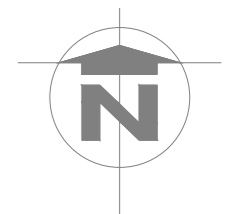


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Revision	Drawn	Comments	Date



1:2500

STATUS Draft

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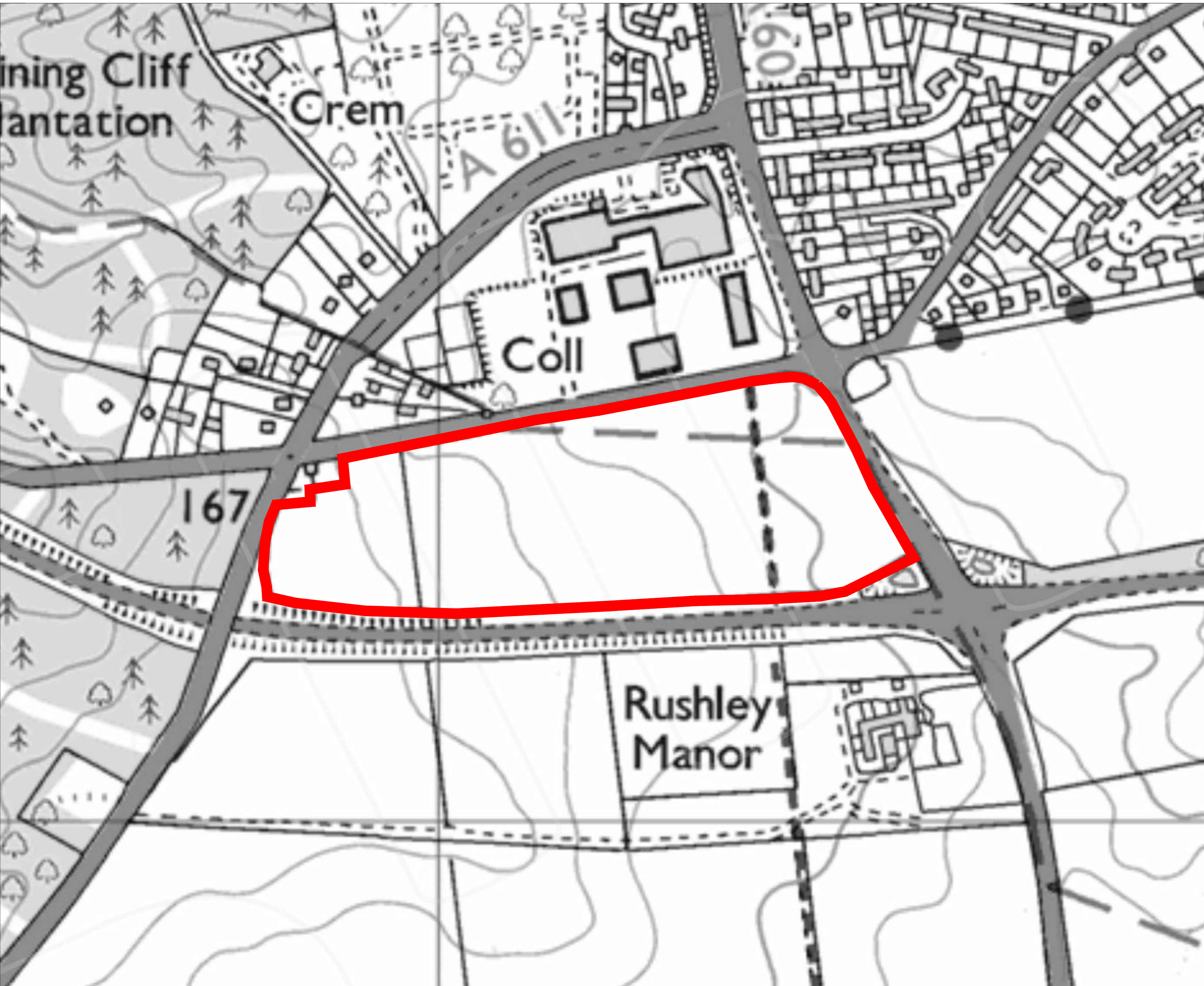
PROJECT
Cauldwell Road, Ashfield

CLIENT
Nottinghamshire County Council

TITLE
Location Plan

SCALE 1:2500 DATE June '21
DRAWN KD CHECKED

JOB NO: N0673	DWG NO: (08)001	REV NO: #	ORIGINAL SIZE A2
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COMMITTEE DATE 22/03/2023 **WARD** Sutton Junction & Harlow Wood.

APP REF V/2021/0792

APPLICANT Arc Partnership on behalf of Nottinghamshire County Council

PROPOSAL Outline Planning Application with All Matters Reserved for up to 235 dwellings.

LOCATION Land South of Cauldwell Road Rushley Farm Mansfield

WEB-LINK https://www.google.com/maps/place/Cauldwell+Rd,+Mansfield/@53.1194141,-1.194797,678m/data=!3m1!1e3!4m6!3m5!1s0x487995ff2328d143:0xce5c908e4a2de4bc!8m2!3d53.1216001!4d-1.212403!16s%2Fg%2F1t_hyhyb

BACKGROUND PAPERS A, B, C, D, E, F, & K.

App Registered: 25/11/21 **Expiry Date:** 24/02/2022

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee as the proposed development represents a departure from the Council's Local Plan and the applicants are Nottinghamshire County Council.

The Application:

The site comprises of approximately 10.4 hectares of agricultural land located on the urban fringe of Mansfield, to the north of Sherwood Way South (MARR, Mansfield and Ashfield Regeneration Route) and south of Vision West, Nottinghamshire College (Cauldwell Road). A small area to the north-east of the application site is located in the District of Mansfield.

A public footpath crosses the site from south to north with steps up from the Marr into the site. There are trees and shrub cover at the south-eastern part of the site near the junction with the A60. The MARR has been constructed to be lower than the fields either side of it, which reduces its visual impact on the wider countryside to help reduce noise impact. There is hedgerow and trees situated along the southern boundary with the MARR. The site itself is not easily visible from the MARR, due to this being situated within a cutting. The application site does not quite go to the boundary with the Derby Road on its western side. There is other land between the edge of the site and the carriageway here. In the north-west corner with Cauldwell Lane, there are two semi-detached dwellings, and a substation. Cauldwell Lane is a long straight road which links the A60 and the A611. There are residential properties which back onto the lane

up to the grounds of the West Nottinghamshire College grounds. There is an entrance to the college on the north side of the lane. The site has most recently been used for agricultural arable production.

The application illustrative masterplan shows two accesses into the site either side of the college entrance. The masterplan shows how the housing could be laid out, but this is not to be agreed at this stage. The field does have a hedgerow within the site to show old field boundaries. There is a small area with trees around it within the site, a possible depression with a pond.

