



Report to Planning Committee 13th March 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah - Senior Planner

Report Summary			
Application No.	24/01714/FULM		
Proposal	Erection of buildings for industrial purposes following demolition with associated landscaping, car and cycle parking, pedestrian and vehicular accesses.		
Location	Clipstone Holding Centre, Mansfield Road, Clipstone		
Applicant	Newark Sherwood District Council - Mr Dennis Roxburgh	Agent	RG+P - Mr Jack Whitehead
Web Link	24/01714/FULM Erection of buildings for industrial purposes following demolition with associated landscaping, car and cycle parking, pedestrian and vehicular accesses. Clipstone Holding Centre Mansfield Road Clipstone		
Registered	10.10.2024	Target Date:	09.01.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0.		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the applicant is the Council.

1.0 The Site

1.1 This application relates to land to the south of Mansfield Road, Clipstone. The site was previously in use as an industrial complex with various industrial buildings/warehouses on the site. The site is not currently in use and only two buildings remain which are located to the south-east side and are large industrial warehouse style buildings. The majority of the site is laid to hard surfacing.

- 1.2 To the north of the site, beyond the earth bund and line of tall mature trees forming the site boundary and across the highway, are residential properties. Residential development also lies to the west of the site, an industrial site lies to the east and a woodland associated with Vicar Water Country Park lies to the south where the land level gently rises.
- 1.3 It is understood that the site was formerly the train yard for the Clipstone colliery, for which the old power house and headstocks (Grade II listed, ref. 1380235) still stands to the east of the site. The spoils tip for the colliery lies directly to the south (the Country Park). The site also lies within the setting of the Clipstone Colliery Village which is an identified Non-Designated Heritage Asset (HER ref: M17389).
- 1.4 Clipstone Holdings is located within 2km of three statutory and 13 non-statutory ecological sites, including Vicar Water Nature Reserve (including Local Wildlife Site (LWS)), Clipstone Heath SSSI and Sherwood Forest Golf Course SSSI.
- 1.5 The site lies within the urban boundary of Clipstone but outside of the defined local centre) and within the Mansfield Fringe Area.



2019 Aerial Image of the Site (when the site was last in use)

- 1.6 The site has the following constraints:
- Location adjacent to existing residential, industrial and recreational uses.
 - Location adjacent to existing Nature Reserve/LWS
 - Existing Trees
 - Location close to Grade II Listed Clipstone Headstocks and Power House
 - Location within the setting of the NDHA Clipstone Colliery Village
 - Coal Authority: Development High Risk Area as defined by the Coal Authority

2.0 Relevant Planning History

- 2.1. 65840485 – Coal Board Machinery Maintenance Building – Permitted 12.07.1984
- 2.2. 65861291CM – New Stores Building – Permitted 24.02.1987
- 2.3. 02/00776/ADV – Installation of an entry sign – Permitted 11.06.2002

- 2.4. 00/00571/FULR3 - Office accommodation to replace existing temporary accommodation – Permitted 18.08.2000
- 2.5. 01/00504/OUT – Use of site for industrial use - B1/B2/B8 and residential – Permitted 20.12.2002
- 2.6. 03/02816/OUT - Use of site for industrial use - B1/B2/B8 and residential - Variation of outline consent 01/00504/OUT – Permitted 16.06.2004
- 2.7. 03/02925/RMAM - Construction of 74 dwellings with associated roads and sewers – Permitted 07.07.2004 (appears only to relate to the residential portion of the outline permissions listed above).

3.0 The Proposal

- 3.1 The application seeks planning for the redevelopment of this site and construction of industrial units (for B2¹ use). The proposed plans have been revised throughout the lifetime of the application to address concerns from NCC Highways.
- 3.2 The site plan shows 8 blocks of development, comprising 30 units, arranged around a spine road providing access to each block. The table below indicates how the blocks would be subdivided to accommodate 30 units with a combined Gross Internal Area (GIA) of 4,551.8m² and the plan below shows how the units would be arranged around the site:

Block	GIA (m2)	GIA (ft2)	Unit 1	Unit 2	Unit 3	Unit 4
Block A	650.0	7000	1	0	0	2
Block B	650.0	7000	8	0	0	0
Block C	464.6	5000	0	1	0	1
Block D	557.4	6000	1	1	0	1
Block E	557.4	6000	6	0	0	0
Block F	464.6	5000	0	0	2	0
Block G	464.6	5000	0	0	2	0
Block H	743.2	8000	0	4	0	0
Total	4551.8	49000	16	6	4	4
Mix	-	-	53.33%	20.00%	13.33%	13.33%

¹ General Industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste).



Proposed Site Plan 102-450/(P)102A

- 3.3 Four different unit sizes have been proposed shaded in yellow, pink, orange and blue on the proposed site plan above with GIAs as follows:
- Yellow: 92.9m²
 - Pink: 185.8m²
 - Orange: 232.3m²
 - Blue: 278.7m²
- 3.4 The units are shown as two storey buildings with pitched roofs, gable ends and the use of glazing, rooflights and roller shutter doors. The maximum height of any building on the site would be 8.5m (6.2m to the ridge). All units would have Solar PV panels. Materials proposed include Corten steel cladding, red/orange bricks, RAL 2013 (burnt orange) windows, doors and RWGs and off-black powder coated steel cladding, black/grey brick panels and RAL 9004 windows, doors and RWGs.
- 3.5 The proposal also includes an environmental strategy including the incorporation of solar panels, landscaping and greenery to increase biodiversity, permeable surfacing in parking areas to reduce surface water run-off into storm drains and cycle stores to promote sustainable travel.
- 3.6 Access would be provided by the existing access into the site off Mansfield Road. The site plan also shows areas for onsite parking (84 spaces (14 EV charging spaces), 6 motorbike and 30 cycle spaces).



