



BROMLEY CROFT, UNIT 1 OXCLOSE LANE, MANSFIELD WOODHOUSE

PLANNING STATEMENT – SECTION 73 APPLICATION

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1.0 INTRODUCTION

Instructions

- 1.1 The Leith Group have been instructed by 'Consensus' to prepare and submit a section 73 planning application to vary two conditions attached to an earlier grant of consent at Bromley Croft, Unit 1 Oxclose Lane, Mansfield Woodhouse.
- 1.2 The description of development for this application reads as follows:

"Section 73 Application to vary conditions 2 and 7 of consent reference 2021/0537/COU".

Site Context

- 1.3 The application site comprises of a two-storey former office building on the corner of Oxclose Lane, Swan Lane and Grove Street in Mansfield Woodhouse, Mansfield. The existing property is a red brick built detached building with grey tile roof, with access and car parking from the rear.
- 1.4 The site is understood to be located within a primarily residential area, and is surrounded by residential properties to the north and west, with a mix of commercial and retail uses to the east and south.
- 1.5 As set out above, the area is predominantly, but not exclusively, comprised of residential properties, but there are a number of other uses within the locality, including small businesses, shops, community facilities, residential institutions, and other uses which can meet local needs in a sustainable way, and contribute to the variety and attractiveness of the local area.
- 1.6 The site is located within the settlement of Mansfield Woodhouse, with good access to the A60 providing links to Mansfield Town Centre. The site benefits from good access to local public transport connections with bus services located within walking distance of the site on Park Road. Overground rail services are also available close by from Mansfield Woodhouse Train Station. The scheme is therefore suitably and sustainably located.

1.7 Historic England's online records show that there are no listed buildings, conservation areas, monuments, or registered parks/gardens either on site, or in the vicinity of the site.

1.8 The site is not understood to be located within an area at risk from flooding.

Application Submission Documents

1.9 The site benefits from planning consent for the change of use of existing offices (Use Class E) to create new residential development consisting of 1 no. 2 bedroomed dwelling and 8 no. 1 bedroomed flats with communal facilities for assisted living (use Class C3). The residential use of the site was granted in October 2021 under the provisions of application reference 2021/0537/COU, which is addressed in more detail at section 2 of this report.

1.10 This further application is seeking planning consent to vary the approved landscape and car park details associated with consent reference 2021/0537/COU, in order to enhance the levels of on-site amenity space for residents use, to the benefit of their quality of life.

1.11 In addition to this planning statement, the application is also supported with a suite of documents and drawings including the following:

- Reference: BCR-epd-ELS-XX-RP-L-1001 rev P01 – Softworks Specification.
- Reference: BCR-epd-ELS-XX-DR-L-1001 rev P03 – Soft Landscape Plan.
- Reference: BCR-epd-ELS-XX-DR-L-1002, rev P03 – Hard Landscape Plan.
- Reference: BCR-epd-ELS-XX-DR-L-1003, rev P01 – Tree Pit Detail.
- Reference: BCR-epd-ELS-XX-DR-L-2001, rev P03 – Seating Area Construction Detail.
- Reference: BCR-epd-ELS-XX-DR-L-2002, rev P02 – Knee Rail Fence Construction Detail.
- Reference: BCR-epd-ELS-XX-DR-L-2003, rev P01 – Bin Store Construction Detail.
- Reference: BCR-epd-ELS-XX-RP-L-1002, rev P02 – Hardwork Specification.

2.0 PLANNING HISTORY

- 2.1 The planning history for the application site is understood to comprise of the following applications, namely:

Application reference: 2020/0610/PNSCUO

Description of development: Notification for Prior Approval for Change of Use – Conversion of Existing Offices (Use class E) To create 12 no. Apartments with associated parking (Use class C3)

Decision: Prior Approval - Refused

Decision date: 18th December 2020

Application reference: 2021/0537/COU

Description of development: Change of Use of Existing Offices (Use Class E) to create new residential development consisting of 1 no. 2 bedroomed dwelling and 8 no. 1 bedroomed flats with communal facilities for assisted living (Use Class C3)

Decision: Granted with conditions

Decision date: 8th October 2021

- 2.2 As detailed above, the site benefits from planning permission for residential use under the provisions of consent reference 2021/0537/COU, a copy of the decision notice has been included at Appendix. 1. This previous approval was granted subject to a number of planning conditions, two of which this further application is seeking to vary, namely:

“Condition 2 – This permission shall be read in accordance with the Approved Plans listed below. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

Reason – to ensure that the development takes the form envisaged by the Local Planning Authority.”

