

**Item No:** 6c

<b>Application Ref.</b>	22/01714/OUT
<b>Application Type</b>	Outline Planning Application
<b>Site Address</b>	Land To The North Of Gateford Toll Bar, Worksop.
<b>Proposal</b>	Outline Application with Some Matters Reserved (Approval Sought for Access) for the Erection of a Care Home and up to 10 Residential Dwellings.
<b>Case Officer</b>	Jamie Elliott
<b>Recommendation</b>	Grant
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

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## THE APPLICATION

### SITE CONTEXT

The site currently consists of undeveloped agricultural land; however, the predominant character of the surrounding area is residential.

The site lies outside the Worksop development Boundary as defined in the Bassetlaw Local Development Framework; the A57 Worksop by pass lies to the east.

The site is within the immediate setting of the Old Gateford Conservation Area and is within the close setting of the grade II\* listed Gateford Hall, and a number of positive buildings in the Conservation Area and non-designated heritage assets.

Whilst located on the edge of Worksop, the site is located within the parish of Shireoaks and lies within the Shireoaks Neighbourhood Plan boundary.

### PROPOSAL

The application seeks outline planning permission, with all matters reserved save for the means of access, for the erection of a care home and up to 10 dwellings.

Access to the site would be achieved from Gateford Toll Bar.

In order to demonstrate one way in which the site could accommodate a care home facility and up to 10 residential dwellings, an illustrative framework plan has been prepared by the applicants.

The applicant has held a number of discussions with a care home operator who has confirmed that the subject site would meet their operational requirements and would allow for the provision of a modern care facility to fill the gap resulting from limited recent provision of such facilities.

It is proposed to retain a 6m buffer around the north-eastern and western boundaries of the subject site. This buffer would act to reduce potential noise or light pollution arising from the sites proximity to the A57 and Gateford Road.

The applicant's agents have submitted a number of supporting documents which include:

Design and Access Statement  
Planning Statement  
Transport Statement  
Historic Environment Desk Bases Assessment  
Phase 1 Geotechnical Site Investigation  
Statement of Community Involvement  
Landscape and Visual Appraisal  
Noise Assessment  
Heritage Statement  
Flood Risk Assessment  
Preliminary Ecological Appraisal and Baseline BNG  
Report on the need for Care Beds for Older Persons in Bassetlaw

All these documents are available for inspection on-line or within the Council's offices.

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following parts of the framework are applicable to this development:

- Part 4. Decision-making
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport.
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change.
- Part 15. Conserving and enhancing the natural environment.
- Part 16. Conserving and enhancing the historic environment.

National Planning Policy Guidance

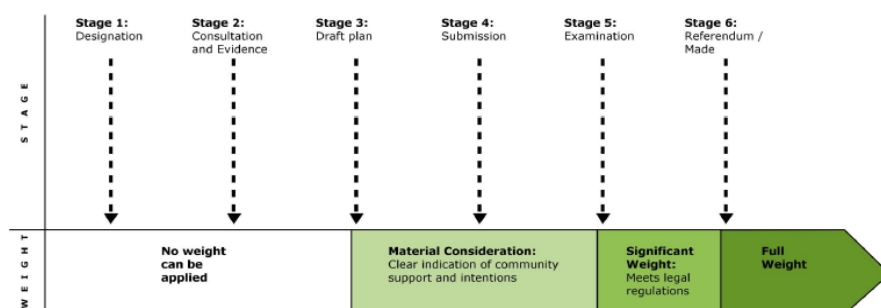
## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

### **Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS2 - Worksop
- DM4 - Design & character
- DM8 – The Historic Environment
- DM9 - Delivering open space and sports facilities
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

### **THE SHIREOAKS NEIGHBOURHOOD PLAN.**

The Shireoaks Neighbourhood Plan was formally 'made' by Bassetlaw District Council following the Referendum held on 17 November 2016. The Neighbourhood Plan forms part of the statutory Local Development Plan for Bassetlaw and should be used when either applying for planning permission or determining planning applications within the Neighbourhood Plan Area. Work to review the Neighbourhood Plan commenced in early 2021.



The relevant policies are as follows:

- Policy 1: Sustainable development principles
- Policy 2: Conservation and Enhancement of Existing Natural Features
- Policy 3: Green Space, Landscaping and Major development
- Policy 4: Design Principles
- Policy 5: Reducing the risk of flooding
- Policy 8: Promote sustainable movement and connections

## RELEVANT PLANNING HISTORY

2/89/00089 - Planning permission refused for the erection of a hotel and eating facility. May 1990.

14/00213/OUT - Outline Planning Application for Mixed Use Development Comprising of Residential (up to 380 units) and Commercial (up to 19,000 sq m) of B1 (a) Office. Provision of Open Space and Improved Site Landscaping. Vehicular Access from Gateford Road, Gateford Toll Bar & Claylands Avenue. Granted 08.09.2016

## SUMMARY OF CONSULTATION RESPONSES

**NCC Policy** No objections subject to conditions securing bus stop enhancements and a scheme for free bus passes.

**NCC Highways.** No objections subject to conditions securing the following:

1. Details to be submitted with reserved matters application;
2. Construction Management Statement;
3. Management and maintenance of streets;
4. Provision of footways;
5. Parking;
6. Management Plan for Highway boundaries;
7. Wheel washing facilities;
8. Parking and servicing facilities for Care Home.

