

## **PLANNING COMMITTEE – 31 MARCH 2020**

Application No:	19/02159/FUL		
Proposal:	Development of one temporary construction access point		
Location:	Land at Ollerton Road, Edwinstowe		
Applicant:	Harworth Group Plc	Agent: Pegasus Group – Mr Steve Lewis-Roberts	
Registered:	23 December 2019	Target Date: 17 February 2020	
	Extension of Time Agreed Until 2 April 2020		

**This application is being referred to the Planning Committee for determination by all 3 of its local ward members on the grounds of highway safety.**

### **The Site**

The application site, as originally submitted, relates to two areas of land adjacent to the A6075 Ollerton Road in Edwinstowe.

The eastern most area of land (immediately adjacent to Phase 1 of the wider redevelopment) was an existing field access in a clearing of mature vegetation. Some construction works have already been carried out within the site area such as the laying of kerbs, hardcore etc) but falls short of connecting to the highway. This area is currently fenced off with high metal fencing along the back edge of the footway.

The western most area of land (immediately adjacent to Phase 2 of the wider site) comprises an existing agricultural access point between hedgerows.

**Extract: Google Street View (prior to enabling works beginning)**



## Relevant Planning History

The most relevant applications are, in brief, as follows:

**16/02173/OUTM** – Outline planning permission for a residential development up to 800 dwellings, a 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, containing a mix of leisure, commercial, employment, community, retail health, and residential uses, a primary school, open space and green infrastructure together with associated access works including the details of the primary access junctions into the site from Ollerton Road. Approved March 2019 subject to 51 conditions and a S106 Planning Agreement which secured a range of developer contributions.

**19/00674/RMAM** – Reserved Matters for the ‘enabling infrastructure phase’ of the comprehensive development. The approved works included the provision of a new ghost island at the junction of the existing colliery access with Ollerton Road, a new main spine road to serve the first two phases of the residential development which utilises the existing colliery access drive together with its associated highway drainage, surface water and foul infrastructure drainage systems, landscaping and earthworks. It also included the approval of an air quality assessment which covered the whole of the site and all phases of development. This was granted in July 2019 under delegated powers.

**19/01016/RMAM** - Reserved matters application for Phase 1 (Harron Homes Ltd) residential development comprising 143 dwellings with access gained from the primary, central spine road. This was approved 4<sup>th</sup> December 2019.

**19/01865/RMAM** – Phase 2; Reserved Matters submission for 219 dwellings with access gained from the primary, central spine road (permitted under 19/00674/RMAM) including open space, landscaping (soft and hard) and associated internal road infrastructure. Application lodged by Barratt Homes in October 2019 which is currently pending consideration.

## The Proposal

Full planning permission was originally sought for the erection of two construction access points to serve Phases 1 and 2 of the Thoresby Colliery redevelopment from Ollerton Road. Part of the proposed access to serve Phase 1 has already been installed albeit it currently stops short of linking to the highway and thus is not in use, as such.

However due to concerns regarding highway safety, the application has been amended to one construction access serving Phase 2. The access is to be for a temporary period during the construction period of Phase 2 only which would be removed and replaced with a permanent pedestrian link and associated landscaping.

The applicant’s agent has confirmed that no trees have been removed nor are required to be to reflect the locations of the existing agricultural access points.

It should be noted that trees have been removed elsewhere to facilitate the installation of the foul sewer crossing, in accordance with the enabling works permission.

## The Submission

The application, as amended, is accompanied by the following:

- Drawing 17109-S184-P2-1100-001 Rev A (S184 Construction Access, Phase 2, Kerbing and Drainage)
- Drawing 17109-S184-P2-1200-001 Rev A (S184 Construction Access, Phase 2 Road Markings and Signing)
- Drawing No. 17109-S184-P2-0000-001 Rev C (S184 Construction Access Phase 2 General Arrangement)
- Drawing No. 190572-CA-SK01 Rev C (Construction Access Signing and Lining)
- Drawing No. 17109-S184-P2-0200-001 Rev A (S184 Construction Access Phase 2 Site Clearance)
- Drawing No. 17109-S184-P2-0700-001 Rev A (S184 Construction Access Phase 2 Earthworks and Surface Finishes)
- Drawing No. 024/THS/MAJ/A2, Layout 1
- Stage 1 Completion of Preliminary Design - Road Safety Audit, Feb 2020 by Via

## Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. A site notice has also been displayed near to the site expiring 29<sup>th</sup> January 2020.

