

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Planning Committee

Date: **Wednesday, 26th February, 2020**

Time: **10.00 am**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

PLANNING COMMITTEE

Membership

Chairman: Councillor Sarah Madigan

Vice-Chairman: Councillor Dale Grounds

Councillors:

Chris Baron

Samantha Deakin

Rachel Madden

Helen-Ann Smith

Jason Zadrozny

Ciaran Brown

Tom Hollis

Lauren Mitchell

Daniel Williamson

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

SUMMONS

You are hereby requested to attend a meeting of the Planning Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 22nd January, 2020. 5 - 8
4. To receive and consider the attached planning applications. 9 - 70

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PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Wednesday, 22nd January, 2020 at 10.00 am

Present: Councillor Rachel Madden, in the Chair;

Councillors Chris Baron, Ciaran Brown,
Samantha Deakin, Dale Grounds, Tom Hollis,
David Martin, Lauren Mitchell, John Smallridge,
Daniel Williamson and Jason Zadrozny.

Apologies for Absence: Councillor Helen-Ann Smith.

Officers Present: Lynn Cain, Mick Morley, Samantha Reynolds
and Robbie Steel.

In Attendance: Councillor David Walters.

**P.21 Declarations of Disclosable Pecuniary or Personal Interests
and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

P.22 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 23rd
October, 2019 be received and approved as a correct record.

**P.23 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

RESOLVED that

**1. V/2019/0638, Mr. J. Beeley, Dwelling with Associated Access and
Parking, Land off The Avenue, Sutton in Ashfield**

In accordance with the Council's Policy for dealing with late matters in relation
to planning applications (Minute No. D4.17, 1993/94 refers), officers
proceeded to give a verbal report as to additional comments received in
relation to the application as follows:-

Further e-mails had been received from two properties raising the following
new issues:

A request was made for Members to visit the site.

- The private drive narrows to 3m in parts;
- There was no mention for access possibly coming down the applicants own driveway;
- Measurements taken by residents should be considered at the committee meeting;
- How could a fire engine adequately turn on the site?

In Response

It was accepted that Off The Avenue varied in its width along its length and some parts were 3m in width. There was some discrepancy in the detail submitted by the applicant but not outside the site or where the highway joined The Avenue.

The highway authority were satisfied with the proposal and did not raise any objections.

The access was proposed Off The Avenue where there was currently an access to the rear of 102 Kirkby Road. The proposal therefore did not result in a net gain in accesses to Off The Avenue.

The plans had been checked and amended and it was considered that they adequately identified the site and showed the access, parking, turning facility and layout, which all could be achieved.

Condition 4 was recommended to be changed to reflect the new layout plan.

An objector, Susan Dumelow and Councillor David Walters (as Ward Member), took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Tom Hollis that the officer's recommendation contained within the report be rejected and planning consent be refused.

Reasons for rejecting officers' recommendation:

The private road does not meet the prescribed highway standards for vehicles accessing this site by reason of its width and condition. It would thus result in an unacceptable impact on highway safety and therefore is contrary to saved policies ST1 (a) and (c) and HG5 (e) of the Ashfield Local Plan Review ALPR 2002 and Part 9 - Promoting Sustainable Transport of the National Planning Policy Framework NPPF 2019.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Dale Grounds, Tom Hollis, Rachel Madden, John Smallridge and Jason Zadrozny.

Against the motion:

None.

Abstention:

Councillors Chris Baron, David Martin, Lauren Mitchell and Daniel Williamson.

2. V/2018/0212, Mr. M. Fishleigh, Outline Application for Demolition of Existing Industrial Premises and Construction of Up To 23 Dwellings with Associated Access and Parking, The Pattern House, Crossley Avenue, Huthwaite, Sutton in Ashfield

It was moved and seconded that consideration of this application be deferred to enable officers to liaise with the County Council regarding the possibility of changing the one-way access on Beech Street to two-way access and to negotiate with the Developer regarding a potential contribution towards this change.

3. V/2019/0449, Ms. V. Robb, Residential Development of 22 Dwellings, Land off Davies Avenue, Sutton in Ashfield

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), officers proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

Local Lead Flood Authority (LLFA)

The Local Lead Flood Authority had concerns regarding the risk of flooding, however considered there was a way forward that could mitigate the issue.

The proposals put forward by the applicant were positive including re-grading the land and a French drain. However, additional recommendations were made including the use of flood resilient construction techniques.

The LLFA wished to make the existing flood risk clear and whilst they can support a design that mitigates the flood risk to an extent, the site will always experience some sort of flooding due to it being on a flow path.