Indicative Proposed Visuals

3.7 Documents assessed in this appraisal (plans in red text to be updated):

Document Title	Reference	Date Deposited
Application Form		27.09.2024
Arboricultural Method Statement		27.09.2024
Arboricultural Survey		27.09.2024
Archaeology Desk Based Assessment & Heritage Statement		27.09.2024
Biodiversity Metric Calculation Tool		27.09.2024
Biodiversity Net Gain Assessment		27.09.2024
Coal Mining Risk Assessment		27.09.2024
Design And Access Statement		27.09.2024
Ecological Impact Assessment		27.09.2024
Environmental Noise Assessment Report	BSP Consulting, dated Aug 2024	27.09.2024
Flood Risk Assessment And Drainage Strategy		27.09.2024
Framework Travel Plan	210961-02B	05.02.2025
Phase 1 Geo-Environmental Report		30.01.2025
Phase 2 Site Investigation		27.09.2024
Ground Gas Risk Assessment	Solmek, dated 06.09.2022	12.11.2024
Transport Assessment	210961-01B	05.02.2025

Asbestos Consignment Notice		30.01.2025
Waste Carrier Registration Certificate		30.01.2025
Plans		
Site Location Plan	102 450 P 100	27.09.2024
Existing Site Plan	102 450 P 101	27.09.2024
Proposed Site Plan	102 450 P 102 REV B	11.12.2024
Arboricultural Impact Assessment	102 450 P 102 REV A	27.09.2024
Tree Protection Plan	102 450 P 102 REVA	27.09.2024
Material Distribution Plan	102 450 P 103 REV B	27.09.2024
Refuse And Cycle Strategy	102 450 P 104 REV B	27.09.2024
Roof Plan	102 450 P 105 REV B	27.09.2024
Boundary Treatment	102 450 P 106 REV B	27.09.2024
Existing Street Scenes	102 450 P 110	27.09.2024
Existing Street Scenes	102 450 P 111	27.09.2024
Proposed Street Scenes	102 450 P 112	27.09.2024
Proposed Street Scenes	102 450 P 113	27.09.2024
Proposed Street Scenes	102 450 P 114	27.09.2024
Block A Floor Plan and Elevations	102 450 P 200	27.09.2024
Block B Floor Plan and Elevations	102 450 P 210	27.09.2024
Block C Floor Plan and Elevations	102 450 P 220	27.09.2024
Block D Floor Plan and Elevations	102 450 P 230	27.09.2024
Block E Floor Plan and Elevations	102 450 P 240	27.09.2024
Block F Floor Plan and Elevations	102 450 P 250	27.09.2024
Block G Floor Plan and Elevations	102 450 P 260	27.09.2024
Block H Floor Plan and Elevations	102 450 P 270	27.09.2024
Refuse And Cycle Stores and Substation Plans and Elevations	102 450 P 280	27.09.2024
Detailed Landscape Proposals Sheet 1 of 2	1234 L D PL 201 REV V1	27.09.2024
Detailed Landscaping Proposals Sheet 2 of 2	1234 L D PL 202 REV V1	27.09.2024
Indicative Landscape Strategy	1636 L D PL 200 REV V3	27.09.2024
Detailed Soft Landscape Proposals	1636 L D PL 300 REV V1	27.09.2024
Proposed External Lighting Layout	5022933 RDG XX XX D E 906001 REV P03	27.09.2024
Private Drainage Layout	MRCL BSP ZZ ZZ D C 0240 REV P04	27.09.2024

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 34 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.
- 4.2 Site visit undertaken on: 18.10.2024

5.0 **Planning Policy Framework**

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

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 6 - Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 7 – Tourism Development
 Core Policy 8 – Retail & Town Centres
 Core Policy 9 – Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment
 MFAP1 – Mansfield Fringe Area

5.2. **Allocations & Development Management DPD (2013)**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM3 – Developer Contributions
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM9 – Protecting and Enhancing the Historic Environment
 DM10 – Pollution and Hazardous Substances
 DM11 – Retail and Town Centre Uses
 DM12 – Presumption in Favour of Sustainable Development

5.3. 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 and has subsequently been examined in November 2024, the Council are awaiting the Inspector's report. There are unresolved objections to amended versions of 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.

5.4. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (NPPF)
 Planning Practice Guidance (online resource)
 Newark and Sherwood Developer Contributions & Planning Obligations SPD (Dec 2013)

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.1. **NCC Highways – Comments received on 26.02.2025 in relation to Revised Site Plan reference 102-450/(P)102A** (Summary) - The TA includes swept path plots for HGV movements within the site. These demonstrate that articulated HGVs (and therefore smaller vehicles) can enter, turn within, and leave the site in forward gear. Having regard to this and given that the site layout revisions have addressed the more significant issues previously raised by the highway authority the highway authority could not sustain an objection to the current site layout proposals.
- 6.2. Further details are required to satisfy the highway authority that the site access arrangements will incorporate safe and convenient provision for pedestrians rather than, as currently proposed, being detrimental to pedestrian safety and accessibility. The highway authority therefore recommends that this planning application should not be determined until the applicant has satisfactorily addressed the above issues. The highway authority will comment again following receipt of further information.
- 6.3. *Further discussion has taken place with NCC Highways to resolve the above – this is discussed in the Impact on Highway section of the report.*
- 6.4. **The Coal Authority** – No objection subject to conditions.
- 6.5. **Lead Local Flood Authority** – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 11/27/2024. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to conditions.

Town/Parish Council

- 6.6. **Clipstone Town Council** – No objection.

Representations/Non-Statutory Consultation

- 6.7. **NSDC Conservation Officer** – No objection subject to conditions.
- 6.8. **LCC Archaeology** – On balance there is considered to be very low to negligible archaeological potential within the site boundary and no further action is required in respect to this matter.
- 6.9. **Nottinghamshire County Council Planning Policy** – No objection, request financial contribution for bus stop improvements.
- 6.10. **NSDC Planning Policy** – Support the proposal.
- 6.11. **NSDC Environmental Health** – No objection subject to conditions.
- 6.12. **NSDC Contaminated Land** – The Phase 1 Geo-Environmental Report by William Saunders (Dec 24) has been updated to reflect the proposed development and now has no planned residential properties, some of the risks have therefore been revised down. In addition, consignment notes have been provided for removal of asbestos from site.

There remains the requirement for additional sampling and completion of ground gas monitoring amongst other matters discussed in my memo dated 15/10/24.

- 6.13. **NSDC Ecologist** – The proposal has been supported by an appropriate ecological assessment covering habitats and species and significant harmful impacts would be avoided. Therefore, I would consider the proposal complies with the requirements of Policy DM5 in relation to ecology matters.
- 6.14. Although the submitted BNG calculation is incorrect I consider that when amended, the calculation will still show a measurable net gain for biodiversity. If measures to mitigate potential impacts on the nearby designated Local Wildlife Sites, and European hedgehog, badger, bats and amphibians, reptiles, breeding bird and fox, are implemented via a Construction and Environment Management Plan (CEMP), and species specific measures in the form of some bat and/or bird boxes are provided, I would consider that the proposed development complies with matters concerning biodiversity within the NPPF, and relevant local planning policies DM5, DM7 and Core Policy 12. The CEMP could be secured via an appropriate pre-commencement planning condition. The provision of bat and/or bird boxes could also be secured via an appropriate planning condition based around the submission of an annotated plan.
- 6.15. **Comments have been received from 1 local resident that can be summarised as follows:**
- Concerns in relation to noise affecting nearby properties
 - Concerns regarding surface water flooding – has infiltration analysis been carried out?
 - Street lighting will cause overspill and become nuisance
 - Buildings will be overbearing
 - Development likely to lead to blocking of TV signals at adjacent properties

No further comments from third parties have been received to date.