Supporting information has been submitted which would amend the details of the access arrangements into the site, including providing a new green verge between the carriageway and the site boundary. The new pedestrian/cycleway route would be accommodated between the green verge and site boundary. This plan also shows the buffer zone for any future improvements to the A60. At this stage these details have not been agreed and therefore the application is being presented on the basis of it being an outline application with all matters to be reserved for future agreement.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents. A notice has also been published in the local press.

The following responses have been received:

Resident comments:

3 representations have been submitted objecting to the proposal, making the following comments:

Highways

- Busy roads. There has been a huge increase in traffic along Derby Road in the last 70 years. The junction between Cauldwell Road and Derby Road has seen a number of accidents despite the traffic lights. Articulated lorries use Cauldwell Road as a cut through from the MARR. There are tractors which use the road and double decker buses for the college. Getting out onto the A60 is difficult. Traffic density will increase significantly, exacerbated by the other developments in the vicinity.
- There is difficulty getting in and out of houses on Cauldwell Road. The proposal will increase the number of cars coming along Cauldwell Road out on to Derby Road.
- There should be an entrance from Derby Road to the MARR.
- Services
 - It would be beneficial for the developers allow access into their new water mains to avoid the need for existing septic tanks.

- Development is not sustainable development.
- There would be a detrimental wildlife impact.
- Should build on brownfield sites instead of agricultural green fields.

Nottinghamshire County Council Highways:

It is noted that the speed limit along the eastern side of Cauldwell Road is 30mph, and on the western side is 60mph. Bus routing through the site is not now required as initially suggested, but improvements to bus stops on both sides of Cauldwell Road should be secured through a Section 106 Agreement.

Visibility splays should be commensurate with the vehicle speeds on the road. The reduction of speed to 30mph along the whole length of Cauldwell Road should be considered. Illustrative plans show additional pedestrian refuges added to help traffic calming measures and reduce traffic speeds. More should be considered. The details of the final access arrangements into the site will need to be agreed. This can be conditioned. Pedestrian improvements should be provided along the whole length of Cauldwell Road.

Provision of a green verge between the carriageway and the site boundary, if the Highway Authority are to adopt this area will require the provision of a commuted sum of approx. £2000 per tree, plus an additional payment allowance for maintenance of the verge. Reserved Matters details at the S278 design stage would also include the road widths to avoid future disputes for the two ghost island right turn lanes and pedestrian refuges. 2 side running widths of 3.65m and the right turn lane of 3.5m's wide.

It is considered that the principle of the quantum of development can be accommodated from the two illustrated accesses into the site.

Nottinghamshire County Council Public Rights of Way Team:

There are two footpaths affected by the proposal. Mansfield footpath 22, and Sutton footpath 66. The footpaths should be retained. The PROW team welcome the increased connectivity through the site, but the southern part of the existing footpath should be retained on its legal line. So that the users can use the newly constructed steps to access the A617 and the continuation of footpath 66. A diversion order will be required to amend the legal route. The Team would require further details and may object to the treatment of the right of way if not satisfactory. Further details of the internal footpath layout would also be required at the Reserved Matters stage. A temporary closure could be sought during construction. Open aspects should be retained, and any fencing should be low. If a diversion is unavoidable, then a new route should be separated from the estate roadways.

Nottinghamshire County Council Strategic Policy:

There are no objections to the proposal from a minerals perspective. It would be useful if the application was supported by a waste audit. It is recommended that trial trenching is carried out as the geo-physical survey did not seem to pick up all the possible archaeological potential at the site. This should be prior to determination of the application.

There are recycling centres in Mansfield which are close to capacity. It is likely that a new centre will be required to accommodate nearby new residential development as well as this site. The development is expected to generate an additional 58.75 tonnes of waste per annum. A contribution is therefore sought to meet demand. This is calculated at £61.09 per household and totals **£14,356.03**. This would be spent on a new split level recycling centre in Mansfield.

For education needs, the proposal would produce an additional 49 primary and secondary aged pupils including 1 pupil requiring a specialist place. There is no request for a contribution towards Primary School educational needs. There is also no deficit showing for secondary pupils, and similarly there is no requirement for a contribution to Secondary School places. There is a shortage of specialist educational needs, and therefore a contribution of **£83,728** is requested.

For library needs, there is likely to be a demand created at Mansfield library. Based on the number of new residents, a contribution of **£8288.00** is requested for new books.

For transport infrastructure, it is noted that the nearest bus stops are approx. 485m from the centre of the site. There are daily services on the A60 between Mansfield and Nottingham every 15 minutes. There is funding for a bus service to the development to the east to the site as part of the Lindhurst development.

The layout will be agreed at the Reserved Matters stage. Using a public transport modal share of 5%, it is estimated that the development will generate 30 two way trips. The contribution will increase modal share for sustainable transport and move away from single occupancy vehicle travel to compliment the aims of the National Bus Strategy. The payment can be split throughout the phases of development.

New bus stops would also be required to be provided within the site. A planning condition can be imposed to secure the provision of these subject to agreement with the Highway Authority. It is not envisaged that contributions towards school transport will be sought. It is expected that bus passes would be available for future residents for three months after occupation, to help change modal shift and change resident behaviour away from the motor car. It is recommended that a condition be imposed to deal with this.

Notts CC Local Lead Flood Authority:

There is no objection to the proposal based on the submitted information described within the Flood Risk Assessment. It is therefore recommended that appropriate conditions are imposed to ensure that the Reserved Matters layout follows the

principles as laid down within that document. An informative should be added in the event that any submitted details change.

The Environment Agency:

They have reviewed the submitted documents and note that the site falls within zone 1 and therefore have no fluvial flood risk concerns.

Nottinghamshire Constabulary Crime Officer:

They note that the layout is illustrative. There are no objections in principle at this stage. Section 17 of the 'Crime and Disorder Act 1998' places a duty on each local authority: 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'. The development seems to have integrated the facets of good design.

Nottingham and Nottinghamshire CCG:

Based on 2.5 persons per dwelling, the development would result in a population of 587.5 persons. Using a set formula by the Dept of Health, this places an increased demand on services for Treatment and Consulting rooms. The practices that are likely to require enhanced site capacity as a result of the development are as follows:-

- St Peters Medical Practice
- Oak Tree Lane Surgery; and
- Orchard Medical Practice.

The costs required to meet this demand are calculated at **£127,340.63** to meet the needs from the development.

Natural England:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

ADC Waste Manager:

There are concerns about the number of dead ends within the layout. These should be reduced in order to reduce the chance of collisions and reduce the number of times refuse lorries reverse. The road layout should be sufficient to allow a 32t refuse collection vehicle to use the road. Consideration should be given to the safe storage of wheelie bins within the development and safely stored on individual properties.

