

PEGASUS GROUP - MR STEVE LEWIS-ROBERTS
4 THE COURTYARD
CHURCH STREET
LOCKINGTON
DERBYSHIRE
DE74 2SL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Application For: Outline Planning Permission Major

NOTICE OF DECISION

Application No: 16/02173/OUTM **Previous Ref:** PP-05692082

Applicant: HARWORTH GROUP PLC - MR STUART ASHTON

Agent: PEGASUS GROUP - MR STEVE LEWIS-ROBERTS

Proposal: RESIDENTIAL DEVELOPMENT UP TO 800 DWELLINGS (CLASS C3), STRATEGIC EMPLOYMENT SITE COMPRISING UP TO 4,855 SQM CLASS B1A, UP TO 13,760 SQM CLASS B1C, AND UP TO 13,760 SQM CLASS B2, A NEW COUNTRY PARK, A LOCAL CENTRE, "THE HEART OF THE NEW COMMUNITY" CONTAINING A MIX OF LEISURE (TO INCLUDE ZIP WIRE), COMMERCIAL, EMPLOYMENT, COMMUNITY, RETAIL (UP TO 500 SQM), HEALTH, AND RESIDENTIAL USES, A PRIMARY SCHOOL, OPEN SPACE AND GREEN INFRASTRUCTURE (INCLUDING SUDS), AND ASSOCIATED ACCESS WORKS INCLUDING THE DETAILS OF THE PRIMARY ACCESS JUNCTIONS INTO THE SITE FROM OLLERTON ROAD.

Site Address: FORMER THORESBY COLLIERY OLLERTON ROAD EDWINSTOWE
NOTTINGHAMSHIRE NG21 9PS

Newark and Sherwood District Council as Local Planning Authority in pursuance of their powers under the said legislation **APPLICATION PERMITTED OUTLINE PLANNING PERMISSION MAJOR** to the development described in the said application, subject to compliance with the condition imposed and the subsequent approval of all matters referred to in the conditions and for all the reasons set out below.

Conditions

01

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved on any phase, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The reserved matters application for the first phase or any sub phase of the development shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and all subsequent reserved matters applications shall be submitted before the expiration of thirteen years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

03

Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development pursuant to Condition 4 (Phasing) of the development shall be submitted to and approved in writing by the local planning authority before development in that phase or any sub phase begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004 and in the interests of highway safety, sustainable travel and highway capacity issue.

04

The development hereby approved shall be implemented in accordance with the Indicative Phasing Plan (ref. 3.7.1 contained within the Design and Access Statement) and each reserved matters application shall be accompanied by an up to date phasing plan and phasing programme which includes details as follows:

- I. Site accesses and major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths and cycleways;
- II. improvements/traffic management and any restoration;
- iii. Timing and delivery of the associated green infrastructure (as indicated on the Provision of Open Space Strategy Drawing No. EMS.2508-004E) with that phase (including public open space, formal sports recreation facilities, NEAPs, LEAPs and associated parking facilities);

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

05

Reserved matter submissions for any phase or any use shall be substantively in accordance with the following plans:

Proposed Master Plan (drg no. 010 0519 P100)
Green Infra Structure Plan (drg. no. 003 0519 P00)
Land Use Distribution Plan (drg no. 004 0519 P00)
Western Site Access Junction (drg. no. ADC1343-001)
Eastern Access Junction (drg. no. ADC1343-002A)
Proposed Sections Sheet 1 (drg no: 030 0519 P00)

Proposed Sections Sheet 2 (drg no: 031 0519 P00)
Application Site Boundary (drawing no. EMS.2709_004 Rev B)

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a satisfactory manner and for the avoidance doubt.

06

Each reserved matters application shall be broadly in accordance with the Proposed Master Plan (drg no. 010 0519 P100) and the approved Design and Access Statement or any forthcoming Design and Access in relation to any Reserved Matters application subject to revisions agreed in writing by the Local Planning Authority.

Reason: To ensure consistency with the Masterplan and Design and Access Statement and ensure the site is developed in a satisfactory manner.

07

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 on any phase or sub phase pursuant to Condition 4 (relating to phasing) until parts 1 to 4 (below) 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 point 4 has been complied with in relation to that contamination.

1 - 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:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o 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 'Model Procedures for the Management of Land Contamination, CLR 11'.

2 - 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.