## Planning Policy Framework

### The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 5 – Delivering Strategic Sites  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment  
ShAP 4 - Land at Thoresby Colliery

#### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance

### **Consultations**

**Edwinstowe Parish Council** – Updated comments awaited and will be reported to the Planning Committee upon receipt.

**30.01.2020:** “I am writing as Chair of Edwinstowe Parish Council. It is appreciated that our response to planning application 19/02159/FUL has already been sent to the Planning Department.

However, following our Full Council Meeting on 14<sup>th</sup> January I have been asked to add further comment on behalf of all Councillors at that meeting.

The application appears to be retrospective because there are well advanced works on extra entrance roads which have already taken place. The Council was also disappointed to see that a number of trees have been felled. It was the Parish Council’s understanding, when an earlier application was considered, that trees and hedgerows would as far as possible be retained.

Concerns were also expressed that what is initially a temporary road will, almost by default become, de facto, permanent. We have also recently received another application for another phase of building on the Thoresby site. This states that the original central access road is the entrance to the site. It would be appreciated that it is made clear to the Developer that extra roads are not acceptable.

Our three District Councillors have raised this issue with you I know. We feel so strongly about it, as a Parish Council, that we and the District Councillors shall all be following building progress on the Thoresby site both closely and keenly.”

**10.01.20:** “The committee feel that as there is an increase in the number of access and egress points then there should be signage to that effect. It is appreciated that this is a highways issue and they are the deciding body. As there is likely to be an increase in the amount of mud on the road then where would wheel washing equipment be placed? Ensure the developers wash the road on a regular basis to keep the road clear of mud. The members would like to know why this has only just cropped up and wasn’t on the original development plan. It is felt there is a lack of information coming forward as to why these access points are required.

Cllr Brooks and Cllr Peck are to prepared to leave this open but would like their views to be taken into consideration.”

### **NCC Highways Authority – (17.03.2020)**

“This proposal has changed from two access points to one access point; west of the main Thoresby Colliery spine road.

The scheme has been technically reviewed and safety audited and the latest revised submitted with a letter dated 28 February 2020 are acceptable to this Authority.”

NCC then go on to recommend 3 conditions and 1 informative which are repeated (and strengthened to make more robust) in the conditions section of this report.

**07.01.20:** Object: 'It is considered that the proposed accesses will unnecessarily create additional points of hazard, with turning lorries being unprotected by any right turn lane.

Access can and should be taken from the main spine road which will have right turn lane provision. Both the sites, to the west and east of the main spine road can easily be accessed off this road via other proposed internal roads, or via temporary accesses.

In addition, having a single lorry access point via the main spine road will reduce the potential for mud and debris being dragged on to Ollerton Road.

In line with the current Nottinghamshire Highway Design Guidance, the soon-to-be published revised guidance states:

*"We will look to severely restrict access to the most important high-standard routes. Elsewhere, particularly in urban locations, we will apply a more flexible approach subject to complying with this design guidance. We will not support planning applications that raise concerns about road safety.*

*We will normally consider restrictions on new accesses for vehicles from 'A' and 'B' class roads and the increased use of existing accesses on:*

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or *where measured vehicle speeds are in excess of 40mph;*
- roads with a speed limit of 40mph or less which are essentially rural in nature;
- *roads that are at or near capacity (cannot carry more traffic); and*
- roads where there is an existing problem with road safety.

*New accesses for vehicles and the increased use of existing accesses on other classified and unclassified roads will normally be restricted on:*

- *roads where there is an existing problem with road safety;*
- other routes that are not suitable to carry the additional traffic and type of *traffic from the development.*

*If access to a development can be gained off a minor or side road, you should normally consider this option as preferable (with improvements to the junction of the minor side road with the main road as necessary)."*

In conclusion it is considered that this application be refused on the grounds that, given the nature of Ollerton Road, road safety will be compromised by the unnecessary addition of access/conflict points off a principle road, which includes the lack of right turning lanes.'