ADC Environmental Health:

The submitted documentation appropriately assesses the potential impact of noise for the development. It identifies potential noise sources. There are proposed mitigation measures including internal acoustic specifications for glazing and ventilation. There is also likely to be a requirement for a noise barrier of either a landscape bund or

acoustic fencing. Further details of this would be required to show how this predicted mitigation is to be achieved. A condition will need to be imposed requiring details to be provided before occupation of the development. The layout has the potential to assist in reducing noise exposure for the proposed development, and in addition, the orientation and layout of the scheme should seek to offer acoustic protection of outdoor amenity as demonstrated in the noise assessment.

There is no air quality assessment submitted with the application, which is a concern, given the scale of development. It is therefore requested that an air quality assessment is required of any application further to the approval. It is agreed that a Construction Environmental Management Plan should be a conditional requirement in the event of the approval of the application.

ADC Contamination:

There is a possibility of ground contamination from agrichemicals, and ground gas. It is therefore recommended that a condition is imposed in respect of contaminated land.

Nottinghamshire Wildlife Trust:

No response to consultation.

Mansfield District Council:

No response to consultation.

Policy:

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) (2021):

Part 2- Achieving Sustainable Development

Part 5 – Delivering a sufficient supply of homes.

Part 8- Promoting Safe and healthy communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Part 14- Meeting the challenge of climate change.

Part 15 – Conserving and enhancing the natural environment.

Part 16 – Conserving and enhancing the historic environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST4 – The Remainder of the District.

EV2- Countryside.

EV6 – Local Nature Reserves.

EV8 – Trees and woodlands.

HG3- Housing Density

HG4- Affordable Housing

HG5 – New Residential Development.

HG6- Public Open Space in Residential Developments.

TR2- Cycling Provision in New Developments.

TR3- Pedestrians and People with Limited Mobility.

TR6- Developer Contributions to Transport Improvements.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Car Parking Standards (2014).

Relevant Planning History:

There is no relevant planning history on the application site.

Material Considerations:

- Principle of Development
- Highways and Transportation
- Amenity & Heritage
- Ecology and Arboriculture
- Other minor matters
- Section 106 Agreement
- Planning Balance

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (ALPR)

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan must be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when

both are read in their full context. An overall judgement must be formed as to whether development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

Principle of Development:

The Council does not have a 5-year housing land supply of deliverable housing sites. In these circumstances, the application must be seen in the context of NPPF paragraph 11d, the tilting balance.

The Ashfield Local Plan Review (ALPR) 2002 in Policy HG1 sets out allocations of housing sites. As part of the Plan, the urban and settlement boundaries were amended to include these allocations, which were typically adjacent to the former main urban areas or named settlements. These boundaries were defined in order to allow sufficient growth, which was anticipated to meet future land use needs for the Plan period to 2011. Many of the housing allocations under ALPR, Policy HG1 have been developed. As such, this limits the opportunity for the existing ALPR to meet future housing needs.

The NPPF sets out the Government's objective to significantly boost the supply of homes (paragraph 60). In relation to housing in rural areas, the NPPF in paragraph 77 identifies that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Under paragraph 78, housing should be located where it will enhance or maintain the vitality of rural communities.

Local authorities are required to identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5 year housing supply, NPPF paragraph 74). Under NPPF, paragraph 75 the supply of specific deliverable sites should include a buffer based on 5% 10% or 20% dependent on the circumstances surround the housing supply. Ashfield has been identified by the Government as failing to deliver enough housing. Consequently, Ashfield is required to prepare an Action Plan, apply a 20% buffer to the Five Year housing land supply calculation and apply a presumption in favour of sustainable development.

Based on the latest housing monitoring report, as of 1st April 2022 and applying a 20% buffer, Ashfield District Council had a 2.26 year housing land supply. Despite a number of planning permissions being granted since 1st April, the five year housing land supply is anticipated to have risen, but will still be significantly below the five year housing requirement.

Under these circumstances, NPPF paragraph 11 (d) together with a relevant footnote will be engaged. In relation to the operation of the 'tilted balance', the High Court has clarified that it is a matter for the decision-maker to decide how much weight should be given to the policies of the development plan, including the "most important policies" referred to in paragraph 11(d). The triggering of the tilting balance does not automatically lead to the grant of planning permission. Instead, it involves the balancing of competing interests, but with the tilt towards granting permission. This

should involve consideration of whether or not the policies are in substance out-of-date and, if so, for what reasons.

In terms of affordable housing requirements, the current affordable housing requirement is set out in 'saved' ALPR policy HG4. The size and location of the proposal would require 6% affordable housing, preferably provided on-site. The Policy does not differentiate between affordable home ownership, share ownership, affordable rents, and social rents. However, it is not considered that the Policy is consistent with the NPPF paragraph 65 which expects that 10% affordable housing should be provided on major development sites. Therefore, it is considered that 10% affordable housing should be provided on site. The evidence from The Greater Nottingham & Ashfield Housing Need Assessment, September 2020 identifies that in relation to affordable homes the emphasis is on rented accommodation or share ownership. In accordance with paragraph 63 of the NPPF, affordable housing is expected to be delivered on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities. Affordable housing needs to be integrated into the overall design and layout of the proposed development.

Policy ST1 of the ALPR is consistent with the provision of the NPPF. However, in relation to any conflict with 'other Local Plan policies', these other policies have to be considered in relation to the provisions of the NPPF.

Policy EV2- Countryside identifies that planning permission will only be given for 'appropriate' development. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. The application does not meet any of the forms of appropriate development set out in Policy EV2. In relation to openness the courts have held that it can have a visual component, depending on the circumstances, but a widely accepted meaning is also, simply, the absence of development. Applying the simple meaning of openness, the proposed development would result in a loss of openness. Consequently, the proposal is contrary to Policy EV2.

The NPPF sets out a more flexible approach to rural housing in paragraph 77 and 78 and to the rural economy in paragraph 83. Policy EV2 does allow some development and does not impose a blanket ban on new development in the countryside. The NPPF in paragraph 170 (b) also recognises the intrinsic character and beauty of the countryside. Consequently, the Policy has some consistency with the NPPF and can be considered to attract weight in this context.

The site is not identified as having any landscape designation under policies within the ALPR. The site is located within the Greater Nottingham Landscape Character Assessment, 2009 as SPZ 11 (SH 11) Lindhurst Wooded Farmlands. The landscape condition is defined as 'Moderate' and the landscape sensitivity is defined as 'Moderate'. The overall landscape strategy is Conserve and Create. For this site, this would mean retention of hedgerow, where possible, and create additional woodland or soft planting. It also states that new developments should be concentrated around Mansfield and Kirkby.

