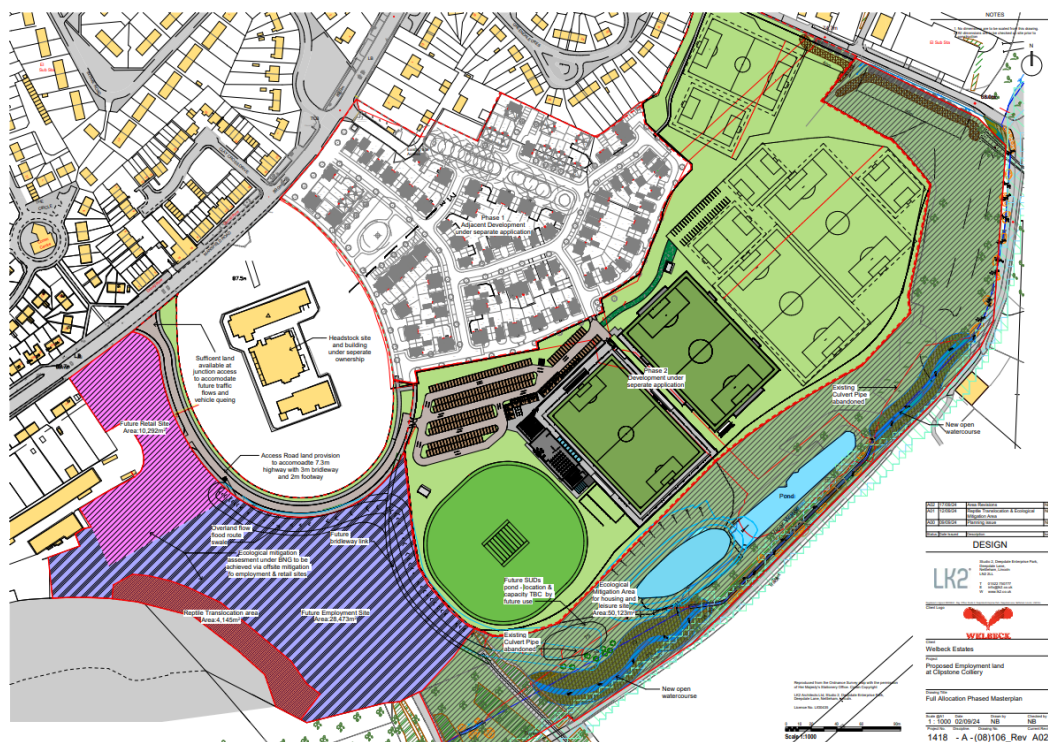
development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

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), see para 8.11 below.



- 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~~ **SANGS 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 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. The Master Plan copied below, has been submitted in response to the first bullet point of Policy CI/MU/1 which requires a Master Plan to form part of any application, 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.



Full Allocation Phased Master Plan submitted with this application 23/00832/FULM

8.11 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 wider allocation. The above phased master plan shows the following requirements set out within the allocation policy (CI/MU/1), in white the retention of the listed headstocks and powerhouse with an area kept free of development around them; also in white the Phase 1 proposed 126 residential development; in light green is Phase 2 enhanced public open space (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 currently being considered 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 darker green eastern edge providing ecological mitigation area and surface water attenuation ponds for housing and leisure development, strip of red along the south-western boundary is a reptile translocation area for the housing development, Phase 3 comprises the purple area as proposed employment land and the pink area as proposed retail land. Ecological mitigation for Phase 3 is likely to fall under Biodiversity Net Gain with mitigation having to be provided through off-site provision. In highway terms the masterplan shows an elliptical access road around the listed buildings (with space for it to be widened, initially 6m wide carriageway and 3m shared surface and then enlarged to a 7.3m wide carriageway when Phase 3 comes forward) that would serve the proposed recreation, employment, and retail development. In relation to surface water disposal, a future swale and SuDS pond would be created to provide surface water attenuation for the employment and retail areas. The master plan also shows a bridlemway link within the employment land from the elliptical footpath/access road which would eventually link to Vicar Country Park, the Bridlemway No 4/Sustrans route adjacent to the eastern

boundary of the allocated site, in accordance with the requirement of the site specific policy.

