

PLANNING COMMITTEE REPORT

Application Number	2022/0356/FUL
Date Received	1 st June 2022
Date of Expiry	31 st August 2023 (Extension of time)
Case Officer	Robbie Steel
Ward	Netherfield
Ward Councillor	David Hughes
Committee Date	25 th September 2023

Site Address:	The Three Lions And Land Adjacent Netherfield Lane Meden Vale Mansfield Nottinghamshire NG20 9PA
Proposal:	DEMOLITION OF PUBLIC HOUSE AND ERECTION OF 41 NO. MIXED AFFORDABLE DWELLINGS WITH ASSOCIATED PRIVATE GARDENS/COMMUNAL OPEN SPACE/HARD/SOFT LANDSCAPING INCLUDING MEANS OF ENCLOSURE AND PUMPING STATION WITH ACCESS VIA NETHERFIELD LANE - RESUBMISSION OF PLANNING APPLICATION 2021/0476/FUL
Applicant:	Shape Land and Property Limited

RECOMMENDATION – APPROVE PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 LEGAL AGREEMENT.

The application has been referred to planning committee due to the fact it is a major application, requiring a Section 106 Legal Agreement, and also due to the number of objections received.

DESCRIPTION OF PROPOSAL AND APPLICATION SITE

The application site essentially comprises of two pieces of land: with the Three Lions Pub, car park and beer garden to the east, and an area of open field to the west. The south of the site directly borders the Bottoms Local Nature Reserve (LNR), with Netherfield Infant School and public open space opposite to the north. There is existing residential development adjoining the eastern and western edges.

The application site covers an area of approximately 2.05 acres and is rectangular in shape. Topographically, the site is relatively level, with a slight incline from Netherfield Lane towards the eastern side. There is an existing green buffer to the boundary with Netherfield Lane, and along the opposite boundary to the nature reserve. Various large established trees are also positioned within the central area of the application site, lying close to the division of the two areas of land that form the application site.

The land around the Three Lions Public house and car park is covered by an Area Tree Preservation Order (TPO 146).

The application seeks the demolition of the public house and the erection of 41 affordable dwellings with associated parking, private gardens, communal space, soft landscaping with access from Netherfield Lane.

The scheme will be wholly owned by a Registered Provider and the tenure will be split between affordable rent and rent to buy, providing a 100% affordable scheme. The scheme numbers of units and associated bedroom sizes are broken down as follows:

- 28 no. 1 bedroom Apartments
- 1 no. 2 bedroom Bungalow
- 7 no. 2 bedroom Houses
- 5 no. 3 bedroom Houses

The applicant has submitted the following plans in support of the application (note the latest revisions of each document only are included on this list):

- 22042-PJA-S-ZZ-DR-A-1000 – Location Plan
- 22042-PJA-00-ZZ-DR-A-1002 **Rev P** – Proposed Site Layout
- 22042-PJA-HO-ZZ-DR-A-1100 **Rev E** – Proposed Floor Plans Terraced Houses A
- 22042-PJA-HO-ZZ-DR-A-2100 **Rev E** – Proposed Elevations Terraced Houses A
- 22042-PJA-HO2-ZZ-DR-A-1100 **Rev F** – Proposed Floor Plans House Type C (Terrace)
- 22042-PJA-HO2-ZZ-DR-A-2100 **Rev F** – Proposed Elevations House Type C (Terrace)
- 22042-PJA-HO3-ZZ-DR-A-1100 **Rev C** – Proposed Floor Plans Terraced Houses B
- 22042-PJA-HO3-ZZ-DR-A-2100 **Rev C** – Proposed Elevations Terraced Houses B
- 22042-PJA-WU1-ZZ-DR-A-1100 **Rev E** – Proposed Floor Plans Block A
- 22042-PJA-WU1-RF-DR-A-1101 **Rev E** – Proposed Roof Plan Block A
- 22042-PJA-WU1-ZZ-DR-A-2100 **Rev H** – Proposed Elevations Block A
- 22042-PJA-WU2-ZZ-DR-A-1100 **Rev D** – Proposed Floor Plans Block C
- 22042-PJA-WU2-ZZ-DR-A-2100 **Rev F** – Proposed Elevations Block C
- 22042-PJA-WU3-ZZ-DR-A-1100 **Rev D** – Proposed Floor Plans Block B
- 22042-PJA-WU3-ZZ-DR-A-2100 **Rev C** – Proposed Elevations Block B
- 22042-PJA-WU4-ZZ-DR-A-1100 **Rev B** - Proposed Floor Plans Bungalow/Walk Ups
- 22042-PJA-WU4-ZZ-DR-A-1101 **Rev A** - Proposed Roof Plan Bungalow/Walk Ups
- 22042-PJA-WU4-ZZ-DR-A-2100 **Rev B** – Proposed Elevations Bungalow/Walk Ups
- 22042-PJA-00-ZZ-DR-A-3001 **Rev F** – Proposed Street Scenes
- 22042-PJA-XX-XX-M2-A-9500 **Rev F** - Design and Access Statement

Landscaping plans and Tree Protection Plans

- D204.001 **Rev C** - General Arrangement Landscape
- D204.002 **Rev C** - Planting Plan
- 204.001 **Rev D**- Landscape Management Plan
- Tree Constraints Plan, 5 April 2023
- Tree Protection Plan, 5 April 2023

Drainage and Highways Plans

- 1963-SCE-00-00-DR-C-0001 **P06** – Drainage Strategy

- 1963-SCE-00-00-DR-C-0002 **P01** – Drainage Construction Details
- 1963-SCE-00-00-DR-C-0003 **P01** – Attenuation Crate and Catch Pit Details
- 1963-SCE-00-00-DR-C-0005 **P05** – Initial S278 General Arrangement
- 1963-SCE-00-00-DR-C-0006 **P04** – Vehicle Tracking
- SHE-0098-5000-1500-5000 - Design Drawing

The following technical documents have been submitted in support of this application:

- Phase I and II Geoenvironmental Site Assessment – Reference 14-437-R1-3 April 2023
- Three Lions Flood Risk Assessment, Geosmart Information, 21 March 2023
- Preliminary Ecological Appraisal Report, April 2021 80-397-R1-2
- Reptile Survey Report, May 2021 80-397-R3-1
- Bat Survey Report, June 2021 80-397-R4-1
- Updated Nocturnal Bat Survey Report 80-397-R7-1 September 2023
- 30 Year Habitat Management Plan, April 2023 80-397-R6-1
- Arboricultural Impact Assessment, April 2023
- Biodiversity Metric Report (4.0), Three Lions Meden Vale May 2023 80-397-R5-5
- Biodiversity Metric 4.0 Calculation Tool R5
- Three Lions Transport Statement, CTS Traffic and Transportation, June 2023 53603
- Three Lions – Site Viability Report dated March 2023
- Sales Details – Three Lions, Meden Vale (Savills Sales Brochure)
- Borehole Logs
- Three Lions – Drainage Strategy and Maintenance Document
- Three Lions – Surface Water Calculations
- Shape Engineers Response to NCC Highways
- Shape Engineers Response to LLFA

RELEVANT SITE HISTORY

- 2015/0631/NT: Application for Outline Planning for 3 No. Dwellings Including the Reserved Matter of Access - Grant Outline Permission with Conditions;
- 2019/0094/OUT: Outline Application for 3 No. Houses Including Access - Grant Outline Permission with Conditions; and
- 2020/0695/PREAPP: 13 x 2 Bed semi-detached houses, 4 X 3 Bed semi-detached houses and 16 No. apartments with possible further development – Response sent.
- 2021/0476/FUL: DEMOLITION OF PUBLIC HOUSE AND ERECTION OF 48 NO. MIXED AFFORDABLE DWELLINGS (28 NO. APARTMENTS AND 20 NO. HOUSES) WITH ASSOCIATED PRIVATE GARDENS/COMMUNAL OPEN SPACE, 73 NO. CAR PARKING SPACES, 36 NO. CYCLE PARKING STANDS (IN ASSOCIATED STORES) VEHICULAR MANOEUVRING SPACE, BIN STORES, HARD/SOFT LANDSCAPING INCLUDING MEANS OF ENCLOSURE AND PUMPING STATION ALL TO BE ACCESSED VIA TWO VEHICULAR ACCESSES OFF NETHERFIELD LANE. Withdrawn.

