



**20<sup>th</sup> October 2015**

**Agenda Item: 8**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**MANSFIELD DISTRICT REF. NO.: 2/2015/0188/NT**

**PROPOSAL: PROPOSED LEVELLING OF LAND TO CREATE FOOTBALL/TRAINING PITCHES INVOLVING THE EXTRACTION OF AND PROCESSING OF SANDSTONE/LIMESTONE (REVISED ACCESS INCLUDING DEVELOPMENT OF NEW ROAD/TRACK AND EXTENDED PROGRAMME OF WORKS FOR A TEMPORARY PERIOD OF NINE MONTHS)**

**LOCATION: LAND NORTH OF WOBURN LANE, PLEASLEY, MANSFIELD**

**APPLICANT: MANSFIELD TOWN FC AND THE RADFORD FOUNDATION**

### **Purpose of Report**

1. To consider a planning application seeking permission to extract 40,000 to 50,000 tonnes of sandstone and limestone from below a disused playing field in order to level the land and provide football training pitches at Woburn Lane, Pleasley. Revised access arrangements, in the form of an access track, now form part of the proposals. The key issues relate to the adequacy and safety of this access to accommodate the planned haulage operation, along with associated disturbance from noise, dust and other impacts during extraction and levelling works prior to the reinstatement of the land. The works have commenced without the benefit of planning permission. The application is therefore part-retrospective seeking to regularise the works as well as seeking to extract, process and remove mineral from the site and restore the site back to playing pitches. The recommendation is to grant planning permission subject to conditions to control the remaining extraction and restoration works.

### **The Site and Surroundings**

2. The site lies in open countryside on the edges of Pleasley and the Mansfield built up area, some 4km north-west of Mansfield town centre off the A617 Chesterfield Road. The general area is shown on Plan 1. Woburn Road serves a local housing estate and is accessed from the traffic light controlled junction of the A617 (Mansfield Western Bypass) and Chesterfield Road. Woburn Road then continues north-west as Woburn Lane to Farmilo Primary School along with an adjacent SureStart centre which are both situated on the north-eastern side of the road. The road up to the school is adopted highway. The road

immediately outside of the school has been fully made up, complete with a footway along the north-eastern side. Beyond the access drive to the SureStart centre it becomes an unmade and unadopted private track serving around a dozen residential properties situated along the south-western side of the lane. It is circa 300m from the junction of the A617 to the end of the metalled road surface outside of the SureStart centre. The existing vehicular entrance and car park serving the former playing field are a further 160m along the unmade single track. These aspects are shown on Plan 2.

3. The application site is a former playing field covering a rectangular area of approximately two hectares of land on the north-eastern side of Woburn Lane, lying opposite many of the aforementioned properties. The site at present has been completely stripped of soils, which have been stockpiled on the site, and as a result of extensive excavations the site has no resemblance to its previous use as a playing field. The only indication of its former use is the presence of a disused changing room facility and a gravelled parking area fronting Woburn Lane.
4. Adjacent to the south-east is a larger area of disused land which was also a playing field and is now overgrown. Access is now proposed across this field from Woburn Lane. Both former playing fields are identified as such within the Mansfield Local Plan. Before excavation works commenced ground levels had a notable slope from the north-west to south-east, with levels falling from 100m AOD to 95m AOD across both sites.
5. The site is fenced on three sides, including metal railings along the south-eastern boundary and post and wire fencing along the north-western boundary. The front (south-western) boundary has a mix of hedging and metal fencing, with vehicular access barriers to the car park. The adjacent field is largely enclosed by mature hedging, including along Woburn Lane.
6. In the wider context the site is surrounded by open countryside with rolling agricultural fields to the north-west, north and north-east. In the distance, to the north, the wooded valley of the River Meden can be seen where there is a former railway corridor and trail designated as a SSSI (Pleasley Vale Railway), this being no closer than 600m from the site. A public footpath runs just above the northern corner of the application site from west to east across open fields. There is some evidence that in the past people connected to this footpath across the application site and across the adjacent playing field. These aspects are shown on Plan 1.

## **Background**

7. The works undertaken to date include the complete stripping of soils from the field, these have been stockpiled in bunds around the edge of the site. Substantial excavations and on-site processing of the underlying Sherwood Sandstone (with some limestone) has been undertaken. This excavated material has been processed by means of an on-site mobile crusher to create crushed aggregate suitable for general construction projects. These materials remain stockpiled on site and have yet to be exported pending determination of this application.

## Proposed Development

8. This application proposes land-levelling works involving the extraction of 40-50,000 tonnes of underlying sandstone and limestone, the export/haulage of this material off-site as a crushed general aggregate, the replacement of soils and re-instatement of the sports pitch. In order to provide access for haulage vehicles a new trackway is proposed to run across and along the edge of the adjacent overgrown playing field, connecting to the metalled end of Woburn Lane outside of the SureStart centre. This is shown on plan 4. Upon completion of the development Mansfield Town Football Club propose to use the sports pitch as a training facility, although this use does not form part of the planning application, as it is deemed to already lawfully exist. The trackway would be retained thereafter to provide access to the car park to serve the training pitches and may also form part of future associated plans for the larger field.
9. The proposed works seek to create a level area at 95m AOD, bringing it into line with the adjacent former playing field to the south-east. The resultant landform would have a sloping bank rising back up to the adjacent agricultural fields along the north-western side and a gradual slope up to the retained car parking area to the south. Plan 3 shows a cross section of the existing and proposed site levels, as well as the proposed contours.
10. The remaining works now sought would include; forming of a new access track; completing the mineral processing; the export/ haulage of aggregate; grading and soil reinstatement works; and grass seeding and planting. The main works are now estimated to take 28 to 30 weeks to complete, rather than the initial three months originally cited, when it was hoped that work could take place over the summer months. Restoration works would extend the project to 36 weeks in total.
11. Plans show that the direction of working the mineral would generally be from north-east to south-west, towards Woburn Lane, with the mobile crusher being progressively moved in three stages. Apart from the mobile crusher, other mobile plant required for the works include two 360° excavators and a bulldozer. A temporary welfare cabin would be positioned on the car parking area.
12. The applicant has proposed hours of working for on-site operations including extraction and processing (stone crushing) - these would take place between 8am to 5pm Monday to Friday, whilst the applicant also wishes to undertake site restoration works on Saturdays between 8am and 1pm.
13. Separate hours apply for the passage of HGVs to and from the site. These hours have been revised following concerns from the Highways Authority and the revised schedule of HGV movements now shows:
  - there would be up to 23 HGV departures per weekday (46 two-way movements) timed between the hours of 9.30am to 2.30pm to avoid the beginning and end of the school day at the adjacent Farmilo Primary School.
  - there would be up to 20 departures (40 two-way movements) on Saturdays timed between 8.00am to 12.00pm.

- On any non-school weekday there would be scope for up to 38 departures (76 two-way movements) between 8.00am and 4pm.

14. Once the excavation has been completed and the required land levels have been formed, restoration would be undertaken by utilising a bulldozer to spread the subsoils and topsoils back across the field, followed by cultivation, stone picking, fertilising and seeding. The expectation is that these works would take place in the final 8 weeks of the 36 week working period. The reinstatement works would be carried out and supervised by the Head Grounds Person of Mansfield Town FC. No drainage works are considered necessary as the ground is considered to drain freely and the soil condition should be well structured.
15. As part of the restoration of the site, the application also proposes the planting of a new native hedgerow along the north-west boundary with the adjacent farmland and the seeding of the peripheral embankment with wildlife friendly seed mix. Gaps in the existing hedge along Woburn Lane would also be reinforced.
16. The new trackway, as shown on plan 4, would be retained to serve the existing car park fronting the site on Woburn Lane. This would be resurfaced with stone chippings and made available for subsequent use for visitors. No information has been provided with respect to the former changing room building, which remains mothballed, but could be reopened.