- 2.3 The list of approved plans was then included in the ‘notes to Applicant’ detailed at the bottom of the decision notice, which read as follows:

Approved Plans

Description	Reference No	Version	Date Received
Amended Existing Plans	UKSD-SA-08-0001	B00	6th September 2021
Amended Existing Elevations	UKSD-SA-08-0002	B00	6th September 2021
Amended Existing and Proposed Site Plan	UKSD-SA-08-0003	B00	6th September 2021
Amended Proposed Plans	UKSD-SA-08-0010	B00	6th September 2021
Amended Proposed Elevations	UKSD-SA-08-0011	B00	6th September 2021

2.4 The details subject of this further application seeks to amend the landscaping as shown in the approved drawings references, namely:

- Amended Existing and Proposed Site Plan: UKSD-SA-08-0003, Ver.B00
- Amended Proposed Elevations: UKSD-SA-08-0011, Ver. B00

2.5 In addition to the above, this section 73 application also seeks to secure approval for the variation of condition 7 of consent reference 2021/0537/COU, which states:

“Condition 7 – No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plans (UKSDA-08-0003B00, UKSD-SA-08-0011B00). The parking and turning areas shall not be used for any purpose other than parking, turning and loading/unloading of vehicles.

Reason – in the interests of highways safety.”

2.6 As set out above the Applicant on this Section 73 application is now seeking to vary the approved provisions of conditions 2 and 7 of consent reference 2021/0537/COU. As shown on the as submitted plans, the Applicant is seeking the council’s agreement to reduce the provision of off-street car parking to 6 spaces (one of which will be for disabled provision), and an increase in the area of quality outdoor amenity space for use by the proposed residents.

2.7 In the assessment of this revised proposal, we would ask that the council pay due regard to the fact that this is an assisted living scheme, meaning residents will likely be on site

for long periods of time, as such their ability to access outdoor spaces is greater than for standard developments. The importance of access to outside space, as shown during the COVID-19 Pandemic is vital to people's mental health and well-being. Access to high quality outdoor amenity space is essential. It is on this basis that this further application has been submitted.

- 2.8 It is accepted that whilst there is a in a reduction in off-street car parking, resultant from the revised planting and landscape details, the reduction still secures the retention of a number of off-street car parking spaces to service the needs of the development. In addition, due to the nature of their care requirements within a supported living facility, the residents will not have their own vehicles and parking will be for staff only.
- 2.9 The site is also clearly well related for access to public transport options, and for access on foot to key services and facilities within Mansfield Woodhouse. The site itself is therefore considered to be suitably and sustainably located, and can justify a reduced level of off-street car parking, particularly when considering the benefits to be achieved for the residents' well-being and mental health, as well as biodiversity and visual amenity enhancements, which clearly justify the proposals.

3.0 NATIONAL PLANNING POLICY FRAMEWORK

- 3.1 The National Planning Policy Framework (NPPF) was updated and published in December 2023. The Framework sets out the Government's planning policies for England, and how these are expected to be applied positively and pro-actively.
- 3.2 It confirms that applications for planning permission must be determined in accordance with the Development Plan unless materials considerations, including the Framework, indicate otherwise, and that due weight should be given to the Development Plan policies according to their consistency with the Framework (Paragraph 47).
- 3.3 Paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development in their plan making and decision-taking.
- 3.4 Particular attention is drawn to the relevant sections of the national guidance which are deemed to be determinative to the application as submitted, including the following:
- Section 2: Achieving Sustainable Development
 - Section 4: Decision Making.
 - Section 5: Delivering a sufficient supply of homes.
 - Section 8: Promoting Healthy and Safe Communities.
 - Section 9: Promoting Sustainable Transport.
 - Section 11: Making effective use of land.
 - Section 12: Achieving well designed places.