3 - 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 (referred to in PPS23 as a validation 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.

4 - 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, 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 point 3.

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 and to prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

08

No infiltration of surface water drainage into the ground in areas affected by contamination is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the Nottingham Castle Sandstone.

09

The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason:-To reduce the risk surface and groundwater pollution.

010

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To reduce the risk of silt pollution during the initial development stage

011

No development shall take place on any phase or sub phase pursuant to Condition 4 until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for:

- o the parking of vehicles of site operatives and visitors;
- o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development;
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel and vehicle body washing facilities;
- o provision of road sweeping facilities;
- o measures to control the emission of noise, dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works;
- o the means of access and routing strategy for construction traffic;
- o details of construction traffic signage;
- o a strategy to control timings of deliveries to avoid the morning and evening peak travel times (such as being co-ordinated by a logistics manager in order to prevent queuing on the surrounding highway network);
- o a construction Travel Plan;
- o management of surface water run-off, including details of a temporary localised flooding management system;
- o the storage of fuel and chemicals;
- o the control of temporary lighting;
- o measures for the protection of retained trees, hedgerows and watercourses;
- o details of pre-commencement surveys and mitigation measures for ecological sensitive areas (which should detail procedures/timings of works to avoid impacts on protected species and retained habitats);
- o the protection of (and avoidance of disturbance to) badger setts and the implementation of good working practices to minimise impacts on foraging or transitory badgers;
- o Pre-construction ecological surveys and mitigation measures including details of procedures/timing of works to avoid impacts on protected species and retained habitats.;
- o Appropriate controls for the storage of hazardous materials and fuel storage and filling areas

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement and to accord with the objectives of the NPPF and Policies CP9, CP12, CP13 Newark and Sherwood Core Strategy and CP9, 12 and 13 and ShAP3 and ShAP4 of the Amended Core Strategy.

012

No development shall be take place on any phase or sub phase pursuant to Condition 4 until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall set out the volumes and types of waste that are likely to be produced during the development within that phase or sub phase and shall set out actions for the recycling, recovery, re-use and disposal of each waste stream. The development within that phase or sub-phase shall thereafter be carried out in full accordance with the approved SWMP.

Reason: In the interests of the environment

013

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive. Where this is not possible, areas should be cleared of vegetation only if they have been surveyed by a suitably qualified ecologist and has found to be clear of nests immediately prior to the destructive works commencing and these findings have been submitted to and confirmed in writing by the Local Planning Authority. If an active nest is identified then the area will need to be retained until the young have been deemed, by a suitably qualified ecologist, to have fledged and a five meter buffer around the nest should be maintained. Only once this has happened can the area be cleared from site.

Reason: To safeguard protected species and to accord with the objectives of the NPPF, Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

014

The first reserved matters submission for the landscaping of each phase (as required by condition 3) shall include the submission of a updated Landscape Masterplan and full details of both hard and soft landscape works (both in the public realm/strategic landscaping works and for individual plots) for that phase and a programme for their implementation. This submission shall include:

- o Provision for replacement or new boundary treatments including hedgerows and trees (which shall be identified and justified) in line with the Illustrative Landscape and Ecology Masterplan (drg no. ems.2709_10C) or any updated version that shall be agreed through the relevant reserved matters approval
- o Hard landscaping details shall include car parking layouts and materials, materials for other vehicle and pedestrian access and circulation areas, minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.
- o Soft landscaping details shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants, including species, numbers and densities together with clear annotations as to existing trees and hedgerows

that would be retained plus proposed finished ground levels or contours. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity, to ensure that trees and hedgerows to be lost as a result of development is properly and commensurately mitigated with replacements, to reflect the scale and nature of development addressed in the Environmental Statement and to ensure accordance with the objectives set out in the NPPF and Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

015

All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or any sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing with the local 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.