## **Consultations**

17. **Mansfield District Council – No objection.**

*Mansfield District Council notes the revised access to be installed parallel to Woburn Lane with a junction adjacent to the school/SureStart centre. The District Council does not have any objections to this proposal provided that the traffic is carefully managed in accordance with the details submitted by the applicant. The applicant does not appear to confirm whether the access track is temporary or permanent and careful consideration should be given to the visual impact of this upon the character of the surrounding area as well as the highway implications of a permanent junction in this position.*

18. **NCC (Highways) Mansfield – No objection.**

*The applicant is negotiating the purchase of additional land to the south-east of the site, and has submitted plans showing an independent access track can be formed across the land thereby overcoming one concern of the Highways Authority (HA) regarding the use of Woburn Lane.*

*In order to help preserve the amenity of local residents and minimise any conflict with the running of the school, the applicant has stated all works (involving the traffic movement of the HGVs) will be carried out between the hours of 9.30am and 2.30pm. The hours have been proposed to safely accommodate school related traffic. This in turn will result in a reduction in the number of HGV*

*movements throughout the “school day”.*

*Traffic management measures are also proposed, which will include signage being erected at various points on Woburn Lane to warn local residents and the school of the possibility of HGVs and other traffic movements associated with these proposals.*

*The highway authority raises no objections subject to the following conditions:*

- *No more than 46 HGV movements (23 in, 23 out) shall take place between 09:30 to 14:30 hours Monday to Friday (During School Term Times)*
- *No more than 40 HGV movements (20 in, 20 out) shall take place between 08:00 to 12:00 hours Saturday*
- *No more than 76 HGV movements (38 in, 38 out) shall take place between 08:00 to 16:00 hours Monday to Friday (During Non-School Term Times)*
- *New access road to be surfaced in a bound material (for initial 15m)*
- *Provision of wheel wash area*
- *Provision of traffic management signage/measures*

**19. Sport England – No objection**

*It is understood that the site forms part of, or constitutes a playing field. Sport England has considered the application in the light of the National Planning Policy Framework (in particular Para 74) and its policy to protect playing fields, ‘A Sporting Future for the Playing Fields of England’.*

*Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies.*

*From the submitted application it is not entirely clear as to the current position and the future use of the site (but) it is understood that the works have commenced and have been halted to allow the determination of the application.*

*The applicants have confirmed that the site has not been used for a period of greater than 5 years, so the proposal does not displace teams which may be using the existing facilities. It is understood that one of the reasons which resulted in the lack of use was the quality of the pitch having regard particularly to the slope of the site. The current proposals address the slope issues. In addition the applicants have submitted pitch reclamation and reinstatement proposals which confirm that the new pitch area will be at least the same quality as the pitch area that has been lost and could in fact be of a better quality with active future maintenance and after care being proposed.*

*Sport England considers therefore that the proposals result in the retention of the existing playing field area following the completion of the extraction of the sandstone/limestone. The proposal is considered to meet the requirements of Sport England exception policy E4 in that, whilst the playing field is lost on a temporary basis it will be replaced by a playing field (albeit on the same site) of at least the same quality as the existing provision. Sport England do not object to the permanent development of the associated access track.*

20. **NCC (Noise Engineer)** – No objection, subject to activities being regulated and mitigated by planning condition.

*Updated comments:*

*The proposed new access route parallel to the private drive will not notably alter the predicted noise impact of HGVs as originally assessed. Whilst the extended programme of works is now significantly longer at 36 weeks verses 12 weeks and would extend the duration of noise impact on nearby properties, this will however be partially offset by the works being undertaken at a time of year when people are less likely to be outdoors enjoying their outdoor space and are less likely to have windows open.*

*Original comments:*

*The submitted noise assessment has considered the noise impact from various phases of the proposed development:*

*At the preparation phase, two 360° excavators would be on site operating with no screening at a maximum noise level 53dB (LAeq,1hr). The NPPF guidance recognises that during preparation works, such as soil stripping and construction of earth bunds, higher noise levels may exist. To make allowance for this the guidance suggests a temporary limit of up to 70dB(A) to facilitate such works for up to a maximum of 8 calendar weeks per year.*

*During the extraction phase, there would be; one crusher; two 360° excavators; one bulldozer; and a maximum of seven lorries per hour arriving and leaving the site. It is assumed that all plant with the exception of lorries would be screened from nearest properties by earth bunds. The assessment also considers the noise level with the crusher located at three positions working from the northern boundary to the southern boundary towards properties on Woburn Lane. This is to maximise screening due to the reduced ground level in areas already worked. The worst case predicted noise level = 53dB (LAeq,1hr).*

*The assessment compares this noise level with the criteria given in the technical guidance of the NPPF. For mineral workings the guidance recommends a noise limit of L90 + 10dB subject to a maximum of 55dB. The measured background noise level at Woburn Lane is 41dB, therefore noise levels are expected to exceed the background noise level by 12dB. The NPPF recognises that in some circumstances it will be difficult to avoid exceeding a limit of L90 + 10dB and where this places unreasonable burdens on the operator the limit should be set as near to this level as possible subject to a maximum level of 55dB. It does not seem unreasonable therefore that the noise limits at this location should be*

*adjusted to the predicted “worst case” noise levels, to prevent unreasonable burdens being placed on the operator, in accordance with the NPPF guidance.*

*At the restoration phase one 360° excavator and bulldozer would be working up to the site boundary nearest to the properties resulting in a maximum noise level 65dB (LAeq,1hr). The NPPF guidance recognises that during restoration works the screening may be removed and higher noise levels may exist temporarily. To make allowance for this the guidance suggests a temporary limit of up to 70dB(A) to facilitate such works for up to a maximum of 8 calendar weeks per year.*

*Therefore subject to appropriate controls, it is predicted that the site operations will comply with the NPPF technical guidance for mineral extraction works.*

**21. Natural England - Consultation Service –No objection**

*This application is in close proximity to the Pleasley Vale Railway; and Teversal to Pleasley Railway Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It is advised therefore that this SSSI does not represent a constraint in determining this application.*

*The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.*

*This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.*

**22. NCC (Nature Conservation) – No objection**

*It is noted that amended site entrance details have been submitted, which would appear to necessitate the removal of a small section of hedgerow. However, supplementary planting is proposed further along the existing hedgerow. It is therefore requested that conditions are used to control vegetation clearance during the bird nesting season and to require the submission of landscaping details relating to the supplementary hedgerow planting.*

*The proposed development is unlikely to have a significant impact on the nearby Local Wildlife Sites and SSSI sites, and Natural England have confirmed that they consider the development is unlikely to result in significant impacts to SSSIs. A Noise Assessment Report and a Dust Impact Report were submitted in support of this application; normal mitigation measures should be secured through a planning condition. Noise appears unlikely to be a significant ecological issue.*

*The applicant intends to enhance the site by establishing wildflower grassland on the new bank (as recommended by Natural England) and by planting a hedgerow. This is welcomed, and a condition should be used to require the*

*submission of a landscaping scheme to this effect, containing details of species mixes, establishment methods and maintenance regimes.*

*An appropriate wildflower seed mix should be chosen based on the pH and nutrient status of reinstated soils/substrate, and must use seed which is of certified native genetic origin, and utilises species which are appropriate to the local area. Similarly, the new hedgerow should be hawthorn dominated, and species selected with reference to the relevant Landscape Character Assessment species lists.*