It is concluded that the proposal would be contrary to policy EV2 of the ALPR as the proposal is inappropriate development in the countryside. The proposal therefore is also, contrary to policy ST4 of the ALPR. It is not an allocated site. However, the very low levels of housing provision over the next five years, means that the substantial benefits of securing the additional housing and boosting supply within the Ashfield District area means that greater weight should be given to this aspect of the proposal, over the moderate detrimental impacts of the loss of this countryside site. It is not recognised as a locally valued bit of countryside in the context of paragraph 174 of the NPPF.

The site will extend residential development to the boundary with the MARR. This would be consistent with the decisions to allow new housing development on the eastern side of the A60. The site would be seen as part of the natural southern extension of the town of Mansfield. The site is accessible to local public services and amenities such as shops and entertainment. There would also be benefits secured from the development to improve public transport provision and encourage modal shift away from the car.

When considering the tilting balance in paragraph 11 d) of the NPPF, it is concluded that the principles of sustainable development have been achieved. The Local Plan policies for housing are out of date. There are considered to be no adverse impacts that would outweigh the benefits of the development.

Highways and Transportation:

In principle, the quantum of development is considered acceptable and would not result in significant detrimental impacts on the local road network that would prevent the development. Negotiations have continued during the course of the application to improve the design of new highway infrastructure along Cauldwell Lane particularly. However, final design details have not been agreed at the time of the writing of the report, and therefore it has been agreed that the application be presented as an outline application with all matters to be reserved.

There will be a requirement to allow for the principle of a 15m buffer along the eastern side of the development to accommodate possible future highway improvements in connection with the wider development needs, particularly the development of land to the east of the site. This has been shown on the submitted plans and has been taken into account in the structural landscape plan. This buffer zone turns the north east corner and finishes at the new eastern junction into the development. The protection of this can be conditioned as a Grampian condition but the land should be transferred to the highway authority when required and this should be included in the Section 106 legal agreement.

A Section 278 agreement under the highways act will be required to deal with the treatment for the amended Cauldwell Lane and a Section 106 Agreement will be required to detail the payments for the new trees to be planted within the green verge between the carriageway and the new pedestrian cycleway created to the site frontage.

It is concluded that the principle of the additional quantum of development of up to 235 houses is acceptable, it will result in a sustainable development and would comply with conditions TR2, TR3 and TR6 of the ALPR 20002 and paragraphs 109, 110 and 111 of the NPPF.

Amenity & Heritage:

There are no details to be agreed at this stage in relation to the siting of development, or its appearance, scale, or layout on the site. The quantum of development is considered appropriate for the size of site.

As the application is seeking outline planning permission for all matters reserved, the Council is only considering the principle of residential development as part of this application.

There are no designated or non-designated heritage assets on the site. There are a number within approx. 800m of the site. However, it is not considered that there would be any material detrimental impacts on these. There is however some potential for the development to impact on some below ground archaeology. The applicant submitted a Desk Top Assessment, and the County Archaeologist has made some recommendations regarding trial trenching at the site. It is considered that this could be appropriately carried out prior to any commencement of development at the site, and does not necessarily need to be carried out prior to determination. On this basis, a precautionary approach can be taken through imposition of an appropriately worded condition.

Any future development scheme should aim to achieve a permeable, safe, and accessible environment with clear legible pedestrian routes and high quality public space. The ALPR sets out policies on design aspect in Policy ST1 and HG5 and these are supported by SPDs on residential design and car parking, which provides detailed guidance on the standards of design the Council is looking to achieve. The policies in the development plan are supported by the provisions of the NPPF, and design guidance which emphasises the importance of good design and the creation of high quality buildings and places (NPPF 12 Achieving well-designed places).

Housing density requirements are set out in ALPR saved Policy HG3. In this location, the Policy requires a net minimum density of 30 dwellings per hectare(dph). Paragraph 5.69 sets out how the net density is derived. The ALPR recognises that it may not always be possible or appropriate to achieve minimum requirements, for example, where higher densities are not compatible with the site or its surroundings, as set out in ALPR paragraph 5.65. It is considered that the Policy is consistent with the approach set out in the NPPF 'achieving appropriate densities' paragraph 124 and 125. Given the site is 10.4 ha, the Local Plan approach would anticipate that approximately 75% of the site would be developable. On this basis, it would be anticipated that at 30dph, the site would accommodate 234 dwellings.

The NPPF emphasises the need to make effective use of land in meeting the need for homes. The supporting Planning Practice Guidance on Effective Use of Land highlights that it is important to consider housing needs, local character and appropriate building forms relate to the density measures being used.

The Greater Nottingham & Ashfield Housing Need Assessment, September 2020, sets out recommendations on market housing mix which seeks to respond to the modelled outputs, recent delivery trends and the needs for family households; as well as the role which each area plays in the wider housing market area. In terms of affordable housing provision, consideration is also given to affordability as well as the types of housing which will meet the needs of those of greatest priority. All of these factors have been brought together to arrive at a recommended housing mix by size and type and It is recommended that a condition be imposed to ensure that there is an appropriate mix of housing across the site.

Addressing climate change is one of the core land use planning principles, which the NPPF seeks to underpin in both plan making and decision taking. Opportunities for reducing climate change impacts should be reflected in development proposals. NPPF para 112 e) identifies that development should be designed to enable charging of plug-in and other ultra-low emissions vehicles in safe, accessible, and convenient locations. This aspect can be taken forward through the Reserved Matters application in terms of the details to be agreed.

The NPPF places a substantial emphasis on design, and this is reflected in National Design Guidance. The design of the development will be dealt with at Reserved Matters stage. This will include the design of roads in order to reduce the number of dead ends and cul de sacs within the development.

The proposal would have a detrimental impact upon users of the public footpath which goes through the site. At this stage, the proposal is outline and the details of the layout will be agreed at Reserved Matters stage. The impacts will be significantly detrimental for users of the footpath; however, the proposed impacts sit within the context of the nearby urban development of Mansfield to the north and the recent MARR to the south. The detrimental impact on users has to therefore be balanced against the benefits of securing the additional housing supply. The limit of the detrimental impact will be negotiated through the Reserved Matters process.

The proposal could have a detrimental impact on residents as a result of the potential noise impacts from the adjacent roads which bound the site. The submitted information indicates that some additional acoustic barriers may be required in the form of a landscape bund, or acoustic fencing. It is recommended that these details are agreed as part of the discharge of conditions, and can also be dealt with through the siting of the housing within the site in order to limit detrimental impacts, particularly on rear gardens of future occupants. On balance, it is considered that the impacts are unlikely to be so significant as to refuse the principle of the proposal.