**Representations from 4 local residents have been received objecting to the application. These can be summarised as follows:**

- Layout and signage purely aimed at satisfying highway concerns about merging traffic, total disregard for users of Ollerton Road as speed limit reductions and rumble strips will adversely impact on traffic flow.
- Nothing to overcome excessive soiling of Ollerton Road

- Additional construction access points are not needed and will have a detrimental effect on the area;
- No justification has been provided for these additional access points. Construction vehicles already access both sites via the development's spine road;
- Direct access from both sites onto Ollerton Road will result in excessive soiling of the highway and hinder the flow of traffic. Wheel-washing facilities could overcome this issue, however, concerned that a number of sites where they were claimed to be present but, based on the amount of mud on the highway, were not actually used. Road sweepers are slow moving and would therefore restrict the flow of traffic.
- Access and egress should be via the spine road so that the vast majority of soiling will be on the spine road rather than on the public highway and road sweepers will be able to operate without obstructing traffic using Ollerton Road;
- Noted that the preparations (kerb stones concreted in place, etc.) for the Phase 1 access point that this application is for has already been done (short of actually connecting it to Ollerton Road), showing a high handed attitude in regard to the planning department and giving the impression that Haworth Estates thought it would automatically be given permission;
- The fact that accesses haven't previously been shown on plans shows developers knew from the beginning that these access points were unnecessary and problematical;
- Ask that decision makers give priority to minimising the adverse effect that this application will have on users of Ollerton Road and seriously consider the proposed alternative approach;
- All previous objections and concerns have gone unexplained;
- From the outset "Haworth" have steam rolled this application, preying on the fact that in our opinion, N&SDC have limited resource, to manage more large developments, in a rural district, already overwhelmed with ongoing sites!
- The extensive, environmentally sensitive "ex Thoresby Colliery", is presently being transformed into a "builders heaven"!
- Concern at apparent disregard for the Authority;
- To add insult to further injury, on 15th November 2019 a river was running onto the A6075 depositing the disturbed ground where it shouldn't? Therefore we're adamant that until the spine road is completed this site should be served a stop notice.
- Proposed layout and signage is purely aimed at satisfying any Highways concerns about merging traffic - total disregard for users of Ollerton Road as speed limit reductions and rumble strips will adversely impact on traffic flow.
- Nothing has been proposed to overcome excessive soiling of Ollerton Road, it is already an issue that the two accesses would make worse.

### Comments of the Business Manager

#### Principle

The site is identified in the Development Plan as a strategic site for housing and employment uses as well as other leisure and community uses. Indeed outline permission exists for this and reserved matters approvals have so far been issued for 143 dwellings as well as some enabling infrastructure work. Policy ShAP4 (Land at Thoresby Colliery) sets out a framework for the expectations of this development; one of which (point 12iii) is to 'minimise the impact of the development on the existing transport network'.

The application was originally made for two temporary access points; one to serve Phase 1 (essentially the 143 dwellings approved to Harron Homes) and the other to serve Phase 2 (which is currently being promoted for dwellings by Barratt/David Wilson Homes). Due to identified highway safety harm the scheme has been revised to now relate to just the access serving Phase 2. This is the access located closest to Edwinstowe and which is currently served by an existing agricultural access.

It may assist Members to put into context existing access arrangements for the wider strategic site. As part of the outline consent, two permanent accesses were approved; 1) the western (central) access which utilises the former main Colliery access road and 2) the eastern access which will be a new entrance in to the site serving the 20 acres of land allocated for employment use. Conditions 23 and 24 of the outline consent provides for the delivery of these accesses to be phased, prior to 1st/400th occupations respectively.

Extract from approved plan - showing approved access points



The proposal now before Members would involve utilising (and upgrading) an existing agricultural access point as a temporary construction access for use by the developers of Phase 2 only. The applicant has indicated that following Phase 2 build completion, the temporary construction access would be removed and reinstated as permanent pedestrian link with associated landscaping.