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact on the Character of the Area including Heritage Matters
- Impact on Residential Amenity
- Access and Highways Safety
- Impact on Ecology
- Land Contamination
- Flood Risk and Drainage
- Developer Contributions
- Other Matters

7.2. 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.

- 7.3. As the application concerns designated heritage assets (listed building setting) section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is 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." 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 a mere material consideration 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

- 7.4. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The site lies within the urban boundary of Clipstone, which is identified as a Service Centre by Spatial Policy 1 (Settlement Hierarchy). Service centres act as a focus for service provision for a large local population and rural hinterland and Clipstone is classified as a service centre identified for regeneration by SP2 (Spatial Distribution of Growth). This means that within the urban boundary of Clipstone, the Council will seek to secure new employment opportunities and the regeneration of vacant land (inter alia).
- 7.5. Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) sets out that within the urban boundaries of service centres, proposals will be supported for housing, employment, community, retail, cultural, leisure and tourism development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with other relevant development plan policies.
- 7.6. This particular location is also identified as the Mansfield Fringe Area (policy MFAP1) where the Amended Core Strategy seeks to promote the Service Centres of Rainworth and Clipstone and the Principal Village of Blidworth as sustainable settlements for their residents, promoting new housing and employment opportunities and the provision of new community infrastructure appropriate to their size. This policy sets out that the Council will seek the redevelopment of key regeneration sites in the Mansfield Fringe Area to aid the development of the area.

- 7.7. Core Policy 6 (Shaping our Employment Profile) considers how the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities. This policy explains that most growth, including new employment development, will be provided at the sub-regional centre and that of a lesser scale directed to services centres to match their size, role and regeneration needs. This policy also supports the retention and safeguarding of employment land and sites where there is a reasonable prospect of them being required for that purpose.
- 7.8. The site is currently vacant and two former industrial/commercial buildings remain on site, albeit it is noted that the planning history for the site shows that outline permission was granted (but does not appear to have been implemented) for B1/B2/B8 uses. B1 (Business) use was revoked from 1 September 2020 with the new Use Class Order and has been replaced by the new Class E(g). B2 (General Industrial) and B8 (Storage and Distribution) remain valid uses classes.
- 7.9. This application proposes the redevelopment of the site for B2. Given the site is currently vacant, this proposal would present a regeneration opportunity of a former commercial/industrial site within a sustainable location identified for regeneration opportunities which would align with the aims and objectives of policies SP2, DM1 and MFAP1 as set out above. In terms of the scale of the development in relation to the size and location of the settlement and its status in the settlement hierarchy, it is noted that as an existing industrial site the principle of such a use has previously been found to be acceptable, but in any event, the scale of development is not considered to be excessive for this Service Centre location.
- 7.10. Overall, the principle of the proposed development in this location is considered to be acceptable given the existing and former uses of the site and that the proposal would align with the spatial strategy. However, this is subject to a site-specific assessment which will follow.

Impact on the Character of the Area and Heritage Matters

- 7.11. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.
- 7.12. Given that the site is located within the setting of listed buildings and the Clipstone Colliery Village which is an NDHA, regard must also be given to the potential heritage impact of the development in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the NPPF.

- 7.13. The site was previously in use as an industrial complex with various vacant industrial buildings/warehouses (albeit only two of the larger buildings currently remain on site) - most of the land laid to hard surfacing. To the north of the site, beyond the earth bunds and line of tall mature trees forming the site boundary and across the highway, are residential properties. Residential development also lies to the west of the site, an industrial site lies to the east and a woodland associated with Vicar Water Country Park lies to the south where the land level gently rises.
- 7.14. It is understood that the site was formerly the train yard for the Clipstone colliery. The proposal would be situated in the vicinity of Clipstone Colliery headstocks and powerhouse, which is a Grade II Listed Building, and would also be situated opposite Clipstone Colliery Village which is considered an NDHA. The headstocks and powerhouse (Grade II) are the remains of a mid-20th century industrial complex associated with the development of coal mining in post-war England. The headstocks are landmark features as they dominate over the immediate colliery village and are also highly visible in the wider Sherwood Forest landscape.
- 7.15. Pre-dating the colliery, Vicars Water/Pond was created by the Duke of Portland in the 1870s as a fish pond and boating area. 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 complements and accentuates the building's prominence in the landscape.
- 7.16. 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 planned 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.

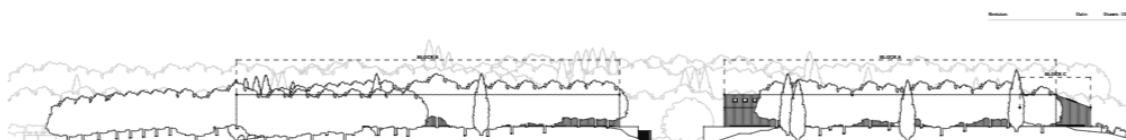


c.1955 National Grid Map [online] (National Library of Scotland)

- 7.17. Historically, the application site formed part of the railtrack leading to the colliery, however, the modern use of the site has eroded these tangible connections to the listed headstocks. The headstocks (Grade II), due to their dominant scale, have an

extensive setting and the development site forms part of the wider setting of this designated heritage asset. The colliery village, considered a NDHA, is also situated opposite the site. The site is visible in the foreground on the approach to the listed headstocks and views of some of the NDHA. Development on the site therefore has the potential to impact the setting of these heritage assets.

- 7.18. The proposal would involve demolition of the warehouse buildings currently on the site and replacement with new industrial units. The proposed site layout shows 8 blocks, with Block A & B parallel to the road and Block C-H orientated perpendicular to the roadside. The units are shown as two storey buildings with pitched roofs, gable ends and the use of glazing, rooflights and roller shutter doors. Taking reference from the local vernacular, materials proposed include Corten steel cladding, red/orange bricks, RAL 2013 (burnt orange) windows, doors and RWGs and off-black powder coated steel cladding, black/grey brick panels and RAL 9004 windows, doors and RWGs.
- 7.19. The proposed street scene extracts below show the boundary of the site with the highway is formed by an earth bund and a mature tree belt which contributes positively to the character and appearance of the area. Trees/vegetation also form the western and southern boundaries and assist in buffering the industrial site from the residential properties to the west and the transition with the country park to the south. To the east is an existing site in industrial use. The proposed show the existing trees and vegetation to be retained and enhanced around the perimeters of the site which is considered to be a positive element of the scheme given the vegetation around the site not only affords visual screening of the site but provide an important buffering function with the residential properties to the west (visual and acoustic) and transition with the country park to the south.