In addition, the applicant had agreed that dedicated spurs would be provided within the plots to allow for future installation of car charging points.

A "fabric-first" approach to energy efficiency was to be undertaken which would ensure that all houses and flats in the development would be designed to perform in excess of current building regulations concerning insulation and heat-loss.

In Response

The drainage condition would be amended in line with their advice and an additional condition to be appended to secure the charging points.

An objector, Terence Barratt and agent for the applicant, Tark Millican, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that conditional consent be granted as per officer's recommendation, subject to the removal of permitted rights in relation to any alterations or extensions including windows to Plot 12 to protect the amenities of neighbouring residents.

P.24 Planning Appeal Decisions

Members were asked to note the recent Planning Appeal decisions as outlined in the report.

RESOLVED

that the report be received and noted.

(During consideration of this item, Councillor Chris Baron left the room at 11.35am and returned to the meeting at 11.38am.)

The meeting closed at 11.48 am

Chairman.

BACKGROUND PAPERS AND AVAILABILITY OF PLANS

Under the terms of the Local Government (Access to Information) Act 1985 the Authority is required to list the background papers used in preparing all recommendations relating to planning applications.

The background papers forming the planning application file include:

- A Planning Application file, incorporating consultation records, site appraisal and records of meetings and telephone conversations.
- B Planning Policy
- C Local Resident Comments
- D Highway Authority Consultation
- E Environmental Health (ADC)
- F Severn Trent Water plc/Environment Agency
- G Parish Council
- H Local Societies
- I Government Circulars/PPGs
- J Listed Building Consultees
- K Other

Letters received prior to preparation of the Agenda are summarised to indicate the main points and incorporated in the Report to the Members. Any comments received after that date, but before 3pm of the day before Committee, will be reported verbally.

The full text of all correspondence is available to Members.

If a member of the public wishes to view any Background Papers an appointment should be made (giving at least 48 hours notice) with the appropriate Officer in the Council's Development Control Section.

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Site Visits Planning Committee

Members will be aware of the procedure regarding Site Visits as outlined in the Council's Constitution.

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Director – Place and Communities or the Corporate Manager by 5pm 20th February 2020.

This can be done by either telephone or e-mail and should include the reason as to the request for the site visit. The necessary arrangements will then be made to obtain access to the site or an objector's property, if such is required.

Members are asked to use their own means of transport and for those Members attending site visits, arrangements will be made for the first visit to commence at 2.00pm on the Monday 24th February 2020. If there is any difficulty in obtaining transport please make contact with the above named officers where alternative arrangements can be made.

