



DISCLAIMER

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List of Conditions

- 1) The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Landscaping

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- 2) The development to which this approval relates shall be begun not later than whichever is the later of the following dates:

- (a) The expiration of 3 years from the date of the outline planning permission;
- (b) The expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 3) This permission shall be implemented in accordance with the following plans:

- EMS2254_O18 01 Rev D (Site Location Plan)
- ADC1580-DR-012 Rev P12 (Proposed Access junction Layout)

Reason: To define the terms of this permission and for the avoidance of doubt.

- 4) The development hereby approved shall be implemented in broad accordance with the Illustrative Masterplan (Drainage Option) – Drawing Number EMS2254_120_01 Rev D dated 11 December 2024.

Reason: In the interests of securing a high quality design.

- 5) No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set out in the approved RLRE Flood Risk Assessment (FRA) and Drainage Strategy of 24 June 2022 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall provide:

- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- 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.
- Evidence of how exceedance routes will not affect third party properties.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with Policy ST1 of the Ashfield Local Plan Review and paragraph 174 of the National Planning Policy Framework.

- 6) No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out:
- Site specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants;
 - Site working hours; lighting;
 - Wheel washing facilities for construction traffic;
 - A layout of the construction access including a drawing showing visibility splays and method statement for the use of banksmen;
 - Details regarding parking provision for construction workers; and
 - Plans on the site and the route that all construction vehicles shall take to the site avoiding the Sutton Junction Level Crossing.

It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect against the deposition of materials from the site and to protect the aural and olfactory amenity of existing dwellings in the vicinity of the site in accordance with paragraph 135(f) of the National Planning Policy Framework.

- 7) No part of the development hereby approved shall commence until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
2. The results of the site investigation and detailed risk assessment referred to in (1) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
3. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (2) are complete to a satisfactory standard; and
4. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.

5. If required, a monitoring and maintenance plan, setting out provisions for long- term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

Reason: To protect future occupiers of the development and the water environment from unacceptable land contamination risk in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

- 8) No development shall commence until a waste audit has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall address the following:

- The anticipated nature and volumes of waste that the development will generate.
- Where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development.
- The steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities.
- Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Thereafter, the development shall be carried out in accordance with the waste audit.

Reason: To reduce waste in accordance with Policy WCS2 of the Nottinghamshire Waste Core Strategy.

- 9) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones"
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless

otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting habitats and species during the construction phase of the development in accordance with paragraph 180 of the National Planning Policy Framework.

- 10) No development shall commence until a landscape and ecological management plan (LEMP), also referred to as the Open Space Management Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Thereafter, the approved plan shall be implemented in accordance with the approved details.

Reason: In the interests of securing biodiversity net gains in accordance with paragraph 180 of the National Planning Policy Framework.

- 11) No development, including site clearance, shall take place until a method statement for the control of Japanese Knotweed has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details.

Reason: To prevent the spread of Japanese Knotweed in the interests of protecting native species and habitats in accordance with paragraph 180 of the National Planning Policy Framework.

- 12) No development shall take place until such time as a programme has been submitted to and approved in writing by the Local Planning Authority covering the following works:

- i. The provision of the proposed signalised access junction including segregated footway/cycleway and associated highway improvements on Newark Road broadly in accordance with drawing no. ADC1580-DR-012 Rev P12.

- ii. The amendments to the existing signalised junction at Newark Road/Cauldwell Road/Coxmoor Road broadly in accordance with indicative drawing no. ADC1580-DR-012 Rev P12.
- iii. The amendments to the existing mini-roundabout at Coxmoor Road/Hamilton Road broadly in accordance with indicative drawing no. ADC1580-DR-005 Rev P11 including provision of cycle facility and proposed toucan crossing and associated improvements.
- iv. The provision of the proposed footway/cycleway scheme on Newark Road, including the provision of a sparrow crossing and associated improvements, broadly in accordance with indicative drawing no. ADC1580-DR-006 Rev P7.
- v. The amendments to the existing mini-roundabout at Newark Road/Kirkby Folly Road broadly in accordance with indicative drawing no. ADC1580-DR-004 Rev P8.
- vi. The provision of the pedestrian/cycle links to the existing Sutton-in-Ashfield locality including Searby Road, broadly in accordance with indicative plan no. ADC1580-DR-013 Rev P8 (Pedestrian/Cycle Access Strategy).
- vii. The extension of the speed limit along Newark Road broadly in accordance with indicative drawing no. ADC1580-DR-012 Rev P12.