23. **Environment Agency Midlands Region** - *Does not wish to comment*

24. **NCC (Countryside Access)** - *There are no existing public rights of way over this site. The nearest Mansfield Footpath 5 runs north of the site, but will not be affected by the development.*

25. **NCC (Planning Policy)**

*It would appear that the mineral extraction involved in the proposed scheme is incidental and therefore would in principle be supported. This is subject to there being satisfactory environmental and amenity impacts.*

*In planning policy terms the application must be considered in light of the National Planning Policy Framework (NPPF) and, in line with paragraphs 214 - 216 of the NPPF, due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan (MLP) and emerging Nottinghamshire Minerals Local Plan (Preferred Approach) (PA) (i.e. if local policy conflicts with the NPPF, the NPPF must take precedence).*

*The national policy context is clear in that in determining planning applications for minerals development, great weight should be given to the benefits to be derived from mineral extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). Securing of restoration and aftercare at high environmental standards at the earliest opportunity is also mentioned.*

*The key adopted Minerals Local Plan policy is M14.1: (Incidental mineral extraction). This policy does not contain a precise definition of what constitutes this activity in terms of mineral worked or duration of operations. It does not, however apply to minerals development simply because it is small scale or short term. If mineral extraction is a significant reason for justifying or promoting the development, the proposal will need to be assessed against the relevant policies applicable to the mineral being worked.*

*In terms of the tonnage involved in the proposed development, 40-50,000 tonnes of sandstone/limestone over a three month period is a similar amount (per month) to the output from an existing limestone quarry or Sherwood Sandstone quarry in Nottinghamshire.*



*A question is raised about the destination of the mineral to ensure that the site can be worked in the time specified and that there are adequate interim reclamation measures in place to allow for any possible delay.*

26. **Severn Trent Water Limited**- *No objection, but note there is a public sewer located under the application site. Separate consent may be needed.*
27. **NCC (Flood Risk Management Team), NCC (Reclamation), Western Power Distribution and National Grid (Gas)** have not responded. Any responses received will be orally reported.

## **Publicity**

28. The application has been publicised by means of two site notices, a press notice placed in the Mansfield Chad and neighbour notification letters sent to 35 of the nearest occupiers including Farmilo Primary School and the SureStart centre in accordance with the County Council's adopted Statement of Community Involvement Review. On receipt of amended access proposals the above consultation measures have been repeated.
29. One letter has been received raising no objection but with questions on two matters:
  - a. As Woburn Lane is an un-adopted private lane and will be subject to an increased level of traffic, does the contractor plan to tarmac the lane, making it more suitable for the anticipated heavier levels of traffic?
  - b. What parking arrangements are to be made for the training facility? If no dedicated parking area is designated, that would lead to parking on Woburn Lane, causing disruption to the residents.
30. Councillors Diana Meale and Darren Langton have been notified of the application.
31. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Background and rationale for the proposed development

32. The site has had a long-standing use as a municipal playing field, with historical OS maps first showing its presence in 1956. In more recent times it is believed that the field was previously used by local football teams (including use of the changing room facility) and was last formally used around 5 to 6 years ago, before it was later deemed surplus to requirements by Mansfield District Council and sold to the applicants. It is understood that the sloping nature of the site deterred bookings in the latter years, resulting in a cost to the District Council to maintain the pitch which could not be sustained. The playing field is identified in the 1998 Mansfield Local Plan and is protected by Policy LT1 (Major Areas of Public Open Space and Local Parks). The adjacent playing field is similarly protected under Policy LT7 (Playing Fields at Educational Establishments).

There has been no intervening change of use to either field and therefore the authorised use of the site remains as playing fields, albeit that one has been temporally removed by the current excavation works, whilst the other is now overgrown.

33. The key rationale for the proposed development is to level out the land and thereby re-create the field for use as football training pitches by the club and potentially for wider community use. In order to facilitate this it requires the winning and working of underlying minerals as part of the land levelling works.

#### Principle of the proposed development

34. Relevant planning policy pertinent to the determination of this application includes policies within the Nottinghamshire Minerals Local Plan (MLP), the saved policies of the 1998 Mansfield District Local Plan (MDLP), with particular regards to Policy LT1 and LT7 by which the site is protected for use as playing fields and the National Planning Policy Framework (NPPF) as a material consideration.
35. The key minerals policy is MLP Policy M14.1 for incidental mineral extraction. This states that permission will be granted where mineral extraction is a necessary element of other development proposals on-site provided that; the environmental or other impacts during works would be acceptable (criteria a); that there are interim reclamation measures should there be delays in completing the primary development (criteria b); and that the mineral extraction is of a limited nature and of short duration (criteria c).
36. The works propose the extraction of some 40-50,000 tonnes of sandstone and limestone, processed and exported as crushed aggregate over a period of 28 weeks, extending to 36 weeks to complete all restoration works. The MLP does not provide a definition of what works would exactly qualify as incidental, or what would be of 'limited nature', but it is apparent that the scale of the works in terms of quantities and volume and depth of working - in some places down by 5m - is not insignificant. Indeed the tonnage is comparable to the monthly output of a typical sandstone or limestone quarry in the county, but with works planned to be completed over some nine months. Notwithstanding the scale of the extraction, it is reasonably evident that the main purpose of the works is to create a fit-for-purpose football training facility for use by the applicant - the local football club. Therefore, the mineral extraction aspect may be considered to be incidental in nature in this case and when assessed against the terms of policy M14.1 the works would be generally of short duration and of a limited nature.
37. The club have indicated they wish to correct the slope on the site, this would create a level platform for pitches bringing the land into the same lower levels as the adjacent former playing field. In working to this level the underlying sandstone, along with a small element of limestone is readily workable from of the site, and it clearly has an economic value which can be exported. The NPPF recognises the value to the economy of mineral extraction and in determining planning applications, great weight should be attached to the benefits that mineral extraction would contribute to a steady local supply for construction projects. The winning of minerals from the site captures what is a finite resource

which could otherwise potentially be sterilised as a result of the development, thereby promoting the sustainability credentials of the development.

38. The emerging Minerals local Plan, to which limited weight can be attached, takes a similar approach to incidental minerals extraction at policy DM14, where the scale and duration of works would not result in any adverse environmental impacts and where the development proposals bring environmental and other planning benefits to the development it is incidental to. The proposal would deliver benefits and improvements to the condition of the playing field/pitches and also provides for environmental enhancements in terms of providing new hedge planting and wildflower seeding of peripheral areas.
39. In terms of the local planning policy aspect, the site is shown in the extant Mansfield District Local Plan (MDLP) as on the edge of, but just outside of the defined urban boundary, in a countryside location, with the site itself (as playing fields) protected under policy LT1. The adjacent field, also now part of the site for access purposes, is protected in a similar way by policy LT7 which concerns development on school playing fields.
40. Policy NE1 of the MDLP states that permission will be granted for developments outside of the urban boundary only where it would fall into certain criteria. The exceptions include; (1) development which can only be undertaken in a rural location; (2) outdoor recreation uses whose nature and scale are in keeping with the rural character of the area. The mineral extraction and land levelling works are considered to meet these criteria as mineral extraction is often undertaken in rural areas and it is proposed to restore the site to recreational use. In general terms this would be an appropriate operation outside of the urban boundary.
41. MDLP Policy LT1 states that planning permission will not be granted for developments which would lead to the loss of major public open space areas and local parks, unless they would enhance the facility for recreational use. Policy LT7 applies similar protection to the adjacent field, across which an access track would be constructed, although it should be noted that the field is no longer used by the adjacent school.
42. Whilst both policies remain saved pending a future replacement local plan and remain relevant to this planning application, given the age of the plan (1998), the weight to be given to them is somewhat reduced and the guidance within the NPPF should take precedence.
43. Paragraph 70 of the NPPF sets out that planning should deliver the social, recreational and cultural facilities and services that communities need, by planning positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities, but also guard against the unnecessary loss of valued facilities. Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
44. Paragraph 74 of the NPPF deals specifically with development affecting open space, sports and recreational land including playing fields and makes clear that such land should not be 'built on' unless an exception is considered to apply.