- 8.12 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 fatally prejudiced.
- 8.13 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, the potential provision of the recreation facilities would represent the enhanced open space requirement, and this application is currently under consideration and is 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.
- 8.14 There is no objection to this approach for delivering the allocation, provided each separate application can *'wash its own face'*. The policy requirements around infrastructure provision (highways and surface water attenuation), addressing constraints (ecological mitigation/compensation are proposed both on-site and off-site for this housing application, no confirmation has been received to date in relation to the mitigation provision for the proposed recreation development (although the dark green area adjacent to the south-east boundary of the allocation has the potential to provide on-site mitigation for this part of the allocation) and ecological mitigation for Phase 3 is likely to fall under Biodiversity Net Gain with mitigation having to be provided through off-site provision) adequately demonstrates that the full delivery of the site allocation would not be prejudiced and there is confidence that those areas of the allocation 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 submitted with this first application to be determined on this larger allocated site, in accordance with the site specific policy, although the scale of uses emerging through the process are not totally aligned with the allocation. Nevertheless, this alternative approach delivers strong local benefits to the community. Overall, it is considered that this application and the submission of the wider Master Plan has reasonably demonstrated that the different types of proposed development and their phasing, taking account of infrastructure provision (highways and drainage) and constraints (crucially biodiversity) to ensure that the delivery of the range of uses is not prejudiced, in accordance with the site specific allocation policy.

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 also above the national described space standards minimums (best practice).
- 8.19 In relation to affordable housing, Core Policy 1 (Affordable Housing Provision) 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 (Sustainable Design) 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 sides 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.



House Type Plan Extracts

- 8.23 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 also provided along the Mansfield Road frontage which is approx. 14m deep. Efforts have also been undertaken to secure tree-lined streets in grass verges, along the two main thoroughfares.
- 8.24 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. However, providing high fencing around this area was not considered to be acceptable in visual impact terms.

In addition, 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 which. 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. 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.

8.25 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 a 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	2, 160 sqm	2, 848 sqm

	people		
Light Green	Amenity Green Space	1, 814 sqm	3, 748 sqm
Lightest Green	Green Verges	-	857 sqm

8.26 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.

8.27 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.

8.28 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

8.29 Core Policy 14 (Historic Environment) and Policy DM9 (Protecting and Enhancing the Historic Environment) 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.

- 8.30 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).
- 8.31 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.
- 8.32 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.
- 8.33 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).
- 8.34 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 fishpond 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)

- 8.35 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.
- 8.36 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.
- 8.37 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.

- 8.38 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 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.
- 8.39 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.
- 8.40 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.
- 8.41 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.
- 8.42 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, the harm identified 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 wider public benefits arising from the proposed housing development. In accordance with the requirements of the NPPF, 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

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 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.
- 8.47 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.
- 8.48 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 most of the dwellings have a private garden space commensurate to their size. The Council's Environmental Health Team have recommended that the 4 dwellings nearest Mansfield Road be protected from noise from this main road through a scheme to be submitted and approved through a condition. There are 2 situations where the relationships between proposed dwelling is below the min. distance of 13m expected between the rear elevations of dwellings and the side elevations of others (to avoid an over-bearing impact). These are:
- the distance between the rear elevation of Plot 11 and the side elevation of

Plot 12, being 8.5m;

- the distance between the rear elevation of Plot 43 and the side elevation of Plot 41 being 9m;

The rear elevation of Plot 8 and the side elevation of Plot 10 is 10.8m, although with Plot 10 being a bungalow, this is considered to be an acceptable relationship.

Apart from the two examples quoted above, the amenity of proposed occupiers is considered to be acceptable and accords with Core Policy 9 and Policy DM5 in this regard.

Impact upon Highway Safety

- 8.49 Spatial Policy 7 (Sustainable Transport) 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.
- 8.50 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:

Unit Size	Car Parking Spaces
1 bed	1 space
2 bed	2 spaces
3 or more beds	3 spaces

- 8.51 Parking spaces are expected to meet the minimum dimensions set out in the SPD including garages where they are relied upon for parking. The parking SPD states that in relation to visitor/overflow parking, it will be encouraged where the site cannot deliver the recommended minimum space standards outlined above. The layout relies on a variety of parking solutions including frontage parking and parking to the side in tandem. The scheme provides the level of parking required as set out above, however, there are currently 18 of the proposed 126 plots, served by triple tandem parking, which although complying with the parking spaces required, is recommended to be a parking solution to be avoided in the SPD. The applicant was invited to reduce this number through alternative layouts, but they considered that 18 out of 126 was not an excessive amount and reasonable in the balance. However, it could be 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. The SPD also states on schemes of 10 or more dwellings, visitor parking will be encouraged

near smaller dwellings, although no visitor spaces are provided within the proposed development. The parking serving Plots 117 and 118 in the western corner of the site are some distance away, being provided adjacent to the children's play space being connection via a footpath, which is far from ideal. The row of parking/landscape proportions to the western side of the play area falls below the SPD standard by every 4 parking spaces being separated by an area of soft landscaping of a car park width. The case officer requested the Applicant to amend both these aspects of the proposed layout but they declined.