Proposed Highway Boundary Street Scene

- 7.20. In terms of scale and massing, the development would result in an increase in built form across the site when compared to when the site was last in operation. However, the development has been subdivided into a series of smaller blocks and arranged to respond to the site topography and context. It is noted that residential development exists to the north and west, however to the east of the site are large industrial buildings such that the proposed development would not be uncharacteristic for the immediate area, or indeed the site itself given large warehouse buildings are already present in the southeast corner. However, the retention of the boundary screening and use of smaller blocks of development are positive design elements of the scheme that assist in reducing the visual dominance of the development.
- 7.21. From a heritage perspective the Conservation Officer (CO) has advised that there are no concerns with a light industrial development situated on the site, which given the

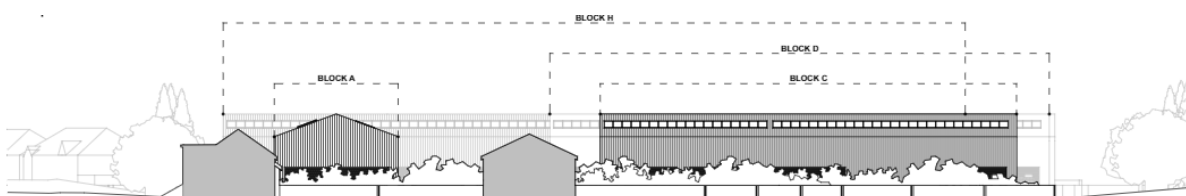
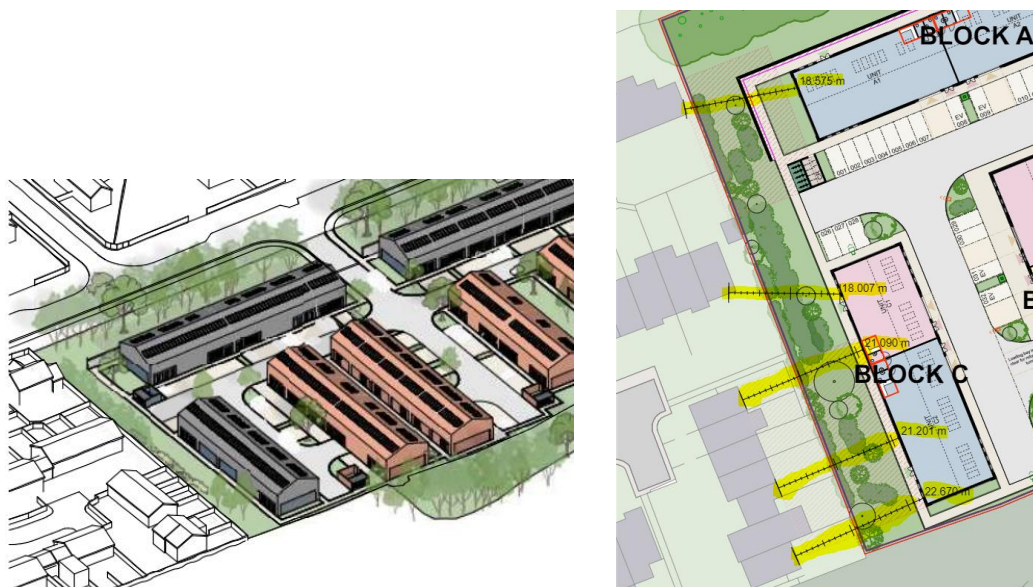
historic context, would not be completely out of character to the setting of the adjacent heritage assets.

- 7.22. The industrial units would be typical modern industrial blocks and would have a very uniform appearance. Whilst uniformity is often characteristic of industrial complexes, concerns were initially raised that the proposed scale of development could result in a monotonous and overbearing appearance to the site. However, the proposal has attempted to address this by using a variety of materials – Corten and black cladding – on different blocks. And the Design & Access Statement highlights how this would take cues from the mix of materials at the headstocks and powerhouse (Grade II), the principle of which is supported from a conservation and design perspective.
- 7.23. Nevertheless, the CO notes that the proposed use of different materials is quite regimented with the dark cladding being solely used on the perimeter buildings which the CO considers could result in a harsh visual impact on the setting of heritage assets, particularly the colliery village (non-designated heritage asset) in closer proximity to the development site. It has therefore been suggested that the application of the different materials is more varied within the site, for example some Corten and red-orange bricks used on the blocks along the perimeter of the site. It was also recommended that the solar panels proposed within the roofscapes utilise dark frames and installed on integrated or low-rise brackets to minimise their visual contrast and engineered appearance.
- 7.24. However, the agent has advised that the material approach has been carefully considered and the centralised Corten-type material is considered to be the most appropriate choice for the middle of the site to suit the site's context and functionality. The agent advises that due to the change in levels and the trees acting as a natural barrier between the site and Mansfield Road, there would be limited off-site views of the peripheral areas. Focusing the Corten-type material at the centre would result in a striking, visible feature from the main entrance, creating a distinct and cohesive focal point. The darker units positioned at the periphery *"serve to form a subtle shadow buffer, blending harmoniously with the surrounding environment. Differentiation in these areas is achieved through carefully designed brick panels and glazed fenestration, ensuring visual interest and architectural cohesion without detracting from the central hub"*. Officers note the rationale behind the design strategy, however equally note the conclusion of the CO that the proposal as submitted would result in harm to the setting of the colliery village as a non-designated heritage asset as it could result in an overbearing visual impact. The CO advises that on balance, it would not result in the total loss of significance of the colliery village and therefore assessing this harm requires a balanced judgement, in accordance with the NPPF.
- 7.25. Overall the CO has confirmed that the development would preserve the setting of the nearby listed building in compliance with s.66 of the Planning (Listed Building and Conservation Area) Act (1990) and whilst there would be a low level of harm on the setting of the adjacent colliery village as a NDHA, Officers consider, on balance, that the harm would not result in the loss of significance of the colliery village and would be outweighed by the benefits of bringing this site back into use to improve the overall character of the site, the economic benefits of the additional industrial units and employment opportunities that would arise as a result of the development.