Whilst the application does not propose any built development this paragraph does relate to cases where there would be a loss of such land. It states that the land should not be 'built upon' unless:

- The loss would be replaced by equivalent or better provision in terms of quantity and quality, and/or
- The development is for alternative sports and recreational provision which outweighs any loss.

The wording does not distinguish between permanent, or in the present case, temporary loss of such land, but it nevertheless demonstrates the thrust of Government policy thinking and reflects Sport England's own policy on this matter.

45. Sport England are satisfied that the development proposal would not lead to the loss of, or prejudice the use of, a playing field. The playing field would be reinstated as an improved facility following the works. The intention is to retain the access track across the edge of the larger field, with a view that this could offer improved access associated with the sports/recreational use of both fields, particularly if and when further plans by MTFC are developed for the larger of the two fields. Sport England's position remains unchanged after reviewing these revised proposals.
46. Subject to this restoration, there is nothing therefore in principle planning policy terms to prevent the extraction and levelling works indeed the principle of the short-term mineral extraction is supported. The acceptability of the proposal is however dependent on there being no unacceptable highways, amenity or environmental impacts arising from the operation and the relevant issues are dealt with as follows.

#### Traffic, Access and Parking

47. Access to the site is heavily constrained both in terms of the physical dimensions of the road/lane, but also due to the close proximity and shared access for residential properties; the primary school; and the SureStart centre. There is also a small children's play park on Woburn Road.
48. The first part of the access (Woburn Road) is fully made up from the traffic light controlled junction with Chesterfield Road and the A617 up to Farmilo Primary School and the SureStart centre. This part also includes a footway to serve these facilities. The carriageway though narrows outside of the school and is regularly impeded by parked cars alongside the footway. Beyond the SureStart centre however it narrows further still and becomes a single un-made track (Woburn Lane) with no room for vehicles to pass each other and with residents' driveways leading directly from it.
49. Whilst extraction and land levelling works have commenced on site, materials have yet to be exported and it is the impacts of this haulage operation which are relevant to the assessment of the application, rather than the end use (sports pitches) for which a lawful existing use exists. In assessing this matter, MLP Policies M3.13 and M3.12 are relevant.

50. Policy M3.13 states that planning permission will only be granted where the highway network can satisfactorily accommodate the vehicle movements and where this would not cause unacceptable environmental (or other) impacts or unacceptable disturbance to local amenity. Policy M3.12 requires measures to be put in place to prevent damage to the highway and to prevent the deposit of mud and other deleterious material. It lists such measures which may be required including the metalling of haul roads near to their point of access with the highway and the provision of wheel wash facilities.
51. The applicant and their contractor intend to run HGVs loaded with the crushed aggregate during the estimated 28 week duration for the main extraction works. On site restoration works would extend the project to 36 weeks in all. Haulage operation would run between 09.30-14.30 on weekdays and between 08.00-12.00 on Saturdays. It is estimated that this would entail 23 HGVs entering and leaving the site (46 two-way movements) on a weekday and 20 (40 two-way movements) on Saturdays. On any non-school weekday the operation would run between 08.00-16.00 hrs with up to 36 arrivals and departures (72 two-way movements).
52. The works programme and the above figures represent a revised proposal as a result of negotiations with the County Highways Authority and also partly as a result of the reduced daylight hours going into Autumn/Winter. Originally it was proposed to undertake a short and intensive operation over three months during the summer which would have resulted in 60-80 two-way movements per weekday. These, however, would have been run over a 6 hour working day rather than the 4.5 -5 hours now proposed. This means that the revised proposal would result in a similar pattern of vehicle arrivals and departures per hour –around 5 arrivals and departures per hour. The revised proposal does however give further protection around the start and end of the school day, by not starting haulage operations until 09.30 and finishing no later than 14.30.
53. As well as the extended operation the other notable amendment now proposed is the development of a new access track to the site, so to avoid having to use the unmade and narrow section of Woburn Lane. Highways officers raised significant concerns over the original proposal to utilise the existing stretch of this lane, which was of insufficient width to permit the passing of two-way traffic and would have impeded access to the driveways of residents along this lane. The risk to pedestrians was also noted.
54. The new segregated track would be constructed along the edge of the adjacent overgrown playing field from the corner of Woburn Lane, directly outside of the SureStart centre, to the car park fronting the application site/field. The track would be defined by two small bunds either side and would be surfaced in crushed aggregate for the main part, whilst the first 15m at the Woburn Lane end would be surfaced in a bound material. A passing place would be positioned approximately half way along its length.
55. By developing this track, HGVs would be removed from the narrowest section of the lane and would avoid impeding access to residents of approximately 12 properties as well as safeguarding any pedestrians. By avoiding the start and end of the school day, HGVs would avoid coinciding with peak traffic and

vulnerable pupils/pedestrians. It should however be recognised that there may be times when pedestrians are present such as from any before/after school clubs, but generally these are not as busy as the main arrivals and departure times. HGVs would also still be passing along Woburn Road, within this residential area, where there are other constraints such as on-street car parking, an adjacent play-park and SureStart centre. The road in this part however is made up to highway standards, with footways, school keep clear markings and a crossing point.

56. The revised access proposals and works schedule have been drawn up in consultation with the Highways Authority, who raise no objection to the proposed development subject to the access track being properly implemented along with appropriate road safety signs and markings. These signs would ensure that existing HGVs would stop and give way to any traffic or pedestrians moving along Woburn Lane before proceeding, as well as alerting people to the possibility of heavy construction traffic in the vicinity.
57. Whilst the haulage operations are run, a certain amount of noise and disturbance to the local environs and to the closest local residents would be likely, particularly as this is a generally quiet rural lane. However as explored below the associated noise impacts are tolerable for the period of the works and would now coincide during the autumn/winter when people are less likely to be using gardens and have windows open, which would expose them to greater noise. The day-time hours of operation are considered acceptable, including on Saturday mornings. It is therefore considered that the application complies with Policy M3.12 by providing acceptable access arrangements. Traffic management measures would be in place to protect pedestrians and local traffic. The operator would also liaise closely with the school/SureStart centre during the works.
58. In accordance with Policy M3.13 the contractor would ensure that mud and debris is kept off the highway, primarily by having a bound surface to the end of the dedicated access track, but also with provision of wheel wash facilities; the sheeting of loaded HGVs and the deployment of a road sweeper as the need arises. These matters can be secured by planning conditions.

### Noise

59. The nature of the works, in close proximity to residential property has potential to cause noise emissions and nuisance to neighbouring residents. A certain level of noise and other disruption has already been caused by the substantial commencement of the works on site prior to applying for planning permission, which did result in complaints to this Authority. A noise impact assessment has therefore been submitted to consider the likely noise impacts and how the development could be undertaken to minimise and control such emissions.
60. Relevant noise standards for minerals development are set out at a national level within the NPPF and its accompanying technical guidance. The NPPF states that any unavoidable noise should be controlled, mitigated or removed at source. The technical guidance explains that care should be taken with regards to conditions to control environmental effects on neighbouring residents and that

a programme of works should be agreed to limit such potential impacts over the course of the development. Development proposals should consider the characteristics, procedures, locations and schedules of the works, together with means of mitigating resulting noise emissions, and estimate the likely noise impacts upon nearby sensitive receptors, when compared against baseline conditions. The guidance recommends a normal noise limit of L90 (background noise) + 10dB subject to a maximum of 55dB, however an allowance is also made for certain noisy short-term operations such as for soil stripping and landform creation.