016

Prior to commencement of development in any phase or any sub phase pursuant to Condition 4, an Arboricultural Survey and Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect trees and hedgerows to be retained within that phase or any sub phase and details of mitigation measures where necessary. The approved mitigation measures shall be implemented on site in accordance with an agreed timetable and shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Any trees/shrubs (planted by way of mitigation) which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

017

Prior to commencement of development within any phase or any sub phase pursuant to Condition 4, a scheme to update the Extended Phase 1 Habitat Survey produced by AES dated 2016 appended to the Environmental Statement deposited with the application and any associated protected species surveys will be submitted to and approved in writing by the Local Planning Authority. The updates shall then be provided in accordance with an agreed timetable. Where protected species are identified as being present on site, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme of mitigation shall include a working design, method statements (including Badger and Reptile Method statement) and timetable of works to mitigate any adverse effects to protected species. The development shall be implemented in accordance with the approved schemes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that decisions regarding the details of the scheme are made in accordance with up to date ecological information and so that any mitigation which may be required can be put in place in a timely manner in the interests of ecology and to accord with the objectives of the NPPF and Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy

018

No development shall be commenced in respect of each phase or sub phase pursuant to Condition 4, unless a detailed Habitat Creation and Management Plan (to include the proposed SANGS) associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The Habitat Creation Plan may form part of the Construction Environmental Management Plan (identified at condition 08) and shall include details of the following within each phase, as appropriate:

- o The location and extent of all new habitats including all works required for the creation;
- o For the creation of new habitats, these details shall identify target habitats with reference to the Nottinghamshire Local Biodiversity Action Plan and shall include details of all tree, woodland, scrub and hedgerow planting, and wetland and grassland establishment, and will provide information regarding ground preparation; cover material; soil profiles; sources of tree and shrub stock (which should be of local provenance - seed zone 402 or 403), seed mixes for grassland, woodland and wetland areas (to be used in grassland establishment methods, and which shall be of certified native origin); proportions; size; spacing; positions; densities; sowing rates; methods of establishment; areas left for natural regeneration; creation of wetland areas; and fencing off of planting areas. For the

management of created and retained habitat, these details shall include the identification of management objectives; annual work programmes; and monitoring.

- o Measures to enhance retained habitats;
- o A Visitor Management Strategy to include details of zoning levels of activity, how public access will be controlled to limit disturbance to wildlife and physical features to prevent domestic animals from reaching habitats and how these will be monitored and enforced
- o Ecological enhancements to include bird and bat boxes at appropriate points within the site which should offer immediate enhancements and longer term enhancements where appropriate;
- o Opportunities to enhance the proposed drainage features on site to benefit biodiversity;
- o Details of a habitat management plan for existing and new habitats during the establishment phase including details/arrangements for on-going management and monitoring for not less than 10 years;
- o A Bee Orchid Translocation Method Statement (detailing methods and timings for the translocation of Bee Orchids from the development site to the colliery pit tip restoration)
- o The provision of an artificial Sand Martin bank, adjacent to one of the proposed waterbodies within the development site (to mitigate against the loss of existing Sand Martin nesting sites within the development)
- o The appointment of an Ecological Clerk of Works (to undertake ecological supervision and ensure the implementation of the above mitigation measures)
- o An implementation timetable for all elements.

The approved Habitat Creation and Management Plan shall be implemented on-site as approved, in accordance with the agreed timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats and in order to provide ecological enhancements in a timely manner in line with Policy CP12 of the Newark and Sherwood Core Strategy and Policies CP12, ShAP 3 and 4 of the Amended Core Strategy and the advice contained in the NPPF as well to take account of the Nottinghamshire Local Biodiversity Action Plan.

019

First applications for reserved matters approval for each phase pursuant to Condition 4 shall be accompanied by a detailed external lighting scheme (for the operational phase) designed to ensure the impacts of artificial light are minimised and that light spill onto retained and created habitats, particularly around the site periphery and green corridors through the site are avoided. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance). The development shall proceed within each phase or sub phase in accordance with the agreed external lighting scheme.

Reason: This condition is necessary to ensure that the impacts of external lighting on nocturnal wildlife, particularly bats are minimised in accordance with CP12 of the Newark and Sherwood Core Strategy and policies CP12, ShAP 3 and 4 of the Amended Core Strategy together with the NPPF and to protect drivers from uncontrolled light sources near the public highway.

020

Prior to commencement of development an Air Quality Monitoring Strategy shall be submitted in line with the Air Quality Assessments, and subsequent Technical Notes deposited with the application to be and approved in writing by the Local Planning Authority. This shall include:-

- o Details of vehicle monitoring to take place at the entrance to the development on the main access road into the development from the A6075 Ollerton Road.
- o Details of long term Air quality monitoring which shall take place at the same 12 sampling locations as shown on Figure 1 of the Technical Note dated 12 May 2017.