- 8.52 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. In properties proposed with no garage, the submitted details show bicycle storage being provided within small timber structures in rear gardens.
- 8.53 As set out above, there are a number of compromises in relation to parking provision but also within the layout of the development in relation to highway safety. Having initially raised concerns, the Highway Authority is now comfortable that these issues can be rectified through the imposition of a number of conditions and so overall, on this basis they raise no highway objection. The concerns raised by the Parish Council in relation to increased traffic, and impacts on Mansfield Road have been considered as well as the single point of access to serve the development, which is a concern of the local ward member, but all have been found to be acceptable to the Highway Authority. The concerns relating to the potential for mopeds to ride along the footpath along the boundary with the headstocks is noted and a condition has been imposed to require details of a scheme to seek to discourage such behaviour be submitted, approved, and implemented.
- 8.54 Therefore, subject to amendments that can be achieved through conditions, overall, the proposed development is not considered to result in harm to highway safety and therefore on balance accords 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

- 8.55 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.
- 8.56 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 (Climate Change) 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.

- 8.57 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.
- 8.58 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.
- 8.59 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.
- 8.60 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

- 8.61 Core Policy 12 (Biodiversity and Green Infrastructure) 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. Para 186 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The PPG also reiterates the application of the biodiversity hierarchy to avoid, mitigate or compensate.

8.62 An Ecological Appraisal has been submitted which concludes that the proposed development would not result in any adverse impact upon any protected species if proposed mitigation measures are implemented. These include:

- Roosting provision for whiskered bat in houses alongside gardens and greenspace;
- Sensitive lighting scheme
- Nest boxes for breeding birds
- Timing of vegetation clearance to avoid bird nesting season
- Capture and translocation of reptiles, amphibians and hedgehog
- Hedgehog friendly garden fencing scheme.

which can be secured by planning condition and/or a S106 Agreement.

8.63 In relation to the capture and translocation of reptiles, amphibians and hedgehogs, the case officer requested confirmation of this translocation area being identified on a plan, so that it could be secured through the S106 agreement. A strip of land, 4,145 sqm in area, located on the south-western boundary of the allocated site, has now been designated for this translocation from the area proposed for housing development. This can be seen as coloured red on the Master Plan shown in para 8.5 of this report above. The applicant has stated that this strip would also be used to comply with a bullet point of the allocation policy (CI/MU/1) which requires 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 and Vicar Water Country Park.”* Although this area is identified on the Master Plan for employment development, Officers consider that this would not be fatally prejudicial to this element of the allocation coming forward in the future and is a reasonable use of this area that would accord with the allocation policy.

8.64 Consideration of the potential impact of the proposed development upon the possible potential Special Protection Area (ppSPA) and the conservation of woodlark and nightjar is also required.

8.65 The site is located with Natural England’s (NE’s) Indicative Core Area (ICA) within which the need for the impact on the possible 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 Annexe 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 of the Birkland and Bilhaugh Special Area of Conservation (SAC) to the north.

8.66 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.

- 8.67 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.
- 8.68 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.
- 8.69 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.
- 8.70 This planning application was submitted prior to the mandatory requirement for 10% Biodiversity Net Gain (BNG) to be demonstrated on major development sites and therefore BNG is not a requirement for this application.
- 8.71 The submitted Ecological Appraisal identified that the majority 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."*
- 8.72 In applying the ecology hierarchy, it is clear that avoidance was not an option for this site, given the principle of development on the site has already been established through the allocation policy. Therefore, an assessment was made of the proposed mitigation/compensation that the application was offering to counter this loss, and it was found to be very little.
- 8.73 The Council's Biodiversity and Ecology officer and the Case Officer have spent a considerable amount of time and resources with the applicant/agent negotiating

whether this mitigation/compensation could be provided on the wider allocation site (as the way the application development was proposed meant that it was unable to acceptably mitigate within the red line site). The ability to use the wider allocation site for mitigation was an option because the whole allocation site (apart from the headstocks) is owned by a single party.