61. The application and its accompanying noise assessment has considered the various stages of the works which are outstanding. For the main extraction works it is estimated that the noise impact from the operation of the on-site crusher, excavators and HGVs would be at worst case 53dB at the nearest residential property along Woburn Lane. This would exceed the background noise levels by 12dB and therefore exceed the limit in the NPPF guidance, although it would not exceed the absolute maximum limit of 55dB. Similarly the restoration works involving the use an excavator and bulldozer is predicted to lead to a maximum noise level of 65dB at the nearest properties along Woburn Lane, which is significantly greater (+24dB) than the measured background noise. However the NPPF guidance states that it should be recognised that certain short-term noisy activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate mineral extraction. It suggests a maximum temporary upper limit of 70dB(A) is acceptable to facilitate such works for a maximum period of 8 weeks in any calendar year. The applicant has confirmed that restoration works would take place over a final 8 week period.
62. The findings of the assessment have been accepted by the County Noise Engineer and it is clear that there would be a local noise impact to nearby residents. Such impacts would be short term and to an extent have already taken place with the soil stripping and excavations. The main extraction phase would utilise an on-site crusher and it would be necessary to form temporary stockpiles or bunds in front of this to screen it from the neighbouring properties. As the site would be gradually worked in a direction towards these properties, the crusher would also be repositioned in this direction and it would again be necessary to form a new screening bund each time. When restoring the site, the operation of mobile plant and machinery would be unscreened on an open site and would be quite noisy. However in order to restore the site and reinstate the playing field it is necessary to permit this short term noise subject to the maximum limits in the NPPF guidance.
63. The noise impact from the haulage operation has been included and whilst the passing of HGVs is not a constant noise, such movements at regular intervals and passing residential properties is likely to be noticeable, but tolerable as a temporary operation.
64. The assessment has considered noise impacts on the nearest residential receptors, and has not considered the nearby SureStart centre or primary school, however these are at a further distance from the nearest residents, consequently noise impact is not anticipated to be any worse for these sites.

65. Therefore when assessed against the requirements of the NPPF and saved MLP policy M3.5, the proposed development and its resultant noise impact is considered to be acceptable, given the relatively limited duration of the remaining works and the overarching desire to complete the extraction and restore the site at the earliest opportunity. Planning conditions and mitigation measures are recommended to control noise emissions and hours of operation, but it should be recognised that a certain levels of noise and disruption is likely and would now take place over a longer period than first proposed.

### Dust

66. The works have potential to generate airborne dust from various operations and phases of the proposed development, which would require mitigation and general good practice measures to control.
67. Normal practice would be to ascertain the baseline conditions at the site locality, however as the site has already been worked and stripped, there is clearly an existing potential for dust until the playing field is reinstated. It is therefore considered desirable to achieve a restoration of the site at the earliest opportunity and in a manner which limits fugitive dust as much as practically possible.
68. In terms of the outstanding works required, fugitive dust could originate from the excavation of stone, along with the movement of materials and mobile plant; from the use of an on-site crusher; from the movement of HGVs exporting material from the site; and from the replacement and spreading of sub and top soils.
69. In terms of potential sensitive receptors to any dust, the nearest potentially affected properties and land uses are the houses along Woburn Lane to the immediate west, and the SureStart centre and Farmilo Primary School to the south east. These are considered to be of medium sensitivity to dust, and in the case of the housing in particular, are very close to the extraction site.
70. At the closest point the SureStart centre is 160m distant, with Farmilo Primary School just beyond. The houses front Woburn Lane, opposite the site. Most have front gardens with some featuring tall hedges or trees. The excavation area on the field would not extend right up to the lane frontage, instead the former car parking area would be retained, thereby providing a small buffer of some 30-40m to these properties. There is added potential for dust from passing HGVs hauling materials off the site as they run along the proposed new access track.
71. Natural England are content that dust should not significantly impact the Pleasley Vale SSSI and that appropriate management measures should further assist with this.
72. Measures to limit fugitive dust have been identified within the application, these include:
- Having use of a water bowser on site to allow the damping of materials.



- Locating material stockpiles so to provide a temporary barrier between crushing/extraction operations and properties at Woburn Lane.
  - Consideration to one off cleaning of windows at neighbouring properties on completion of works.
  - The sheeting of HGVs
  - The deployment of road sweepers as required
73. These are good practice measures, which should be required by a planning condition as part of any grant of approval. These measures along with the short term, one-off nature of the works which are outstanding are considered capable of controlling dust emissions to an acceptable level to accord with Policy M3.7. The prevailing winds assist with reducing dispersal of dust towards the adjacent properties. However there remains a risk of dust episodes and local complaints in certain meteorological conditions, at which point operations could be required to temporarily cease. The works would be subject to monitoring by officers of the County Council.

#### Residential Amenity

74. In combination, the impacts from the increased heavy traffic, noise, activity and potential dust or mud, would need very careful management and mitigation, given the proximity of residential as well as educational land uses. The impacts have been assessed in more detail above, however it must be acknowledged that there would be a level of disturbance in the locality, particularly from the vehicular movements and from certain noisy restoration works. The timing of certain works has been proposed so that it would avoid unduly impacting on these surrounding receptors. HGV movements would be restricted to avoid the start and end of the main school day and allowing sufficient respite for residents, including at the weekend. By undertaking much of the main works over the autumn/winter/spring months this may also avoid the more sensitive summertime, when people would be expected to be enjoying gardens or have windows open. This does mean however that the overall duration for completing the project would be extended to take into account daylight hours and weather conditions.
75. The applicant has undertaken to write to the local residents informing them of the works and their intentions to keep disturbances to a minimum during the remaining period of works. Given that the works have already commenced, there is a pressing need to restore the site and create the training facility which the applicant requires. To reach that position, however would necessarily involve temporary amenity impacts, but it is considered that such impacts can be mitigated to acceptable levels. The long term benefits of providing an enhanced sports facility must be considered against these temporary impacts.

#### Landscape and Visual Impact

76. The land levelling works would change the site from one which is based on the prevailing rolling topography to one of an engineered level surface together with a sloping bank rising back up to the level of the adjacent field. The restoration

works would also introduce a new native hedgerow along the north-western field boundary. On the adjacent field the addition of a new access track between two small landscape bunds would partly intrude onto this larger overgrown playing field.

77. MLP Policy M3.22 states that planning permission will not be granted for minerals development which is likely to adversely impact upon the character and distinctiveness of the landscape unless there are reasons of overriding public interest or where measures can reduce the impact.
78. The Landscape Policy Zone (from the Mansfield Landscape Character Assessment) identifies the area under the Pleasley Hill Upland Plateau Farmland, which is described as a simple pattern of large scale uniform arable fields on a broad plateau which slopes down to the west where it meets the urban fringe of Rathmantwaite and Pleasleyhill. It notes the large open field patterns, and sparse woodland. Hedgerows are of variable conditions and are not prominent given the large scale of the fields. It is assessed as being of moderate character with the overall landscape strategy being one of enhancement. Such measures should include the enhancement of hedgerows and planting of woodland along the urban fringe, the conservation of field patterns and seeking opportunities to establish native lowland windflower grassland along field margins.
79. Whilst the resulting slope along the north-western side of the site would clearly not be a natural feature of the prevailing landscape, this site, on the fringe between the urban development and the open countryside beyond is read within this transitional context rather than part of the open expanse of the countryside. The addition of a new hedgerow along the north-west field boundary would reinforce and define the field patterns and provide structural enhancements which would be in line with the policy actions of the landscape study. The character and distinctiveness would not be adversely impacted in accordance with policy M3.22.
80. In terms of visual impact, the field has already been stripped and partly excavated resulting in a disturbed site, pending the outcome of this planning decision. MLP Policy M3.3 states that adverse visual impacts from minerals development should be kept to an acceptable level, with an acceptable restoration thereafter. Although the site has lain in this state for several months and is clearly an intrusive feature when viewed from Woburn Lane or from surrounding fields, upon completion of the restoration, the field would be returned to its former use and visual character. The bunded access track on the adjacent field, would be of permanent construction and whilst introducing an engineered feature, would largely be screened by the mature hedge alongside Woburn Lane. Low level landscaping can be provided on the bunds such as wildflower seeding or possibly hedge planting. No new buildings or fencing are proposed, although a site cabin would be present for the duration of the works. The completion of the remaining works, development of the access and restoration works would not conflict with Policy M3.3.