Achieving sustainable development - Paragraph 8, 9, 11 and 14

- 3.5 Section 2 of the NPPF requires development to be achieved through sustainable means through three overarching objectives: An economic objective; a social objective; and an environmental objective; all of which need to be pursued in mutually supportive ways.

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

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

an environmental objective – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 3.6 **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development.

Delivering a sufficient supply of homes – Paragraph 60, 63 and 70

- 3.7 **Paragraph 60.** To support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 3.8 **Paragraph 63.** Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.
- 3.9 **Paragraph 70.** Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than

- one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custombuild housing;
 - c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
 - d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

Promoting Healthy and Safe Communities – Paragraph 96

- 3.10 **Paragraph 96** outlines that planning policies and decisions should aim to achieve healthy, inclusive, and safe places.

Making effective use of land – Paragraph 123

- 3.11 **Paragraph 123** states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Promoting sustainable transport – Paragraphs 114 and 115

- 3.12 **Paragraph 114** states amongst other things that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and safe and suitable access to the site can be achieved for all users.
- 3.13 **Paragraph 115** states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Achieving well designed and beautiful places – Paragraph 131 and 135

- 3.14 **Paragraph 131** confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to good planning and what the development process should achieve.
- 3.15 **Paragraph 135** advises of the importance for developments to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 3.16 **Paragraph 135** further advises, developments should be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Developments should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit. Creating places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Decision-making – Paragraph 47

- 3.17 **Paragraph 47** requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Comment

- 3.18 The reuse of the application site for a residential development has already been found to be acceptable under the provisions of consent reference 2021/0537/COU. Given that there has been no material change in the Development Plan in the intervening period the scheme is deemed to continue to constitute sustainable development through the reuse of an existing vacant building within a built-up area. The scheme will further help in creating a development that will promote social integration and social interaction and meet the needs of a specific group of people within the local community.

- 3.19 This further application is simply seeking to secure the council's agreement to vary the as approved plans associated with the external amenity spaces and the levels of off-street car parking provision. For the reasons laid out at section 2 above, it is our view that the proposed revised plans remain compliant with the provisions of national policy given it will secure enhanced levels of amenity space for residents to use. This will be vital to their mental health and well-being, particularly given the proposed use as an assisted living development. Residents will in all reality be on site throughout the day and evening, and therefore access to high quality external greenspace will be essential to secure their quality of life.
- 3.20 This revised proposal seeks to maximise their opportunity to access outdoor spaces, and to interreact both indoors and outdoors and to boost their sense of belonging and community. The public benefits to be achieved through the approval of these revised proposal is significantly and weighs heavily in favour of the scheme.
- 3.21 It is accepted that the revised hard and soft landscape details do result in an overall reduction in the level of off-street car parking provision on site. However, the proposal retains 6 parking spaces on site, which is deemed to be wholly appropriate and acceptable given the nature of the proposed use. It is important to acknowledge that residents, given their needs, are unlikely to have access to a private vehicle and therefore the parking demands associated with the scheme are somewhat reduced. In addition, the site is very well located for access to public transport connections and key local services and facilities. The scheme is therefore deemed to be suitable, sustainable and compliant with the provisions of the National Planning policy Framework.
- 3.22 Overall, it is considered that the proposed development complies with the provisions of the NPPF, and planning permission should therefore be granted.

4.0 LOCAL DEVELOPMENT PLAN

- 4.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan is the starting point for the determination of any application. An application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. Applications which accord with the Development Plan should be approved without delay.
- 4.2 The statutory Development Plan for the site comprises of the Mansfield Local Plan as adopted 8th September 2020.
- 4.3 The adopted Local Plan covers development for the whole of the Borough, for the period 2013 – 2033.
- 4.4 The site is located within the main urban area of Mansfield Woodhouse and is allocated as falling within the defined settlement boundary.
- 4.5 It is noted that the adopted Development Plan remains unchanged since the original approval on site in October 2021. The principle of the development therefore remains acceptable, and it is simply a question of whether the proposed revisions to outdoor amenity space and off-street parking provision remains acceptable.
- 4.6 Whilst a number of adopted Local Plan policies would have been relevant to the original change of use application, given that this further application simply seeks to vary conditions on landscaping and parking, we consider the following Local Plan policies listed below to be determinative in this instance:

Mansfield Local Plan (2020)

- Policy S1 – Presumption in Favour of Sustainable Development.
- Policy P1 – Achieving High Quality Design.
- Policy P2 – Safe, Healthy and Attractive Development.
- Policy P3 – Connected Development.
- Policy IN9 – Impact of Development on the Transport Network.
- Policy IN10 – Car and Cycle Parking.