The applicant has been asked to justify the reason for the access given that the main central access was previously intended to serve both construction and pedestrian access. They have stated that:

*“The separation of the Housebuilder construction traffic will support the clear isolation of construction traffic from the residential sites to manage and mitigate dust, mud and noise for the residents. It will assist Harworth in the consortium management of the site from a Health and Safety perspective, with clearly defined entrance points for each contractor.*

*We are however mindful of the resident and consultee responses received to the recent planning application for the temporary construction accesses, in particular from the Parish Council, outlining their concerns about the number of access points. In view of this, we have reviewed the*

*construction programme and associated cash flow for the site to accelerate the installation of the eastern access.*

*The eastern access is currently programmed to be installed prior to the occupation of 400th residential unit or 50% of the employment space, anticipated 4 – 5 years. Whilst a considerable expense in accelerating the installation of this new junction, initially for use by Harron (phase 1) in Lieu of providing a separate Harron (Phase 1) temp construction access, we consider it to be a pragmatic solution which considers the concerns from local stakeholders and delivers the separation Harworth require.”*

In anticipation of the questions that Members may have, the applicant has been asked what has changed since the granting of the outline permission which means this temporary access is now required, their response is below:

*“The level of detail included within an Outline planning application, whilst significant for a site of this nature, does not and cannot feasibly incorporate some of the practical delivery issues which become apparent once the site enters the delivery phase. The approved masterplan provides for an east and west access point, connected by a road network extending through the former colliery to the north of the site. Once installed and operational, this arrangement is sufficient to serve the development.*

*Whilst there is an existing haul road (comprising the former colliery entrance road: the west access) none of the access arrangements or roads are currently built to adoptable standards and all will have to be newly constructed. At present the element of the cost plan relating to new roads and sewers is approximately £8m-£9m, as such, viable delivery needs to be phased over the course of the development programme currently anticipated to be approximately 10 years.*

#### *Practical Issues:*

*The site has now entered the delivery phase. A site of this scale and complexity requires a consortium approach, to safely and efficiently manage all works ongoing onsite at any one time. Harworth employ a specialist consultant to lead the consortium. The consortium meet regularly on site (at present approximately every two weeks) with a representative from each contractor/sub-contractor required to attend. The meeting is a forum for Harworth/contractors to communicate practical issues which occur onsite.*

*It is evident after a relatively short time, that relationships within the consortium are under pressure due to the western access arrangements. At present Harworth have between 4 and 6 significant live works contracts plus a tenant, all of which have their own subcontractors accessing the site. In addition to this, Harron Homes have a number of live sub-contractors, deliveries and consultants using the access. Harworth want to avoid construction traffic, plant and machinery being stationary on Ollerton Road. Harworth want to avoid mud, dust and debris on Ollerton Road. Whilst Harworth can proactively manage use of the access, it is not always possible to enforce if it is not clear who is causing the issue. This situation will be exacerbated once David Wilson Homes starts development and residents start moving on to the site, later this year.*

#### *Acceleration of delivery:*

*Harworth are working towards a revised delivery programme which accelerates elements of the scheme in advance of what was proposed within the Outline:*

- Remediation of Colliery land – at the time of writing, the detailed design package is being finalised and is currently scheduled to commence Q4 2020.
- Acceleration of Local Centre (Refurbishment of retained workshop building) to accommodate business and infrastructure relating to the proposed 5G testbed. Harworth are a project partner and are keen to capitalise on the fantastic opportunity this presents, for the site and the local area.

Harworth, in conjunction with a consortium of stakeholders, are preparing a British Cycling funding bid to deliver a multi-use cycle hub in the workshop building (Café, shop, cycle hire, learn to ride facility and cycle paths).

- Autonomous bus route through the site – as part of the 5g Test bed, in conjunction with project partners.
- Primary School – Harworth are currently running a tender process to appoint a design team to progress the directly deliver the primary school in advance of the timescales set out in the Outline.

The technically approved solution Harworth have proposed is to have separate, clearly defined points of access for Harworth, Harron Homes and David Wilson Homes and most importantly their respective sub-contractors. This is achieved by a single new temporary construction access (at the point of the existing agricultural access) in to the David Wilson Parcel (phase 2). Harworth will install the eastern access for use by Harron, (subject to planning and detailed design).

Not only will this promote good site management, control and security, the clearly defined points of access are necessary throughout the construction period to accelerate the delivery of the development.

If the application is refused the practical issues experienced on site to date will be accentuated as the construction progresses and residents move on to the site. Harworth will endeavour to manage, the movement, security, mud and general safety through the consortium structure, however given the relatively high level of use it can be anticipated that issues will occur.