- 8.74 Difficulties have arisen, however, over how to establish what the quantum of habitat loss would be from the development in terms of ecological value and therefore what level of mitigation/compensation should be provided, in relation to an application that was submitted prior to when the requirement for BNG (where the standard metric is used) was introduced (and which therefore could not reasonably be applied) and where the currently adopted Development Plan policies do not refer to any specific levels of mitigation/compensation that should be provided or any mechanism to quantify habitat loss or gain in terms of ecological value. In order to seek to assist and find a pragmatic way forward, the Council's Biodiversity and Ecology officer came up with a broad-brush methodology that would enable the baseline habitat value pre-development to be compared with the post-development value and thereby quantify the impact. This methodology was based on the standard approach used in Ecological Impact Assessments which includes valuing habitats on a geographical scale: 'None' (i.e., built development such as roads which have no ecological value), 'Site', 'Local', 'District', 'County', 'National' and 'International'. A multiplier is then used on the area of habitat to determine value; for example, 1 ha of habitat of 'Site' value is multiplied by x1 to give a value of 1 unit and 1 ha of habitat of 'County' value is multiplied by x4 to give a value of 4 units. The applicants and their ecology consultant agreed to this as being a reasonable approach.
- 8.75 A Biodiversity Mitigation Assessment was submitted by the applicants on 18 September 2024, which using the agreed methodology was able to calculate the habitat loss. The application of the methodology yields an on-site baseline value of 13.7431 units. The post development on-site mitigation will yield 2.8511. The assessment calculates that there would therefore be a deficit of 10.892 units (which in percentage terms is the equivalent to 79% loss). Further on-site mitigation beyond tree planting and measures for protected species (nesting birds, bats and reptiles) is not feasible and as such off-site mitigation on third party land would be required to demonstrate policy compliance. To achieve a net gain, it would be necessary to secure 10.9 units. Using the agreed methodology, the area of off-site land required will be dependent on the baseline ecological value of the land, what habitats are proposed, and their target value following management interventions to either enhance existing habitats or to create new habitat. The Biodiversity Mitigation Assessment includes examples of how the compensation might be achieved using different off-site baseline values and potential habitats to be enhanced or created, and officers consider these examples accurately reflect the agreed methodology. The assessment concludes by stating it is anticipated that the compensation land will be located within the boundaries of the National Character Area, which is Sherwood Forest.
- 8.76 The National Character Area of Sherwood Forest extends beyond the boundary of Newark and Sherwood District. Whilst this event would be somewhat unusual, it is fully acknowledged that biodiversity continues and pays no attention to municipal borders and should probably be seen in the light of BNG legislation which does not

require compensation land to be within the municipal boundary of the District in which the development is permitted. The Council's Biodiversity Officer and the case officer, therefore, consider that this should not present a difficulty per se. However, the case officer then requested the applicants provide a plan that identified the compensation site so that comfort could be given that this land would indeed be deliverable and allow it to be secured in the S106 Agreement, the applicants have responded by stating that it is 3 hectares of arable land to be scrub to achieve the required level of improvement. However, they are unable to specify the exact land and it requires agreement from controlling parties to finalise the arrangements. The applicants consider that as long as the off-site mitigation will be provided as per the units required within the mitigation assessment, it could then be approved under delegated powers prior to the completion of the signing of the S106 Agreement.

- 8.77 Whilst this is far from ideal, officers consider that any planning permission that Members are minded to grant, cannot be formally issued until the S106 has been signed and sealed, so there is still an element of control that can be applied here. So, if Members were comfortable with the principle of this approach, perhaps also with the agreement with the Chairman and Vice Chairman, this could be a way forward. If it cannot be agreed, the application could come back to the Planning Committee for reconsideration. Officers are comfortable with this approach.
- 8.78 So provided, the on-site mitigation can be controlled by condition through the requirement for a Biodiversity Management Plan to be submitted, and the off-site mitigation of the equivalent value stated within the Biodiversity Mitigation Assessment is secured through the S106, that the biodiversity harm that would result from the proposed development can be adequately and acceptably compensated for and as such would comply with the relevant policies of the Development Plan and the guidance within the NPPF and PPG.