- Policy NE2 – Biodiversity and Geodiversity.

- 4.7 **Policy S1** confirms that the Council will work proactively with applicants and stakeholders to seek solutions to ensure that proposals contribute to sustainable development, and can be approved wherever possible. For the reasons laid out throughout this report, it is clear that the scheme will promote economic, social and environmental improvements on site, and is well placed and well located to deliver a sustainable form of development. We therefore ask that the council work positively and proactively with us to deliver this revised scheme.
- 4.8 **Policy P1** outlines that schemes will be supported where they contribute positively to the creation of inclusive and accessibly well-designed buildings and places. The delivery of a well-considered and well-designed outdoor amenity space with hard and soft landscape details will be vital to embedding this development into the local area. The scheme offers an enhanced living environment for the proposed residents, and significant visual amenity gain for the street scene and wider local community. The outdoor areas proposed offer a high-quality environment and design which is felt to be compliant with the provisions of policy P1.
- 4.9 **Policy P2** advises that development will be supported provided it creates a strong sense of place and is inclusive and accessible. Development should also be appropriate to its context in terms of layout, scale, density, details, and materials. Policy P2 goes on to outline that retaining, integrating, and enhancing existing built and natural features which contribute to creating a distinctive identity would be supported. The policy goes on to support taking opportunities to create landscape features and promotion of physical activity. The revised drawings included within this section 73 application clearly proposes the delivery of landscape features within the site, and the promotion of accessible, safe and enhanced natural features. The scheme utilises good quality materials and helps to create a sense of place and visual gain within this part of Mansfield Woodhouse, to the benefit of the wider street scene and local character.
- 4.10 **Policy P3** states that development will be supported provided it takes opportunities to encourage people to walk, cycle and use public transport. Development is noted to also need to deliver off-street parking provision in line with policy IN10 (addressed below). The application site is clearly well located to promote walking, cycling and

access to public transport connections. The site is well related to local key services and facilities, with good access by public transport into Mansfield town centre. Whilst the scheme does propose a reduction in provision of off-street car parking, 6 parking spaces will remain. In addition, there is more than sufficient on street parking in the local area, and the residents of the development are unlikely to need access to private cars. Staff numbers and associated shift patterns can also be managed to assist on reducing parking demands resultant from the scheme. The proposed revisions, whilst therefore resulting in a reduction in the total number of parking spaces, is justified and deemed to be appropriate for the development as approved.

- 4.11 **Policy IN9** outlines that development proposals will be supported provided they do not endanger highway safety, and do not have any significant impacts on the highway network. It is our view that the changes proposed to the as approved drawings, whilst resulting in a small reduction in the level of off-street car parking provision, is not to a level as to represent conflict with adopted policy IN9, nor a case to justify refusal of this section 73 application.
- 4.12 **Policy IN10** confirms that development will be supported where there is appropriate provision for vehicle and cycle parking. The policy does however go on to confirm that parking provision should be integral to the development, but not to dominate the public realm. The scheme revisions are deemed to deliver the realistic parking needs for the development, further that the revisions deliver a much higher quality landscape and public realm design to the benefit of the proposed future occupiers, and wider visual amenity. In assessing the originally approved application, and the associated level of parking provision, the case officer is noted to have stated as follows within their report:

“Policy IN2 of the LP sets out that development proposals will be supported where there is appropriate provision for vehicle and cycle parking, including meeting the needs of the disabled. This includes meeting adopted guidance. Mansfield District Council's draft Parking for New Developments IPG would require 1.5 spaces per apartment plus visitor parking at 1 space per 5 dwellings (commencing at 5 dwellings). This would mean that for 9 units c. 14 spaces would be required. The application proposes 9 (one space per unit).