- 7.26. The application has also been accompanied by an Archaeology Desk-Based Assessment and the Phase 1 Geotechnical Report (dated March 2022). This latter report included photographic evidence of the remediation taken in respect of the (coal mining) fissure identified on site. These have been reviewed by LCC's Archaeologist who has advised that, based on the site's use history and identification in the DBA and geotechnical report of made-ground between 1m to 2m, as well as the excavation associated with the capping of the fissure, and the potential for further remediation in respect of soil contamination, on balance there is considered to be very low to negligible archaeological potential within the site boundary and no further action is required in respect to this matter.
- 7.27. Overall, in light of the above conclusions and subject to conditions as recommended by the CO, the development is considered to accord with the policy and advice contained within CP9 and CP14 of the Amended Core Strategy, DM5 and DM9 of the ADMDPD and the provisions of the NPPF in this regard.

Impact on Residential Amenity

- 7.28. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.29. In terms of the impact on existing occupiers the nearest sensitive/residential receptors lie to the west of the site and would be adjacent to Blocks A and C (see plan extracts below). The proposed plans show the trees along the western boundary are to be retained and enhanced and the use of a buffer area between the proposed development and the closest elevations of the neighbouring properties. Separation distances would be approx. 22m where development would be rear-rear (in the case of Block C) and 18m where the development would be side-side or side-rear in the case of Block A and the northern end of Block C. The plan extracts below show the proposed relationships, an indicative 3D view and the site section along the western boundary for context:



Indicative 3D Proposed Image, Proposed Site Plan Extract and Proposed Section (W)

- 7.30. The retention and enhancement of the western boundary vegetation would assist in the visual screening of the development from the properties to the west, as well as acoustic buffering. Given the proposed separation distances and planting along this boundary Officers do not consider there would be any unacceptable overbearing or overshadowing affect as a result of the development. Furthermore, Block C is not proposed to have any windows at first floor on the rear elevation such that there would be no potential for overlooking impacts either.
- 7.31. On the eastern side of the site, Block H would be approx. 25m from the commercial building to the east. Given the degree of separation, orientation of the neighbouring building and nature of the use of the land to the east it is not considered that there would be any adverse overbearing, overshadowing, or overlooking impact in this direction as a result of the proposal. Properties to the northwest, across the highway, would also be sufficiently separated from the development and screened by the earth bund and boundary trees such that there would be no impact in this direction either.
- 7.32. Given the proximity of the site to residential properties to the north and west the application has also been accompanied by an Environmental Noise Assessment Report. The report explains that although generally considered a medium noise environment, noise generated by traffic travelling along Mansfield Road, located to the south, together with existing industrial premises to the west, forms a consistent background noise level across the site. The report considers noise from fixed plant but does not consider other potential noise sources that may be associated with the

type of industrial use and hours of operation.

- 7.33. The Council's Environmental Health Officer (EHO) has reviewed the report and advised that whilst it is understood that the site already has existing consent for B2/B8 (General Industrial/Storage or Distribution), in line with the acoustic report, when the details of any fixed plant intended to serve any proposed buildings have been finalised, this should be examined by an acoustic consultant to determine the noise impact and identify any noise control measures that may be necessary. The EHO has advised that given the end users of the building are not known and that this development relates to an existing industrial site where levels of noise generated from the site could be similar, this could be dealt with by way of planning condition. For example, requiring details of any external plant serving proposed buildings on the site to be submitted to and approved by the LPA along with any acoustic mitigation measures that may be required. This is considered to be reasonable and necessary to protect the amenity of properties to the north and west.
- 7.34. Turning now to external lighting, the application has been accompanied by an external lighting plan which demonstrates that, with appropriate cowling, light spill from the lighting would be limited. This has been reviewed by the EHO and they have raised no objection to the proposed details.
- 7.35. Consideration also needs to be given to the impact of demolition and construction methods and working practices on sensitive receptors in the vicinity. The EHO advises that this is necessary in order to ensure best practicable means are employed to minimise noise and dust. Therefore, a construction management plan would be required (and could be secured by condition) to be implemented in full during the demolition and construction phases of development.
- 7.36. Overall, subject to conditions the proposal is considered to accord with Policy DM5 and Part 12 of the NPPF in this regard.
- 7.37. Access and Highway Safety
- 7.38. Spatial Policy 7 (Sustainable Transport) of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.39. The site has an existing access onto the classified B6030 Mansfield Road, which is subject to a 30mph speed limit in the vicinity of the site. The existing B2 floor area was circa 1089sqm. The scheme proposes a new gross floor area of 4645sqm resulting in a net increase of 3556sqm. The existing site access would be utilised. 78 car parking spaces are proposed, along with a further 6 disabled spaces and 30 cycle spaces. 14 of the parking bays will be electric vehicle (EV) charging bays and 6 motorcycle parking spaces are proposed. The site layout plan illustrates 8 buildings (referred to as blocks), accommodating 30 individual units in total. Each unit would have a pedestrian access and roller shutter doors for goods/service access.
- 7.40. Nottinghamshire County Council (NCC) as the Highway Authority has reviewed the proposal and advised that the site layout plan is now acceptable.

- 7.41. However, concerns were raised due to the plan showing the removal of an existing pedestrian refuge to the west of the access. The reason its removal was proposed was to accommodate vehicles when turning left to exit the site. Further discussion has taken place with the Highways Officer and it is now proposed to retain the existing refuge, following submission of new swept path drawings. To enable access for articulated HGVs, it is now proposed to amend the existing access slightly to allow more space for a turning HGV. This has been agreed in principle with NCC Highways and the Proposed Site Plan is being updated to reflect this. Conditions have been drafted by the NCC Highways Officer to attach if permission is granted, to ensure the necessary pedestrian access improvements are carried out. These have been included at the end of this report however will require updating with the correct plan reference numbers once the revision is received.
- 7.42. The site access works would need to be progressed through a Section 278 Agreement, which would address detailed design, specification, and safety audit issues post-planning.
- 7.43. The following contribution has also been requested:
- 7.44. Payment of a sum of £15,000 to the County Council for monitoring of the Travel Plan with a further £1,200 per annum for subsequent years beyond year 5 up to and including the year after the end of construction.
- 7.45. Financial contributions, for bus stop improvements, have been identified by the County Council's Transport and Travel Services team – see separate observations for details.
- 7.46. NCC Planning Policy Team have also reviewed the proposal and have commented in relation to transport and travel services. In relation to bus services, NCC advise that given the presence of existing bus services, no contribution towards local bus service provision would be sought. However, a bus stop infrastructure contribution of £19,500 is requested to provide improvements to the two bus stops, NS0459 & NS05441 Third Avenue. This would upgrade the current bus stop pole and flags, along with a polycarbonate shelter to real time bus stop poles and displays, including electrical connections and raised boarding kerbs. These improvements would promote sustainable travel and would align with the County Council's Highway Design Guide. The County consider these improvements to be necessary to make the development acceptable in planning terms due to the potential increase in demand of bus users given the expansion of gross internal area and employment levels proposed across the site. This contribution would need to be secured through a S106 agreement.
- 7.47. Overall, subject to conditions and the signing of a S106 agreement in respect of the financial contributions, Officers consider the development would be acceptable in relation to access and highways safety in accordance with the abovementioned policies.