**NCC Lead Local Flood Authority.** No objection.

**BDC Conservation.** No objection.

**The District Archaeological Consultant.** No objection subject to conditions securing archaeological investigation and mitigation.

**BDC Environmental Health.** No objections subject to conditions securing:

1. Details of external lighting;
2. Electric Vehicle (EV) charging points;
3. Investigation into site contamination;
4. Provision of acoustic bund;
5. Acoustic Glazing.

**BDC Strategic Housing** Taking in to account the council and registered provider stock data alongside the demand on social housing and council / registered provider waiting lists, there is immediate need for affordable housing in this area.

The demand also shows the greatest need is for 2/3 bed accommodation, 2 bed bungalows

Waiting lists show a vast increase in applicants wanting 1 bedroom accommodation.

We would be reluctant to support an application that did not deliver the 15% affordable housing.

**BDC Parks and Open Space.**

Since December 2016 our policy on adopting open space on new developments has changed. The Council will no longer adopt or take on the maintenance of new public open space, play or sports facilities that form part of a new development unless a lifetime 60 year (commuted sum) obligation is entered into and this would only be considered by the Council in exceptional circumstances ie when no other reasonable alternative option is available. Therefore, it is recommended in this case that the developer should seek other alternative options for the long term management and maintenance of the open space provision on the site.

A financial contribution of £6040.00 towards the provision of play equipment/improvements to local play facilities should therefore be secured.

**Highways England.** No objections.

**Parish Council.** The Shireoaks Parish Council has no objections subject to the neighbours being informed of the development.

### **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice and **3 Letters** have been received from **Local Residents** making the following comments:

1. Gateford Toll Bar has no surface water drains, foul water drains, or mains gas supply;
2. Should this proposal get the go ahead then as a condition of the development a foul water connection should be taken to the boundaries at the rear of each of the five properties. The owners of said properties would then have the advantage of connecting to this foul water drainage system;
3. It is assumed that a natural gas supply will be supply to the development as there is no mention of ground source heat pumps or air pumps for the heating of these properties;
4. If this is the case, then it would be an ideal opportunity to run a supply of natural gas up to the boundaries of the adjacent properties;
5. If these opportunities where to be address as a condition of the development at the conception stage then the cost would be negligible as well as meeting two of Stancliff homes values that of Reciprocity and integrity. It would also go a long way towards offsetting the disruption this and other development are having on the local community and show goodwill on that of the developer;
6. The development should not result in the flooding or flood risk for adjacent properties,
7. Together with the Gateford Park development, the current scheme, if permitted would lead to significant movements of construction vehicles to congestion, noise, disturbance, and mud on the road;
8. House building is slowing down;
9. The field is prone to flooding;
10. How will noise and dust be mitigated during construction;
11. New dwellings should not be built close to the oil and gas tanks in the adjacent gardens;
12. What compensation will be provided for the devaluation of house prices;
13. Will the carriageway be resurfaced;
14. Will conditions be applied restricting hours of construction;
15. Development may create structural problems for existing dwellings;
16. Will the footpaths be upgraded to Gateford Road;
17. Is there brownfield land available for development ahead of this site;
18. How will cars be stopped from crashing down the embankment;
19. How will speeding cars be stopped from using the road network;
20. How will the noise from service vehicles be mitigated;
21. Are the dwellings to be single or two storey, as two storey may overlook adjacent properties;
22. The aerial view is inaccurate.

**2 Letters** have been received from **Local Residents Objecting** to the development on the following grounds:

1. All the new dwellings should be bungalows to be avoid issues of overshadowing and loss of privacy;
2. The care home should be limited to 2 storeys in height to again avoid issues of overshadowing and loss of privacy;
3. Gateford Toll Bar is not suitable to accommodate the increase in vehicular traffic from the proposed development on the Gateford Park Development;
4. The surface of the road is already showing signs of cracking and disintegration;
5. The existing road does not have mains or surface water drainage;
6. The footpath is very narrow and should be widened;
7. The development and particularly the care home would result in staff movements 24/7;
8. Would result in a loss of fauna and flora;
9. Boundary hedgerows should be maintained;
10. The field has flooded in the past, so subsequent development may result in flooding elsewhere;
11. The design of the dwellings should be in keeping with the existing dwellings in the vicinity, high class and low density;
12. More resident should have been notified directly of the application;
13. The access onto Gateford Road is dangerous;
14. The construction vehicles associated with the Gateford Park site and the proposed scheme would lead to unacceptable levels of noise, disturbance, congestion, pollution and damage to the footpaths;
15. The council has failed to listen to the views of local residents;
16. Belway Homes have been carrying out construction activities outside to the condition construction times;
17. None of the local residents would be appear to be in favour of the development.

## **CONSIDERATION OF PLANNING ISSUES**

### **PRINCIPLE OF THE DEVELOPMENT**

Paragraph 12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making.

Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the development proposal would address a shortfall in the District's five-year housing supply or its employment land supply.

Policy CS2 of the council's Core Strategy identifies Worksop as a Sub-Regional Centre. Whilst outside of the Worksop Development boundary as defined in the Bassetlaw Local Development Framework, the application site forms an undeveloped area between the A57 to the west and Gateford Road to the north, on the very western edge of built form of the settlement.

The Shireoaks Neighbourhood Plan was made in 2016; however it does not contain any allocations and on this basis the weight attributed to this plan is reduced.