- o Details of the monitoring sufficient to establish a clear pre-development baseline in all seasons, and then to take place in years 1, 2, 3, 5 and 10 from the completion of development.
- o Monitoring results to be submitted to and approved either when monitoring takes place as noted above
- o Details of a review mechanism of data to compare the accuracy of the original predictions to results. Should air quality be shown to be worse than predicted then details of a re-evaluation of the level of mitigation shall be required.

Reason: To secure an Air Quality Assessment in the long term, monitor ongoing effects on local protected wildlife sites that may be attributable to the development, and provide a basis for discussion of further mitigation measures to be employed should these be deemed necessary and to safeguard protected species and their habitats

021

The proposed mitigation measures approved as part of Condition 21 shall be implemented at both construction and operation phases within any phase or sub phase pursuant to Condition 4 in accordance with details contained within the Air Quality Assessments, Reports and Technical Notes produced by Redmore Environmental deposited with the application, in particular those dated 17th February 2017 and 12th May 2017.

Reason: To ensure appropriate mitigation for the impact on residential amenity and to safeguard protected species and habitats.

022

No development shall be commenced within each phase or sub phase pursuant to Condition 4 until a detailed surface water and foul water drainage scheme for that phase or sub-phase, in accordance with the approved Flood Risk Assessment produced by SCP (Document ref. PTU/16423/FRA dated December 2016) has been submitted to and approved in writing by the Local Planning Authority. In addition to dealing with surface water drainage this scheme shall also be designed to maximize biodiversity opportunities. The scheme shall subsequently be implemented prior to first occupation of any dwelling within that Phase or sub phase unless otherwise agreed in writing with the Local Planning Authority. The scheme to be submitted shall include the following:

- o Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- o Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. The site should be designed to retain all surface water flows within the site and route these to the attenuation ponds. Flows crossing the site boundary onto 3rd party land are not acceptable.
- o Detailed drainage layout including building/plot drainage where possible. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition (or any later edition as may be published) in terms of the criteria for pipe-full flows, surcharge and flooding;
- o Full documentary evidence for consideration by the LPA/LLFA legal advisors of the rights to discharge to any watercourse.
- o Timetable for its implementation;
- o A Management and Maintenance Plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

023

No part of the development hereby approved shall be occupied / brought into use unless or until junctions with the A6075 have been provided as shown for indicative purposes only on the drawings no. ADC/1343/001A and ADC/1343/002A to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

024

No part of the development hereby approved shall be occupied / brought into use unless or until modifications have been made to the traffic signal controlled junctions at A6075 Mansfield Road/West Lane, and A6075 Mansfield Road/Ollerton Road/Church Street/High Street to improve capacity. This will involve the installation of MOVA (or similar) in agreement with the Highway Authority.

Reason: In the interests of Highway capacity.

025

No part of the development on any phase or sub phase pursuant to Condition 4 shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including layout, street lighting, drainage and outfall proposals, 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 adoptable standards.

026

The approved Residential and Employment Travel Plans (version 4 in each case) shall be implemented in full and in accordance with the timetable set out in those plans or alternative timetable which may be agreed in writing unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

027

No part of the development hereby permitted shall be brought into use unless or until the relocation of two bus stops on Ollerton Road (NS0276 and NS0536) and two additional new bus stops have been installed to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, polycarbonate or wooden bus shelters, solar lighting, raised boarding kerbs, and enforceable bus stop clearways.

Reason: To allow safe access to the development and to promote sustainable travel.

028

Otherwise than in the circumstances set out at below, for a period of five years from the date on which the development is first occupied, no retail floor space hereby approved shall be occupied by any retailer who at the date of the grant of this permission, or within a period of 12 months immediately prior to the occupation of the development hereby approved, occupies retail floor space

which exceeds 250 sqm [Gross External Area] within the District Centres of Edwinstowe, Ollerton and Clipstone.

Such Occupation shall only be permitted where such retailer as identified in above submits a scheme which commits to retaining their presence as a retailer within the District Centres of Edwinstowe, Ollerton and Clipstone for a minimum period of 5 years following the date of their proposed occupation of any retail floorspace hereby approved, and such scheme has been approved in writing by the Local Planning Authority."

Reason: To safeguard the vitality and viability of the adjoining District Centre in accordance with the NPP and policy CP8 of the Newark and Sherwood Core Strategy together with policies CP8 and ShAP3 and 4 of the Amended Core Strategy.