Impact on Ecology

- 7.48. Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

Habitats and Protected Species

- 7.49. A Preliminary Ecological Appraisal (PEA) and an Ecological Impact Assessment (EclA) have been submitted with this application to assess potential impacts on designated sites, habitats, and protected and notable species.
- 7.50. The NSDC Ecology Officer has reviewed the submitted reports.
- 7.51. The EclA has concluded that there would be no adverse impacts on any site afforded a statutory nature conservation designation. The Ecology Officer has commented that it is unlikely that the proposals would have any adverse impacts on any Sites of Special Scientific Interest (SSSI) that are concerned with the SSSI Impact Risk Zones that the application site is located within.
- 7.52. The desk study has not identified the need to consider the possible potential Sherwood Forest Special Protection Area (ppSPA). How impacts on the ppSPA should be considered are set out in a Natural England Advice Note. This sets out a risk-based approach that should be taken to consider likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region. The application site falls within the area that such an approach should be taken but the supporting information makes no mention of the ppSPA. Given the habitats within the site, there is unlikely to be any likely effect on breeding nightjar or woodlark as these are not suitable habitats for these species, and because of the urban setting of the application site. The proposed industrial usage of the site is unlikely to result in impacts on the habitats in the ppSPA area, that are required to support breeding populations of these species.
- 7.53. The EclA has identified potential impacts on adjacent and nearby non-statutorily designated Local Wildlife Sites (LWS) and the need for measures to mitigate these impacts. These measures are set out in Section 5 of the EclA. The Ecology Officer has advised that these are appropriate and proportionate. They could be secured via a Construction Environment Management Plan (CEMP) as a planning condition should the proposal be granted planning permission.
- 7.54. The PEA has concluded that mitigation measures are required for the following: European Hedgehog, badger, reptiles, amphibians and breeding birds. These measures are also set out in Section 5 of the EclA. In addition, for fox, precautionary working methods were considered necessary for animal welfare reasons. The Ecology Officer has advised that these are all acceptable and required. These should also be secured via an approved CEMP as a planning condition, should the application be granted planning approval.

Trees and Hedgerows

- 7.55. Turning now to the potential impact on trees and hedgerows – the application has been supported by an Arboricultural Survey, Arb. Impact Assessment and Method

Statement and Tree Protection Plan.

- 7.56. A total of 2no. individual trees, 6no. groups of trees and 1no. hedge were surveyed. All were categorised as good condition, varying between 'B.1' to 'C.2'.
- 7.57. The Tree Work Schedule detailed on the Arboricultural Method Statement includes the removal of T02 (Goat Willow), partial removal of G01, G02 and G05, and reduction of G03 and G04.
- 7.58. Considering the proposal includes the retention of a high number of trees around the site, it is not considered that the proposed tree works would result in any unacceptable impacts, nor be contrary to Core Policy 12 or DM7.

Biodiversity Net Gain (BNG)

- 7.59. 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)) for major developments from 12 February 2024 and 'minor sites' on 2 April 2024. 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. Given the nature and scale of this application BNG is mandatory.
- 7.60. The proposal includes on-site biodiversity net gain through soft landscaping proposals and landscape buffers to the boundaries.
- 7.61. The NSDC Ecology Officer has reviewed the submitted information regarding BNG and provided comments.
- 7.62. The following table shows the values reported within the BNG Report and those showing in the submitted Statutory Biodiversity Metric (SBM). There is an inconsistency with the values used within the BNG report and those in the calculation. Also, in paragraph 4.1 of the BNG Report it is stated that there is a net gain of 111.96% which contradicts the reported gain elsewhere in the report and does not correspond with the values in the SBM.

		SBM		BNG Report	
On-site baseline	Habitat units	2.31		2.48	
	Hedgerow units	0.89		0.97	
	Watercourse units	0.00		0	
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	4.83		5.73	
	Hedgerow units	1.91		2.1	
	Watercourse units	0.00			
On-site net change (units & percentage)	Habitat units	2.52	108.95%	3.25	130.76%
	Hedgerow units	1.02	115.45%	1.13	115.45%
	Watercourse units	0.00	0.00%		0.00%

- 7.63. Since the BNG calculation has been undertaken, there have been numerous minor amendments to the proposed landscaping scheme and the layout throughout the lifetime of the application. Consequently, the submitted BNG calculation is incorrect

as it is not based on the current proposed site layout and associated soft landscaping scheme.

- 7.64. Government guidance is that "...it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain plan objective will not be met."
- 7.65. Although the calculation is incorrect, initial checks by the Ecology Officer, regarding the amendments needed to address the issue of incorrect application of strategic significance indicate that those amendments would still result in a revised calculation showing a net gain in excess of the mandatory minimum 10%. This would therefore be acceptable.
- 7.66. If planning permission were granted, the General Biodiversity Gain Condition would apply, and this will need to be discharged before development can commence. The legislative requirements of what should be included in the Biodiversity Gain Plan do not require the management and maintenance measures to be specified, or the relevant management plan to be approved. Consequently, these matters need to be secured via a planning obligation or a planning condition. Given the need for a Section 106 for other reasons, this would be the appropriate mechanism to secure these matters.
- 7.67. Given the above and the conclusions drawn by the Ecology Officer, it is considered that, subject to conditions and the S106 agreement, the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Amended Core Strategy, and the requirements of mandatory BNG.