T. Hodgkinson

Service Director – Place and Communities

Tel: 01623 457365

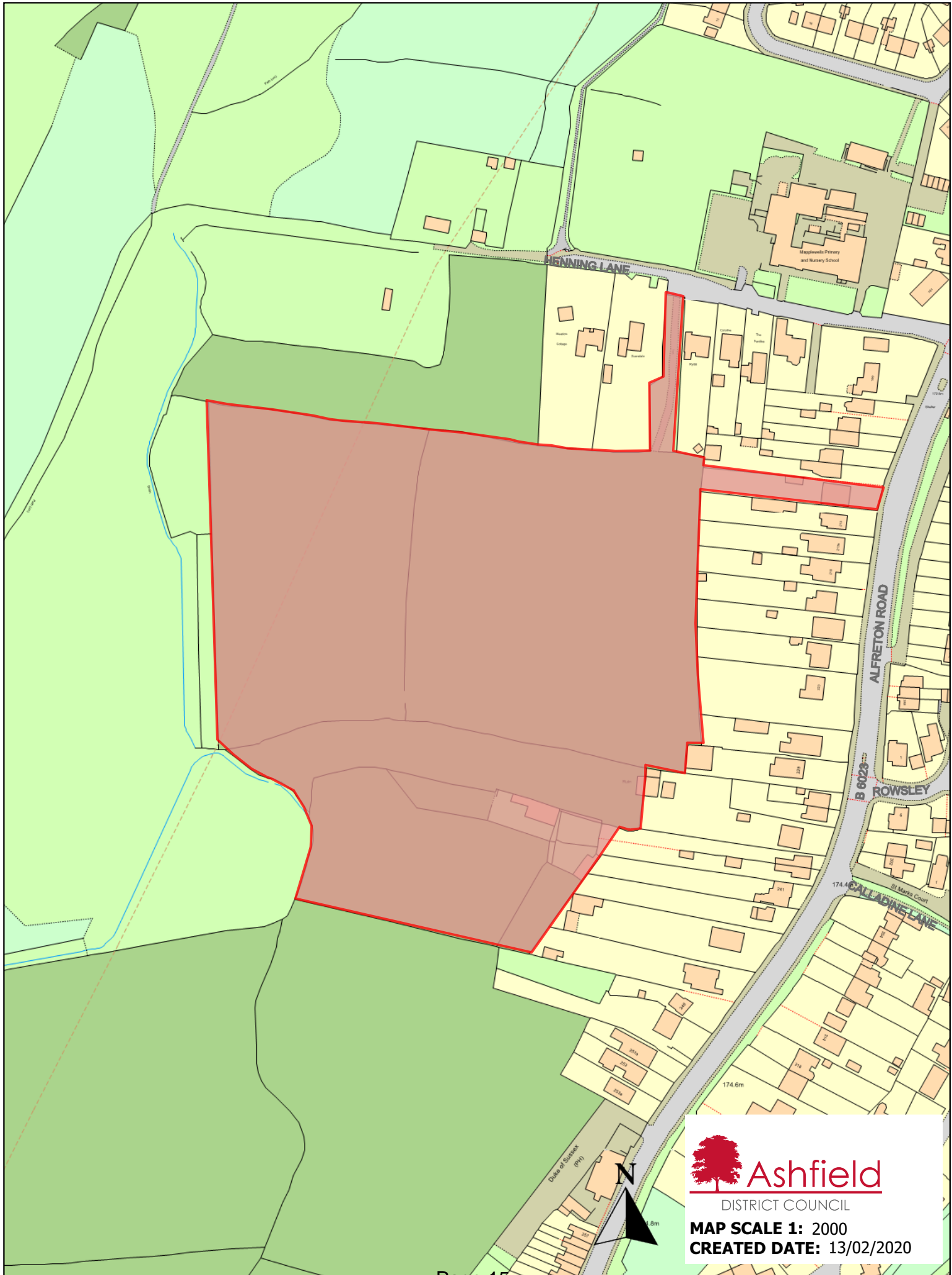
E-mail: t.hodgkinson@ashfield.gov.uk

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PLANNING COMMITTEE – 26th February 2020

Page	App No	Applicant	Recommendation	Proposal	Location
Ashfields					
15-42	V/2019/0491	Ashfield Ltd	Approve	Outline Application With Some Matters Reserved For a Maximum of 100 Dwellings and Associated Access	Land to the rear of 211, Alfreton Road
Huthwaite and Brierley					
43-60	V/2018/0212	Mr M Fishleigh	Approval	Outline Application for Demolition of Existing Industrial Premises and Construction of Up To 23 Dwellings with Associated Access and Parking	The Pattern House Crossley Avenue Huthwaite Sutton in Ashfield
Underwood					
61-70	V/2019/0824	Mrs R Bacon	Refuse	Permission in Principle for 4-9 Dwellings	Land adj 106 Main Road, Underwood

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 2000
CREATED DATE: 13/02/2020

COMMITTEE DATE 26/02/2020 **WARD** Ashfields

APP REF V/2019/0491

APPLICANT Ashfield Ltd

PROPOSAL Outline Application With Some Matters Reserved For a Maximum of 100 Dwellings and Associated Access. Including demolition of 211 Alfreton Road.

LOCATION Land to the rear of 211, Alfreton Road, Sutton in Ashfield, Nottinghamshire, NG17 1JP.

BACKGROUND PAPERS A, B, C, D, E, F, I

WEB LINK <https://www.google.co.uk/maps/place/Alfreton+Rd/@53.1174332,-1.2890987,630m/data=!3m1!1e3!4m5!3m4!1s0x4879940fb92be711:0x18b28579e9f44067!8m2!3d53.1115216!4d-1.2975423>

App Registered 01/08/2019 Expiry Date 31/10/2019

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr D Walters to discuss highways and education issues.

The Application

This is an outline planning application for 100 dwellings. All matters are reserved for future consideration, except for the proposed access, for which full details are provided. The proposed access is to be formed by demolishing 211 Alfreton Road.

The Site

The application site is located on the edge of the urban fringe of Sutton in Ashfield and currently comprises open agricultural fields, with mature hedgerow boundaries. The terrain slopes westwards, with a sharp bank midway down the field. It measures a total of approximately 4.1 ha in size.

To the east of the site lies residential properties along Alfreton Road, to the west is Rookery Park and to the north of the site sit residential dwellings, open fields, along with a public footpath leading onto to Henning Lane. To the south of the site, the land has an extant planning approval for 118 homes, with construction currently underway.

Consultations

A Press Notice and Site Notice have been posted together with the individual notification of surrounding residents and statutory consultees have been informed. The following representations have been received: -

A.D.C Tree Officer

The tree survey and plan do not match the proposed property layout. Further to this, no arboricultural impact assessment, or arboricultural method statement has been supplied.