However, this is considered to be an acceptable level of provision. The IPG

states that: 'For residential units located within easy walking distance (300 metres) of the town centre boundary or served by a frequent bus service i.e. 2 per hour, these standards may be relaxed due to the reduced need to travel by private car.' The site is within 300m of the primary shopping area of Mansfield Woodhouse, so meets the requirements for relaxation of the guidance. It is also noted that the units are for assisted living and as such residents may not necessarily own a car.

The Highways Authority have raised no objections to the application following the receipt of amended plans. As such, there are no highways safety concerns."

- 4.13 It is our view that the revised proposals presented do not significantly alter the justification for supporting the development in highway terms. The proposal is therefore deemed to continue to meet the provisions of the Development Plan.

Summary

- 4.14 For the reasons laid out within this section and throughout this report, the scheme as submitted is deemed to remain wholly consistent with the provisions of the Development Plan when read as a whole. There is therefore a legitimate expectation that planning consent will be granted for this application.

5.0 CONCLUSIONS

5.1 The Applicant is seeking planning approval from Mansfield District Council for the following development, namely.

“Section 73 Application to vary conditions 2 and 7 of consent reference 2021/0537/COU”.

5.2 The proposed development seeks to secure the local authority’s support to amend the as approved drawings for the delivery of consent reference 2021/0537/COU, and the associated supported living units. The applicants are seeking the Council’s approval for a revised layout of the outdoor amenity space and parking layout.

5.3 Granting planning permission for this further proposal would provide a development which better meets the needs of the proposed future occupiers of the development. It secures additional and better quality outdoor amenity space to the benefit of residents well-being, mental health and quality of life. The changes further assist in enhancing the visual amenity of the wider local area, local character, and biodiversity gains.

5.4 The proposal is accepted to result in a reduction in the levels of off-street car parking provision from that previously approved. However, given that future occupiers are unlikely to need access to a private car, and the highly sustainable nature of the application site, this parking reduction is in our view justified and reasonable; especially when weighing in the significant benefits to be achieved from the additional on-site planting and landscape proposals.

5.5 On this basis of the case laid out within this supporting statement, we are of the view that planning permission should be granted for this revised scheme.

5.6 For the reasons set out within this statement, it is considered that the proposal wholly accords with the provisions of the National Planning Policy Framework, and the Local Development Plan. Consequently, it is requested that the Council seek to support the application for the proposed development, and the permission is granted without delay.

APPENDIX 1 - National Planning Policy Framework (NPPF) December 2023

Policy Reference	Policy Description
Section 2 – 2.8	<p>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</p> <p>a) an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.</p> <p>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p> <p>c) an environmental objective – to protect and enhance our natural, built, and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>
Section 2 – 2.9	<p>These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.</p>
Section 2 – 2.11	<p>Plans and decisions should apply a presumption in favour of sustainable development.</p> <p>For plan-making this means that:</p> <p>a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;</p> <p>b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:</p> <p>i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or</p> <p>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</p> <p>For decision-taking this means:</p>

	<p>c) approving development proposals that accord with an up-to-date development plan without delay; or</p> <p>d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:</p> <p>i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or</p> <p>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</p>
Section 2 – 2.14	<p>In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:</p> <p>a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and</p> <p>b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68)</p>
Section 4 – 4.47	<p>Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.</p>
Section 5 – 5.60	<p>To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.</p>
Section 5 – 5.63	<p>Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁸; people who rent their homes and people wishing to commission or build their own homes²⁹.</p>
Section 5 – 5.70	<p>Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:</p> <p>a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;</p> <p>b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custombuild housing;</p>

	<p>c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;</p> <p>d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and</p> <p>e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.</p>
Section 8 – 8.96	<p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:</p> <p>a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p> <p>b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and</p> <p>c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p>
Section 9 – 9.114	<p>In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p> <p>b) safe and suitable access to the site can be achieved for all users;</p> <p>c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and</p> <p>d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p>
Section 9 – 9.115	<p>Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p>
Section 11 – 11.123	<p>Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land⁴⁹.</p>
Section 12 – 12.131	<p>The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development</p>