Application 2021/0476/FUL was due to be presented to Planning Committee on the 22 November 2021, however was withdrawn prior to consideration. Officers recommended that the application be refused on three grounds; these were on the basis of the loss of public house and lack of supporting information, poor design quality and impact upon TPO trees/the Local Nature Reserve.

The comments detailed below represent the latest position from each consultee unless clearly indicated otherwise:

OBSERVATIONS RECEIVED

Throughout this report observations received in respect of each application are presented in summary form. The full letters and consultation responses received, including details of any non-material planning observations, are available for inspection both prior to and at the meeting.

Anyone wishing to make further comments in relation to the application must ensure these are received by the Council by 12 noon on the last working day before the date of the Committee.

Statutory, Internal and Other Consultees

Clinical Commissioning Group

A development of this nature would result in increased service demand and all practices in the area are working at capacity. Accordingly, the proposal would trigger the need to provide health related section 106 funding amounting to £22,216.87, which is proportionate to the housing development size. The contribution would ideally be invested in enhancing infrastructure capacity in existing practices.

Nottinghamshire County Council (NCC) Highways

It is noted that the internal design of the proposed residential development has not been amended for it to comply with current local and national policies including the requirements as set out in a guidance for Inclusive Mobility. However, as the internal layout is not proposed to be adopted, as it is not designed to adoptable standard, and the proposed layout resembles a car park rather than an access road, then it should be noted that any internal design and compliance with current regulations outside of highway safety will not be assessed by the Highway Authority. However, it is expected that this will be assessed by the Local Planning Authority as part of their broader assessment as the applicant has not provided any response on this matter in their response to the HA's previous comments.

The submitted plan shows a general highway arrangement outside of the proposed site in response to previous highway comments. The applicant advised that they wish to address the issues of highway improvement works at Section 278 Agreement stage. This is possible based on the submitted plans and can be conditioned. Therefore, the following details, which are not shown on the plans, will have to be safeguarded by a condition, as suggested by the applicant, on any planning consent. If it is not possible, the applicant is required to address these before the decision is made by the LPA:

a) The assessment of the location of the existing bus stop(s) and possible relocation of the existing bus stops in the vicinity of the new vehicular access to the site.

b) Extent of the TRO in a form of double and/or single yellow lines for junctions' protection on both sides of Netherfield Lane. The exact location and the extent of the TRO will be agreed between the applicant and Nottinghamshire County Council as the Highway Authority at later date.

c) We would request that a Construction Management Plan should be agreed before works commence on site to ensure that the applicant provides sufficient off-street parking, loading and unloading, and secure storage of materials within the site's curtilage to prevent highway obstruction.

The applicant has amended the access details with required information and measurements clearly shown on the submitted plan; this is acceptable. Although, the applicant has not submitted any details of visibility splays for the new dropped kerb vehicular accesses to the two new dwellings with direct access off off Netherfield Lane, it is noted that the proposed accesses are similar to the adjacent existing properties and the visibility at these accesses would be acceptable due to the alignment of Northfield Lane outside these accesses.

On the basis of the submitted information, it is not envisaged that this proposal will severely compromise highway safety. No objections are therefore raised subject to conditions.

Mansfield District Council (MDC) Planning Policy (updated comments)

I have reviewed the updated information submitted by the applicant, with specific reference to the updated Site Viability Report. It is considered that compliance with the requirements of Local Plan policy IN7 have been demonstrated. Therefore, subject to comments from other consultees regarding compliance with other local plan policies, there would be no objection to this application.

Mansfield District Council (MDC) Planning Policy (initial comments).

Have identified the various aspects of the NPPF that are relevant to this application. Overall, it is considered that the proposal largely complies with the NPPF. However, as noted in my comments about the local plan policies, there are a number of issues that need resolving.

Overall, it is considered that the proposal has the *potential* to accord with the relevant policies. However, as currently summited, the proposal would be contrary to policies IN7 and NE2 of the adopted Mansfield District Local Plan.

In addition, the application is supported by insufficient information, both on which to make a decision and to allow a full assessment to be undertaken of the schemes compliance with a number of other local plan policies.

MDC Environmental Health

No objections but conditions should be applied in respect of working hours and contamination.

A Phase I and II geoenvironmental site assessment has been carried out any necessary remedial works should be carried out in accordance with the recommendations made in this report.

MDC Parks

Having viewed the planning application I would like to confirm that the Parks Department team would recommend that S106 contributions for play/fitness provisions and improvements to open space within the adjacent park known as Pencil Park.

A local consultation would take place with residents to determine the type of equipment/facilities they would consider to be important to them and their families.

MDC Property Services

I note Savills marketed the Property initially in December 2021. Rightmove still lists the Property with POA and Under Offer. I note that you received confirmation that the Property was on the market for offers over £500k. This is of course an asking price and not a valuation.

Trading pubs are normally valued on a turnover basis, here of course there is no turnover and I note that the property has been boarded up and may have suffered from vandalism and therefore the condition is unknown. If I was looking at the site, I would need to consider alternative uses, a closed pub with a poor trading history in my opinion is difficult to value without considering those alternate uses. Without carrying out that exercise which would of course include many assumptions, I cannot confirm whether the proposed marketing price was reasonable.

In my limited experience in dealing with the management / letting of Pubs, additional land can either be a benefit or a burden. Additional Land with suitable permissions can provide a successful pub with opportunities to run events, camping, car shows etc all which help provide the business with additional trade, thus income.

NCC Local Lead Flood Team

No objections subject to a condition requiring details of the surface water drainage scheme.

NCC Planning Policy

Comments have been received from NCC planning policy setting out their strategic observations for the relevant areas that fall under their remit:

- *Minerals* – No objections.

- *Waste* - There are no existing waste sites within the vicinity. It would be useful for the application to be supported by a waste audit.
- *Public Health* – General guidance provided on how to assess applications

NCC Education

The proposed development 41 dwellings on the above site would yield an additional 9 primary, 7 secondary and 1 post 16 aged pupil.

Primary

Based on current pupil projection data there is a projected surplus of places in the planning area and the impact of the development alone would not lead to a deficit in provision. At this time, it is not anticipated that the County Council would seek a primary education contribution.

Secondary

Based on current pupil projection data there is a projected surplus of places in the planning area and the impact of the development alone would not lead to a deficit in provision. At this time, it is not anticipated that the County Council would seek a secondary education contribution.

NCC Transport

The Council will request that a Planning Obligation be added to state the below:

A Bus Stop Infrastructure contribution of £18,600 is paid to provide improvements to the two bus stops denoted MA0057 Caunton Close and MA0300 Egmonton Road and shall include installation of raised boarding kerbs at MA0057 Caunton Close and installation of real time bus stop pole & displays including associated electrical connections, solar or electrical lighting and raised boarding kerbs at MA0300 Egmonton Road

Stops MA0302 Netherfield School (custom & practice stop) and MA0677 Netherfield School are located at the proposed north entrance to the site and will need to be reviewed for Highway Safety and may require possible relocation. A condition is therefore requested requiring the re-location of these bus-stops.

Transport and Travel Services expect all properties to have free introductory bus travel made available to them to encourage use of sustainable modes of travel.

Natural England

No comments.

MDC Tree Officer

I can confirm that if development is implemented in accordance with the supplied arboricultural method statement and tree protection plan, that I would have no further objections to the proposal.

I suggest that the arboricultural method statement and tree protection plan are included within the approved plans of development should consent be granted.

Environment Agency

We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason: - The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

MDC - Waste and Recycling

Based on the latest submitted plans showing the provision of a bin store for Block A no issues are raised.

MDC - Development Manager (Affordable Housing)

Note the development is providing 100% affordable housing the tenure of which will be split between affordable rent and rent to buy. The provision of affordable housing and the unit types are supported but the tenure split will need to be agreed.

Nottinghamshire Wildlife Trust

The Preliminary Ecological Appraisal Report Three Lions, Meden Vale Reference:80-397-R1-2 Date: April 2021 recommended that three nocturnal bat surveys on B1 are undertaken, with at least two surveys between May and August (inclusive) and one between May and September and reptile surveys with seven visits between March and September (inclusive).