A.D.C Environmental Health

The Geo—Environmental Report has been assessed. The applicant has undertaken some soil testing and gas monitoring, however further details are required. It is therefore recommended that the full four-stage contamination condition is applied to the decision.

A.D.C Landscaping

Agree with the submitted Landscape and Visual Scoping Report. The development is likely to have a negligible effect on local landscape character in isolation and have a low impact on the open space break between the development site and Huthwaite. Landscaping softening should also be provided and recommendations are made for the submission of future details.

Based upon the proposed 100 dwellings, the developer will be required to enter into a Section 106 agreement for offsite public open space contributions. The contribution required will be £200,000 and be used towards the Ashfield Estate green space and/or Huthwaite Welfare Park.

NHS Mansfield and Ashfield Clinical Commissioning Group

All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective a contribution of £54,187 is sought towards enhancing capacity/infrastructure in local practices.

Environment Agency

The Sutton Tip lies adjacent to the north eastern boundary and consideration should be given to the potential risk to the development from landfill gas.

Natural England

No comments.

Nottinghamshire County Council Minerals

The Eastern part of the proposed site at 211 Alfreton Road lies within the Minerals Safeguarding and Consultation Areas for limestone. Consideration must be given to NPPF paragraph 204 and Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). The County Council would not consider the development to be inappropriate in this location, however it should be demonstrated there is a sound argument that identifies a clear and demonstrable need for the non-mineral development and the practicality of prior extraction has been fully considered.

Nottinghamshire County Council Education

Primary

The development is located in the Sutton Town Primary Planning Area and would generate 21 additional primary school places. Based on current projections there is insufficient capacity to accommodate the additional pupils generated by this proposal. The proposed development is one of a number in this planning area, the cumulative effect of which would require a new school. As a result the County Council would seek a primary education contribution of £432,432 (21 x £20,592 per place). In addition, a contribution towards the land cost would be sought and this is subject to final confirmation.

Secondary

The County Council has revised its projections methodology and produced new projections for 2019-20. These have been submitted to, and accepted by, the Department for Education. These latest projections show a surplus of secondary places in the Kirkby / Sutton planning area. As a result NCC will not be seeking a secondary contribution from the developer.

Nottinghamshire Wildlife Trust (NWT)

NWT content with the additional bat surveys and advise that trees and hedgerows should be retained. In particular, the tree subject to the bat survey should be retained. If any hedgerows are removed, then a full suite of Bats surveys will be required and suitable replacements provided. They have acknowledged these issues can be resolved by condition at the reserved matters stage.

Nottinghamshire County Council Libraries

A contribution of £3,524.00 is sought for additional stock based on 100 dwellings.

Nottinghamshire County Council Waste

As the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be covered by a waste audit.

Nottinghamshire County Council Nature Conservation and Green Space

The County Council have no objection in principle to accommodating an access onto Rookery Park; however various things will need to be factored into this – including bridging and upgrades to a footpath. A contribution of £60,832 is sought for the upgrades to section of footpath in Rookery Park.

Nottinghamshire County Council Local Lead Flood Authority

No objections, based on the submitted information.

Nottinghamshire County Council Strategic Highways

No specific observations are made in respect of the application; however advise that contributions should be sought on all major developments towards transport infrastructure.

Nottinghamshire County Council Travel and Transport

A planning condition is recommended for upgrades to two bus stops. These are AS0167 and AS0168 – Henning Lane. The improvements will involve the installation of real time bus stop pole & displays, including associated electrical connections and raised board kerbs.

Nottinghamshire County Council Highways Authority

Several queries relating to the Transport Statement and Safety Audit have been answered satisfactorily. The capacity assessments have been reviewed by the Highway Authority's signal engineers who are content with the results.

The latest access plans are considered to be acceptable and have addressed the issues of path widths and visibility. The sustainable link from the development to Henning Lane is welcomed and will assist parents and children accessing the school. A Travel Plan condition is also required and a monitoring fee of £7,500 should be secured for the costs of monitoring the plan for the standard 5 year period.

Severn Trent

Foul waster sewage is proposed to connect into the public combined sewer. There is a critical sewer overflow (CSO) connected to this system, this CSO surcharges, therefore a hydraulic modelling study will be required to determine the impact of

flows from the development on the system and to identify any improvements are required. Surface water is proposed to discharge to a watercourse, which we have no comments.