Similarly, there is the potential for impact from air quality. No details have been provided to be able to fully assess the impacts on future residents. It is therefore recommended that an appropriate condition be imposed to secure future air quality assessments in order to assess how local air quality is likely to impact the detailed scheme at Reserved Matters stage.

There is the potential for contamination below ground at the site. It is therefore recommended that this can be dealt with through the imposition of an appropriate condition.

It is concluded that there are no amenity or heritage issues which would prevent the development.

Ecology and Arboriculture:

National Planning Practice Guidance Natural Environment (para 10 – 35) sets out responsibilities regarding protected and priority species and habitats; 'proportionate' information and assessment required on biodiversity impacts at all stages of development; local ecology networks and nature recovery networks; application of mitigation hierarchy, net gain metrics, and promotion of woodlands.

No nationally or locally designated nature site have been identified on or adjacent to the site. There is a possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest. Natural England advice is that a precautionary approach should be adopted by LPA's which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. An appropriate assessment has been submitted with the application regarding the Sherwood Forest possible potential Special Protection Area (ppSPA). The summary of the appropriate assessment identifies that:

- i. The impacts associated with this Scheme in combination with the wider allocation are deemed unlikely to negatively impact the potential qualifying features of the ppSPA. As such, no mitigation is required. However, education to new residents should be provided as good practice due to the proximity of the scheme to the ppSPA to ensure new residents are conscientious of the nature on their doorstep.
- ii. This report concludes that the assumptions at the Local Plan level continue to hold true.

ALPR, Policy EV8 Trees and Woodland provides protection to trees worth of retention on the site. Given the nature of the site, this potential could apply to hedgerow trees.

The NPPF para 174 stresses that planning policies and decisions should contribute to and enhance the natural and local environment by a variety of measures including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. Planning Practice Guidance Natural Environment identifies that *'high-quality networks of multifunctional green infrastructure contribute a range of benefits, including ecological connectivity, facilitating biodiversity net gain and nature recovery networks and opportunities for communities to undertake conservation work.'* Networks are identified as a consideration in relation to how planning decisions plan for biodiversity and geodiversity.

Therefore, there should be ecological net gain potential for the site in relation to the retention and enhancement of existing hedgerows and the creation of new habitats.

There are no objections to the proposal from Natural England. The submitted ecological survey indicates that the majority of habitats on site were generally of limited botanical interest and poor species diversity. The scattered trees and boundary hedgerow offer some value as corridors for the movement of species. Whilst none of the hedgerows are considered ecologically important, they are habitats of Principal Importance under the Natural Environment and Rural Communities Act 2006. There will be opportunities for biodiversity enhancement in the form of additional bird and bat boxes on the site to improve the ecological value at the site. There are no detrimental effects on Local Nature Reserves, Local Wildlife Sites, or the SSSI at Strawberry Hill heaths.

There are no identified detrimental impacts on Great Crested Newts. A mature Ash tree can be retained on site as it could be a potential bat roost. The existing hedgerows would be used as bat foraging locations. Apart from widening of the access road the other existing hedgerows should be retained. The removed hedgerow would need to be replaced with new hedgerow to ensure there is no overall net loss. The overall site has a low value for foraging bats. Lighting proposals can be controlled through imposition of a condition to limit impact on bats.

There were no Woodlark or Nightjar found at the site. There is a low likelihood of the habitat being suitable although they may fly over. There is a low likelihood of reptiles on the site, but they may use the hedgerow corridors to travel through. There were no badger setts recorded at the site. Mitigation measures can be put in place during construction to limit impacts from development. New areas of grassland, fauna, refuge areas, and hedgerow and tree planting enhancements can ameliorate any detrimental impacts from the development and result in biodiversity gain. New native trees can provide additional food sources for birds. New hedgerow planting can provide more diverse species rich hedgerow. Any new balancing ponds could incorporate features for biodiversity and encourage reptiles and newts and insects to the site.

It is recommended that appropriate conditions are imposed to ensure that the proposal can comply with paragraph 180 of the NPPF. Further details can be agreed as part of the Reserved Matters stage.

Contaminated Land:

It is considered that the principle of the development is acceptable. The site is at low risk of potential contamination from historic coal mining. There is the potential from below ground contamination from other historic uses, or from gas. It is considered appropriate to deal with this through imposition of an appropriately worded condition. The proposal therefore complies with paragraph 185 of the NPPF.

Drainage:

The site is located within flood zone 1. A Sustainable Urban Drainage Scheme (SUDS) should be utilised if possible. The application is supported by a Flood Risk Assessment. This identifies that suds should be feasible at the detailed design stage.

A condition can be imposed as recommended by the Local Lead Flood Authority. On this basis, there are no drainage concerns with the proposal. Further technical work will be required to design the Reserved Matters scheme. It is therefore concluded that the proposal complies with paragraphs 167 and 169 of the NPPF.

Section 106 Agreement and Heads of Terms:

The requirements of the CIL Regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

The applicant has agreed to enter into a Section 106 Agreement for all reasonable costs to ameliorate the effects of the development on the local environment and to support public infrastructure provision as a result of demands from the development.

As a major housing development scheme, the proposal results in the requirements for the provision of Section 106 contributions and provision of matters relating to public infrastructure and benefits. For this development this will include the following:

- Provision of 10% of affordable housing within the area of Ashfield District Council area, which is likely to result in up to 19 dwellings, in a scheme to be agreed at the Reserved Matters stage in terms of number of units and of an appropriate mix;
- A contribution of **£83,728** is required to meet the needs of Specialist Education to meet the requirements for the provision of 1 space created by the development. This would be used for expanding special school facilities attached to a mainstream school;
- A contribution of **£8288.00** is required to provide additional library stock at Mansfield Library.
- A contribution of **£14,356.03** is required to provide a new cycling facility to meet the needs of future recycling facilities within Mansfield to meet the demands from the development as the existing centres are close to capacity;
- A contribution of **£127,340.63** is requested to meet the needs of the future residents in relation to future health needs. This has been calculated using standard Department of Health figures based on additional persons within the development. This will provide for extensions or refurbishments to either of three health centres within Mansfield, in a scheme yet to be detailed;
- Developer Contributions Strategy- based on the overall cumulative impacts on the highway network, a contribution of **£1498** per dwelling is requested towards delivering strategic improvement schemes, based on needs identified within the Mansfield Infrastructure Delivery Plan. This will be required to mitigate future impacts of the development based on future growth.
- Travel Plan Co-ordinator- to help change peoples mindset about modal shift away from the car; and or organise measures on the site to encourage public transport initiatives and walking and cycling initiatives. The Travel Plan Monitoring and evaluation fee for the County Council will be **£16,200** for a 6 year period.