Mitigation was recommended for badger, otter and amphibians and Precautionary Working Methods for the adjacent designated site. Of the recommended surveys it would seem that only reptile surveys were undertaken. Those surveys were completed in May 2021. No reptiles were identified during the seven surveys. In total seventeen common toads were recorded during the reptile surveys. It is recommended that any amphibians identified are moved by hand away from construction activities.

The report is dated April 2021, but the survey data appears to be largely from September 2020. We draw your attention to the CIEEM advice note that advises for data that is 18

months to 3 years old “A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report, based on the factors listed below. Some or all of the other ecological surveys may need to be updated”.

Our advice to the LPA is that the applicant should be having a discussion with their ecologist about ecological surveys that may need to be updated

Nottinghamshire Police

Request that an informative note be added to the decision notice which includes comments relating to the secured by design imitative and protecting the development from crime during the construction stage.

Severn Trent Water

Request a condition be applied in respect of foul and surface water drainage.

Urban Design Comments (initial comments on the original scheme)

There are major weaknesses with the development proposals and using BHL as a design quality indicator, there are multiple ‘reds’ which highlight areas that require a “*stop and rethink*”.

Urban Design Comments (amended comments summarised)

- The scheme reflects to some degree the hand drawn concept by the Urban Designer. A sketch was provided showing key paths that need to be included for pedestrian movement and areas where active frontages need to be provided.
- Remains concerned over a lack of clear distinction between public and private spaces that needs clarifying along with management.
- Refuse vehicles need to be tracked crossing the centre line (as stated in Manual for Streets) to allow corner radii to be tightened. We should also be seeking pedestrian priority across side junctions
- Parking aside (again), this could be a good scheme but equally it could easily go the other way.
- Possibility for ecological opportunities needs to be taken into account.

Resident Comments

There have been two sets of consultation taken place with residents. The first one took place on 20.06.2022 with the second one, following receipt of amended plans, taking place on 15.05.2023.

There have been a total of 6 objectors to the application. The first round of consultation received one objection with the remaining objections being received to the second round. The issues raised are as follows:

Highways Safety

- The development would increase traffic and result in highways safety issues.
- Specific concerns over the proximity to the school and parking problems with parents/residents.
- Parked vehicles would reduce visibility at the pedestrian crossing.
- The bus service is adequate but needs to be improved to encourage less car use and benefit the environment.
- Highways asked for deferment to resolve issues.

Loss of Community Facility

- No community hub since the closure of the pub.
- Demolishing the pub would take away the community facility and any chance of it opening again.
- Will villagers get a chance to buy?
- A landlord offered to buy a quarter of the land however the developer refused to split the land. The asking price of £500,000 was too high.
- The pub was deliberately run-down by the landlord, which the brewery allowed to stay.
- The pub could be a good business if local sports teams drank in there. They stopped using the pub because of the landlord.
- Already have to travel for everything else bar the shop, the pub should be the heart and soul of the village.
- A petition was raised with over 200 signatures against the demolition of the pub in favour of it becoming a community pub.
- It did get registered as a community asset but due to the asking price and not splitting the site it was unviable.

Impact on Services

- Services will be overwhelmed as a result of the development.
- Meden Medical Services offers the service to Warsop and Meden Vale and it can be difficult to access healthcare. Especially Dentists.
- Riverbank surgery closing means more patients will impact upon provision. Worsened by the Stonebridge development.
- Lack of amenities in the village. There is no Miners Welfare only Sports Fields. There is no GP only convenience stores.
- Village schools oversubscribed.
- Meden Vale does not need more affordable housing it needs facilities.

Impact on Residential and Visual Amenity

- The development is not in-keeping with the surrounding character of the area. Housing should be used as opposed to apartments.

- The balconies on Block A would overlook into the neighbouring property on Netherfield Close.

Environmental Impact

- Insufficient details regarding flood risk. The site is on/close to Flood Zone 2.
- The site is only partly brownfield with the remaining being greenfield.
- The application would be contrary to policies IN7, NE2, P1, P5, IN4, IN9 and CC2 of the Local Plan.

Other

- Anti-social behaviour and crime.
- Concerns over the type of people who will live in the apartments given the proximity to the school.
- No one understands what affordable housing means. These would not be required if the replacement of Melville Court goes ahead.

Neighbour Comments

POLICY AND GUIDANCE

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for determination is therefore the adopted development plan:

Mansfield District Local Plan 2013 -2023 (Adopted September 2020)

- Policy S1 – Presumption in favour of sustainable development
- Policy S2 – The presumption in favour of sustainable development
- Policy P1 – Achieving high quality design
- Policy P2 – Safe healthy and attractive development
- Policy P3 – Connected developments
- Policy P5 – Climate Change and New Developments
- Policy P7 – Amenity
- Policy H3 – Housing density and mix
- Policy H4 – Affordable Housing
- Policy IN2 – Green Infrastructure
- Policy IN4 – New community open space and outdoor sports provision
- Policy IN6 – Designated local green space
- Policy IN7 – Local shops, community and cultural facilities
- Policy IN10 – Car and cycle parking
- Policy IN11 – Telecommunications and Broadband
- Policy NE2 – Biodiversity and geodiversity
- Policy NE3 – Pollution and land instability

- Policy CC2 – Flood risk
- Policy CC3 – Sustainable drainage systems
- Policy CC4 – River and waterbody corridors

National Planning Policy Framework

The relevant sections of the NPPF are considered to be as follows;

- Section 2. Achieving sustainable development
- Section 4 Decision-making
- Section 5. Delivering a sufficient supply of homes
- Section 6. Building a strong, competitive economy
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

Planning Practice Guidance

Supplementary Planning Documents

- Affordable Housing SPD.
- Planning Obligations SPD
- Sustainable Drainage Systems SPD
- Biodiversity Net-Gains SPD

Neighbourhood Plan

The draft Warsop Parish Council Neighbourhood Plan 2018 – 2033.

As this plan was never adopted, or progressed beyond initial draft stage it is considered that very limited weight is given to any policies contained within.

ASSESSMENT OF MAIN ISSUES

1. Principle of Development – Loss of Asset of Community Value;
2. Design, Appearance, Layout and Density
3. Residential Amenity;
4. Green Infrastructure and Biodiversity;
5. Flooding;
6. Landscape Impact;
7. Highways Safety;
8. Developer Contributions;
9. Planning Balance and Conclusions.

1. Principle of development

Policy S2 of the Adopted Local Plan 2020 sets out the spatial strategy for the district. As part of this it states that planned growth will be managed by directing it to the appropriate locations within the settlement hierarchy. The development is located within the third tier, Warsop Villages, which is below the Mansfield Urban Area and Market Warsop. The general principle of residential development for the brownfield part of the site (pub/car-park), is therefore in accordance with Policy S2 and the spatial strategy.

The remainder field part of the site is also located within the settlement boundary; however, this also falls within the strategic green infrastructure area identified under Policy IN2 (Green Infrastructure). The acceptability of the proposals in this regard is discussed later in the report.

Loss of Asset of Community Value

The development proposals would result in the loss of a public house, which is considered to be a community facility. Policy IN7 of the Adopted Local Plan 2020 seeks to protect existing local facilities from loss. It sets out that development proposals, which result in the loss of a community facility will only be supported in three circumstances. The most relevant of these to this application is that the facility is no longer viable demonstrated through adequate marketing for six months. This marketing should be through an appropriate agent as well as the Councils regeneration services. The evidence of the results of the sustained marketing strategy must then be submitted and may be scrutinised by an independent assessor if deemed necessary.

Policy IN7 is considered to be consistent with paragraph 93 of the NPPF which recognises that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The public house was registered as an Asset of Community Value (ACV) on the 27th September 2021. The nomination came from a local community group known as 'Save the Three Lions'. One of the key purposes of the Community Asset designation is to provide local community groups with a chance to buy the property on the open market under the Community Right to Bid. In short, a 6-month moratorium is placed upon the property allowing the community group a chance to bid.