Community Representations

16 Letters of objection have been received from 9 households, on the following grounds:

Environmental Concerns

- Adverse impact upon ecology and biodiversity. The site is home to an array of species.
- There are errors in the Ecological Report and additional surveys should be undertaken for reptile, water vole and other protected species.
- The impact of the development on the Fulwood Grasslands has not been assessed.
- Mature trees will be affected, with three recently being cut down, which do not appear on the survey – despite being felled after the survey.
- Removal of hedgerow.
- The development will have an adverse impact on the character and appearance of the area. Particularly views from Rookery Park.
- The Flood Risk Assessment and Drainage Strategy identify issues with sewer capacity.
- Noise disturbance and light pollution.
- The drainage strategy will result in additional flow onto Rookery Park and potentially alter an historic waterway.
- Pollutants and contaminants into the stream affecting wildlife (Great Crested Newts)
- Severn Trent note that more modelling will need to be carried out for sewage capacity.
- There is potential for landfill gas to impact properties as noted by the Environment Agency. This is a significant cause for concern.

Highways Safety

- The transport Assessment is insufficient.
- Highways safety concerns of a development close to the school. Parking problems in the area already, including along Henning Lane.
- The A38 snipe junction is shown to be close to the maximum degree of saturation.
- The gradient of the site unsuitable for development and may not be able to achieve gradients required for the road.
- Alfreton Road is to become double yellow lined, this will cause further parking issues for visitors to neighbouring dwellings
- Alfreton Road is extremely congested at rush hour due to the school. The traffic in the area will worsen with more cars.
- The construction traffic will make the road muddy.

- The junction design is different from the Gleeson's development.
- Alfreton Road is in a poor condition.

Residential Amenity and Layout

- Loss of privacy and overlooking concerns.
- The development would be overbearing.
- Insufficient Open Space on the site.
- The plot layout and pattern of development is out of keeping with the area.

Other Issues

- The infrastructure to support the development is insufficient. Maplewells and other schools in the area are oversubscribed.
- Loss of residential dwelling to form the access;
- The proposal would not meet the definition of sustainable development within the means of the NPPF
- The development should take place on a brownfield site – the Pretty Polly site is still not developed.
- Questions over plans for the power lines running through the site.
- Questions over who will carry out maintenance of the drainage feature and open space.
- Area already impacted by the Gleeson's development and until the Gleeson's site is developed and impacts known, no further development should be permitted.
- Loss of views.
- No gradient information has been provided.
- The site should be left for future mineral extractions.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review 2002 as amended by "saved policies" 2007. (ALPR)

The following ALPR 'saved' policies are considered to be relevant to the application:-

- Policy ST1: Development.
- Policy ST4: Remainder of the District
- Policy RC2: Open Areas
- Policy EV6: Local Nature Reserves and Sites of Importance for Nature Conservation and Geological Significance (Now known as Local Wildlife Sites).
- Policy EV8: Trees and woodlands.
- Policy HG3: Housing density.
- Policy HG4: Affordable Housing.
- Policy HG5: New residential development.
- Policy HG6: Open space in residential developments.
- Policy TR2: Cycling provision in new developments.
- Policy TR3: Pedestrians and People with limited mobility.

- Policy TR6 Developer contributions to transport improvements.
- Policy RC2 Open Areas
- Policy RC8: Recreational routes.

Material considerations

National Planning Policy Framework (NPPF) policies relevant to the application are:

- Para 11 Sustainable Development.
- Part 5: Delivering a sufficient supply of homes.
- Part 8 Promoting healthy and safe communities
- Part 9: Promoting sustainable transport.
- Part 11: Making effective use of land.
- Part 12: Achieving well designed places.
- Part 14: Meeting the challenge of climate change, flooding and coastal change
- Part 15: Conserving and enhancing the natural environment.

The NPPF at para. 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

Supplementary Planning Documents

- National Design Guide 2019
- Residential Design Guide SPD 2014
- Residential Car Parking Standards 2014
- Nottinghamshire Highways Design Guide

EIA Development

A screening exercise has been undertaken and it is considered that the proposed development does not represent EIA development

Relevant Planning History

The site

- **V/1988/0802** – Site for residential. Refused 1st December 1988.
- **V/2019/0589** - Construction of 84 dwellings and associated infrastructure including the demolition of an existing dwelling and a replacement garage. Ongoing.

Land Adjacent:

- **V/2013/0550** - Outline application for the demolition of 251 Alfreton road & the construction of 102 dwellings and associated access. This site was allowed on appeal.

- **V/2016/0487** - Residential development of 118 dwellings and associated works including the demolition of existing dwelling to create access. Approved 26th October 2017.