029

The availability of the Edwinstowe Parish Public Bridleways No 16 & 24 shall not be affected or obstructed in any way by the proposed development at this location unless subject to an appropriate diversion or closure orders nor shall path users in the area be impeded or endangered by the proposed development.

Reason: to safeguard the Public Rights of Way and Bridleways.

030

No development shall commence until a scheme for the retention and refurbishment of buildings shown to be retained on site pursuant to the plan at 2.8 of the Design and Access Statement deposited with the application has been submitted to and approved in writing by the LPA. The scheme shall include details of internal and external works and phasing such that the buildings are preserved to an appropriate standard and are wind and watertight. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development takes the form envisaged and to protect buildings identified as heritage assets.

031

The first reserved matters application for each phase pursuant to Condition 4, shall be accompanied by a Noise Assessment which shall include updated background noise modelling data where appropriate (such as there being a change in circumstance since the original noise modelling was undertaken) and where necessary, a Noise Attenuation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved attenuation scheme shall be implemented on site prior to first occupation of any dwelling in that phase or to an alternative implementation timetable as may be agreed in writing by the Local Planning Authority. For the avoidance of doubt this condition also relates to the construction phase of the development.

Reason: To ensure that noise levels and vibration are appropriately mitigated and that the mitigation measures are implemented in a timely manner in the interests of residential amenity. This condition accords with Policies DM5 and the NPPF

Associated Restoration of the Former Spoil Heaps

032

The restoration of the former Thoresby Colliery Spoil Tip shall be undertaken in accordance with the **(State timetable which presumably is set out within your planning application)**. The restoration works shall be carried out in accordance with the following documents, unless otherwise agreed in

writing by the Local Planning Authority, or where amendments are made pursuant to other Conditions:

- a Drawing No. 2256.01 titled 'Location Plan' received by the MPA on 30 November 2011;
- b Dwg No. 2256.06 Rev 2 dated Jan 2015 Proposed Scheme Amended Restoration Proposals;
- c Drawing titled Spoil Heap Plan Permitted & Proposed Contours;
- d Drawing titled Spoil Heap Plan Proposed Scheme Sections dated 6/1/2015;
- e NMA/3502 – Minor amendments to woodland planting areas, creation of small wetlands, realignment of footpaths, fencing, retention of lagoon & reshaping of contours – Dwg No. 001/THS/STR/A0 Rev 2 dated 30/6/2016 & Restoration method Statement dated March 2016 & additional info in e-mail dated 30 June 2016 from Stuart Ashton;
- f NMA/3673 - Restoration scheme amendments to mitigate against a repeat of heavy rain causing slippage of material from the flank. Achieved by more vigorous deep rooted grass/scrub mix.

Reason: To define the extent of the planning permission and for the avoidance of doubt.

033

From the commencement of the development to its completion, a copy of this permission shall always be available at the site offices for inspection.

Reason: To enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

034

Mitigation measures for the protection of breeding birds shall be carried out for the duration of the colliery tip restoration works and subsequent 5 year aftercare period in compliance with the letter from E3 Ecology Ltd dated 26th June 2013 together with plans showing Location of Bird Nest Boxes, Areas of Grassland/Woodland to be Retained and Areas to be Sown with Wild Bird Cover Mix dated May 2013 and the Ecological survey of Cell 12 area carried out on 31st October 2012.

Reason: To ensure the protection of breeding birds in the interest of nature conservation and to accord with Policy M3.17 (Biodiversity) of the Nottinghamshire Minerals Local Plan.

035

The method statement for the protection of Little Ringed Plover (whose habitat can be bare shale) set out within the letter from E3 Ecology Ltd 26th June 2013 shall be implemented for the duration of the Colliery Tip Restoration works.

Reason: To safeguard protected species

036

Within 28 days of the commencement of the colliery tip restoration works, the two drainage ponds/water bodies in the north-west and north-east corners of the site shall be inspected and the level of silt within the lagoons assessed to consider whether it is adversely impacting the water management of the wider colliery site. A copy of the inspection report and its recommendations shall be submitted to the Local Planning Authority for its approval in writing within 7 days of the inspection being carried out. Any approved remediation and desilting works within the ponds shall thereafter be carried out in accordance with a timetable agreed by the Local Planning Authority. The pond de-silting works shall be carried out in compliance with the scheme contained within correspondence from E3 Ecology Ltd dated 6th June 2013 and supporting UK Coal Operations Ltd, Thoresby Colliery Removal of Solids from Settlement Ponds Method Statement, subject to any modifications which shall be agreed in writing with the Local Planning Authority. The silt levels within the ponds shall thereafter be monitored in accordance with the agreed de-silting scheme to

ensure the drainage function of the ponds is satisfactorily maintained throughout the restoration and aftercare period of the site.