Trees

- 8.79 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 within the submitted Arboricultural Report) mainly close to the northern boundary and close to the attenuation basin (see the description of the development for further detail).
- 8.80 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.



8.81 The Council’s Tree and Landscape Officer has made a number of comments on the proposals in relation to both existing and proposed trees, which are summarised in the consultation section above. Their concerns on existing trees include:

- 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.



- Attenuation Basin: The removal of trees around the attenuation basin (see first 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.

8.82 The concerns of the Tree and Landscape Officer relating to proposed trees include:

- Main access route: Indicative tree lined street show trees with canopies of 6m 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.



8.83 The concerns of the Tree and Landscape Officer summarised above are noted. The Applicant has been made aware of the concerns but have chosen not to address them and consider that any impact of underground drainage pipes or utility cabling on the new trees proposed to be planted along the two main roads, which form part of an overall scheme of 76 new trees being planted on the whole site, could be adequately managed and potential impacts controlled at condition stage (see condition 05 set out below). This could equally apply to the proposed underground storage crates for surface water. Concerns regarding lack of space could be controlled by the species of tree chosen. Officers have sought to negotiate on the matters raised by the Tree

Officer and consider that this is the best outcome that could be reached and have sought to be pragmatic in relation to these issues. These matters need to be weighed in the overall planning balance in the conclusion below.

Other Matters

- 8.84 **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.
- 8.85 **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.
- 8.86 **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 this application, which was submitted prior to the legislation coming into force.
- 8.87 **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</p>

	per dwelling = £92,952.72		
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	Contribution of £150,000 to fund improvements to local bus services and a bus stop infrastructure contribution of £24,400 to provide improvements of 2 bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent		
NHS/Health	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	£390
		Education	£390
		Community Facilities	£390
		Libraries	£390
		Transport	£390
	Physical Obligation	Affordable Housing	£595
		Open Space	£595
		Biodiversity	£595

- 8.88 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.
- 8.89 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.

8.90 In the event of an approval of planning permission, the S106 should also include:

- the management of proposed cellular storage and attenuation basin and open space on site to be managed by a Private Management Company, the open space to be managed is identified in blue on the plan below,
- to locate and secure off-site mitigation/compensation measures through a Biodiversity Management Plan and
- to secure a bridleway connection shown on the submitted Master Plan to link the allocation site with 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 applicant has now sufficiently demonstrated that granting planning permission for this housing development, independently from the rest of the allocated site area, would not prejudice the delivery of the remainder of proposed development on the allocated site 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 types, 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, boundary treatments, external materials and landscaping would help minimise some of the proposed heritage harm. It is also acknowledged that this type of development forms part of the requirements of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks. This represents heritage harm which in accordance with the NPPF can be considered against any public benefit arising from the proposed development.
- 10.3 Some compromises have been made in relation to parking layouts and 18 plots providing triple tandem parking spaces, which according to the SPD should be avoided, as well as the lack of visitor parking, which represents a level of harm to be weighed in the balance, however, overall, the Highway Authority does not object to the scheme, subject to conditions and therefore it is not considered that this would represent a strong reason to refuse planning permission. The scheme includes the retention of some existing trees and the loss of others and shows new hedgerow planting along the majority of frontages and prominent side boundaries. Negotiations have provided tree lined streets in grass verges along the two main thoroughfares, that have been conditioned to seek to protect against harm of underground pipes/cabling and limited distances from houses can be controlled by choosing an appropriate species. There is also concern relating to the layout of the proposed children's play space both functionally and visually. These aspects also need to be given appropriate weight in the planning balance.
- 10.3 In biodiversity terms, it is acknowledged that the proposed development would result in a considerable loss of district value on-site habitat. The applicants have acknowledged this and are now promoting mitigation/compensation for this loss off-site but has not as yet confirmed where this land would be, and it could be beyond the District boundary. No planning permission can be issued until the S106 agreement has been signed and sealed. Officers are therefore comfortable that provided an acceptable mitigation site is identified on a plan that is of the required ecological value and that is agreed by the Chair and Vice-Chair and relevant officers, that the biodiversity and ecology impacts can be adequately compensated. If a site is not identified and agreed prior to the signing of the S106, then the application will be

brought back to Members to enable this factor to be weighed again in the overall planning balance.