The National Planning Practice Guidance states that due to the fact that people are living longer lives and the proportion of older people in the population is increasing, there is a critical need for housing for older people.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it. In this situation, paragraph 213 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework. The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and it does not have any new site allocations in it and as such it restricts the delivery of new development which is out of step with the growth that is expected to be delivered as identified in the NPPF. As such, the weight given to policy CS1 has to be reduced.

Whilst this scheme is contrary to the requirements of policy CS1 of the Core Strategy, part d) of paragraph 11 of the NPPF is engaged as policy CS1 is considered to carry limited weight in the decision making process and this scheme must be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

In such circumstances the presumption is in favour of sustainable development means that development should be granted unless consequent adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

In relation to the supply of housing, the NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraphs 74 & 75). For sites to be considered deliverable: they have to be available; suitable; achievable and viable. Under the requirements of the NPPF, the Council can demonstrate 13.5 years' worth of housing and as such, a deliverable 5 years supply of housing can be achieved. The fact that the Council has a 5 year supply will be given weight and considered as part of all of the relevant material considerations in the tilted balance test assessment to this scheme.

Having regards to the overall policy position as outlined above and the fact that the tilted balance test in paragraph 11 of the NPPF applies, consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

## **SUSTAINABILITY OF THE DEVELOPMENT**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

The settlement of Worksop is defined as a Sub-Regional Centre in the Core Strategy where the settlement is expected to be a focus for major housing, employment and town centre retail growth which is commensurate with its status as the primary town in the district. The erection of up to 10 new dwellings and a care home on this site would make a significant and positive contribution to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site and the on-going contribution to the local economy both in terms of employment, spending and service usage from the creation of 10 additional households in the area.

## **VISUAL AMENITY and LANDSCAPE SETTING**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state that permission should be refused for development of poor design (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

Policy 1 of the Neighbourhood Plan states that all development shall be designed and located having regard to the principles and advice set out in the development plan and shall be located to ensure that it does not cause material harm to the character and appearance of the Neighbourhood in which it is located.

The application site is currently an undeveloped agricultural field, located to the rear of existing dwellings on Gateford Toll Bar. The site is largely contained by the A57 to the west and Gateford Road to the north.

Land to the east of Gateford Toll Bar is currently under development, following the granting of planning permission ref: 14/00213/OUT for mixed use development, comprising of residential (up to 380 units) and commercial (up to 19,000 sq m) of B1 (a) Office.

On the west side of the A57, outline planning permission has been granted for the erection of 175 dwellings and 15.4ha of employment land. (14/00213/OUT).



The western boundary (A57) is currently screened by a relatively dense belt of trees and hedgerows. Whilst there is an existing hedgerow on the northern boundary, the Gateford Road carriageway is somewhat elevated above the application site, providing relatively open views over the site.

Whilst the development will have some impact on the character of the area it is considered that the proposed development would be viewed in the context of the existing residential development on the edge of Worksop. The site relates well to the existing settlement edge and would not therefore appear unduly discordant in terms of landscape character.

In addition, it is considered that the imposition of conditions requiring the retention of trees and hedgerows and implementation of additional landscaping and planting on the site boundaries would help assimilate the new development into its surroundings and maintain the rural character of this entrance into the town.

Policy DM9 also states that that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting and expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Magnesium Limestone Ridge Policy Zone 08: Shireoaks, which seeks to conserve historic field patterns by containing new development within historic enclosed boundaries. As the proposal would be wholly contained within an enclosed parcel of agricultural land it is considered that the development would comply with the recommendations of the Landscape Character Assessment.

Whilst the application is in outline with all matters reserved, except the means of access, it is considered that the proposed dwellings and care home could be designed to ensure that the scheme would be in-keeping with and sympathetic to character of their surroundings.

It is considered that for the reasons outlined above the development would not therefore appear unduly discordant in terms of landscape character and on balance if permitted, the development would accord with the aims of policies DM4 and DM9 above and paragraph 130 of the NPPF.

## **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

The District Council's 'Successful Places' Supplementary Planning Document also states that new dwellings should normally have a minimum single area of private amenity space of; 50m<sup>2</sup> for 2 bed dwellings, 70m<sup>2</sup> for 3 bed dwellings and 90m<sup>2</sup> for 4 bed dwellings.

It has to be accepted that there will be a degree of impact on existing residential amenity due to the fact that the site is currently open. It also should be remembered that the application is in outline form with all matters relating to layout, landscaping, appearance and scale being reserved for future consideration.

However it is considered that a scheme could be designed to ensure that the occupiers of the dwellings would have adequate private rear gardens and that the subsequent dwellings would be sited and designed to ensure that they would not result in undue overshadowing or overlooking for existing or new residents.

With regard to the potential impacts of the care home on the amenity of existing and future residents. It is considered that a scheme could be designed to ensure that the home would have no adverse impacts in terms of overlooking, domination or loss of privacy.

An illustrative masterplan has been submitted with the application which demonstrates how the development could come forward.

In respect of the potential noise and disturbance from vehicular movements on the A57, and the recently permitted commercial development permitted to the west of the site, the submitted 'Acoustic Report' recommends mitigation in the form of a 6m earth bunds on the boundaries together with acoustic insulation and glazing. These mitigation measures would be secured by condition.