- The 15m strip of land should be transferred to the highway authority when required to achieve highway improvements on the A60.
- An off-site contribution towards the provision of public open space facilities within the area of Ashfield of £1000 per dwelling. This is to meet the future recreational needs of the residents of the site, and could be used for a number of different nearby facilities to benefit the residents of the development, in accordance with the Ashfield Public Open Space Strategy 2016-2026.
- Details of a Residents Management Scheme to be agreed to deal with the site management of the public areas of the site in relation to provision of public open space, the neighbourhood play area, and the SUDS for the development.

It is considered that the above requests are reasonable and required in relation to the effects of the development, and would meet the tests of the Community Infrastructure Levy Regulations.

Planning Balance and Conclusion:

The relevant legislation requires that the application be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by economic, social, and environmental dimensions and the interrelated roles they perform.

In this case, the provision of new homes carries substantial weight in favour of granting planning permission. It would boost the supply of housing in accordance with the NPPF, contributing up to 265 new homes, of which 10% would be affordable. It would bring about additional housing choice and competition in the housing market.

There would be detrimental impacts on users of the public footpath which runs through the site. This will be significant due to the open nature of the countryside fringe which users travel through, which would be replaced with potential disturbance of the route by new housing development, and the extension of the urban area towards the MARR. Nevertheless, it is considered that the need to boost housing supply has greater weight than the detrimental impacts upon users of the footpath network. Reserved Matters details can help reduce the impact of development through securing a separate route for pedestrians through the site in a detailed scheme to be agreed. The impact is not so significant as to resist the principle of development at the site.

It is considered that potential future detrimental impacts on residential amenity for occupants of the development can be dealt with through the siting and design of the new dwellings on the site, taking in to account any findings from the air quality assessment. It is not considered that in principle the proposal could be refused for this reason.

There would be a loss of countryside, and the proposal would be contrary to policies ST4 and EV2 of the ALPR 2002. Nevertheless, the proposal of the principle of an additional provision of up to 265 dwellings in a sustainable location on the edge of

Mansfield would bring substantial benefits and help boost the supply of houses in accordance with the requirements of the NPPF.

It is therefore concluded that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. Therefore, having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, within the planning balance, it is considered that outline planning permission should be granted, subject to conditions and a Section 106 legal agreement.

Recommendation: Approve, subject to the conditions detailed below and a Section 106 Legal Agreement, which secures the following:

- Affordable Housing-10% for the area within Ashfield District Council
- Healthcare- £127,340.63
- Special Educational Needs- £83,728.00
- Travel Plan Co-ordinator- £16,200.00
- Bus stop improvements to Cauldwell Lane.
- A contribution to a new recycling facility in Mansfield £14,356.03
- A contribution towards nearby junction improvements at a figure of £1498 per dwelling to mitigate future cumulative development impacts on the highway network.
- A contribution to the provision of off-site open space/recreational facilities within Ashfield at a figure of £1000 per dwelling.
- A Residents Management Scheme for all the public areas of the development.

- A sum of £2,350 to be provided to cover the cost of monitoring the section 106 Agreement in accordance with C.I.L. legislation.
- Transfer of land to the highway authority for highway improvements on A60

CONDITIONS

1. The formal approval of the local planning authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - (a) Layout
 - (b) Scale
 - (c) Appearance
 - (d) Access
 - (e) Landscaping

2. Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development to which this approval relates shall be begun not later than whichever is the later of the following dates:
 - (a) The expiration of 3 years from the date of the outline planning permission;
 - (b) The expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development hereby approved shall broadly be carried out in accordance with the details and specifications of the following drawings:-
 - Site Location Plan, Drawing No. (08)001;
 - Application Form;
 - Design and Access Statement;
 - Flood Risk Assessment May 2021;
 - Geology report May 2021;
 - Environmental Assessment October 2021;
 - Archaeological and Heritage Desk Based Assessment;
 - Housing and Affordable Assessments;
 - Transport Assessment June 2021;
 - Transport Assessment Addendum November 2022;
 - Ecological Report July 2021;
 - Sustainability Appraisal April 2021;
5. No part of the development shall commence until a scheme to mitigate the developments impact of the A60 / Cauldwell Road junction has been agreed and improved in writing by the local planning authority and the Local Highway Authority (LHA). The area safeguarded to deliver these works is shown on drawing reference number CRM-BWB-GEN-XX-DR-TR-100_S2-P4. The proposed scheme shall consider any wider improvements to junction required to facilitate the delivery of the extant permission for the Lindhurst site opposite and not compromise their delivery in any way. The approved scheme shall be implemented prior to the occupation of any dwellings on site.
6. No part of the development shall commence until a scheme to mitigate the developments impact of the A611/Cauldwell Road junction has been agreed and improved in writing by the local planning authority and the local highway authority. The proposed scheme shall consider any wider improvements to junction required to facilitate the delivery of appropriate crossing facilities/enhanced central refuge to the south of the junction, to connect to the existing shared cycleway/pedestrian facilities on the west side of A611. The approved scheme shall be implemented prior occupation of any dwellings on site.

7. No development shall commence on any part of the application site unless or until a suitable traffic calming/pedestrian refuge layout and traffic management works (preferred speed reduction to 30mph which is subject to a separate consultation process) has been provided along Cauldwell Road as shown for indicative purposes only on the attached plan (drawing reference number CRM-BWB-GEN-XX-DR-TR-100_S2-P4) to the satisfaction of the local planning authority. The approved scheme shall be implemented prior occupation of any dwellings on site.
8. No development shall commence unless or until plans denoting the location of new bus stops central to the 2 site accesses have been submitted to and approved by the local planning authority and shall include bus stop pole including flag; bus shelter; solar lighting in bus shelter; raised kerb; real time displays and associated electrical connections; bus stop clearway; lowered access kerbs; additional hard stand where required. The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate. The approved scheme shall be implemented prior occupation of any dwellings on site.
9. No part of the development hereby permitted shall be brought into use unless or until the details of a scheme for provision of two taster bus tickets per household each valid for three calendar months (£60 per resident i.e., a total of £120 per household) OR a £120 cycle discount voucher to residents of the development made available on occupation of each dwelling are submitted and approved by the local planning authority. The scheme should include details of the bus pass(es) including the area of coverage, arrangements for promoting the passes, application, and monitoring arrangements.
10. The formal written approval of the local planning authority is required prior to commencement of any development with regard to internal street layout, including longitudinal (maximum 1 in 20) and cross sectional gradients, footpath/road key dimensions, parking and turning facilities (private & public), surfacing, street lighting, highway structures, junction/pedestrian/forward visibility splays, DfT LTN 1/20 cycleway/pedestrian facilities, VPA/tracking, electric vehicle charge points, drainage/outfall proposals, visitor parking on street i.e. 5 metre lengths available not obstructing driveway, construction specification and provision of and/or diversion of utility services; Hereinafter, referred to as reserved matters (RM).