Members should be made aware, that there is no community right to buy the asset, just to bid. This means that the local community bid may not be the successful one. The owner can, at the end of the moratorium, sell to whomever they choose for whatever price they choose. It is understood that the 6 month period for the moratorium expired in March 2022 with no action taken by the local community to successfully bid for the property.

The ACV provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide

whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

To justify the loss of the public house, the applicant has submitted a Viability Study. In summary, this sets out the following:

- The facilities available are considerably inferior to those which are required by a modern discerning customer. A lack of food offering and small customer area; coupled with the general poor appearance of the property are deficiencies that cannot be easily overcome.
- There is no shortage of alternative customer choice in close proximity to the subject property, which provide adequate facilities for the local community.
- Stagnated customer levels and drink volumes in the 3 years prior to closure, pin points the route cause for the long term issues for the site as a trading pub. The profit and loss accounts before closure show a significant fall in trade.
- Substantial investment of around £225,000 plus working capital (circa £20,000) would be needed to be invested into the Public House (excluding the immediate structural/fabric repairs) and bearing in mind the competition in the area and the cost of the works, this is considered to be a risky investment.
- Even if capital investment was put into the Public House, the report author is of the opinion that the business would still not provide a sufficient income for an operator in the medium term.
- The pub would encounter further head winds in the face of the current economic climate and cost of living crisis.

In respect of the marketing of the pub and exercise, the viability report sets out the following:

- The pub has now been closed and not trading since January 2022 and the pub company have been unable to secure any operator or tenant to trade the business as a going concern
- As a result of the exit of the tenant and an ability to recruit a successor, the pub was put to market via Savills in December 2021 and despite 6 months of marketing activity the pub has failed to attract buyers as a going concern and trading pub.
- The marketing methods include: Full mailshot , Savills website, Novaloca, Rightmove, Boards erected on site, Council released notice as part of the ACV process
- In total there were 4 viewings with 2 offers received, both speculative and for residential development, but did neither proceeded or were followed through.

The supporting information provided by the applicant appears to demonstrate the difficult environment the pub faced prior to closure, with evidence provided of profit and loss accounts. The report goes onto highlight this required increasing tenant support, with the pub company effectively subsidising the tenant to keep trading, which is not sustainable in the longer term.

The report highlights the costs involved with a commercial kitchen/refurbishment and these would be risky venture for any investor. In this regard, it is not clear how some development on-site could outweigh those risks. For example a type of enabling development with the profits put back into supporting the refurbishment of the public house, although there does appear risks involved as set out in the supporting evidence.

The report points to other venues as being alternatives namely the Greendale Oak, Crates & Grapes and Royal Oak. However, none of these are within the village and all are at least 2.4km away, which makes them unattractive for walking, especially considering the routes involved.

In terms of the valuation of the property, the Councils Property Services note that a closed pub with poor trading history is difficult to value without considering alternative uses. Residents have expressed concern that a valuation of £500,000 is too high and the land should be split to lower the sale price. In this regard, additional land could be beneficial for the public house giving opportunities to run events etc., it is therefore not entirely unreasonable the land has been offered as a single parcel. Crucially, with respect of valuation there is no community right to buy the asset just bid. Ultimately, the owner can sell to the highest bidder. In this case, it appears the community did not find sufficient capital to purchase the public house.

Moreover, the Local Plan policy IN7 relating to local shops, community and cultural facilities sets out that the test for justify no viability is adequate marketing of the premises for its current or former use for at least 6 months. The applicant has provided substantive evidence of a sustained marketing exercise of the property. The Councils Planning Policy Team have been consulted on the information and are content that the requirement of Policy IN7 (b) has been met. Given this, a refusal on the basis of failing to comply with Policy IN7 would be difficult to sustain at an appeal.

2. Design, Appearance, Layout and Density

National Planning Policy on design is contained in Part 12 of the National Planning Policy Framework. In terms of the Mansfield's Adopted Local Plan, Policy P1 states that all new major developments will be supported where they contribute positively to the creation of well-designed buildings and places. Policy P2 states that development will be supported where it creates a strong sense of place and is appropriate to its context in terms of layout, scale, density, detailing and materials.

The application has seen fairly extensive discussions with an Urban Designer working with the Council to provide independent advice. This has resulted in numerous revisions to the layout and elevations to provide a scheme of an acceptable design quality. The review focused around how the development would achieve the principles set out in the Building for a Healthy Life, using these as a structure to inform design discussions with the applicant.

A key element from the design review was how the scheme would meet the Councils aspirations for a forest inspired identify set out in Policy P1. To respond to this, the existing TPO trees within the heart of the site have been retained with new communal amenity space formed around them. The trees and majority of hedgerow running along Netherfield

Lane are proposed to be retained. New planting will also be extended across the front of the site where there is currently hardstanding associated with the pub.

Amendments have been sought to ensure an active presence is provided along Netherfield Lane. Likewise, the house-types have also been amended to provide active frontages on the gable ends overlooking areas of open space within the site. The parking courts have also been repositioned to the front of dwellings to provide natural surveillance and overlooking from properties.

In response to the Urban Designers comments, paths have been provided throughout the development to respond to desire lines where pedestrians are likely to walk through. Landscaping and boundary treatments have also been used to delineate public and private spaces for the apartment blocks.

The elevations of the house-types and apartments have been amended to reference local vernacular. These are a mix of one to three storey in height with a scale that is in-keeping with the wider area. The apartments also make use of balconies, where appropriate, to provide residents with additional space.

It is acknowledged that the parking court on the western part of the site would result in fairly extensive mass of hardstanding; however, this has to be weighed against the requirement to provide sufficient parking for future residents. Existing and new vegetation along the site frontage would also serve to soften this extent of hardstanding.

Overall, following the advice from the Urban Designer necessitating extensive changes to the scheme, it is considered that the development is of an acceptable design quality. It would meet with the requirements of Policies P1 and P2 of the Local Plan and the aspirations set out in part 12 of the National Planning Policy Framework.

3. Residential Amenity

Policy P7 states that development should be constructed to minimise impacts on the amenity of existing and future users. In a similar vein, the NPPF highlights that one of the key elements of the planning system is to ensure a good standard of amenity for all existing and future residents.

Existing Residents

Overall, it considered that the proposed development would not unduly harm the amenity of neighbouring residents through overbearing, overshadowing, or a loss of privacy. The closest dwelling to the western boundary of the site is 3 Netherfield Close, which sits adjacent to Block A. It features a conservatory to the rear and small garden area.

The applicant has demonstrated that the 45 degree measurement would not be impinged to this property, meaning that light to the rear elevation and conservatory would not be unduly affected. There would be some loss of light to windows in the side elevation, however these are secondary/non-habitable room windows. At the request of the officer, the roof type of Block A has been amended to a hipped roof in order to minimise any

massing impact. Furthermore, Block A also sits to the north west of the garden of No.3 and therefore any overshadowing impacts are minimised.

At the request of officers, balconies have also been removed from Block A to reduce any potential for overlooking. There would be one balcony sited to the south elevation of Block A, however there would be a screen to ensure no loss of privacy to No.3. This screen along with the relative separation distance ensures there would be no harmful overlooking impacts. Overall, it is assessed that the development would not unduly harm the living conditions of the neighbouring occupiers at No.3.

There is an existing window ground floor side elevation bungalow window facing onto the site adjacent - to the north eastern most apartment block. However, parking is provided for directly adjacent, which serves to minimise the impact from overbearing of the proposed building. Whilst there will be some loss of light to this window, overall the relationship is considered to be acceptable. Indeed a 2m high fence could be erected along this boundary without requiring permission.

Future Residents

Internally the properties have been designed to meet Nationally Described Space standards and as such future occupiers would be afforded an acceptable standard of accommodation. Each of the dwellings would be provided with a rear garden area whilst the apartments would be offered communal space for residents. Overall, it is considered the scheme would provide acceptable living standards for future residents in accordance with Policy P7 of the Local Plan.

4. Green Infrastructure and Biodiversity

The greenfield part of the site is located within the settlement boundary and falls within the strategic green infrastructure area identified under Policy IN2 (Green Infrastructure). This policy, amongst other things, seeks to ensure development protects and enhances key green assets that make up the network. The proposed development falls within the strategic GI Area 4 (Meden Valley) and subsection 4J (River Meden from Church Warsop to Meden Vale). It is, however, recognised that the proposed site does not fall within sensitive areas that make up this part of the sub-section, for example: the LNR, Meden trail, Conservation Area and River Meden.