A number of objectors have raised concerns over the impact of the development on residential amenity. These are discussed below:

<b>Objection</b>	<b>Assessment</b>
The development and construction works would result in noise and disturbance.	Hours of construction works would be controlled by condition, thereby safeguarding amenities of existing residents.
Construction works would generate dust and pollution.	The construction works would be carried out in accordance with a previously agreed Construction Environmental Management Plan which addresses the control of these issues.
The development would result in overlooking and loss of privacy	As the application is in outline, currently no details have been provided in respect to the appearance and layout of the proposals. These matters will be considered at the reserved matters stage.
The new dwellings and care home should be restricted to single storey in height to avoid overlooking.	It is considered that imposing such a condition would be unduly restrictive, as it is considered that two storey dwellings could be sited and orientated on site to ensure that there would be no significant overshadowing or overlooking of existing properties. This will be controlled by any reserved matters applications if permission is granted.

Accordingly, it is considered that the proposed development would comply with the policies and guidance outlined above.

**HIGHWAYS MATTERS**

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 110 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 112b of the NPPF requires schemes to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Paragraph 112e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. As with mobility vehicles, there are currently no County standards on what provision developers must provide as part of their schemes, but this is to change soon as the County is working on such a policy and has considered it to be appropriate to request provision here in line with the requirements of paragraph 112e of the NPPF.

The local highway authority has indicated that the development would have no objections to the development subject to the following conditions:

1. Details required to be submitted with the application for reserved matters;
2. A Construction Method Statement. (CMS);
3. Details of future management and maintenance of the streets;
4. Surfacing of streets and footways;
5. Vehicular parking;
6. Surfacing and drainage of parking areas;
7. Management plan for highway boundary hedges;
8. Wheel washing;
9. Provision and surfacing of care home parking and servicing areas.

As part of the requirements for the subsequent reserved matter application/s, the local highway authority has requested that a footway and cycle track be provided on the southern side of Gateford Road between the A57 and Fennec Drive including appropriate crossing facilities at the Gateford Toll Bar / Gateford Road junction.

However as this requirement was included as a condition on the adjacent mixed use development, comprising of residential (up to 380 units) and commercial (up to 19,000 sq m) of B1 (a) Office (planning permission ref: 14/00213/OUT), it is considered that it would be unreasonable to reapply such a condition in this instance, particularly when considering smaller nature of the current proposal.

A number of objectors have raised concerns over the impact of the development on highway safety. These are discussed below:

<b>Objection</b>	<b>Assessment</b>
The development would have a negative impact on highway safety and accident rates.	The County Highway Authority has assessed the scheme and has not raised any concerns in relation to highway safety in connection with this scheme.
The access onto Gateford Road is dangerous.	The County Highway Authority has assessed the scheme and has not raised any concerns in relation to highway safety in connection with this scheme.
The development would increase the wear and tear on Gateford Toll Bar.	The County Highway Authority has assessed the scheme and has not raised any concerns in relation to highway safety in connection with this scheme. Ultimately as an adopted highway, NCC is responsible for its upkeep and maintenance
Construction vehicles would deposit mud on the adjacent highways.	This matter would be addressed by securing a condition requiring wheel washing with the site.

The existing footway is very narrow.	It is recommended that a condition be imposed requiring the widening of the footway on Gateford Toll Bar.
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On balance therefore, it is considered that subject to the securing the outlined conditions, the development would have no adverse impacts on highways safety and would comply with the provisions of the policies and guidance outlined above.

## **OPEN SPACE**

The Bassetlaw Local Development Framework contains policy DM9, which states that new development proposals will be expected to provide functional on-site open space and/or sports facilities, or to provide contributions towards new or improved facilities elsewhere locally, as well as contributions for on-going maintenance, to meet any deficiencies in local provision that will be caused by the development. Similar advice is contained in paragraph 92 of the NPPF which states that planning decisions should enable and support healthy lifestyles, through the provision of safe and accessible green infrastructure and sports facilities.

The monies to upgrade existing play infrastructure would be secured by S106 agreement, in accordance with the policies outlined above.

## **FLOODING/DRAINAGE**

The NPPF at paragraph 159 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

In addition Policy 5 of the Neighbourhood plan states that the drainage infrastructure for all new developments in Shireoaks will be designed and constructed such that it does not increase the level of flood risk and, wherever possible, reduces flood risk in the area.

The Lead Local Flood Authority has confirmed that the subject to the development being carried out in accordance with the submitted Drainage Strategy, the proposed development would have no adverse impact on flood risk. The management and maintenance of a Sustainable Urban Drainage System (SuDs) would be secured through conditions and a S106 Legal Agreement.

Accordingly, it is considered that the proposed development would comply with the provisions of the policies outlined above.

## **CONTAMINATED LAND**

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

An investigation into site contamination together with any necessary mitigation would be secured by condition on any subsequent permission, therefore ensuring compliance with the above guidance.

## **ECOLOGY**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Government's Consultation response on Biodiversity Net Gain has been published in February 2023 and makes clear that exemptions for the assessment and delivery of Biodiversity Net Gain will be made in the following instances:

- Development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- Householder applications
- Biodiversity gain sites (where habitats are being enhanced for wildlife)
- Small scale self-build and custom housing

This is subject to change should any secondary legislation or further supplementary guidance be published by the Government.