Reason: To prevent increased risk of flooding

037

The Surface Water Drainage Scheme provided by Land Drainage Consultancy Ltd deposited on the 26th July 2013 shall be implemented for the duration of the colliery tip restoration works and subsequent 5 year aftercare period

Reason: To prevent increased risk of flooding

038

No turf, soils or overburden shall be removed from the site.

Reason: To ensure conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

039

Unless otherwise agreed in writing by the Local Planning Authority, all soil storage mounds shall be no more than 3 metres high.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site in accordance with Policy M3.3 (Visual Intrusion) of the Nottinghamshire Mineral Local Plan

040

Details of the volumes and location of soils and overburden stored on the site shall be submitted to the Local Planning Authority along with a plan showing the status of the site by 31st December each year subsequent to the following details received:-

2014 Details received 22/12/2014 - projected surplus of 3538 cubic metres.

2015 Details received 19/01/2016.

2016 Details received 12/12/2016.

2017 Details received 4/1/2018.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

041

Only low ground pressure machinery shall work on re-laid soils to replace and level soils.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

042

Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified in writing to the LPA within 48 hours of their occurrence), or with the prior written agreement of the Local Planning Authority the development hereby permitted on the spoil tip shall only take place within the following hours:

Colliery Spoil Disposal and On Site Transportation

Monday to Friday
Saturdays

0700hrs -1900hrs
0700hrs-1400hrs

No working on Sundays or Bank or Public
Holidays

Reason: In the interest of amenity and in accordance with Policy M3.5 (Noise) of the Nottinghamshire Minerals Local Plan

043

The Local Planning Authority shall be notified in writing at least 5 working days before each of the following, where applicable:

- a. Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
- b. When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
- c. On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan.

044

Soils and any overburden shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of overburden or soils shall occur.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

045

Plant and vehicles shall not cross any area of replaced and loosened ground or replaced soils except where essential and unavoidable for purposes of carrying out soil replacement, ripping and stone picking or beneficially treating such areas. Only lowground pressure machines shall work on prepared ground.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

046

Prior to the replacement of soils and any overburden, the final profile of the colliery spoil heap shall be ripped using overlapping parallel passes:

- a. To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
- b. Any rock, boulder or larger stone greater than 100mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 (Soil Conservation) of the Nottinghamshire Minerals Local Plan

047

The Local Planning Authority shall be notified of the completion of restoration works in any phase or subphase.

Reason: To enable the effective monitoring of the development and to ensure the satisfactory restoration of the site

048

Following restoration, the Colliery Tip site shall undergo aftercare management for a 5 year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Local Planning Authority. The 5 year aftercare period shall run from the agreed date. Aftercare operations shall be carried out in accordance with the following documents:

- Dwg No. 2256.06 Rev 2 dated Jan 2015 Proposed Scheme Amended Restoration Proposals;
- Drawing titled Spoil Heap Plan Permitted & Proposed Contours;
- Drawing titled Spoil Heap Plan Proposed Scheme Sections dated 6/1/2015;
- NMA/3502 – Minor amendments to woodland planting areas, creation of small wetlands, realignment of footpaths, fencing, retention of lagoon & reshaping of contours – Dwg No. 001/THS/STR/A0 Rev 2 dated 30/6/2016 & Restoration method Statement dated March 2016 & additional info in e-mail dated 30 June 2016 from Stuart Ashton;
- NMA/3673 - Restoration scheme amendments to mitigate against a repeat of heavy rain causing slippage of material from the flank. Achieved by more vigorous deep rooted grass/scrub mix.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan

049

Site management meetings shall be held with the Local Planning Authority in consultation with Minerals Planning Authority each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 50 (e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan

050

The aftercare programme shall be implemented in accordance with the details approved under Condition 50 above, as amended following the annual site meeting referred to in Condition 49 above.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 (Aftercare) of the Nottinghamshire Minerals Local Plan

Note to Applicant

01

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

A S106 Agreement (Planning Obligation) accompanies this permission and should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03

The developer is advised that in respect of the CEMP condition, hours of construction would be expected to be along the lines of between the hours of 07:30 and 18:00 on Mondays to Fridays; 07:30 to 13:00 Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

04

The applicant is advised to contact National Grid in advance of any works so that provisions can be agreed with regards to construction etc.