Comment :

The main issues to consider in the determination of this application are:

1. The principle of development,
2. Impact upon landscape character,
3. Ecology and trees,
4. Impact upon residential amenity,
5. Drainage and flooding,
6. Highways,
7. Land Contamination,
8. Locational Accessibility,
9. Developer Contributions,
10. Other Issues,
11. The Planning Balance,

1. The Principle of Development.

Legislation requires that the application be determined in accordance with the statutory development plan, unless material planning considerations indicate otherwise. In this case, the most relevant policies from the Ashfield Local Plan Review ALPR (2002) are ST1, ST2 and RC2. Policy ST1 seeks, amongst other things, to ensure development will not conflict with other policies in the plan. Policy ST2 seeks to concentrate development within the main urban areas shown on the proposals maps. Policy RC2 seeks to prevent the development of open areas in main areas, except for recreational uses, which maintain the open character of the area.

It is acknowledged that the development would be contrary to Policy RC2 of the ALPR; however this policy is highly restrictive of development and lacks the balancing exercise required by the NPPF. It is therefore considered inconsistent with the NPPF. Also, the ALPR plan period ran until 2011 and is therefore now time expired. These factors significantly diminish the weight, which can be afforded to Policy RC2.

The Council cannot demonstrate a 5-year housing land supply (2.6 years). The tilted balance of paragraph 11 is therefore engaged. This is a case where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

2. Impact upon landscape character

Paragraph 170 the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognizing the intrinsic character and beauty of the countryside. Policy RC2Sa of the ALPR seeks to prevent development of open areas in main urban areas. It relates to a considerable area of land between Mill Lane and Alfreton Road, which contains Rookery Park and the former Sutton Landfill site.

The development site consists of farmland with hedgerows and hedgerow trees. It is partially flat next to existing housing, with a slope to the west towards Rookery Park. To the east of the site are established residential dwellings on Alfreton Road. Reclaimed colliery spoil heap Rookery Park forms the landscape to the west, with Farmland and a mixed small holding to the north. To the south lies the proposed Gleeson homes development.

Development would fundamentally change the nature of the green field site and would be seen from various vantage points including, but not limited to, the rear of houses along Alfreton Road, Henning Lane and also Rookery Park. Although the views from the park are screened in the most part by the dome of the restored tip. The land has an urban fringe character, with a prominent roofline of modern housing visible on the settlement edge. Industrial development is also prominent in views from adjacent slopes. As a result of the above, it is considered that residential development would not appear unduly prominent, out of place in the landscape, or poorly related to the existing settlement.

The applicant has provided a Landscape and Visual Scoping report, which assesses the impacts of the development on the landscape. This has been assessed by the Councils Landscape architect, who agrees with the findings and states that although the change to the landscape will be moderate, the effect on the landscape character will be negligible given its currently considered as having weak landscape characteristics. It is therefore not a valued landscape for the purposes of paragraph 170 of the NPPF. A landscaping plan will be required at Reserved Matters stage, which will seek to blend the boundary of the development site with Rookery Park.

An Outline Application, for the adjacent site, was refused by the Council in 2014 (Ref: V/2013/0550) on the basis of an adverse impact upon Open Space and contrary to Policy RC2. However, this was allowed on appeal. The Inspector found the proposal would have only a limited effect on the character and appearance of the area around the site. The fact the adjacent land has planning permission, with development having a lawful start, adds credence to the fact the development of this site would relate well to its surroundings.

Whilst it is inevitable there would be some degree of harm to the landscape - from the construction of built form on an open field. This falls far short of being considered

a ground to refuse planning permission given the current landscape characteristics of the site. It would therefore not undermine the role of the wider Open Area defined under Policy RC2 of the ALPR.

3. Ecology and Trees

The NPPF at paragraphs 170 (d), 171, 174 and 175 sets out protection for biodiversity. Policy EV6 of the Local Plan, amongst other matters, seeks to protect local nature reserves and sites of importance for nature conservation. Policy EV8 sets out protection for trees worthy of retention and states that where trees are lost, mitigation will be required.

The application is supported by an Ecological Report. This identifies that the site has a relatively low naturalness, species diversity and that the proposed works would not result in the loss of any significant areas of nature conservation.

The Fulwood Grassland Local Wildlife Site (LWS) 5/3363 lies immediately to the south western-section of the site. The LWS is not within the site boundary and there is no proposed construction in this area. A condition will be applied to ensure this area is fenced off and protected from construction works.

Additional Bat Surveys were carried out at the request of NWT and these are now considered to be satisfactory. There are concerns raised by the NWT over the loss of hedgerows and trees. It is acknowledged, there may be some loss of hedgerows, which are a Biodiversity Action Plan (BAP) habitat, however the extent is unknown at this stage, as a layout has not been formulated.