The applicant's agents have submitted a Preliminary Ecological Appraisal, in support of the application.

As Woodsetts Pond Local Nature Reserve (LNR) lies 135m to the north of the site, and 300m to the northwest is Fox Covert Local Wildlife Site (LWS) the appraisal concludes that it would be unlikely that the proposed development would have significant direct or indirect impacts on the nearby LNR or LWS.

In respect to the application site itself, the appraisal concludes that the site is an area of modified grassland, which has limited ecological value.

In addition the appraisal identifies that that the majority of the hedgerows on the site boundaries are not within the application site. However, due to the nature of the development and position of the hedgerows it is possible they may be impacted during the development. The appraisal therefore recommends that the protective fencing is provided to the safeguard the existing hedges during the construction phase of development.

In respect to the species fauna within the site, the appraisal concludes that the habitat has negligible value for reptiles, low potential for amphibians, and limited opportunity for nesting birds. Notwithstanding the above, during site clearance, and construction activities, measures should be in place to ensure that no protected species are adversely impacted. This would be secured by a condition requiring the prior approval and implementation of an Ecological Method Statement.

The current application would require the demolition and removal of an existing stable block. Whilst the appraisal concludes that the stable has low potential for roosting bats, it does recommend that a nocturnal survey be undertaken in accordance with the Bat Conservation Trust's guidelines, in order to inform any necessary mitigation measures. This would be secured by condition.

With regard to the creation of new habitats, the appraisal proposes the following enhancement measures:

- i.) Enhancement of retained grassland and the creation of flowering lawns;
- ii.) Provision of habitat piles/refugia for amphibians
- iii.) Hedgerow on southern boundary enhanced by additional planting;
- iv.) Provision of integral bird and bat boxes;
- v.) Hedgehog accessible boundary treatments;

The requirement to deliver 10% biodiversity net gain is not mandatory until November and therefore cannot be insisted upon within applications being determined prior to this date. However, it is considered that Biodiversity Net Gain can be achieved on in the development, this being secured by condition.

Therefore subject to securing the outlined ecological mitigation and enhancements measures it is considered that the development would comply with the policies outlined above.

## **HERITAGE MATTERS**

The Council has a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance. The House of Lords in the South Lakeland DC vs the SOS case in 1992 decided that a Conservation Area would be preserved, even if it was altered by development, if the character or appearance (its significance in other words) was not harmed. 'Conservation' is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance.

Therefore case law has ascertained that both 'conservation' and 'preservation' are concerned with the management of change in a way that sustains the interest or values in a place – its special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Para 190 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset. Paragraph 193 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

#### *Heritage assets affected*

The site is within the immediate setting of:

- i.) The Old Gateford Conservation Area
- ii.) The site is within the immediate setting of the Gateford Hall and Gateford Hill Unregistered Park & Garden.
- iii.) The site is within the close setting of the grade II\* listed Gateford Hall, and a number of positive buildings in the Conservation Area and non- designated heritage assets.
- iv.) The site is within the wider setting of the grade II listed Gateford Hill and other heritage assets.

#### *Assessment of proposal*

As the site is in the setting of the Conservation Area and of two Listed Buildings, any proposal should have regard to the preservation of this setting. At present, the site comprises open space with hedge boundaries, typical of the rural edge of the town. In the majority of views, the site is screened by the hedges around the boundary, with the open space largely hidden from view.

The hedges and trees around the boundary of the site make the greatest contribution in terms of the setting of the Conservation Area and nearby Listed Buildings. On the adjacent site, to the east, outline planning permission was granted in 2014 (by way of 14/00213/OUT) for mixed use development including 380 dwellings. The character of that site, therefore, would be primarily residential (although it is acknowledged that scheme was outline with approval for principle and access only). Nevertheless, it is appropriate to take that approval into account when assessing the impact of development on this site. The scale of the A57 (to the west) and Gateford Road (to the north) means that both highways provide a visual buffer separating the Conservation Area from the surrounding landscape.

The application indicates that the proposed development would be up to two storeys in height and provides an indicative layout, indicative examples of potential housing types and seeks approval for access. With regards to the latter, this is proposed to the southern corner of the site close to where Gateford Toll Bar meets the A57. It is considered that the formation of an access in this location would have minimal impact on the setting of any heritage assets, so there are no Conservation concerns with regards to the proposed access.

With regards to the indicative layout, it is suggested that the entirety of the hedgerow along Gateford Toll Bar would be removed. As previously stated, it is considered that the hedges and trees around the boundary of the site make the greatest contribution in terms of the setting of the Conservation Area and nearby Listed Buildings.

Furthermore, the loss of this hedgerow would result in any new dwellings situated along Gateford Toll Bar appearing highly prominent. As such, it is considered that the hedgerows should be retained.

On the basis of the above, there are no Conservation concerns in relation to the principle of the proposed development or the proposed access. This would be subject to buildings which

are of a design, scale, layout and materials that are appropriate to their setting. A landscaping scheme should also be provided that retains (and reinforces) hedge/tree boundaries around the site.

Therefore subject to the recommended conditions, it is considered that the development would accord with the policies and guidance outlined above.

**ARCHAEOLOGY**

Paragraph 205 of the NPPF is applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

The site lies in an area of high archaeological potential associated with pre-historic and Roman settlement and funerary activity. A previously unknown late Iron Age and Roman settlement was recorded during archaeological evaluation on the adjacent site to the west. Recent excavation to the north-east of the site recorded extensive Roman settlement activity as well as pre-historic double ditched enclosure.