05

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Additional Drainage Requirements

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - Include a timetable for its implementation; and
 - Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy will also demonstrate how any land drainage issues will be resolved.
 - The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
 - Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
 - If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

06

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any

highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details.

07

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) Order 2010 (as amended).

08

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.

Discharge of Conditions

Please note the Discharge of Condition incurs a fee and the service normally has 8 weeks to respond to each request from date of receipt.

A copy of the decision notice and the officer/committee report are available to view on the Council's website.

Date:

Authorised Officer on behalf of Planning Services,
Newark and Sherwood District Council

Note: Attention is drawn to the Notices Attached

Grant of Planning Permission

Application No: 16/02173/OUTM **Previous Ref:**PP-05692082

APPROVAL OF DETAILS (RESERVED MATTERS)

Applicants who receive an approval of details, known as “reserved matters”, under a previous outline permission are reminded of the requirements as to commencement of the development within the time specified in the conditions attached to the outline permission and to ensure that any other conditions attached to that outline permission are complied with.

IMPORTANT NOTE: THIS PERMISSION REFERS ONLY TO THAT REQUIRED UNDER THE TOWN AND COUNTRY PLANNING ACTS AND DOES NOT INCLUDE ANY CONSENT OR APPROVAL UNDER ANY OTHER ENACTMENT, BYELAW, ORDER OR REGULATION, INCLUDING THE PASSING OF PLANS FOR THE PURPOSE OF THE BUILDING REGULATIONS WHICH REQUIRES ADDITIONAL APPROVAL AND A SEPARATE APPLICATION MUST BE SUBMITTED.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, he may appeal to The Planning Inspectorate, in accordance with Section 78 of the Town and Country Planning Act 1990, within SIX MONTHS of the date of this decision. The Planning Inspectorate has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. You must use a **Planning Appeal Form or Householder Appeal Form** when making your appeal which is obtainable from The Planning Inspectorate Room 3/15A Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN. If requesting forms from the Planning Inspectorate, please state the appeal form you require.

The Planning Inspectorate is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise that subject to the conditions imposed by them, having regard to the statutory requirements (*), to the provisions of the development order and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

(*) The statutory requirements are those set out in Section 79 (6) of the Town and Country Planning Act 1990, namely Sections 70 and 72 (1) of the Act.

2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by The Planning Inspectorate and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted he may serve on the Council of the District in which the land is situated, a purchase notice requiring the council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by The Planning Inspectorate on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Notes for Minor Amendments

Application No: 16/02173/OUTM **Previous Ref:** PP-05692082

If you wish to make alterations to a scheme after it has been granted planning approval, some minor changes to approved plans can be dealt with under an amended plan procedure. If this is an option you wish to pursue, the relevant application forms entitled "Application for a non-material amendment following a grant of planning permission" should be completed and returned to us along with scaled plans showing the proposed amendments and a fee. The form can be downloaded from the planning portal at www.planningportal.gov.uk or alternatively, if you do not have access to the internet, please telephone our Customer Services on 01636 650000 who can arrange for a set to be posted to you. Guidance notes on how to complete these forms can also be found on the Planning Portal website.

We will in most cases accept the following as minor amendments to previously approved plans:

- Reduction in the volume/size of the building/extension
- Reduction in the height of the building/extension
- Amendments to windows/doors/openings that will not have any impact on neighbouring properties

However, this advice is given on an informal basis only and is therefore not binding on any future recommendation, which may be made to the Council or any formal decision by the Council.

We consider the following to normally take a development beyond the scope of the permission and will therefore require a fresh application to be submitted:

- Significant increase in the volume of the building/extension
- Significant increase in the height of the building/extension
- Changes which would conflict with a condition on the original approval
- Additional and/or repositioned windows/doors/openings that will have an impact on neighbouring properties
- Changes which would alter the description of development from the original application
- Amendments that would warrant re-consultation either of neighbours, council departments or statutory bodies