Conditions are proposed to be appended to ensure all retained hedgerows are protected during construction and that a scheme of ecological enhancement measures are provided. These enhancements will take into account NCC Nature Conservation comments for the provision of wildlife grassland and the bird and bat boxes.

A resident has raised concerns that additional protected species surveys should be undertaken for reptile and water vole. The submitted field survey identifies that particular attention was paid to features suitable for water vole. It also identifies that the potential for reptiles to be in the site was low – however precautionary measures are to be employed. No additional surveys have been requested by the NWT on the basis of the information provided. As a result, the submitted Ecological Assessments are considered to be sufficient to assess the impacts.

A local objector has also raised concerns surrounding the potential for pollutants to the adjacent stream and for this to impact on Great Crested Newts downstream. A surface water management plan is to be devised with the use of SuDs, these can be designed to minimise any pollutants. A Construction Environmental Management plan will also be in place to ensure potential pollutants are controlled during the

construction stage of the development. In addition, nothing has been raised by the NWT in regards to this potential issue.

Trees

A local resident has voiced concern about trees being cut down. The hedgerows on site are protected, however the Trees are not. The detailed plans will require assessment and need to identify all trees to be retained and removed. Any layout design should look to protect and retain trees, where possible. An arboricultural impact assessment and method statement will be conditioned. These relate to how trees/hedgerows are to be protected during construction and can be secured via planning condition. Additional tree planting will also be secured by a landscaping scheme and accordingly the development is considered to accord with Policy EV8 of the ALPR in that respect.

4. Impact upon residential amenity

This is an outline application, with all matters reserved, except access. As a result, no details as to the final road hierarchy, dwelling types or position has been provided. The applicant has, however, submitted an indicative master plan, which shows that sufficient separation distance could be provided so the development would not adversely impact upon existing resident's privacy and light.

Details of the design, layout and appearance will form part of a future reserved matters application. These will be carefully assessed, in accordance with policy and supplementary guidance, to ensure there would be no harm to the living conditions of neighbouring occupiers.

There would be the creation of a new access between the existing residential dwellings of 209 and 213 Alfreton Road. As such, there is the likelihood of increased disturbances through additional vehicular and pedestrian coming and goings adjacent to these properties and their gardens. The applicant has submitted a noise impact assessment, which concludes that the an acceptable level of noise can be achieved in the existing external amenity areas by way of 2m acoustic barriers. It is considered that a wall would be the most suitable treatment for this boundary and a condition is recommended to this end.

A condition is also recommended for Construction Environmental Management Plan to be provided. This will be used to assist in limiting the impact on residents during the construction phase.

5. Drainage and Flooding

Drainage and surface water flooding have been raised as issues by some local residents. The application is supported by a Flood Risk Assessment and Drainage Strategy. This identifies the site lies in Flood Zone 1 (lowest risk of flooding) and that

sustainable urban drainage techniques (SuDs) will be utilised. SuDs would be used to limit the discharge rate to the Greenfield run-off rate for the area, to mimic the natural drainage of the land. A possible location for the attenuation basin can be seen on the indicative masterplan. Maintenance for any SuDs would be secured via a planning condition. The Local Lead Flood Authority have assessed the submitted information and raised no objections; as a result it is considered that flooding does not pose a risk and that a suitable surface water drainage strategy can be devised.

In terms of foul drainage, the current proposals suggest a pump solution will be required, linking into the combined sewer along Alfreton Road. A response from Severn Trent to a developer enquiry, attached as Appendix B in the Flood Risk Assessment, does note that the sewers are running at capacity. Severn Trent have responded to the application, noting that there is a critical combined sewer overflow (CSO) connected to this system. This CSO surcharges, therefore a hydraulic modelling study will be required to determine the impact of the proposed flows from the development on the system, and to identify any improvements that may be required. Crucially, Sever Trent have not objected to the proposals on this basis and a bespoke foul drainage condition is to be applied. This condition will ensure the modelling studies are carried out and any improvements made prior to development being occupied.

6. Highways

The Transport Assessment has been refined to ensure the impact of the development is comprehensively assessed. This assessment now includes traffic generated from the nearby Gleeson site, along with recently collated traffic flows. The results of the Transport Assessment indicate that off-site junctions will operate within capacity in the year 2024. The capacity assessments have been reviewed by the Highway Authority's signal engineers who are content with the results, when compared with the County's own models. No objections have been raised by the Highways Authority on this basis and as such it is considered that the capacity of the network will not be unduly affected by the development.