The council’s archaeological consultant has indicated that as a consequence of the above, a programme of phased archaeological works, should be secured by a condition of consent (if granted) and to include the trenching evaluation followed by any mitigation work required.

Therefore subject to securing the required archaeological investigation and mitigation, the development would safeguard and identified assets and would comply with the requirements of the policies outlined above.

**OTHER MATTERS**

A number of objectors have raised concerns relating to a range of other issues. These are discussed below.

<b>Objection</b>	<b>Assessment</b>
Gateford Toll Bar has no mains gas supply. Therefore if the development intends to obtain mains gas, provision should be made for pipelined running up to the boundaries of adjacent dwellings.	It is considered that it would be unreasonable to request the additional infrastructure costs are met by the developers. It would not meet the relevant obligation tests
The development would devalue the houses on Gateford Toll Bar.	Devaluation of house prices is not a matter that can be considered by the planning process.
The development may lead to structural problems.	Any damage to adjacent properties by construction activities would largely be a separate legal matter, between the home owner and the developer.

**INFRASTRUCTURE/CONTRIBUTIONS**

The NPPF makes it clear that the planning system must contribute towards the achievement of sustainable development and that it has three objectives: economic, social and



environmental. In terms of infrastructure, the economic and social objectives of planning in the decision making are considered to apply. The economic objective requires councils when considering planning applications to consider the impact of the scheme on infrastructure and identifying and coordinating the provision of it. The social role requires schemes to support the needs of the community in terms of health, social and cultural well-being. Paragraph 34 of the NPPF is also applicable as it relates to developer contributions and states that the following should be identified in development plans: the level and type of affordable housing, the need for education, health transport, flood and water management and the green and digital infrastructure requirements.

Policy DM11 of the Core Strategy Bassetlaw Development Framework also states that all applications will be expected to demonstrate that the necessary infrastructure (social, physical and green) will be in place in advance of, or can be provided in tandem with, new development and, where appropriate, that arrangements are in place for its subsequent maintenance. Arrangements for the provision or improvement of infrastructure required by the proposed development and/or to mitigate the impact of that development will, in line with national guidance and legislation, be secured by Community Infrastructure Levy (CIL) charge, planning obligation or, where appropriate, via conditions attached to a planning permission.

In addition, policy CS2 of the Bassetlaw Local Plan state that housing development within Worksop will be required to contribute towards the achievement of an affordable housing target of at least 15%.

The development would require the following contributions and obligations:

- 15% Affordable Housing
- £6040.00 in lieu of public open space;
- Suds Management and Maintenance.

The above obligations would need to be secured via a legal agreement.

**CONCLUSION/PLANNING BALANCE**

Whilst the Council can now demonstrate a 5 year supply of housing, case law has determined that strategic policies such as that contained in the Council’s Core Strategies that have not been reviewed within 5 years of their adoption are now out of date, so therefore the weight to be apportioned to the Core Strategy policies is considered to be limited in decision making.

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

An assessment of the benefits and negatives provided by the scheme is given below with the weight apportioned to this in making a recommendation on this scheme:

<b>Benefit/Negative of the scheme</b>	<b>Weight given to the benefit/negative in decision making</b>
Up to 10 new houses	The Council has 13.5 years’ worth of housing supply and therefore the houses are not needed for the Council to meet its 5 year housing supply requirements; however it is acknowledged that the 5 year supply is a minimum figure not a maximum. The benefit

	of delivering an additional 10 dwellings is considered to carry reduced positive weight in the decision making for this scheme
15 % of the 10 dwellings to be affordable	There is a requirement for affordable housing in the district and the applicant has agreed to a policy compliant amount. This therefore carries significant positive weight in the determination of this case.
New residents into the area who will use and help to sustain existing local services and facilitate potential future growth opportunities due to their spending power	This meets the requirements of the economic and social objectives outlined in paragraph 8 of the NPPF and as such it carries significant positive weight in the determination of this case.
The provision of a much-needed care home facility, providing accommodation and long term job opportunities.	This meets the requirements of the economic and social objectives outlined in paragraph 8 of the NPPF and as such it carries significant positive weight in the determination of this case.
Meeting the needs of an aging population.	This would address the National Planning Practice Guidance identified critical need for housing for older people; this carries significant positive weight.
Construction related jobs	Whilst this may only be a transient part of this scheme, it meets the requirements of the economic objectives outlined in paragraph 8 of the NPPF and as such it carries a medium level of positive weight in the determination of this case.
Infrastructure contributions (public transport/education/local play space)	This meets the requirements of the social objectives as outlined in paragraph 8 of the NPPF and meets the needs of this development and hangs neutral in the balance
CIL/Council Tax/New Homes bonus payments	The scheme brings with it payments to Bassetlaw Council that can be reinvested back into the local economy. This is considered to carry significant positive weight in the determination of this case.
Visual Amenity	The scheme would have no significant adverse impacts on visual amenity or landscape character. It is accepted that this is currently an open site and therefore any development will alter the character and appearance of the area, however a well designed scheme is unlikely to have an adverse impact; this therefore hangs neutral in the balance
Heritage	The scheme would result in no significant harm to identified heritage assets. This hangs neutral in the balance
Ecology	Subject to conditions securing appropriate ecological enhancements and mitigation measures it is considered that the scheme would have no significant adverse impacts on protected species and ensure that the