	<p>acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</p>
<p>Section 12 – 12.135</p>	<p>Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 40 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

APPENDIX 2 - Relevant policies from the Mansfield Local Plan (2020)

Policy	Policy Text
<p>Policy S1 – Presumption in Favour of Sustainable Development;</p>	<p>1. The council will work proactively with applicants and other stakeholders to seek solutions to ensure that proposals contribute to sustainable development and can be approved wherever possible, and will contribute towards improvements to the economic, social and environmental conditions in Mansfield district.</p> <p>2. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.</p> <p>3. If there are no policies relevant to the application or the policies which are most important for determining the application are out of date at the time of making the decision, then planning permission will be granted unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or b. the application of policies within the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
<p>Policy P1 – Achieving High Quality Design;</p>	<p>1. All new major development proposals (including new build, conversions and extensions) will be supported where they contribute positively to the creation of inclusive and accessible well-designed buildings and places. This will be achieved by developers demonstrating that they have:</p> <ul style="list-style-type: none"> a. undertaken a thorough and robust site and contextual analysis, identifying and responding to opportunities and constraints; b. involved local communities and key stakeholders, including the local planning authority, at an early stage in the development of design solutions; c. responded positively to the Mansfield’s Place Making Principles and or Building for Life 12; and d. where appropriate, engaged with and responded to the recommendations of design review. <p>2. Where schemes are assessed as having performed well against Buildings for Life 12 or successor scheme, they will be deemed also to have accorded with Policies P2* and P3.</p> <p>*with the exception of requirement for health impact assessment checklist for major schemes (Policy P2 (2) refers)</p>
<p>Policy P2 – Safe, Healthy</p>	<p>1. Development will be supported provided it creates a strong sense of place and is inclusive and accessible and appropriate to</p>

<p>and Attractive Development;</p>	<p>its context in terms of layout, scale, density, detailing and materials through:</p> <ul style="list-style-type: none"> a. respecting, where appropriate, existing patterns of development which contribute to the character of the area; b. retaining, integrating and enhancing existing built and natural features which contribute to creating a distinctive identity; c. taking opportunities to create new public open spaces, landmark buildings, landscape features (including street trees), views and public art as an integral part of the design; d. taking opportunities to promote physical activity; e. providing variety, on larger developments, with different character areas and a hierarchy of street types; f. creating attractive streetscapes and spaces which are defined and brought to life by the layout, scale and appearance of the buildings; g. minimising the opportunities for crime by designing in high levels of security which meets 'secure by design' principles (or equivalent) including the use of natural surveillance and ensuring public spaces are clearly distinguished from private spaces and are well lit; h. providing adequate and accessible external storage space for waste, recycling and bicycles; i. avoiding obtrusive skyline views; and j. ensuring that any tall buildings are appropriate to their location, are of high quality design and do not detract from key views or heritage assets and their settings, nor create unacceptable local environmental conditions. <p>2. A health impact assessment checklist, as set out in Appendix 4, will be required for applications for:</p> <ul style="list-style-type: none"> a. residential development of 50 dwellings or more; b. non-residential developments of 5,000 square metres or more; and c. other developments which are likely to have a significant impact on health and wellbeing. <p>Where a significant adverse impact is identified through a Health Impact Assessment, measures to substantially mitigate the impact will be required.</p>
<p>Policy P3 – Connected Development;</p>	<p>1. Development will be supported provided it takes opportunities to encourage people to walk, cycle and use public transport through:</p> <ul style="list-style-type: none"> a. creating a network of routes and spaces which are safe, attractive, convenient and easy for all people to understand and use; b. connecting to existing and proposed street and path networks, public transport and places where people want to go in obvious and direct ways, and where necessary improving existing routes and public transport facilities; c. highway design which respects the overall character of the place and which encourages people to use primary routes