### Ecological Impact

81. Recent works have effectively removed any ecological value from the site, albeit as a former playing field its ecological value would have been low. Elsewhere the site is bounded by intensively farmed fields and other former playing field land. The revised access plans would necessitate the removal of a limited amount of hedgerow where the new track would adjoin Woburn Lane, however this would be more than offset by new hedgerow planting as covered below.
82. At a distance of over 600m to the north lies the wooded valley of the River Meden and the former railway corridor now the Meden Way and designated in part as a SSSI (Pleasley Vale Railway SSSI). Both Natural England and the County Council's Nature Conservation Officer are content that the proposals are unlikely to have detrimental impacts on this designation. It is further noted that issues of noise and dust would be limited and controlled should planning permission be permitted and that there are no sites in the vicinity sensitive to noise, which in any case would only be a short term impact.
83. Once reinstatement works have been undertaken, the applicant proposes to plant a native hedgerow along the length of the north-western boundary with the adjacent agricultural field. This is likely to be hawthorn dominant and the exact specifications for its planting can be subject to a planning condition. The peripheral areas around the football pitches, notably the newly created embankment along the north-western boundary adjacent to the new hedge would also be seeded with an appropriate wildlife friendly seed mix. Again the choice of seed mix can be selected with the advice of the County Council's ecologist and required by a planning condition. Together these two aspects would provide for wildlife enhancements, of suitable native and local character, at the site as recommended by Natural England and are welcome additions to the overall scheme.
84. Subject to conditions regarding the planting and seeding details, and restricting hedgerow removal during the bird breeding season, the application is acceptable in terms of ecological impacts. The development would not result in any loss of priority habitat in accordance with Policy M3.17, nor would there be an adverse impact on the special interest of the nearby SSSI in accordance with Policy M3.19.

### Surface Water / Flood Risk

85. The site does not lie in an area at any risk from fluvial (river) flooding, it being located in Flood Zone 1 and is it not known to be at risk from surface flooding. The underlying geology of sandstone and limestone permits the land to freely drain. Upon restoration of the soils, the site would be expected to return to these characteristics and no impermeable surfaces would be laid. The alteration of the landform from a gentle slope to a level field with a 33 degree embankment along one side would not be expected to significantly alter surface water drainage patterns and the levels at Woburn Lane would be approximately 1m above the central field area, so that properties along the lane would not be expected to be put at any increased risk of surface water flooding.

### Impact on playing fields and associated restoration/reinstatement

86. As the application relates to a playing field in the extant Mansfield Local Plan, Sport England are a statutory consultee to the application. As well as being guided by paragraph 74 of the NPPF, it is the policy of Sport England to ensure that development proposals do not result in the loss of, or prejudice the use of, all or part of a playing field, unless one of six exemptions are deemed to apply.
87. In the present case, the applicant is required to demonstrate that the playing field lost would be replaced with that of equivalent or better in terms of quality, quantity and accessibility. Following the submission of additional details about the means of reinstating the land and the pitches, Sport England are satisfied that the proposals could deliver an improved facility with active future management. The applicant has specified the appropriate surface, grass and pitch quality, with the aim that the pitches would be playable for first team, youth team and ladies team use. Car parking would also be re-provided, along with improved access- the latter of which Sport England confirm they are content with.
88. The proposals therefore are considered to comply with Policy LT1 of the Mansfield District Local Plan and paragraph 74 of the NPPF, in that there would be no loss of pitch provision, (other than the present temporary loss) subject to the field being reinstated correctly. The reinstatement could provide for an improved environment and amenity after use as required by MLP Policy M4.8.

### Aftercare

89. Should planning permission be granted it is recommended that details for a five-year period of aftercare are required by condition. Along with any site inspections this would demonstrate that the site has been effectively returned to use as playing/sports pitches and that the grass surface has been established correctly and that other landscaping has been successful.

### Public Rights of Way

90. The proposed works would not impact on any public rights of way, although it is likely that the lane and the adjoining former playing field are used informally for local recreational walking and exercising of dogs. The initial works at the application site have already removed a permissive path and the construction and use of the access track for the works would further restrict this. No public rights of way exist on the fields - the nearest right of way (Mansfield Footpath 5) runs east-west across the fields to the immediate north of the application site. Once the works are complete, it would be for the landowner to determine any future permissive access.

### Archaeology/Heritage

91. Given the way the site has already been stripped of soils as part of the work already undertaken, no archaeological remains would be expected to remain.

The site does not affect the setting of any Listed Buildings and there are no heritage constraints to note.

### Summary and conclusions

92. The application relates to incidental mineral extraction at a former playing field in order to deliver the primary objective of forming level football training pitches. The estimated quantities of material required to be removed are not insubstantial, however the works would be of a temporary and relatively limited duration. Satisfactory restoration details have been provided. In principle the works would broadly accord with MLP Policy M14.1 subject to there being satisfactory environmental and other impacts.
93. Whilst it would be theoretically possible to level the land without exporting material (thereby limiting the disruption from haulage) by use of cut and fill methods, the underlying minerals are readily extractable and would otherwise be sterilised. The National Planning Policy Framework attaches great importance to mineral extraction and to make the best use of what is a finite natural resource.
94. Access to the site is constrained with it being a residential area and also with the presence of a primary school and SureStart centre. However measures to mitigate the haulage disruption and provide suitable improved access have been identified, following discussions with the County Highways Authority. Primarily this would involve the formation of an access track across the larger field parallel to Woburn Lane, thereby removing heavy traffic from an unsuitable section of the lane and taking such traffic away from directly running past some of the nearby residential properties. The timing of HGV movements has been set to avoid the start and end of the school day, but would also include Saturday mornings. Signage and other traffic management measures would also be employed, along with measures to prevent dust and mud deposition in accordance with Policy M3.13. Subject to the operator undertaking this careful management of the movement of HGVs, local disturbance and disruption should be minimised to an acceptable level in accordance with MLP Policy M3.12.
95. Noise increases from the operations have been found to be above the target value, but within maximum permitted levels for minerals operations as set out in the technical guidance to the NPPF, subject to providing screening for the mobile crusher and subject to other controls such as on hours of operation. These controls accord with MLP Policy M3.5. Dust emissions are capable of being controlled in accordance with MLP Policy M3.7.
96. In terms of other impacts, there would be no unacceptable visual or landscape character impacts. No significant adverse ecological impacts have been identified and the provision of the native hedgerow and use of wild seed mixes for peripheral areas would result in an ecological enhancement and would strengthen the pattern of field boundaries. The plans therefore accord with MLP Policies M3.17, M3.19 and M3.22. Reinstatement details to turn the site back to sports pitches are satisfactory to demonstrate that the pitches could be reinstated at the same or better standard in accordance with paragraph 74 of the NPPF and Mansfield District Local Plan Policy LT1. The reclamation could

provide for an improved environment and amenity after use in accordance with Policy M4.8 of the Minerals Local Plan.