All details submitted to the LPA for RM approval shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved at the Section 38 stage under the HW Act 1980.

11. No part of the development shall be occupied until details of the proposed arrangements and plan for future management and maintenance of the proposed streets including associated drainage of the development have been submitted to and approved by the local planning authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered under Section 38 of the Highways Act 1980.

12. No part of the development hereby permitted shall be brought into use unless agreed in writing by the local planning authority, detailed plans denoting the proposed Public Right of Way (PRofW) routes within the site, its treatment and/or diversions (not to follow a highway pavement) to connect to existing active movement facilities shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the agreed details and completed prior to occupation of the development hereby approved. The PRofW routes shall thereafter be retained, maintained, and kept available for the users of the PRofW.
13. Prior to commencement of development a detailed Construction Management Plan (CMP) shall be prepared and submitted for written approval of the local planning authority in conjunction with the local highway authority. The CMP shall include safe access to the site for deliveries, loading and unloading of plant and materials and wheel cleansing of vehicles prior to egress from the site onto the public highway. Reactive sweeping of the public highway is not an appropriate means of addressing this issue. The approved CMP shall be implemented and complied with upon commencement of the development and the obligations within the CMP shall be adhered to throughout all construction phases of the development.
14. Details of access, appearance, landscaping, layout, and scale required to be submitted and approved under Condition 1 for each phase of development shall, where applicable, include details of:
 - A detailed layout plan of the phase in context with the whole site (for the avoidance of doubt the submitted Masterplan and Design & Access Statement shall be considered to be for indicative purposes only);
 - The means of access;
 - Pedestrian and cycle routes within the application site and connections to existing facilities which shall be available for public use on completion of the said phase;
 - The layout and marking of car parking, servicing, and manoeuvring areas;
 - Fencing, walling, boundary treatments and means of enclosure;
 - A scheme of hard and soft landscaping, including the specification of trees, hedges and shrub planting and details of species, density, and size of stock;
 - The finished ground levels for the site and floor levels of the buildings relative to existing levels and adjoining land;
 - Plant and equipment and other structure;
 - Safe routes to schools and school safety zone;
 - Refuse/recycling storage and collection points;
 - Provision for electric vehicle charging points (on overnight trickle charge) and cycle storage facilities;
 - Bat and bird boxes, including type, position, and number; and 1 bee brick per dwelling and hedgehog highways;
 - The detailed design of all roads and junctions, which shall include details of visibility splays, pedestrian refuges, dropped kerbs, tactile paving, traffic calming, street lighting, bridges, culverts, public utilities, and street lighting;
 - Details of the means of foul and surface water drainage together with a programme of implementation;

- Drainage and rainwater run-off systems including SUDS which shall accompany any road layout submission and detailed maintenance/management arrangements;
- Floodlighting/exterior lighting including lux plots; and
- Measures to minimise the risk of crime in accordance with Secured by Design Principles.
- The provision of 10% of the gross housing area as open space, part of which shall include provision of a Neighbourhood Play Area.

The details shall be completed in accordance with the agreed above schemes.

15. No part of the development shall be occupied or be brought into use until the owner, or the occupier of the site has appointed and thereafter continue to employ or engage a 'site-wide' travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Outline Travel Plan (CRM-BWB-GEN-XX-TR-003-PT-S1-P0.-02) dated Sept 21 by BWB and whose details shall be provided and continue to be provided thereafter to the local planning authority.
16. The travel plan coordinator shall, within 6 months of commencement of their engagement, produce or procure a Detailed Travel Plan for each residential / commercial parcel of the development that sets out final targets for the different types of uses with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Outline Travel Plan. The Travel Plan will require its targets to be updated following baseline monitoring as referred to above, and to be implemented in accordance with the approved timetable and details and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the local planning authority.
17. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) to be approved by the local planning authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the local planning authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the local planning authority.
18. a) No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i) A preliminary risk assessment which identifies:
 - All previous uses;
 - Potential contaminants associated with those uses;

- A conceptual model of the site indicating sources, pathways and receptors; and
- Potentially unacceptable risks arising from contamination at the Site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii) The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iv) A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and
- v) If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

- b) If during the works any additional suspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
 - i) The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the local planning authority.
 - or
 - ii) Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the local planning authority.

Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

- c) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

19. 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 BSP Consulting Flood Risk Assessment (FRA) and Drainage Strategy ref. CRM-BSP-ZZ-XX-RP-C-0001-P01_Flood_Risk_Assessment dated 28 May 2021, 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.
- Limit any positive discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. 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 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- 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

20. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the Reserved Matters application and shall be implemented in accordance with the approved details before the development is first brought in to use.

21. The Reserved Matters layout shall ensure that there is at least 10% of the gross development area of the site dedicated as Public Open Space within the site, in a detailed scheme to be agreed.

22. No site clearance, preparatory work or development shall take place in any phase until a scheme for the protection of the retained trees in that phase (the tree and hedgerow protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees in the phase shall be carried out as approved for that phase and retained throughout the construction period for that phase.

23. The development hereby permitted shall be carried out in accordance with the mitigation measures and recommendations contained within Chapter 10 (mitigation measures and enhancements) of the submitted Environmental Assessment (October 2021). The reserved matters should follow the principles identified within section 10.7 and 10.8 of the report.

24. No development shall take place before the applicant, their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted

to and approved in writing by the local planning authority. This shall include a scheme of trial trenching. This shall take place prior to any commencement of development at the site. The works shall be implemented in full in accordance with the approved scheme. The results shall be submitted to the local planning authority for their assessment and any mitigation scheme and recommendations implemented prior to the submission of the final Reserved Matters.

25. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall demonstrate that for each of the dwelling types identified in Table 13.17 and Figure 6 of the Environmental Statement dated October 2021 that the acoustic mitigation specified for that dwelling has been installed to the specification identified and that the provision of a 3 m high acoustic barrier, either as an earth bund, acoustic screen or combination of the two has been installed at the location is shown in Figure 13.7 of the Environmental Statement dated October 2021. Where the 3 m earth bund or acoustic barrier cannot be installed at the location indicated, details shall be provided of alternative acoustic mitigation measures to be installed. The alternative measures shall achieve an equivalent noise reduction, to identified acoustic barrier.

The approved scheme shall be implemented in full and retained thereafter.