Policy IN2 concerns the provision for green infrastructure (GI), particularly in relation to the district's strategic GI network. The policy seeks to ensure that new development:

- protects and enhances key green assets that make up the GI network and its core functions;
- ensures that good quality connections are maintained and, where practical, improved;
- significant adverse impacts are avoided and minimised, including through the creation of habitat and landscape buffer strips;
- addresses impacts from and improves climate change resilience;
- improves quality; and
- supports the management of any features created.

The site directly borders the Bottoms Local Nature Reserve (LNR). As such, Policy NE2 applies, which seeks to ensure that biodiversity is protected and enhanced. In a similar vein, 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. Finally, the Council has recently adopted a Biodiversity Net-Gains Supplementary Planning Document.

In respect of ecological matters, the applicant has submitted the following documents:

- Preliminary Ecological Appraisal Report, April 2021 80-397-R1-2
- Reptile Survey Report, May 2021 80-397-R3-1
- Bat Survey Report, June 2021 80-397-R4-1
- Updated Nocturnal Bat Survey Report 80-397-R7-1 September 2023
- 30 Year Habitat Management Plan, April 2023 80-397-R6-1
- Tree Survey, 5 April 2023
- Biodiversity Metric Report (4.0), Three Lions Meden Vale May 2023 80-397-R5-5
- Biodiversity Metric 4.0 Calculation Tool R5

The headlines from the ecological appraisal are as follows:

- The main pub building had high potential for bat roosting with a semi-mature ash tree having low potential.
- Potential presence of common amphibians within the site and birds within the vegetation.
- Potential presence of otter within the broadleaved woodland and watercourse to the south.
- Potential presence of hedgehogs within the grassland and hedgerow.

The report recommended that additional surveys are required for bats and reptiles, along with the following mitigation measures:

- Precautionary working methods for badgers, otter and amphibians.
- Precautionary working methods to protect the adjacent designated site.
- Updated invasive plant species walkover prior to works commencing.
- Common amphibians to be moved by hand away from construction activities.
- Vegetation removal undertaken outside of bird nesting and hedgehog hibernation season.

The Nottinghamshire Wildlife Trust (NWT) have advised that it appears only the reptile was undertaken. However a bat survey was also submitted and this has been clarified with NWT. In terms of these surveys, no reptiles were identified during the seven surveys. In total seventeen common toads were recorded during the reptile surveys.

NWT have advised that that for survey data between 18 months and 3 years old may need reviewing by the ecologist. To address this point, an updated bat survey has been

submitted and this did not find any bat roosts within the building. The report advises that no further surveys, mitigation or a Natural England Bat Licence is required for works to proceed.

To support the application a Biodiversity Net-Gain Metric and Report have been provided. The results show a total gain of 11.60% in habitat units, and 45.28% in hedgerow units will be incurred on site as a result of development. The report sets out that the Biodiversity Metric does not take account for additional species enhancements within the site, and to further increase the site's value for wildlife the following could be provided:

- Creation of hibernacula (following guidance set out within Froglife, 2001) for common amphibians.
- Hedgehog houses may be installed to enhance the site for hedgehogs.
- Bat and bird boxes could be integrated into the proposed residential units.

It is considered that these matters could be secured through a condition providing further ecological enhancements. A management plan has also been provided to show how the new planting would be maintained for a 30 year period.

A concern raised with the previously withdrawn application was the lack of an acceptable buffer to the woodland area to the south of the site. The amended scheme shows that a buffer would be provided where the woodland buffer immediately adjoins the south eastern part of the site. This would ensure those trees within the woodland area would not be unduly affected.

It is clear that the proposals would seek both to protect and enhance biodiversity at the site. Accordingly, the development would also ensure that the function and key assets of the green infrastructure network are protected. There are no existing public rights of way adjoining the site and as the land is in separate ownership new formal paths are not provided into the rear woodland. Overall, it is considered that the scheme complies with Policy IN2 of the Local Plan.

On the basis of the supporting technical documents, it considered that the recommended onsite enhancements for habitats and protected species meet the requirements of the National Planning Policy Framework (2021), which aims to reduce impacts to biodiversity and provide enhancements; in particular Paragraphs 174 and 179. The development would also meet the requirements of policy NE2 of the Local Plan.

Trees

The site is not within a Conservation Area however it is the subject of a Tree Preservation Order (TPO146). The TPO covers the area surrounding the public house and car park, but does not extend into the field part of the site. It covers all Maple, Ash, Sycamore, Birch and Hawthorn Trees.

Following considerable discussions and amendments to the layout, the existing trees on the site and covered by the TPO will be retained, this is with the exception of the mixed species group identified as G2. These are defined as Category C and consisting of a

series of multi-stemmed, poor specimens with poor form. The loss will be mitigated through improved landscaping provision at the site and is considered to be acceptable.

The Councils Tree Officer has been consulted and raised no objections to the information supplied. A condition is recommended to ensure the development is carried out in accordance with the arboricultural method statement and tree protection plan.

5. Flooding

Policy CC2 of the Local Plan concerns flood risk. It sets out the circumstances of when developments in areas at risk of flooding will be supported. There are a number of criteria which need to be met. The majority of the site is located within a fluvial Flood Zone 1 (Low Probability), with just less than 1% of the south eastern boundary of the Site being located in Flood Zone 2. Part of the site is at risk from surface water flooding.

The proposal will also need to comply with Policy CC3, which supports the integration of sustainable drainage systems (SuDS) to reduce and manage flood risk from surface water run-off. Policy CC4 seeks to ensure that the overall condition of rivers and other water bodies in the district is improved.

The Council also has a Sustainable Drainage Systems (SuDs) Supplementary Planning Document (SPD) which adds further details in relation to the relevant policies identified above from the Local Plan.

The applicant has submitted a Drainage Strategy document for the site. This sets out that the site has been assessed for the suitability of infiltration type surface water drainage systems in accordance with BRE Digest 365; however, it has been found that the subsoils are not permeable.

In terms of surface water drainage, it is proposed that this would be attenuated on site with cellular storage under the parking area. A hydrobrake would then be used to restrict surface water flows to a discharge rate of 5.0l/s. In terms of foul drainage, the sewerage for the development has been proposed with a free discharge to the existing public sewer to the rear of Netherfield Close via a pumped solution rising main running through the site.

The Local Lead Flood Authority has been consulted and raised no objections to the application, subject to a condition relating to surface water drainage. Likewise, Severn Trent have also advised that a surface and foul water conditions should be applied. It is proposed to use the wording from the Local Lead Flood Authority for the surface water drainage condition. Subject to this condition, it is considered the development would accord with policies CC2, CC3 and CC4 of the Local Plan along with the Councils SuDs SPD.

6. Landscape Impact

The proposed development is within the Sherwood Landscape Character Area and within local landscape policy zone (LPZ) SH28 (River Meden between Meden Vale and Church Warsop). Policy NE1 of the Local Plan relates to the protection and enhancement of landscape character. In this case, it is considered that the development would unduly harm

the character of the landscape. The development sits well within a contained landscape, which is already settlement edge and contains housing development to the west. Essentially, the development would infill a gap between built form running along Netherfield Lane.

The low lying nature of the site and presence of woodland means the development will have a limited area of visual influence. The trees along the frontage of the site are also to be retained and the planting extended across the frontage. Overall, it is considered that there would be no substantive conflict with Policy NE1 (Protection and enhancement of landscape character) of the Local Plan.

7. Highways Safety

Policy IN8 of the Local Plan seeks to promote sustainable transport in the District. Policy IN9 relates to the impact of new development on the transport network. Whilst Policy IN10 of the Local Plan seeks to ensure that there is adequate parking for both cars and cycles.

The Nottinghamshire Highway Design Guide advised for use by the local planning authority requires a maximum of 1 parking spaces per 1-bed and 2 parking spaces per 2 or 3-bed dwelling. It also requires one visitor space per 3 dwellings. 68 parking spaces are provided, including 14 specifically for visitors, in accordance with the Highways Design Guide. There are 15 EV provided spaces along with cycle parking.