97. Given that extraction works have already commenced, but have been placed on hold pending determination of this application, there is an urgent need to restore and reinstate this land in the interests of local amenity. The long term benefits for local sports provision and for supporting active and healthy lifestyles must be seen against any temporary local disruption that may arise.

### **Other Options Considered**

98. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. The primary aim of the proposed development is to create a level site for sports pitches. To do so it is proposed to process and export surplus minerals as crushed aggregate, however alternative approaches could be used to level the site, such as undertaking cut and fill (with no removal or importation of material) or importation of inert fill materials. This approach however would not realise the economic value of the minerals which are readily extractable and would be excavated in any case. To not extract the mineral would, in effect, amount to sterilisation.

### **Statutory and Policy Implications**

99. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Human Rights Implications

100. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to proximity of residents to the works. The proposals have the potential to introduce impacts such as noise, dust and heavy traffic upon the Woburn Lane environs, although it is considered that these can be mitigated to acceptable levels. If planning permission was to be granted then these potential impacts need balancing against the benefits the proposals would provide in terms of restoring the site at the earliest practicable opportunity and the winning of mineral resources for which works have already commenced. If planning permission was to be refused then enforcement action would require the land to be reinstated which in itself could cause a level of local disturbance. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Children Safeguarding

101. The haulage operation has been devised in consultation with the Highway Authority so to avoid the start and end of the school day at Farmilo Primary School. The operator intends to work with the school to limit any impact whilst works are undertaken.

### Implications for Sustainability and the Environment

102. As addressed in the main body of the report, there would be no significant adverse impact on local wildlife or protected conservation sites. The applicant proposes enhancements in providing additional native hedge planting and wildlife friendly seeding for peripheral areas. The sustainable use of minerals is supported, which would otherwise be sterilised.

### Crime and Disorder Implications

103. The car park to the front of the site at Woburn Lane benefits from a lockable vehicular barrier to prevent unauthorised vehicular access to the site. No new fencing is proposed in the application, however fencing of varying types surrounds the site. Passive surveillance is offered by neighbouring residential properties.
104. There are no financial; equalities; or human resource implications. There are no implications for service users.

### **Statement of Positive and Proactive Engagement**

105. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

106. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments (SLB 08/10/2015)**

Planning & Licensing Committee is the appropriate body to consider the content of this report.

### **Comments of the Service Director - Finance (SES 08/10/15)**

There are no specific financial implications arising from this report.

### **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

### **Electoral Division and Members Affected**

Mansfield West- Councillors Diana Meale and Darren Langton

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.



## RECOMMENDED PLANNING CONDITIONS

### Commencement and scope of development

1. This permission relates to land levelling works involving the excavation, processing and export of underlying mineral and restoration thereafter to sports pitches. This permission takes effect from the date of issue. Restoration of the site shall be carried out in accordance with the approved 'Method Statement and Specification for the Training Facilities' and Drawings No.s G-8-15-1a and G-8-15-2a and shall ensure that the final contour levels detailed on plans G-8-15-1a and G-8-15-2a are achieved. All mineral extraction and restoration works shall be completed within 12 months of the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and to ensure that restoration works are completed in a timely manner in accordance with the requirements of Policy M4.8 of the Nottinghamshire Minerals Local Plan.*

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of re-commencement of works approved by this permission at least 7 days, but not more than 14 days, prior to the re- commencement of the works hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

### Copy of permission

3. The applicant shall be responsible for ensuring that, from the re-commencement of the development, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, are available at the site for inspection.

*Reason: To ensure the development hereby permitted is carried out in accordance with the approved details.*

### Approved details

4. Unless otherwise agreed in writing by the MPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
  - a) Planning application forms received by the MPA on 24<sup>th</sup> March 2015 as amended by schedule of changes in letter dated 9<sup>th</sup> September 2015 and received by the MPA on 10<sup>th</sup> September 2015.

- b) Land ownership certificates received 10<sup>th</sup> September 2015.
- c) Location Plan (revised), received by the MPA on 10<sup>th</sup> September 2015.
- d) Drawing No. G-8-15-1a 'Proposed Earthworks' (Existing and Proposed Contours), dated January 2015 and received by the MPA on 23<sup>rd</sup> March 2015.
- e) Drawing No. G-8-15-2a 'Section and Plant', dated March 2015 and received by the MPA on 23<sup>rd</sup> March 2015.
- f) Drawing No. G-9-15-2a Rev A 'Site Entrance' received by the MPA on 10<sup>th</sup> September 2015.
- g) Drawing No. G-9-15-2a Rev A 'Site Entrance Details' received by the MPA on 10<sup>th</sup> September 2015.
- h) Supporting Statement received by the MPA on 23<sup>rd</sup> March 2015.
- i) Dust Statement dated March 2015, received by the MPA on 23<sup>rd</sup> March 2015.
- j) Details of Extec mobile crusher received by the MPA on 23<sup>rd</sup> March 2015.
- k) Noise Assessment by BPM Acoustics, dated 18<sup>th</sup> March and received by the MPA on 23<sup>rd</sup> March 2015.
- l) Additional method statement and specification for the training facilities received by the MPA on 29<sup>th</sup> April 2015.
- m) Revised traffic management details set out in the letter dated 9<sup>th</sup> September 2015 and received by the MPA on 10<sup>th</sup> September 2015.

*Reason: For the avoidance of doubt and to define the permission.*

### **Ecology**

5. Operations that involve the removal and destruction of vegetation, including any removal of hedgerow, shall not be undertaken during the months of March to August inclusive except with the prior written approval of the MPA which shall only follow the submission of a report to the MPA confirming that the vegetation to be removed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed following the MPA's approval in writing.

*Reason: In the interests of avoiding disturbance to birds, their nests and eggs which are protected by the Wildlife and Countryside Act 1981 (as amended).*

### **Hours of operation**

6. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the MPA within 48 hours of their occurrence), or with the prior written approval of the MPA, the following shall not take place except within the hours specified below:

Operation	School days Mondays to Fridays	Non-school days Mondays to Fridays	Saturdays	Sundays, Bank/Public Holidays
Site preparation works / mineral extraction/ mineral processing (crushing)	08.00 to 17.00	08.00 to 17.00	Not at all	Not at all
Lorry removal of material	09.30 to 14.30	08.00 to 16.00	08.00 to 12.00	Not at all
Restoration works	08.00 to 17.00	08.00 to 17.00	08.00 to 13.00	Not at all

*Reason: To minimise the impact of the development on the amenity of the local area in accordance with Policy M3.5 and Policy M3.6 of the Nottinghamshire Minerals Local Plan, and to minimise the impact of the development on highway safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

### **Traffic management and access**

7. The number of HGVs associated with the development entering and leaving the site shall not exceed:
- a) 23 in and 23 out (46 two-way movements) on any Monday to Friday during school term time.
  - b) 20 in and 20 out (40 two-way movements) on any Saturday.
  - c) 38 in and 38 out (76 two-way movements) on any Monday to Friday during non-school term.

HGV movements shall accord with the permitted schedule of hours as set out in condition 6 and from the date of this permission the operators shall maintain records of their lorry movements, specifying types of vehicles, products carried, and time in and out of the site, and shall make them available to the MPA at any time upon request. All records shall be kept until all minerals have been removed from the site.