	<p>as social spaces rather than just as routes for traffic movement; and</p> <p>d. providing sufficient off-street car parking in accordance with Policy IN10 that complements the street scene and pedestrian environment whilst also being convenient and secure.</p>
<p>Policy IN9 – Impact of Development on the Transport Network; and</p>	<p>1. Development proposals will be supported provided:</p> <ol style="list-style-type: none"> a. they do not endanger highway safety, and allow for satisfactory access and egress from the highway and internal movements within the site; b. any significant impacts on the highway network can be suitably mitigated; and c. they do not impact on the safe operation of the rail network. <p>2. Development proposals that generate significant levels of movements are required to:</p> <ol style="list-style-type: none"> a. be supported by a transport assessment or statement, together with a travel plan which demonstrates how sustainable transport measures set out in IN8 have been addressed; and b. be situated within settlement boundaries, as shown on the Policies Map, or in locations that are, or can be, well served by the full range of transport modes including public transport.
<p>Policy IN10 – Car and Cycle Parking</p>	<p>1. Development proposals will be supported where there is appropriate provision for vehicle and cycle parking, including meeting the needs of the disabled. Provision should be designed so that it is an integral part of the development, does not dominate the public realm and:</p> <ol style="list-style-type: none"> a. meets the minimum standards and design requirements set out in adopted guidance; b. where practical, includes electric car charging provision appropriate to the scale and use of the proposed development; c. incorporates sustainable urban drainage paving systems where appropriate.
<p>Policy NE2 – Biodiversity and Geodiversity;</p>	<p>1. Development proposals will be supported where, commensurate with their scale, location and type, they:</p> <ol style="list-style-type: none"> a. protect, enhance and contribute to the management of the ecological network of habitats and sites of European, national and local importance (statutory and non-statutory); b. avoid and/or minimise adverse individual and or cumulatively impacts, on biodiversity, geodiversity and ecosystem services; c. seek to deliver a net gain in biodiversity across local and landscape scales; and d. prioritise the de-fragmentation, restoration, retention and sensitive management of habitats and landscape features, to allow for the movement of wildlife. <p>Designated European sites</p>

2. Development proposals will not be permitted where they would have an adverse impact on the integrity of a site of European significance unless it has been demonstrated that there:
- a. are no alternatives;
 - b. are imperative reasons of overriding public interest; and
 - c. all necessary compensatory measures will be required to ensure the overall coherence of the network of European sites, as a whole, is protected.

Designated national sites

3. Development proposals will not be permitted where they would have an adverse impact on a designated national site. Exceptions will only be made where the benefits of the development clearly outweigh both the adverse impacts on the designated national site and the national network of such sites.

Designated local sites

4. Development proposals will not be permitted where they will have a significant adverse impact on a designated local wildlife site, local nature reserve, or local geological site. Exceptions will only be made where the reasons for, and benefits of, the proposed development clearly outweigh the adverse impact on the loss or deterioration of the designated site.

Sherwood Forest possible potential Special Protection Area (ppSPA)

5. Where development is proposed within 400 metres of the non-designated Sherwood Forest pp SPA, a risk based approach, as set out in Natural England's Advice Note to Local Planning Authorities, will be adopted to all planning applications in relation to the possible potential special protection area for the Sherwood Forest region.

Irreplaceable habitats

6. Planning permission will be refused for development resulting in the loss, deterioration and/or fragmentation of irreplaceable habitats, including ancient woodland and veteran trees, unless there are wholly exceptional reasons and a suitable compensation plan exists.

Avoidance, mitigation and compensation of adverse impacts on nature conservation

7. In exceptional circumstances where adverse impacts on designated sites and irreplaceable habitats are demonstrated to be unavoidable and the benefits outweigh the harm, as set out in 2 to 6 above, development proposals will only be permitted where:

	<ul style="list-style-type: none"> a. impacts are appropriately mitigated, with compensation measures towards loss used as a last resort where mitigation is not possible; and b. appropriate provision for management is made. <p>Species, habitats, landscape features</p> <p>8. On sites supporting protected species, important landscape features, and priority habitats and species (as defined by legislation), development proposals will only be supported where:</p> <ul style="list-style-type: none"> a. it can be demonstrated that the benefits of the development clearly outweighs the impact on species, habitats, important landscape features; and b. that appropriate avoidance, mitigation, enhancement and management measures can be satisfactorily secured.
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