There are four parking spaces directly accessed off Netherfield Lane at the northern end of the development. These are tandem spaces lying back from the pavement and service the first two 2-bed houses which front Netherfield Lane. The northern vehicular access leads to a parking court with 22 parking spaces provided; whilst the southern vehicular access leads to a 42-space parking court.

The Highways Authority have advised that the residential development has not been amended to comply with guidance surrounding Inclusive Mobility. However, the Highways Authority also note they have not assessed the development on that basis, given it's not for adoption and will remain in private ownership.

In response to this point, the layout shows that footpaths are provided around the parking courts and across the open land between the two parking court areas. This ensures adequate access for pedestrians and cyclists to all parts of the site. The paths also lead directly to the bus stops, another encouragement for public transport usage.

The applicant has confirmed that all external surfaces across the site will be even and tactile where required, with widths allowing wheelchairs and pushchairs to navigate. The proposed levels will be implemented to appropriate compliant gradients. The proposed pedestrian and vehicular routes will be clearly distinguished with all pedestrian surfaces having a slip-resistant finish and offering a safe segregated route. A number of car parking spaces are set alongside extended clear access zones and will have dropped kerbs providing step free access between these parking bays and the main entrances.

The Highways Authority have raised a number of issued that are to be subject to a condition and this includes.

- The assessment of the location of the existing bus stop(s) and possible relocation of the existing bus stops in the vicinity of the new vehicular access to the site.
- Extent of the Traffic Regulation Order in a form of double and/or single yellow lines for junctions' protection on both sides of Netherfield Lane.
- A construction management plan to ensure highways safety is accounted for during the construction process.

The Highways Authority has confirmed that the applicant has amended the access details with the required information and these are acceptable. Although, the applicant has not submitted any details of visibility splays for the two new dwellings with direct access off Netherfield Lane, it is noted that the proposed accesses are similar to the adjacent existing properties and the visibility at these accesses would be acceptable due to the alignment of Northfield Lane outside these accesses.

In terms of trip generation, the submitted Transport Assessment indicates that a maximum of 136 trips leaving the site and 136 returning to the site each day. It would be expected that the peak number of trips leaving the site in any hour would be no more than 14 trips in each of the two morning peak hours (assuming 10% of all day total rounded up for each hour), with the other trips spread out over a longer period. Given the relatively high capacity of Netherfield Lane these trips are very unlikely to have any significant impact.

The Highways Authority have raised no objections to the development on the basis of an adverse impact on highways safety. It is considered that the development would comply with policies IN8, IN9 and IN10 of the Local Plan.

8. Developer Contributions

Policy IN1 of the Local Plan 'Infrastructure delivery' seeks for all developments to meet reasonable infrastructure costs that are generated as a consequence. The Council also has an adopted Supplementary Planning Document titled 'Planning Obligations', which sets out the Councils approach to securing financial/physical obligations towards infrastructure.

On a national level, 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.

It is considered that all of the contributions requested meet these regulations, with further detailed information set out within the various requests from consultees. This includes, where appropriate, formulas setting out how the contributions are derived and how these relate to the development.

For this development, the following contributions are required:

- Affordable Housing – The 100% affordable housing provision would need to be secured through the Section 106 agreement. In terms of the mix, it is expected this

would be a mix of affordable rent and rent to buy. The tenure split will need to be agreed and secured through the Section 106 Agreement.

- A contribution of **£22,216.87** is required towards healthcare provision. The contribution would be used for enhancing infrastructure capacity in existing practices.
- A contribution of **£18,600** is required towards upgrades to bus stop infrastructure to tow bus stops denoted as MA0057 Caunton Close and MA0300 Egmonton Road.
- A contribution of £1,100 per dwelling totalling **£45,100** is required towards off-site public open space improvements. The improvements would take place at the nearby Pencil Park.
- 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.
- Details of a Management Scheme, Management Plan and Management Company for all hard/soft landscaping, drainage and roads/footpaths within the development.
- A monitoring contribution of 2% of the total financial contribution for monitoring the agreement.

9. Conclusions and Planning Balance

As the Council can demonstrate a 5-year housing land supply and the most relevant policies for determination this application (Policies: S1, S2, P1, P2, H3, IN2 and NE2) are up-to date and consistent with the NPPF; the tilted balance as set out in paragraph 11 (d) of the NPPF does not apply.

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.

Firstly, the application would boost supply of housing in accordance with the NPPF. It would contribute 41 new affordable homes and bring about additional choice in the market. Although, the site is not allocated for development, the NPPF is clear on boosting housing stock and the provision of affordable housing carries significant weight.

The proposal would also bring about some economic benefits through increased investment in the locality and spending in shops and services. It would also create jobs during the construction phase. However, these are generic economic benefits seen with any major development. These economic benefits carry moderate weight.

On the other side of the coin, would be the loss of the public house. Comments from members of the public suggest this was a valued community asset before its closure. However, the applicant has provided evidence of a sustained marketing exercise of the property along with viability information about the business. The Councils Planning Policy Team have been consulted on the supporting information and advised that Local Plan Policy IN7, which guards against the loss of community facilities, appears to be met.

Notwithstanding this, the loss of the public house would be harmful to the social fabric of the village.

Following the advice from the Urban Designer, necessitating extensive changes to the scheme, it is considered that the development is of an acceptable design quality. It would meet with the requirements of Policies P1 and P2 of the Local Plan and the aspirations set out in part 12 of the National Planning Policy Framework.

Turning to environmental impacts, in respect of ecology the application has been supported by the required Ecological Surveys along with a Biodiversity Metric and Management Plan. The development demonstrates a net-gain in biodiversity would be achieved. Moreover, the scheme was amended to facilitate the retention of the majority of trees covered by the tree protection order, with no objections now being raised by the Councils Tree Officer.

There are no concerns associated with the development on the grounds of highways safety, flooding or landscape impacts and appropriate Section 106 contributions would be secured to ensure that the development is sustainable in terms of its impacts upon infrastructure.

This is considered to be a balanced decision, whilst the loss of the public house would result in harmful social impacts; the applicant has submitted information to substantiate the loss in line with the Councils Local Plan policy. The benefits of the additional affordable housing are considered to be substantial and in this case would outweigh the harm identified.

Overall, the assessment contained above shows the development would accord with the Mansfield Local Plan 2013 – 2033 as a whole. It is considered there are no other material considerations that would warrant a decision being taken other than in accordance with the development plan. As such, it is recommended that permission be granted subject to conditions and a Section 106 Agreement.

Recommendation:

Grant full planning permission subject to conditions and a Section 106 Agreement, which secures the following contributions:

- Affordable Housing – 100% - Mix to be agreed.
- Healthcare - £22,216.87.
- Bus Stops – £18,600.
- Off Site Open Space - £1,100 per dwelling.
- Strategic Highways - £1498 per dwelling.
- Details of a Management Scheme and Company
- A monitoring contribution of 2% of the total financial contribution for monitoring the agreement.

RECOMMENDED CONDITIONS/REASONS/NOTES

(1)

Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

(1)

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990, as amended by S51(1) of the Planning and Compulsory Purchase Act 2004.

(2)

Condition: This permission shall be read in accordance with the Approved Plans listed below. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

(2)

Reason: To define the approved plans for the avoidance of doubt.

(3)

Condition: No development shall commence above damp proof course level until full details of the proposed external facing materials and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.

(3)

Reason: In the interests of visual amenity and in accordance with policies P1 and P2 of the Mansfield District Adopted Local Plan 2013 - 2033.

(4)

Condition: The hours of work during construction and the delivery of materials on to the site shall be restricted to 08:00-18:00 hours Monday - Friday, 08:00-13:00 hours Saturdays and no working shall take place on Sundays and Bank Holidays.

(4)

Reason: In the interests of residential amenity and to accord with policy P7 of the Mansfield District Adopted Local Plan 2013 - 2033.

(5)

Condition: All hard and soft landscaping, including boundary treatments, shall be undertaken in accordance with the following documents and plans:

- D204.001 **Rev C** - General Arrangement Landscape
- D204.002 **Rev C** - Planting Plan
- 204.001 **Rev D**- Landscape Management Plan

All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development. Any trees, or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with other of a similar size and species.