	development would result in a Biological Net Gain. This hangs neutral in the balance
Contamination	Subject to appropriated investigation and mitigation, the scheme would have no adverse implications for contamination and health. This hangs neutral in the balance
Flood Risk	Subject to the implementation of an appropriate SuDs scheme, the development would have no adverse implications for flood risk. This hangs neutral in the balance
Residential Amenity	As the site is currently open the development will have a degree of impact on neighbouring residents; however some of this impact can be controlled via planning conditions. This is given slight negative weight in the balance.
Consultee responses to the case	No objections have been received from any of the Council's consultees to this scheme on any material planning grounds. As such, this support counts positively towards this scheme and great weight in the decision making process should be apportioned to it.

Having regards to benefits outlined above, and the scale and form of the development, it is considered that these when considered cumulatively outweigh any identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme should be granted planning permission.

**RECOMMENDATION:** Grant Subject to Conditions and a S106 Agreement.

**CONDITIONS:**

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- a) the expiration of three years from the date of this permission: or
- b) the expiration of two years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.

Reason: To comply with section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.

2. The scale and appearance of the building(s), the layout and the landscaping of the site shall be only as may be approved in writing by the Local Planning Authority before any development commences.

Reason: This permission is granted in respect of an outline application which did not contain details of the matters hereby reserved for approval.

3. The hereby approved development shall be undertaken in accordance with the following plans and documents:

- Site Location Plan GATE-0001
- Illustrative Masterplan Rev A – principal point of access only

Reason: For the avoidance of doubt.

4. The reserved matters for the development hereby permitted shall include detailed plans and particulars that include:
- i.) a footpath and cycle track link between the east side of the development in an easterly direction to Gateford Road,
  - ii.) a 2.0m minimum width footway to the full extent of the Gateford Toll Bar site frontage,
  - iii) visibility splays from the site access junction with Gateford Toll Bar in both directions to be incorporated into the footway,
  - iv.) east and west bound bus stops on Gateford Road east of Gateford Toll Bar including electrical connections, appropriate footway connections and hard standings, polycarbonate bus shelters, solar or electrical lighting, raised boarding kerbs, lowered access kerbs, and enforceable bus stop clearways,
  - v.) a pedestrian and cycle refuge on Gateford Road between Gateford Toll Bar and the bus stops,
  - vi) a vehicle tracking exercise of a 11.5m refuse vehicle,
  - vii.) the location of a minimum of one EV fast charging point per dwelling, and 1 per 10 care home parking spaces plus a further 10% fitted with the necessary infrastructure (cabling) (minimum specification - 7w Mode 3 with Type 2 connector, 230v AC 32 Amp single phase dedicated supply),
  - viii.) secure and undercover cycle parking for the care home.

The Gateford Road footpath and cycle track link, the Gateford Road bus stops and infrastructure, and the Gateford Road refuge shall be in place prior to the final occupation of the dwellings or first occupation of the care home whichever is the sooner. The Gateford Toll Bar footway shall be widened prior to occupation of any dwelling fronting Gateford Toll Bar or final occupation of the remaining dwellings or first occupation of the care home whichever is the sooner. The EV charging points shall be provided prior to occupation of the respective dwellings and prior to occupation of the care home respectively.

Reason: In the interest of highway safety and sustainable travel.

5. No development shall take place until a Construction Method Statement (CMS) has been submitted to and has been approved in writing by the Local Planning Authority including a works programme. For each part of the works programme (i.e., site clearance, foundations, structures, roofing, plumbing, electrics, carpentry, plastering, etc.) the CMS shall include:
- i.) a quantitative assessment of site operatives and visitors,
  - ii.) a quantitative assessment of the size and number of daily deliveries,
  - iii.) a quantitative assessment of the size, number, and type of plant,
  - iv.) a plan identifying any temporary access arrangements,
  - v.) a plan of parking for site operatives and visitors,
  - vi.) a plan of loading and unloading areas for vans, lorries and plant,
  - vii.) a plan of areas for the siting and storage of plant, materials, and waste, and
  - viii.) the surface treatment of temporary access, parking and loading and unloading areas.
- The first action on commencement of development, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance with the approved CMS and thereafter any temporary access, parking, load and unloading, and storage areas shall be set out and utilised in

accordance with the approved CMS and programme. The designated parking, loading, and unloading, and storage areas shall be used for no other purpose during the respective part of the programme.

Reason: To minimise the impact of the development on the public highway during construction in the interest of highway safety.

6. The development shall not commence until details of the proposed arrangements for the management and maintenance of the streets (prior to an agreement being entered into under Section 38 of the Highways Act 1980) including associated streetlight and drainage have been submitted to and approved by the Local Planning Authority. The streets including streetlighting and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under Section 38 of the Highways Act 1980 at which point those streets covered by the agreement will not be subject to the approved management and maintenance details.

Reason: To ensure that the street infrastructure is maintained to an appropriate standard.

7. No dwelling within the development or the care home shall be occupied until the streets and footways affording access to those dwellings and the care home have been completed up to binder course level and are street lit and which shall be surface coursed prior to the last occupation.

Reasons: To ensure that the streets serving the development are sufficiently completed and are available for use by the occupants and other users of the development in the interest of highway safety.