Land Contamination

- 7.68. Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and land instability.
- 7.69. The Council's Contaminated Land Officer (CLO) reviewed the proposal and advised that historic mapping and aerial photography show that the enquiry site lies on the former mineral railway sidings and in close proximity to the former colliery.
- 7.70. The application has been accompanied by a Phase 1 Geo-Environmental Report by William Saunders (Mar 22) and Phase 2: Site Investigation report by Solmek Ltd (Jun 22) in addition to a Ground Gas Risk Assessment addendum report completed by Solmek. The CLO has reviewed these reports and advised that there were several outstanding matters reported in the Phase 2 report which would require further investigation and sampling post-demolition such that they would request the use of the full phased contaminated land condition to be imposed to ensure a thorough contamination investigation across the site and to secure an appropriate remediation strategy. The Ground Gas report also determines that the buildings would require CS2 gas protection. However, subject to imposing the contaminated land condition the development would not present any unacceptable contamination risks to future site

users.

- 7.71. Further to the above, updated reports have been submitted and the Environmental Health Officer has reviewed them. The Phase 1 Geo-Environmental Report by William Saunders (Dec 24) has been updated to reflect the proposed development and now has no planned residential properties, some of the risks have therefore been revised down. In addition, consignment notes have been provided for removal of asbestos from site. There remains the requirement for additional sampling and completion of ground gas monitoring amongst other matters discussed in my memo dated 15/10/24. It has been confirmed by the EHO that the use of the full phased condition is required.
- 7.72. The site also lies within the Coal Authority's defined Development High Risk Area. The Coal Authority's records also indicate two fissures/break lines present within the site (on the eastern side) which were noted as having the potential to affect the safety and stability for the proposed development. The application has been accompanied by a Coal Mining Risk Assessment by William Saunders (July 2024) in addition to the contaminated land reports. The Phase II Site Investigation Report, whilst predominately addressing land contamination issues, also considers the fissures on site with Section 8.8 explaining that the two fissures have been treated (reinforced concrete cap and membrane). Recommendations have been made within Section 8.10 that as no fissures were recorded as part of the site investigation works. A watching brief for fissures at rockhead is recommended during site investigation works, a series of trial trenches is recommended during stripping of excess made ground to identify additional fissures and treated areas and additional treatment works may be required prior to redevelopment.
- 7.73. Based on the information submitted with this application it is clear that the Applicant (the Council) is fully aware of the coal mining risks at the site and plans to comply with the recommendations of the report; including additional investigations to attempt to precisely locate the fissures and the provision of details of engineering mitigation measures for slabs and foundations in the potential vicinity of the fissures. Based on all the information that has now been provided to support this planning application, the Coal Authority have concluded that the applicant has demonstrated that the site can be made safe and stable for the proposed commercial development as required by the NPPF paras. 189 and 190 by incorporating engineering mitigation measures as detailed within the Coal Mining Risk Assessment, July 2024 (Risks to the Site & Mitigation: page 7) prepared by William Saunders.
- 7.74. Subject to conditions as recommended by the Coal Authority it is considered that the development would be acceptable in relation to land contamination and risks associated with coal mining.

Flood Risk and Drainage

- 7.75. Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' Core Policy 10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the

intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

- 7.76. The site lies within Flood Zone 1 which is at lowest risk of fluvial flooding and is at low risk of surface water flooding.
- 7.77. A Flood Risk Assessment (FRA) and Drainage Strategy (carried out by bsp Consulting) has been submitted as well a drainage layout. This confirms that on site surface water attenuation will drain to soakaways through the permeable parking areas. Rainwater from the building roofs would connect into rain gardens and soakaways. Foul drainage is proposed to be discharged to a Severn Trent Water combined sewer within Mansfield Road with Severn Trent having confirmed that there is capacity within the combined sewer.
- 7.78. Paragraph 4.3.1 of the FRA and Drainage Strategy states that 'the proposed soakaways are to be designed in accordance with the latest design standards and will have enough storage so as not to flood in the 100 year + 40% climate change storm. No surface water will leave the development site and therefore we can confirm the development will not increase flooding or exacerbate the local waterways or drainage systems.' Further, paragraph 4.4.1 states, 'The investigations carried out as part of this flood risk assessment and flood risk management measures proposed have demonstrated that the development will be safe, without increasing flood risk elsewhere.'
- 7.79. NCC Flood as the Lead Local Flood Authority (LLFA) has been consulted and has raised no objection to the proposal subject to a condition requiring a detailed surface water drainage scheme based on the principles of what has been submitted.
- 7.80. Subject to the above, it is considered there would not be any adverse impacts relating to flooding or surface water run-off and the proposal would accord with CP10 and the NPPF in flood risk terms.

Developer Contributions

- 7.81. Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that local infrastructure and served that are essential for a development to take place are secured through an associated legal agreement. Policy DM3 (Developer Contributions and Planning Obligations) states that the delivery of planning growth set out in the Core Strategy is dependent upon the availability of infrastructure to support it.
- 7.82. For a development of this nature, there are no 'automatic' contributions triggers which would be hit in terms of the Developer Contributions SPD. However, a legal agreement would be required for the provision of bus stop infrastructure as requested by Nottinghamshire County Council, as well as a contribution of £15,000 to the County Council for monitoring of the Travel Plan with a further £1,200 per annum for subsequent years beyond year 5 up to and including the year after the end of construction.
- 7.83. As NSDC is the applicant, we will need to seek agreement with Nottinghamshire

County Council to be the enforcing authority for the purposes of the contributions and BNG.

Other Matters

- 7.84. Community Infrastructure Levy – Given the proposal would not include residential or retail uses the proposed development is zero rated for CIL purposes.

8.0 Implications

- 8.1. 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.

9.0 Conclusion

- 9.1. The principle of the proposed development for industrial units on this site has been found to be appropriate for the scale of this settlement and would be acceptable in accordance with the Development Plan. The proposal would result in economic benefits through the creation of jobs, both during construction and ultimate operation and an on-site biodiversity net gain of a minimum 10% (likely to be higher). The development would sustain the overall character and appearance of the area, the setting of nearby listed buildings and whilst there would be some minor adverse impact to the setting of the colliery village as a non-designated heritage asset, this would be outweighed by the benefits of the development. There would not be any adverse impacts on amenity, highways safety, drainage, contamination, or ecology implications either, subject to conditions.
- 9.2. It is therefore recommended that this application is approved subject to conditions and the signing of a S106 agreement for a financial contribution towards bus stop infrastructure.