The works shall be carried out in accordance with the agreed programme unless otherwise agreed in writing with the Local Planning Authority. For clarity, these shall be subject to detailed technical appraisal during the s.278 process.

Reason: To provide sufficient capacity at the respective junctions and in the interests of pedestrian and general highway safety.

- 13) The development hereby permitted shall not commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. These details shall include the following agreed requirements:

- i. The onsite sewers will be adopted pursuant to a s.104 Agreement (Water Industry Act).
- ii. A s.106 (Water Industry Act) connection application has been approved by Severn Trent for a point of connection on the existing public system.

The drainage scheme shall be implemented in accordance with the approved details before first occupation.

Reason: In the interests of providing a satisfactory means of drainage and the prevention of pollution and flooding in accordance with the National Planning Policy Framework.

- 14) Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
All Habitable Rooms 45 dB LAmax to occur no more than 10 times per night (2300 hrs – 0700 hrs)
Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

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

Reason: To protect the aural amenity of future occupiers of the dwellings in accordance with paragraph 135(f) of the National Planning Policy Framework.

- 15) Before occupation of the development hereby approved, details of the external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used and shall be retained thereafter.

Reason: To prevent obtrusive light causing a loss of amenity to nearby dwellings and in the interests of providing a high standard of amenity in accordance with paragraph 135(f) of the National Planning Policy Framework.

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

Reason: To protect future occupiers of the development and the water environment from unacceptable land contamination risk, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

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

Reason: To protect future occupiers of the development and the aquatic environment from unacceptable land contamination risk in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

- 18) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning

Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling can result in risks to groundwater quality from, for example, mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater.

Informative: If piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater and Contaminated Land Centre Report NC/99/73."

- 19) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

- 20) As part of reserved matters, an updated Biodiversity Net Gain Assessment shall be submitted in writing to the Local Planning Authority that demonstrates a net gain in biodiversity. The approved Biodiversity Net Gain scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first planting season following occupation of the development.

Reason: In the interests of ensuring biodiversity net gains for habitats on site in accordance with paragraph 180 of the National Planning Policy Framework.

- 21) As part of the reserved matters, a scheme of biodiversity enhancement as recommended in section 7 Compensation and Enhancement Opportunities of the RammSanderson Ecological Impact Assessment of August 2023 to include features incorporated within the new buildings for roosting bats and nesting swifts along with hedgehog gaps and native planting within the details of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.

Reason: In the interests of ensuring biodiversity net gains for certain species of conservation concern in accordance with paragraph 180 of the National Planning Policy Framework.

- 22) The development shall be carried out in accordance with the details contained within Section 5 and Drawing ST19319-001 Rev B Tree Protection Plan Sheets 1 and 2 as set out in the Arboricultural Impact Assessment, reference ST19319-002-V2.0 dated 15/07/2022.

Reason: In the interests of protecting trees and hedges that make a positive impact on the character of the area.

23) The development shall be limited to include up to 300 residential dwellings.

Reason: To ensure that traffic generated by the proposed development is commensurate with the ability for the adjacent highway infrastructure to safely accommodate the additional traffic in a safe and controlled manner, so as not to negatively increase delay and queuing on the wider highway network and in the general interest of highway safety.

24) No part of the development hereby approved shall be occupied until street lighting along the site frontage on Newark Road has been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of general highway safety.

25) No part of the development hereby permitted shall be occupied until the Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel.

Reserved matters pursuant to condition 1 shall include details of landscaping and related open space works, including details of a Local Equipped Area for Play, together with a programme identifying the phased delivery of all open space areas across the site.

Reason: In the interest of ensuring the provision of open space and play facilities.

26) Reserved matters pursuant to condition 1 shall exclude any surface water attenuation basins on those parts of the site subject to former landfill and as identified on the Illustrative Masterplan, Former Landfill Area Drawing Number: EMS2254_120 O2 Rev D.

Reason: In the interests of minimising contamination risks.