*Reason: To minimise HGV traffic movements during the works so to safely accommodate school related traffic, and in the interests of general highway user safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

8. No material shall be exported from the site until an access/haul road has first been completed in accordance with the details on drawings No. G-9-15-2a Rev A 'Site Entrance' and No. G-9-15-2a Rev A 'Site Entrance Details' received by the MPA on 10<sup>th</sup> September 2015. The access/haul road shall provide:

- a minimum width of 7.3m for the first 15m from the carriageway (shared private driveway) edge;

- and be surfaced in a bound material for a minimum distance of 15m from the carriageway (shared private driveway) edge.

On completion vehicles associated with the development hereby approved shall utilise this access and no other route.

*Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of providing safe and satisfactory access in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

9. No material shall be exported from the site until the traffic management works comprising of road signs and markings are installed in accordance with approved Drawing No. G-9-15-2a Rev A 'Site Entrance Details' received by the MPA on 10<sup>th</sup> September 2015. Signs and markings shall be maintained during the life of the works and contractors shall adhere to their provisions at all times.

*Reason: In the interests of general highway user safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

10. No material shall be exported from the site until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the MPA. The approved wheel washing facilities shall be maintained in working order at all times and shall be used by any heavy goods vehicle before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

*Reason: To reduce the possibility of deleterious material being deposited on the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

### **Noise controls**

11. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise noise disturbance to the satisfaction of the MPA.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

12. The free field noise levels associated with the development, when measured in the curtilage of any nearby noise-sensitive property, shall not exceed 55dB measured as an Equivalent Continuous Noise Level for a 1 hour LAeq (free field):

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

13. Notwithstanding the requirements of Condition 12 above, for temporary operations such as bund formation/dismantling and soil replacement the LAeq 1 hour (free field) noise level in the curtilage of any noise sensitive property shall not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in a calendar year at any individual noise sensitive property. The dates of these occurrences shall be recorded and made available to the MPA in writing with one week of a written request from the MPA.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

14. In the event of a noise complaint being received by the MPA regarding the development hereby permitted which, in the considered opinion of the MPA may be justified, the applicant shall at the first practicable opportunity following a request from the MPA carry out a noise impact survey which shall be submitted to the MPA for its approval in writing. The free field noise level associated with the development, when measured in the curtilage of the noise sensitive property, shall not exceed the levels in conditions 12 and 13 above. Should this survey demonstrate that the noise limits are being exceeded, the survey report shall specify additional mitigation measures and details of their timing to overcome any unacceptable noise impacts and such measures shall be implemented immediately thereafter in accordance with the approved details and timetable.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

15. Prior to the commencement of any crushing operations on site, a bund constructed from on-site materials shall be positioned to extents and height so as to completely screen the crusher and associated mobile plant from any first floor window at premises on Woburn Lane opposite the development site. The bunds shall be maintained throughout the life of the extraction works in order to provide effective noise attenuation.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

### **Dust controls**

16. Measures shall be employed to ensure that dust emissions from the site and associated vehicle movements are controlled and fugitive dust is prevented from leaving the site. These shall include taking all or any of the following steps as appropriate:
- a. Daily environmental site inspections to monitor conditions in and around the site and access track.
  - b. Ensuring vehicle speeds are limited.
  - c. The use of water bowsers and/or spray systems to dampen the haul route, stockpiles, and working areas.
  - d. The sheeting of all unenclosed aggregate carrying vehicles leaving the site
  - e. The cessation of operations during periods of excessively dry or windy conditions.
  - f. Any additional steps or measures as requested by the MPA, should these measures prove inadequate.

*Reason: To minimise potential dust disturbance upon residential amenity in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

### **Mud controls**

17. Measures shall be employed to ensure that mud and detritus from the site and from any associated vehicle movements is controlled and prevented from being deposited onto the public highway. These shall include taking all or any of the following steps as appropriate:
- a. Daily environmental site inspections to monitor conditions in and around the site and access track.
  - b. The use of the wheel wash facility approved under condition 10 above and its regular maintenance.
  - c. Deployment of a road sweeper as required.
  - d. Any additional steps or measures as requested by the MPA, should these measures prove inadequate.

*Reason: To reduce the possibility of deleterious material being deposited on the public highway (mud, debris etc), in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

### **Other operational controls**

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound shall be at least equivalent to

the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To prevent pollution of the water environment and to accord with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

### **Restoration and landscape works**

19. Within 3 months from the date of this permission hereby permitted a landscape and planting scheme shall be submitted to the MPA for its approval in writing. The scheme shall include the following details:

- (a) Planting proposals showing numbers, species, density of planting, positions and sizes of hedgerow plants so to provide a native hawthorn dominant hedge along the length of the north-western boundary of the field.
- (b) Details of hedgerow reinforcement / supplementary hedgerow planting within the existing hedgerow fronting Woburn Lane.
- (c) Details of landscape treatment of the bunds alongside the access track.
- (d) Details of other peripheral landscaping, including the bank along the north-western side, to be seeded with an appropriate native grass and wildflower mix.
- (e) A timetable for implementation of the planting and seeding works.

The approved landscaping works shall be carried out within the first planting and sowing seasons following the completion of the development and thereafter maintained in accordance with the approved details.

*Reason: To ensure the proper restoration of the site in accordance with the requirements of Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

20. Restoration of the football pitch shall be undertaken in accordance with details supplied in the Method Statement and Specification for the Training Facilities received by the MPA on 29<sup>th</sup> April 2015 and completed within 12 months of the date of this permission.

*Reason: To ensure the proper restoration of the site in accordance with the requirements of Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

21. Soils and soil making material shall only be handled and placed when in a suitably dry and friable condition.

*Reason: To ensure the proper restoration of the site in accordance with the requirements of Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

22. Upon completion of the restoration works the car parking area to the front of the site shall be made good utilising stone chippings to provide a porous surface and thereafter made available for use by users of the sports pitches.

*Reason: To provide satisfactory off-street parking facilities for the end use and in the interests of local amenity.*

23. Any hedgerow planting or wildflower area that, within a period of five years after planting or seeding, die, are removed or, in the opinion of the MPA, become seriously damaged or diseased, shall be replaced in the first available planting or seeding season with specimens/seedmix similar to those originally approved, unless the MPA gives written consent to any variation.

*Reason: To ensure the proper restoration of the site in accordance with the requirements of Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

#### **After care**

24. Following completion of the restoration the site shall undergo a period of aftercare for five years. A programme of maintenance and any corrective works to be undertaken in years one and two following completion of the restoration shall be submitted to the MPA for its approval and shall be subject to review following any site management meetings/inspections. The agreed programme of works, as informed by any inspections shall be implemented to ensure a satisfactory restoration has been achieved.

*Reason: To provide for aftercare of the restored site and to ensure the site is returned to recreational use, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan and paragraph 74 of the NPPF.*

#### **Notes to applicant**

1. 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.
2. To avoid vehicle rattle and vibration from site traffic it is recommended that any pot holes occurring along the access track are filled/made good as soon as practicable.



3. The contractor will be expected to liaise closely with management of the adjacent Farmilo Primary school and SureStart centre, immediately before and, at appropriate points during, the works period to ensure disruption is minimised and safety is maintained. This should include an exchange of contact details between parties.
4. With regards to seeding peripheral areas, an appropriate wildflower seed mix should be chosen based on the pH and nutrient status of reinstated soils/substrate, and must use seed of a certified native genetic origin with species which are appropriate to the local area. Similarly, the new hedgerow should be hawthorn dominated, and species selected with reference to the relevant Landscape Character Assessment species lists (Magnesian Limestone LCA). The County Nature Conservation Team will be happy to advise on final seed and planting mixes.
5. Sport England have made comments with regards to wider issues in relation to apparent longer term plans at the site, a copy of these will be attached/forwarded. Future proposals would be subject to planning in the usual way.
6. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.