8. No dwelling shall be occupied until such time as the access and parking area to that dwelling has been provided in a bound material (not loose gravel) and which shall be drained to prevent the unregulated discharge of surface water onto adjacent roads and footways.

Reason: To ensure appropriate access and parking arrangements are available, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety.

9. Prior to the commencement of development, a management plan for the highway boundary hedgerows and the proposed mix of any additional landscaping for the boundary shall be submitted to an approved in writing by the Local Planning Authority. The boundary shall be maintained in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure that the boundary hedgerow is appropriately maintained in the interest of highway safety and in the interests of biodiversity.

10. All vehicles preparing to leave the site during the construction period shall have their wheels thoroughly washed should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

11. The care home hereby permitted shall not be brought into use until the access/parking/turning/servicing areas are provided in hard bound materials (not loose gravel) and are marked out. The access/parking/turning/servicing areas shall be drained to prevent the unregulated discharge of surface water on to adjacent streets and shall not be used for any purpose other than access/parking/turning/loading and unloading of vehicles.

Reason: To ensure adequate parking and servicing arrangements are available.

12. Prior to the commencement of development, an Ecological Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Method Statement shall include;

i.) A working methodology to be followed by site contractors.

ii.) Supervision of all site clearance and removal of vegetated habitats by a qualified ecologist.

iii.) Mitigation for, bats, birds newts, badgers and hedgehogs;

iv.) The implementation of suitable stand-offs with appropriate protection measures for all retained hedgerows.

v.) Details to minimize the creation and impact of noise, dust and artificial lighting.

Once approved, the Ecological Method Statement shall be adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is carried out in a way which safeguards protected species, hedgerows and trees.

13. Before development commences a Nocturnal Bat Survey shall be undertaken in accordance with paragraph 133 of the Wildscapes Preliminary Ecological Appraisal and Baseline BNG (No. P1745) and an updated report shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the recommendations and conclusions of the agreed report.

Reason: To ensure that the optimal benefits of biodiversity are achieved

14. All site clearance work shall be undertaken outside the bird-breeding season (March - September inclusive). If clearance works are to be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that bird's nests are protected from disturbance and destruction.

15. No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written

Schemes of Investigation for trial trench evaluation and provision for further mitigation work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

16. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

17. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

18. Development shall not commence until a LCRM Stage 1 Risk Assessment has taken place and, if required a Stage 2 options appraisal has been carried out to identify the nature and extent of any contamination at the site. The site investigation report shall include a risk assessment to assess the risks to the environment and to human health resulting from any contamination present at the site. Stage 3 remediation and verification measures identified by the investigation shall be carried out before the use of the site / the occupation of the buildings(s), hereby permitted, commences. The report shall be agreed in writing by the Local Planning Authority. In order to comply with the above condition, the proposal should comply with Land Contamination: risk management guidance found at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> and "BS 10175:2011+A2:2017 Investigation of potentially Contaminated sites - Code of practice".

Reason: To ensure that the site, when developed, is free from contamination, in the interests of safety.

19. All hedgerows on the application site shall be retained. No part of the hedges shall be removed unless that removal is authorised as part of this grant of planning permission or is the subject of written agreement by the Local Planning Authority.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

20. The reserved matters shall include details of the noise mitigation measures as outlined in Noise Assessment dated 8<sup>th</sup> February 2023 including full details of the earth bunds to be provided on the site boundaries and acoustic glazing to be installed within the dwellings and care home hereby permitted.

Reason: In the interest of the amenities of occupiers of the permitted scheme.

21. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 47567 Issue 3, Eastwood, 06/04/2023, and Technical Note 47567- ECE-XX-XX-L-C-0005, Eastwood 26th July 2023, 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:

i.) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.

ii.) Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.

iii.) Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year.

- No flooding shown in a 1 in 30 year.

- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

iv.) Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

v.) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

vi.) Evidence of approval for drainage infrastructure crossing third party land where applicable.

vii.) Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

viii.) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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



22. No construction works shall take place outside 8:00am - 6:00pm Monday to Friday, 9:00am - 1:00pm on Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site.

23. No development shall commence unless and until a Biodiversity Management Plan to ensure that there is no net loss in biodiversity as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include a management and monitoring plan for a period of 30 years.

Reason: To ensure that the optimal benefits of biodiversity are achieved.

24. No part of the development hereby permitted shall be brought into use unless or until the relocation (if necessary) and enhancements to the two bus stops on Gateford Road namely BA0320 Gateford Road and BA0034 Gateford Road have been made to the satisfaction of the Local Planning Authority, and shall include: Demolition of existing brick shelter at BA0320; real time bus stop poles & displays including electrical connections; extended hardstands/footways; polycarbonate bus shelter; solar or electrical lighting; raised boarding kerbs; lowered access kerbs; enforceable bus stop clearways and the installation of a safe refuge crossing point on Gateford Road to serve both bus stops.

Reason: In the interests of promoting sustainable transport.

25. No part of the development hereby permitted shall be brought into use unless or until the details of a scheme for provision of free bus passes to employees and residents of the development upon occupation, are submitted and approved by the Local Planning Authority. The scheme shall include details of the bus pass(es) including period of validity or equivalent, the area of coverage, arrangements for promoting the passes, application and monitoring arrangements.

Reason: In the interests of promoting sustainable transport.