26. Before commencement of the development hereby approved an assessment of local air quality impact on the development site shall be submitted to and approved in writing by the local planning authority. Any mitigation measures identified as being necessary to protect the dwelling and public open spaces from unacceptable air quality shall be implemented prior to the development being brought into use and shall be maintained thereafter.
27. A Construction Environmental Management Plan (CEMP) considering the factors identified in paragraph 13.6.1 of the Environmental Statement dated October 2021 shall be submitted to and approved in writing the local planning authority. All subsequent construction shall be undertaken in accordance with the approved scheme.
28. Details of the Reserved Matters application shall include provision for the construction of 2 new vehicular accesses from the internal road layout to the boundary with properties at Rushey Cottage and Cauldwell Crossroads Cottage and closure of the existing accesses to Derby Road and Cauldwell Road. They shall also include details of the provision of a connection to the mains foul water sewage to be installed within the development site to the boundary of the site with those two properties. The connection of the accesses and the foul water sewage connection shall be provided and be available for use prior to the occupation of the 200th dwelling on the site.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. To ensure that the development takes the form envisaged by the local planning authority when determining the application.
5. In the interests of Highway safety and to ensure that the required transport mitigation for this junction is provided by means of holistic transport solution is achieved which considers the needs of other major developments planned to come forward in the local area
6. In the interests of highway safety and to ensure vulnerable users have access to safer improved sustainable facilities that encourage active travel.
7. In the interest of highway safety.
8. To promote and encourage sustainable & active travel.
9. To promote sustainable travel.
10. To ensure the development is constructed to a satisfactory fit for purpose standard for use of the public and in the interest of safety for all highway users.
11. To ensure that the road infrastructure is maintained to an appropriate standard.
12. The proposed development is likely to affect the existing PRow and this may require diversion at the reserve matters stage of this process to allow the development to proceed.
13. To reduce the possibility of deleterious material being deposited on the public highway, prevent nuisances and in the interests of highway safety.
14. To define the terms of the permission and for the avoidance of doubt.

15. To promote sustainable travel.
16. To promote sustainable travel.
17. To promote sustainable travel.
18. To promote sustainable transport.
19. To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 183 & 184. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health.
20. 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.
21. 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.
22. To provide adequate facilities for the occupants of the development and to meet the requirements of policy HG6 of the Ashfield Local Plan Review 2002.
23. In the interests of arboriculture.
24. To ensure adequate opportunity is provided for archaeological research on this historically important site to comply with paragraphs 199 to 203 of the NPPF.
25. To protect the aural amenity of future occupiers of the dwellings
26. To protect the development from unacceptable air quality impacts
27. To protect against the deposition of materials from the site including the protecting the aural and olfactory amenity of existing dwellings in the vicinity of the site.

28. To provide highway improvements for the residents of the nearby developments, and to secure planning gain through the provision of access to a public mains sewer system.

Informatives

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions, then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The Local Lead Flood Authority 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. They will provide you with bespoke comments within 21 days of receiving a formal consultation.
3. In order to carry out required amendments to the existing site access 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 Highways Development Control North by emailing hdc.north@nottscc.gov.uk in the first instance. All associated costs will be borne by the applicant.
4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
5. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered.
6. Severn Trent Water normally that 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 proposed buildings.

7. Any lighting strategy devised at Reserved Matters stage should be designed in accordance with current 'Institution of Lighting Professionals' guidelines to ensure there is no harmful light spill from external lighting to avoid negatively affecting bats or any other nocturnal wildlife. Information in relation to sensitive lighting can be found here: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
8. This decision should be read in conjunction with the Section 106 legal undertaking provided by the applicant associated with this development.
9. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the NCC's current highway design guidance and specification for roadworks.
10. 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 the NCC's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the HA as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Contact hdc.north@nottsc.co.uk 0115 804 00 22.
11. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA about compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
Please note, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the HA until technical approval of the Section 278-38 Agreement is issued. It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the NCC in writing before any work commences on site. Contact hdc.north@nottsc.co.uk 0115 804 00 22.
12. The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e., additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage

Systems, retaining walls, bollards, and materials outside usual specification). The applicant is strongly advised to hold discussions with the HA as soon as possible to agree sums, ownership, and responsibility for perpetuity.

13. The applicant will be expected to consider the needs of people with impaired mobility when considering the longitudinal design of streets. Gradients greater than 1 in 20, will only be accepted over short lengths, in exceptional circumstances where cut & fill is not possible to achieve gradients to aid walking/cycling.
14. The proposed development may require the stopping up/diversion of the public adopted highway under the TCPA & GIA. The grant of planning permission for this development does not authorise the obstruction or the stopping up/diversion of the public highway and an unlawful obstruction to the public highway is a criminal offence and may result in the obstructing development being removed. A separate application for a Stopping Up Order will be required. This process is separate to the planning process and may take several months before the Order is secured. The applicant is advised to make an application as soon as possible and should contact the Dept of Transport Office & National Transport Casework Team. Please see

https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

15. The application for the traffic regulation speed limit order along Cauldwell Road is to be submitted to VIA East Midlands. This is a separate legal process, and the applicant should contact businessdevelopment@viaem.co.uk for further details.
16. Other useful contacts- Transport & Travel Services & bus stops transport.facilities@nottsc.gov.uk; PTDC@nottsc.gov.uk Travel Plans transport.planning@nottsc.gov.uk Street lighting design/relocation of existing streetlights antonio.biondi@viaem.co.uk
17. Planning consent is not agreement to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.
18. NCC's Developer Contributions Strategy states that where the developments cumulative impact on the transport network that cannot be mitigated by an individual development, financial contributions may be pooled towards strategic improvement schemes, as identified in the Local Plan. This site is identified as contributing towards the overall growth and associated cumulative impact.

Appendix A of the Mansfield Infrastructure Delivery Plan (IDP) identifies several junctions that are anticipated to be at, or above, capacity by the end of the plan period based on the combined impact of local plan growth, together with an estimated cost of upgrading the capacity of each junction. This will also apply to the Ashfield area although their LP process is still not finalised or adopted. The IDP requires the funding to be delivered through Planning Obligations and therefore NCC has identified a pro-rata cost of £1,498 per dwelling towards delivering these works, based on the forecast growth during the plan period. The contribution is necessary to mitigate the cumulative impact that the development would have on the local transport network and is proportionate to the size of development proposed (i.e., number of dwellings). The contribution will be used to deliver schemes within the locality, based on the geographical groupings set out in Appendix A of the IDP and is therefore directly related to the development. Please note that the contribution is not intended to mitigate localised impacts identified in the Transport Assessment that will be prepared in support of the planning application. Localised improvements will be subject to separate conditions and/or obligations as agreed with the NCC Highways Development Management-Control team.

19. There is an expectation that the revised public highway scheme along Cauldwell Lane will be designed to incorporate a separate footpath/cycleway verge of the appropriate width, including the provision of appropriately located street trees outside of the visibility splays of the two new vehicular accesses into the site.