10.0 Draft Conditions (Plan references to be inserted/updated where required)

01

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

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

02

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

Plans		
Site Location Plan	102 450 P 100	27.09.2024
Existing Site Plan	102 450 P 101	27.09.2024
Proposed Site Plan	102 450 P 102 REV A	11.12.2024
Arboricultural Impact Assessment	102 450 P 102 REV A	27.09.2024
Tree Protection Plan	102 450 P 102 REVA	27.09.2024
Material Distribution Plan	102 450 P 103	27.09.2024
Refuse And Cycle Strategy	102 450 P 104	27.09.2024
Roof Plan	102 450 P 105	27.09.2024
Boundary Treatment	102 450 P 106	27.09.2024
Existing Street Scenes	102 450 P 110	27.09.2024
Existing Street Scenes	102 450 P 111	27.09.2024
Proposed Street Scenes	102 450 P 112	27.09.2024
Proposed Street Scenes	102 450 P 113	27.09.2024
Proposed Street Scenes	102 450 P 114	27.09.2024
Block A Floor Plan and Elevations	102 450 P 200	27.09.2024
Block B Floor Plan and Elevations	102 450 P 210	27.09.2024
Block C Floor Plan and Elevations	102 450 P 220	27.09.2024
Block D Floor Plan and Elevations	102 450 P 230	27.09.2024
Block E Floor Plan and Elevations	102 450 P 240	27.09.2024
Block F Floor Plan and Elevations	102 450 P 250	27.09.2024
Block G Floor Plan and Elevations	102 450 P 260	27.09.2024
Block H Floor Plan and Elevations	102 450 P 270	27.09.2024
Refuse And Cycle Stores and Substation Plans and Elevations	102 450 P 280	27.09.2024
Detailed Landscape Proposals Sheet 1 of 2	1234 L D PL 201 REVV1	27.09.2024
Detailed Landscaping Proposals Sheet 2 of 2	1234 L D PL 202 REV V1	27.09.2024
Indicative Landscape Strategy	1636 L D PL 200 REV V3	27.09.2024
Detailed Soft Landscape Proposals	1636 L D PL 300 REV V1	27.09.2024
Proposed External Lighting Layout	5022933 RDG XX XX D E 906001 REV P03	27.09.2024
Private Drainage Layout	MRCL BSP ZZ ZZ D C 0240 REV P04	27.09.2024

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

Pre-Commencement Conditions

03

Unless otherwise agreed by the Local Planning Authority, 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. This must

be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#) 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,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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 of 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.

04

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 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate mitigation for potential impacts on sites afforded a nature conservation designation and on priority species as required by the NPPF, Allocations and Development Management Development Plan Document Policy DM7 and Amended Core Strategy Core Policy 12.

05

The approved development shall not commence until bat box and/or swift box plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type and location of the proposed boxes, and details for fixing these into place. B. Photographic evidence of the installed boxes shall be submitted to, and approved by, the local planning authority to fully discharge the condition.

Reason: To provide a measurable gain for biodiversity as required by the NPPF and maximise opportunities to enhance biodiversity as required by Core Strategy Policy 12.

06

No development shall commence until;

a) a scheme of intrusive site investigations as recommended by William Saunders (report author of the Coal Mining Risk Assessment, July 2024) have been carried out on site to establish the risks posed to the development by past coal mining activity (fissures), and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan to illustrate the exact location and extent of any fissures and their relationship to the approved development. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interest of safety.

07

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ref: MRCL-BSP-ZZ-XX-RP-C-0001-P03_Flood_Risk_Assessment_&_Drainage_Strategy, 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.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o 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.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- 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.

Pre-Installation Conditions

08

No development above damp-proof course or installation of any external facing materials shall take place until manufacturers details (and samples upon request) of all external facing materials following materials (including colour/finish) including but not limited to:

- Bricks (including sample panel showing brick bond, mortar and pointing specification)
- Cladding
- Roofing 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 the interests of visual amenity and to preserve the setting of the nearby listed building and non-designated heritage asset.

09

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
- Solar Panels

Reason: In the interests of visual amenity and to preserve the setting of the nearby listed building and non-designated heritage asset.

10

Prior to installation, details of any external plant serving proposed buildings on the site should be submitted to and approved in writing by the LPA along with any acoustic mitigation as required. The external plant equipment shall be installed in accordance with the approved details only.

Reason: In the interest of residential amenity.

Pre-Occupation Conditions**11**

No part of the development hereby permitted shall be brought into use until the on-site access roads and parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan 102 450 P 102 REV B. The parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

Reason: In the interest of highway safety.

12

No part of the development hereby permitted shall be brought into use until the site access onto Mansfield Road, including the pedestrian refuges to the east and west of the site and bus boarding facility on the northern side of Mansfield Road, has been improved in accordance with the scheme illustrated on drawing number 102 450 P

102 REV B, the technical details of the scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

13

No part of the development hereby permitted shall be brought into use until all on-site access roads and parking/turning areas are surfaced in a hard bound material (not loose gravel) and the parking bays are delineated as shown on drawing number 102 450 P 102 REV B in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The surfaced access roads and parking/turning areas shall be maintained in such materials for the life of the development.

Reason: In the interest of highway safety.

14

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure, covered parking of cycles, secure cycle equipment storage facilities, secure motorcycle parking facilities, and electric vehicle charging facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

Reason: In the interest of furthering travel by sustainable modes.

15

No part of the development shall be occupied until details of the proposed arrangements and a plan for future management and maintenance of the on-site access roads, including associated drainage of the development, have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure appropriate management of the private on-site roads and in the interest of highway safety.

16

Notwithstanding the submitted Travel Plan, no part of the development hereby permitted shall be occupied until the Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring progress of the proposals. The Travel Plan shall be implemented in

accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel.

17

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works (which must be informed by the Biodiversity Management Plan) 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;
- all boundary treatments/means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- details of external bin and cycle stores.

Reason: In the interests of visual amenity and biodiversity.

18

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of safety.

Compliance Conditions

19

The approved hard and soft landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

Informatives

01

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

02

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

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

03

Notes from the Coal Authority:

Ground Investigations Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property may result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

04

The highway works shall be constructed to the satisfaction of the Highway Authority at the developer's cost. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed/approved and implemented.

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. To undertake the works, which must comply with Nottinghamshire County Council's 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.

Any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Contact hdc.north@nottscc.co.uk 0115 804 0022

Works to existing street furniture, road markings, and signage shall be at the developer's expense.

The deposit of mud or other items and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant/developer, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the relevant party/parties.

Planning consent does not confer consent to work on or adjacent to the public highway. Prior to any works commencing on site, including demolition works, the developer must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.

05

Biodiversity Net Gain Informative

The development granted by this notice must not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

Details about how to comply with the statutory condition are set out below.

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition “the biodiversity gain condition” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

Based on the information available, this permission is considered by NSDC to require the approval of a biodiversity gain plan before development is begun, because none of the statutory exemptions or transitional arrangements are considered to apply.

06

LLFA Informative:

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

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.