The elements of the development outlined above which Harworth will deliver in advance of when anticipated in the Outline, will be significantly hampered, for example it is simply not practical to try install a bus route (Autonomous or not) through the current single access point which is under construction and used by approximately 10 contractors plus construction deliveries all in tandem with residents.

In preparing this application, Harworth have had extensive direct dialogue with NCC highways officers to ensure Ollerton Road will be safe and impacts by the significant construction at Thoresby Vale for the next few years, minimised. Harworth have considered consultee responses, specifically from the Parish Council and amended the proposals to alleviate concerns wherever possible, however Harworth consider strongly that all things considered, approval of this application is in the best interests of the community.”

It appears therefore that the temporary access would assist by reducing conflicts between construction traffic and household traffic once the Harron Homes in Phase 1 are occupied as well as making the ability to manage construction impacts, such as mud, easier.

As set out above the applicant has indicated they are prepared to accelerate the construction of the eastern most access/junction in order to try to address concerns raised during the application process. However this is not proposed to be controlled by a variation to the planning obligation and should be viewed as a gesture of goodwill only. This is not necessary to make the development acceptable and with the proposed mitigation secured by conditions in terms of highway safety (see section below) I consider that the proposal is acceptable.

Whilst I have not been convinced that there is a clear need for the temporary access (in that without the access it would appear that the development could still progress albeit this clearly creates issues as mentioned above) there is no requirement for a need to be demonstrated per se given the site is a strategic site to be developed. There is no identified harm and therefore no reason to resist the principle of a temporary access, in my view.

### Highway safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development. Spatial Policy 7 encourages proposals to provide for safe convenient and attractive accesses for all and provide links to the network of footways etc to maximise their use, be appropriate for the highway network in terms of volume and ensure the safety, convenience and free flow of traffic are not adversely affected.

The proposal would involve the creation of a new access to allow for construction traffic to enter Phase 2 without having to enter and exit via the existing approved access. In highway safety terms this access has been through safety audits and NCC Highways Authority advise they have no objections subject to 3 conditions which seek to 1) not allow the access to be used until the speed limit is reduced to 30 mile per hour; 2) to implement measures to be agreed to prevent the deposit of debris (mud/soil etc) on the public highway and 3) to require the temporary access to be removed and reinstated as a pedestrian link once Phase 2 is complete. These conditions are in my view reasonable and necessary. Subject to the imposition of these conditions there would be no identified highway safety harm.

### Other Issues

There are no trees that need to be removed to facilitate this development; whilst some trees and hedgerows have already been felled and pruned these were approved by the enabling infrastructure phase. The visual impact will be minimal and is temporary in any event.

### Conclusion

The principle of a temporary access is acceptable in principle given that it would serve a strategic site that will see a mixed use re-development. No highway safety issues have been identified to the revised scheme of one temporary access following a safety audit, subject to mitigating conditions. No other harm has been identified and there is no reason to withhold planning permission.

### **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

## Conditions

01

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

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

02

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

17109-S184-P2-1100-001 Rev A (S184 Construction Access, Phase 2, Kerbing and Drainage),  
17109-S184-P2-1200-001 Rev A (S184 Construction Access, Phase 2 Road Markings and Signing),  
17109-S184-P2-0000-001 Rev C (S184 Construction Access Phase 2 General Arrangement),  
190572-CA-SK01 Rev C (Construction Access Signing and Lining),  
17109-S184-P2-0200-001 Rev A (S184 Construction Access Phase 2 Site Clearance), 17109-S184-P2-0700-001 Rev A (S184 Construction Access Phase 2 Earthworks and Surface Finishes),  
024/THS/MAJ/A2, Layout 1,  
Stage 1 Completion of Preliminary Design - Road Safety Audit, Feb 2020 by Vi,

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development hereby permitted shall be brought into use until the extension to the 30mph speed limit on Ollerton Road has been approved and implemented in accordance with details shown on drawings to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

04

Prior to any works or development commencing on site, details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained during the lifetime of the development in accordance with the approved scheme.

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

05

By no later than the completion of the final dwelling on the adjacent 'Phase 2' residential development, or five years from the date of this permission, whichever is the sooner, the temporary construction access will be removed and reinstated as a permanent pedestrian link with associated landscaping in accordance with details to be first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable travel.

Note to Applicant:

01

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

02

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

03

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).

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

## Committee Plan - 19/02159/FUL