(5)

Reason: In the interests of visual amenity and biodiversity enhancements in accordance with policies P1, P2, and NE2 of the Mansfield District Adopted Local Plan 2013 - 2033.

(6)

Condition: All mitigation, compensation and enhancement measures contained with the following approved documents shall be undertaken:

- Preliminary Ecological Appraisal Report, April 2021 80-397-R1-2
- Reptile Survey Report, May 2021 80-397-R3-1
- Bat Survey Report, June 2021 80-397-R4-1
- 30 Year Habitat Management Plan, April 2023 80-397-R6-1
- Biodiversity Metric Report (4.0), Three Lions Meden Vale May 2023 80-397-R5-5

The scheme shall also incorporate the creation of hibernacula (following guidance set out within Froglife, 2001) for common amphibians. The installation of 20 x hedgehog houses, 10 x bird and 10 x bat boxes.

The relevant scheme shall thereafter be managed in accordance with the approved 30 year habitat management plan.

(6)

Reason: In the interests of visual amenity and biodiversity enhancements in accordance with policies P1, P2, and NE2 of the Mansfield District Adopted Local Plan 2013 - 2033.

(7)

Condition: All trees shall be retained and protected in accordance with the details set out in the following documents:

- Arboricultural Impact Assessment, 5th April 2023
- Tree Survey, 5 April 2023
- Tree Protection Plan, 5 April 2023

The protection measures shall remain in place as such for the duration of the demolition and construction phase of the development. The approved tree protection measures shall be in place prior to any works commencing on site.

(7)

Reason: To ensure all retained trees are satisfactorily protected in accordance with policy NE2 of the Mansfield District Adopted Local Plan 2013 - 2033.

(8)

Condition: No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. The CEMP shall provide for:

- method of demolition for the proposed buildings to be demolished
- lorry routing and access into the site for construction traffic,
- a wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue),
- management of parking by persons involved in the construction of the development, including operatives & visitors
- the segregation of construction vehicle and pedestrian/cyclist movements on site/on the adjacent public highway,
- proposed temporary traffic restrictions,
- arrangements for loading/unloading & turning vehicles,
- areas for storage of plant/materials & site accommodation,
- measures to control the emission of dust and dirt during construction.

The CEMP shall be adhered to throughout the construction period for the development.

(8)

Reason: In the interests of highways safety, residential amenity and protecting against pollution during construction in accordance with policies P7, IN9 and NE3 of the Mansfield District Adopted Local Plan 2013 - 2033.

(9)

Condition: 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 document 1963, June 22, Shape Consulting Engineers., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
- Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
- 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.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

(9)

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with Framework and Policies CC2 and CC3 of the Mansfield District Council Local Plan 2013 - 2033.

(10)

Condition: The development hereby permitted shall not commence until drainage plans for the disposal of foul water have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

(10)

Reason: To ensure that foul water from the site is adequately disposed of from the site.

(11)

Condition: Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the following has been complied with and, if unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority, in writing, until Condition 12 has been complied with in relation to that contamination.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and this shall be submitted to and approved, in writing, by the Local Planning Authority.

(11)

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

(12)

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

(12)

Reason: To ensure the land remediation works are carried out and that the site is developed free from contamination in accordance with policy NE3 of the Mansfield District Adopted Local Plan 2013 - 2033.

(13)

Condition: No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

(13)

Reason: In the interests of visual and residential amenity to comply with Policies P2 and

P7 of the Mansfield District Adopted Local Plan 2013 - 2033.

(14)

Condition: No part of the development shall be occupied until details of any external lighting to be used to illuminate the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

(14)

Reason: In the interests of residential amenity and to prevent light pollution in accordance with Policy P7 of the Mansfield Local Plan 2013 - 2033.

(15)

Condition: Prior to the occupation of Block A, as denoted on the Proposed Site Layout 22042-PJA-00-ZZ-DR-A-1002 Rev P, details of a privacy screen to be erected on the balcony contained on the south western elevation, shall be submitted to and approved in writing by the Local Planning Authority. The approved screen shall be installed prior to occupation of the block and thereafter maintained for the lifetime of the development.

(15)

Reason: In the interests of protecting residential amenity to accord with Policy P7 of the Mansfield Local Plan 2013 - 2033.

(16)

Condition: The hereby approved development shall not be occupied until a scheme detailing the developments adherence to the 'Secured by Design' principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the scheme shall thereafter be implemented and in accordance with the approved details, prior to the first use of the development. The development shall be retained as such thereafter.

(16)

Reason: In the interests of security and reducing potential instances of crime in accordance with Policies P1 and P2 of the Mansfield District Adopted Local Plan 2013 - 2033.

(17)

Condition: Notwithstanding the approved details, no development shall commence above damp proof course level until precise details of the proposed bin stores, including design, location and collection points have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and prior to occupation of the units.

(17)

Reason: To ensure there is an appropriate means of waste collection from the site in accordance with policy P7 of the Mansfield District Adopted Local Plan 2013 - 2033.

(18)

Condition: No development shall take place until; the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved plans.

(18)

Reason: To ensure that any archaeology within the site is identified and recorded/mitigated in accordance with Policy HE1 of the Mansfield District Local Plan (2013-2033).

(19)

Condition: No part of the development hereby permitted shall be brought into use until all accesses, driveways, and any parking or turning areas are provided and surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the highway boundary in accordance with the approved plans and no other part of the development shall be commenced until the accesses have been completed in accordance with those plans. The surfaced accesses, driveways, and any parking and/or turning areas shall then be maintained in such hard bound material for the life of the development.

(19)

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.

(20)

Condition: No part of the development hereby permitted shall be brought into use until the existing site accesses, which have been made redundant as a consequence of this consent and as shown on plan no. 1963-SCE-00-00-DR-C-0005 rev. P5, are permanently closed and the access crossings reinstated as verge/footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

(20)

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

(21)

Condition: No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 1963-SCE-00-00-DR-C-0005 rev. P5 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

(21)

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general Highway safety.

(22)

Condition: No part of the development hereby permitted shall be brought into use until the parking turning areas are provided in accordance with the approved drawing no. 22042-PJA-00-ZZ-DR-A-1002-O. The parking and turning areas shall not be used for any purpose other than parking, turning, and loading and unloading of vehicles.

(22)

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

(23)

Condition: No part of the development hereby permitted shall be brought into use until the accesses, driveways, and parking and turning areas are constructed with provision to prevent the discharge of surface water from the private accesses and driveways to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

(23)

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

(24)

Condition: No development shall become occupied until the off-site traffic management works comprising of a traffic regulation order (TRO) in a form of double and/or single yellow lines on Netherfield Lane are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

(24)

Reason: In the interest of highway safety.

(25)

Condition: No part of the development shall become occupied unless or until a 2.0 m wide footway has been provided at along the whole length of the site's frontage along Netherfield Lane as shown for indicative purposes only on the attached plan ref. 1963-SCE-00-00-DR-C-0005 rev. P5 with highway boundary clearly demarcated to the satisfaction of the Local Planning Authority.

(25)

Reason: In the interest of pedestrian safety.

(26)

Condition: Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any works commencing on site.

(26)

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

(27)

Condition: No part of the development hereby permitted shall be brought into use unless or until the relocation (if required) of the Bus Stops MA0302 and MA0677 denoted Netherfield School have been made to the satisfaction of the Local Planning Authority and shall include a bus stop pole and flag with raised boarding kerbs the above to be installed to an agreed timescale

(27)

Reason: To promote sustainable modes of transport.

(28)

Condition: The first floor windows in the north elevation of the Bungalow/Walkup Apartments – Drg 22042-PJA-WU4-ZZ-DR-A-2100 Rev B shall be glazed with obscure glass and shall be non-opening below 1.7m from the floor level of the room in which they are installed.

(28)

Reason: In the interests of residential amenity to accord with Policy P7 of the Mansfield Local Plan Review 2013 – 2033.