- 10.4 Overall the above assessment has acknowledged heritage harm to the setting of the listed building and nearby non-designated heritage assets and some compromises in relation to parking provision and layout, and the poor layout of the children's play area as well as the balance between the loss of some existing trees and the planting of 76 new ones as well new hedgerow planting. These harms need to be weighed against the public benefits arising from the proposed housing development, including boosting the supply of new housing to serve the District as well as being Policy compliant in terms of S106 developer contributions, which include 30% affordable housing. In the overall balance of considering harms against benefits, it is considered that the benefits outweigh the harms identified in this case.
- 10.5 On consideration of all the material planning considerations, it is considered that the development generally accords with the adopted Development Plan, and therefore subject to a S106 Agreement and the conditions outlined below, a recommendation of approval is presented to Members.

11.0 RECOMMENDATION:

Approve full planning permission subject to:

- 1) The completion of a signed S106 agreement to secure the details set out in the table at paragraph 8.87 above and the following:**
 - a. the maintenance and management of on-site open space and management and maintenance of proposed cellular storage and attenuation basin by a Private Management Company,**
 - b. to identify on a site location plan edged in blue and secure the provision off-site biodiversity mitigation/compensation in accordance with the values set out in the submitted Biodiversity Mitigation Assessment through a separate Biodiversity Management Plan; and**
 - c. to secure the bridleway connection shown on the submitted Master Plan to link the allocation site with Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6.**

- 2) The conditions set out below:**

Conditions

01

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

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

02

No development above damp-proof course shall take place until samples of the external roofing and brick materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the setting of the special architectural or historical appearance of the adjacent listed building.

03

Before any construction occurs above damp-proof course, a brick sample panel, showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: To order to safeguard the setting of the special architectural and historic appearance of the adjacent listed building.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows, including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars;
- Ridge, verges and eaves details; and
- Solar Panels.

Reason: In order to safeguard the setting of the special architectural and historical appearance of the adjacent listed building.

05

Prior to first occupation of any of the dwellings hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.
- proposed and existing functional services above and below ground and their proximity to proposed new trees within the streets (for example, drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: In the interests of visual amenity and biodiversity.

06

The approved soft landscaping outside any individual private plots shall be completed during the first planting season following the first occupation of the 50th dwelling hereby approved. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation of each respective dwelling.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

Prior to any landscape work being undertaken a landscape management plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens (as shown on the submitted Management Company Plan Drawing No: LE-007 Rev E) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

08

No development shall commence until an arboricultural method statement and scheme for protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include

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

All development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

09

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Travis Barker Ltd Flood Risk Assessment (FRA) and Drainage Strategy dated 28 March 2023 ref 22123, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
 - Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
- No surcharge shown in a 1 in 1 year.

- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

010

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

Part A: Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,
groundwaters and surface waters,
ecological systems, and
archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

011

No part of the development hereby permitted shall be brought into use until plans denoting the location of bus stops within the site has been made in accordance with a scheme (to include a timetable for installation) to be submitted to and approved in writing by the Local Planning Authority and shall include the following: Bus stop pole including flag; bus shelter; solar lighting in bus shelter; raised kerb, real time displays including LV power ducted and cabled to the location of the real time pole; bus stop clearway; lowered access kerbs; additional hard standing (if required). The approved scheme shall be installed within the approved timescale and be retained for the lifetime of the development.

Reason: To provide sustainable transport facilities to occupiers of the development.

012

No part of the development hereby permitted shall be brought into use until the relocation (if necessary) and scheme of improvements (to include a timetable for installation) to two bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent have been submitted to and approved in writing by the Local Planning Authority and shall include the following: Bus stop pole including flag; bus shelter; solar lighting in bus shelter; raised kerb, real time displays including LV power ducted and cabled to the location of the real time pole; bus stop clearway; lowered access kerbs; additional hard standing (if required). The approved scheme shall be installed within the approved timescale and be retained for the lifetime of the development.

Reason: To provide improved sustainable transport facilities to occupiers of the development.

013

No part of the development hereby permitted shall be brought into use until the details of a scheme for provision of free bus passes to residents of the development upon occupation, are submitted to and approved by the Local Planning Authority. The scheme should include details of the bus passes including period of validity or equivalent, the area of coverage, arrangements for promoting the passes, application and monitoring arrangements. The approved scheme shall then be implemented in full in accordance with the approved details.

Reason: To encourage the use of and provide sustainable transport facilities to occupiers of the development.

014

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;

- b) Identification of “biodiversity protection zones;”
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity throughout the construction phase.