Notes to applicant:

1. Section 278 Agreement (Highways Act 1980) In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control (North) team in Nottinghamshire County Council on 0300 500 8080 or by email hdc.north@nottscc.gov.uk for details quoting your planning application number for initial booking. Please advise about Section TRO requirements secured by a condition on your planning permission to ensure that the TRO process becomes part of the S278 Agreement.
2. Traffic Regulation Orders (TRO) The off-site highway works in form of double and/or yellow lines junction protections along Netherfield Lane referred to in a condition above require a Traffic Regulation Order before the first occupation of any part of the development to provide safe access for the consented site. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process, and the Applicant should contact businessdevelopment@viaem.co.uk Please advise about Section 278 works you will be undertaking in your application to ensure the TRO process becomes part of the S278 Agreement.

3. Building Works shall not project over the highway

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

4. Prevention of Mud on the Highway

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. Private road, Advance Payment Code (APC) and Section 106 Agreement requirement. The development will remain in private ownership. This will have long term implications for future residents, for example:

- Future maintenance liabilities;
- Public liabilities;
- Street cleansing;
- Lack of specific pedestrian facilities;
- Potential lack of or poor standard of lighting, drainage and so on;
- The Highway Authority will have no powers under the Highways Act; and
- The police will have no powers to remove obstructions.

6. A Section 106 Agreement should ensure that a maintenance company will be responsible for the future maintenance of the private roads / street lighting / private road signage etc. and that the properties served by the unadopted roads have appropriate legal covenants to prevent any future action by these residents against the Highway Authority.

7. As a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;

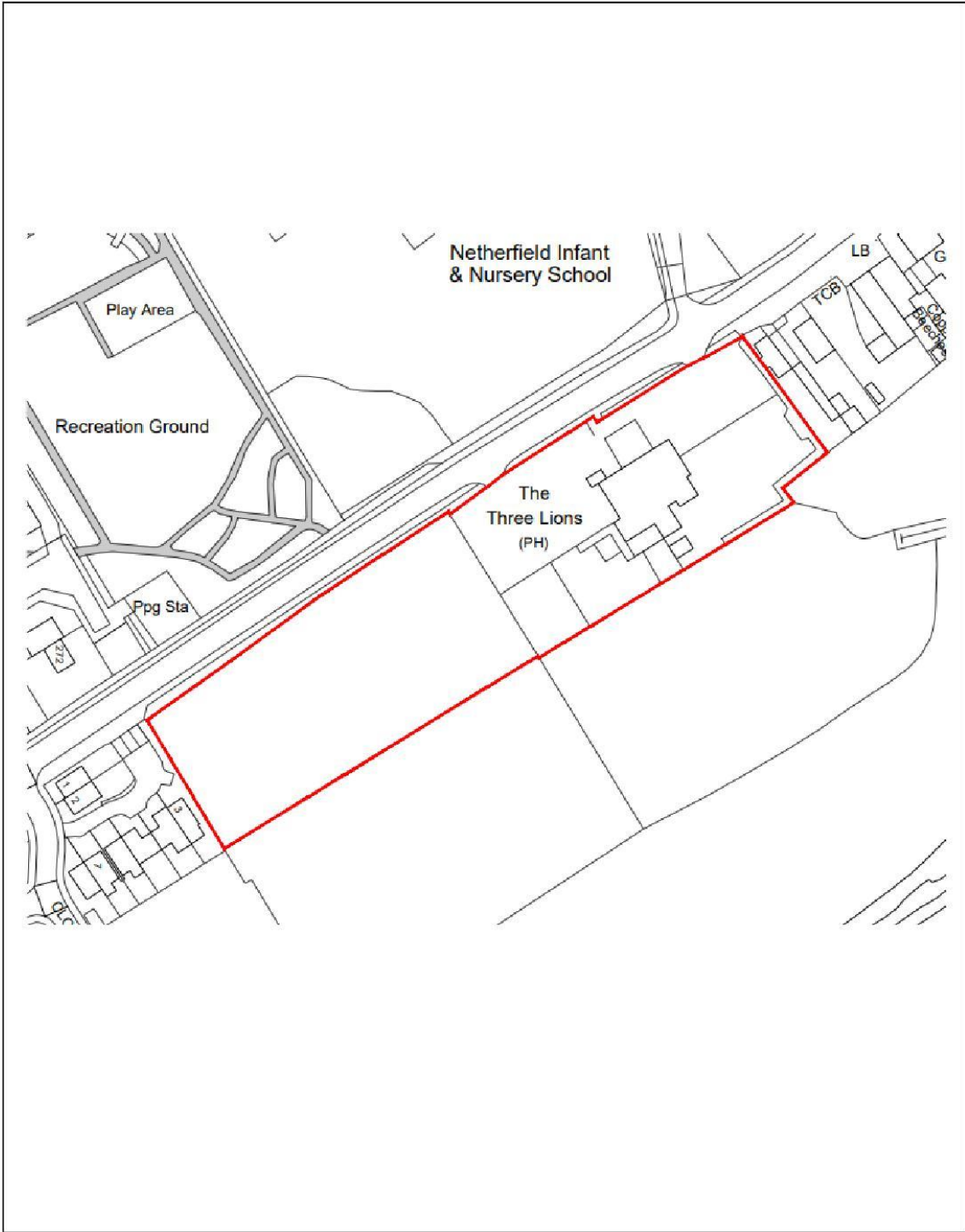
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company; The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

8. In the unlikely event that any bats are located within the building or trees during the works, the works should cease immediately, and a suitably qualified ecologist should be informed and further advice ought from Natural England.

Approved Plans

Description	Reference No	Version	Date Received
Location Plan	22042-PJA-S-ZZ-DR-A-1000		1 st June 2022
Proposed Site Layout	22042-PJA-00-ZZ-DR-A-1002	Rev P	10 th July 2023
Proposed Floor Plans Terraced Houses A	22042-PJA-HO-ZZ-DR-A-1100	Rev E	12 th May 2023
Proposed Elevations Terraced Houses A	22042-PJA-HO-ZZ-DR-A-2100	Rev E	15 th May 2023
Proposed Floor Plans House Type C (Terrace)	22042-PJA-HO2-ZZ-DR-A-1100	Rev F	15 th May 2023
Proposed Elevations House Type C (Terrace)	22042-PJA-HO2-ZZ-DR-A-2100	Rev F	15 th May 2023
Proposed Floor Plans Terraced Houses B	22042-PJA-HO3-ZZ-DR-A-1100	Rev C	7 th September 2023
Proposed Elevations Terraced Houses B	22042-PJA-HO3-ZZ-DR-A-2100	Rev C	12 th May 2023
Proposed Floor Plans Block A	22042-PJA-WU1-ZZ-DR-A-1100	Rev E	12 th June 2023
Proposed Roof Plan Block A	22042-PJA-WU1-RF-DR-A-1101	Rev F	10 th July
Proposed Elevations Block A	22042-PJA-WU1-ZZ-DR-A-2100	Rev H	10 th July
Proposed Floor Plans Block C	22042-PJA-WU2-ZZ-DR-A-1100	Rev D	12 th May
Proposed Elevations Block C	22042-PJA-WU2-ZZ-DR-A-2100	Rev F	12 th May
Proposed Floor Plans Block B	22042-PJA-WU3-ZZ-DR-A-1100	Rev D	11 th September 2023
Proposed Elevations Block B	22042-PJA-WU3-ZZ-DR-A-2100	Rev C	12 th May
Proposed Floor Plans Bungalow/Walk Ups	22042-PJA-WU4-ZZ-DR-A-1100	Rev B	12 th May
Proposed Roof Plan Bungalow/Walk Ups	22042-PJA-WU4-ZZ-DR-A-1101	Rev A	12 th May
Proposed Elevations	22042-PJA-WU4-ZZ-DR-A-	Rev B	12 th May

Bungalow/Walk Ups	2100		
Design and Access Statement	22042-PJA-XX-XX-M2-A-9500	Rev F	
General Arrangement Landscape	D204.001	Rev C	8 th September 2023
Planting Plan	D204.002	Rev C	8 th September 2023
Tree Constraints Plan			April 2023
Tree Protection Plan			April 2023
Vehicle Tracking	1963-SCE-00-00-DR-C-0006	P04	19 th June



Mansfield
District Council

App Ref: 2022/0356/FUL

Address: The Three Lions and land adj 15
Netherfield Lane, Meden Vale

Plan Not to Scale