015

Prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the BMP shall include the following:

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. An annotated plan providing a summary of the elements covered by items a, b, and c;
- e. An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 for a period of 30 years);
- f. Identification of who will be responsible for implementing the BMP; and
- g. A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council

at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

Reason: In the interests of maintaining and enhancing biodiversity.

016

Prior to the occupation of the 4 dwellings fronting Mansfield Road, noise mitigation measures providing detailed specifications for acoustic fencing, glazing and ventilation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed prior to the occupation of these dwellings.

Reason: In order to protect the occupiers from noise from Mansfield Road.

017

The construction phase of the development shall adhere to the submitted Construction Environmental Management Plan (CEMP) (Drawing No: SL-007 Rev C) throughout the construction period.

Reason: To ensure appropriate mitigation for the impact on residential amenity and ground water pollution caused by the construction phase of the development.

018

Prior to any part of the development hereby permitted being occupied, details of a scheme for the following:

- i) to prevent vehicles accessing the footpath along the south-western boundary of the site from the parking areas around the children's play space;
- ii) to discourage inappropriate motorised vehicles at high speeds using the same footpath; and
- iii) fence and gates, hard surfacing and soft landscaping to treat the existing private access onto Mansfield Road

shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety, visual amenity and discouraging anti-social behaviour.

019

Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include as a minimum:

- a) A layout of the site, including materials storage and internal routes for construction traffic;
- b) Parking for site operatives;
- c) Details of the proposed build program.

Once approved, the Construction Traffic Management Plan shall be adhered to at all times during the construction phase.

Reason: In the interests of Highway safety.

020

No works above damp-proof course level shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority, to include longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

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

021

Notwithstanding Site Layout drawing number SL001 rev G, prior to any works above damp-proof course level taking place, a drawing showing a reduction in width to the existing site access shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved drawing prior to first occupation of any of the proposed dwellings.

Reason: In the interests of highway safety.

022

Prior to the final surfacing of the access drives, driveways and/or parking areas of each plot a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how surface water will be prevented from entering the public highway from these areas. The approved scheme shall thereafter be implemented on site prior to first occupation and retained for the lifetime of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

023

No dwelling shall be occupied until the associated access and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

024

Prior to first occupation, the refuge identified on drawing number CSCC-BSP-XX-XX-D-S-0008 rev P03 to the southwest of the proposed access shall be upgraded to include tactile paving.

Reason: In the interests of pedestrian safety.

025

Notwithstanding the submitted Parking Heat Map drawing number CSCC-BSP-XX-XX-D-S-501 rev P04, drawing/s showing traffic management measures to prevent parking where required shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. Any measures approved shall be implemented within 12 months of first occupation of the site.

Reason: In the interests of highway safety.

026

Notwithstanding the submitted layout plan Site Layout – SL001 rev G, details of the locations of the bin stores shall be submitted to and approved in writing by the Local Planning Authority before first occupation of each respective dwelling. The bin stores shall be provided in accordance with the approved details prior to the occupation of each respective dwelling.

Reason: To reduce the chance of obstruction on the adjacent highway, in the interests of highway safety.

027

Prior to the provision of any bicycle storage facility within any plot, details shall first be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage facility shall be installed in accordance with the approved details, prior to first occupation of the respective dwelling and a similar facility retained for the lifetime of the development.

Reason: In the interests of encouraging the use of sustainable means of transport.

028

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

- Location Plan (Drawing No: SL-028 Rev A)
- Full Allocation Phased Master Plan (Drawing No: 1418- A- (08)106_Rev A02)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev G)
- 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)
- Garage Drawing (Large) (Drawing No: PD-025A-G&M Rev S)
- 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 P04)
- 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 E)

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

Reason: So as to define this permission.

Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

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

03

The grant of planning permission does not permit the obstruction of the public highway. Separate statutory approval for the stopping up Order will be required under the provisions of the Highways Act 1980 or the Town and Country Planning Act 1990.

04

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to

compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

05

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.

06

The applicant should email hdc.north@nottscc.gov.uk to commence the technical approval process, prior to submitting the related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

07

All correspondence with the Highway Authority should be addressed to:- hdc.north@nottscc.gov.uk

08

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

09

List of Supporting Reports and Documents

- 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
- Biodiversity Mitigation Assessment from Rachel Hacking Ecology dated 18 September 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

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