In order facilitate the development, a new vehicular access would be created off Alfreton Road. Full details of this access have been provided with this application. The proposed access junction is to be formed of a ghost-island "Give Way" junction with right turn lane facilities, to ensure the free flow of traffic along Alfreton Road. The access includes a 6.0m wide carriageway and 2.0m wide footways running along either side. Speed surveys have been undertaken and the visibility splays from the access are considered to meet with the required standard (2.4m by 43m). A stage 1 Road Safety Audit has also been submitted. The Highways Authority are content with the revised plans and it is considered that safe access can be achieved to the site.

A number of residents have raised concerns surrounding parking around the local primary school. The development would provide an adoptable standard 3-metre-wide

footpath linking onto Henning Lane, meaning that future residents from the development could walk through to the school, without having to travel onto Alfreton Road. The Highways Authority have welcomed the sustainable link through to the school. A pedestrian link would also be provided into the adjacent Gleeson's development, meaning future residents from that development would be potentially provided a shorter pedestrian route through to the school.

Local objectors have raised concerns about the gradient of the site and roads. However this is an Outline Application and full details of road gradients are not required at this stage. Once a detailed layout has been formulated, then the roads will need to be designed at a gradient, which does not prohibit their adoption.

In view of the above, it is considered that the development does not have a severe residual cumulative impact on the road network, and would not give rise to highway safety concerns. As a result the development would not conflict with Policy ST1 of the Local Plan, or Part 9 of the NPPF.

7. Land Contamination

The applicant has submitted a Geo-Environmental Investigation Report. This has been assessed by the Councils Environmental Health Team. The submitted soil samples identify elevated levels of arsenic and lead, however further testing is required to characterise the extent of the problem. It is therefore recommended a condition is applied for additional targeted soil testing, along with a risk assessment and remediation strategy.

The Environment Agency have raised no objections to this application, but have advised that consideration should be given to the potential risk from landfill gas. On the full planning application for the site, V/2019/0589, the Environment Agency have provided additional advice in relation to the risk posed by landfill gas. This includes:

- There is a significant degree of methane adjacent to the development;
- Additional monitoring is required;
- Any risk assessment should take into account of the possibility of the gas collection system on the landfill site failing for a length of time;
- Development of the land could result in gas impacting on existing houses as the land will be capped;
- Should the development proceed any gas protection measures need to be robust.

The Councils four stage contamination condition is considered to be robust enough to ensure the sites are developed free from contamination. This includes the requirement for further gas monitoring and a risk assessment. It is also noted, that this is an outline application and as such the precise layout is not yet known, in terms of proximity to the tip. This is something that may need to be reviewed at

subsequent detailed planning phase. It is also noted the applicant is currently preparing an addendum to the Geo-Environmental Investigation Report.

8. Locational Accessibility

The site is close to a range of shops, schools, other facilities and bus services can be accessed nearby on Alfreton Road. Future residents would not, therefore, be heavily dependent on the use of private motor vehicles, and a considerable number of daily trips would be likely to require travel over a short distance. The use of public transport would be encouraged by the proposed improvements to infrastructure nearby and through the implementation of the Travel Plan. The indicative Master Plan shows the potential for linkages onto Henning Lane, Rookery Park and the adjacent Gleasons development providing linkages into the wider area. It is considered that the site is within a sustainable location for development. The adjacent site was also found, on appeal, to be a sustainable location for development.

9. Developer Contributions

CIL Regulation 122 sets out that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. In this case, a number of contributions have been requested by various parties. These are set out below:

Education

NCC have requested a primary education contribution of £432,432 (21 x £20,592 per place). The calculation has been made based on the planning area of a cluster of primary schools and seeks a contribution towards a new school. This contribution is considered to meet the CIL tests.

The response from NCC education advised that a contribution for the land required for the new school would be sought. However, no figure, or calculation, has been provided, in the 6 months following the consultation. It has therefore not been possible to request this from the applicant.

Public Open Space

Since there is no proposed on site formal Public Open Space, a contribution has been sought from the Councils localities team comprising of £200,000. This would be used towards Ashfield Estate green space and/or Huthwaite Welfare Park. Given the scale of the proposed development, and the fact that future residents would be likely to use the facilities to be improved, this contribution is considered to be justified.

Healthcare

The proposal would generate a requirement for healthcare provision for residents of the development. It is therefore directly related. The Clinical Commissioning Group have set out the calculation of contributions towards improving or enhancing facilities in the locality. This amounts to £54,187 and is considered to be necessary to make the development acceptable in planning terms.

Libraries

NCC have sought contribution of £3,524.00 is sought for additional stock based on 100 dwellings. This will be used at the Sutton in Ashfield Library. A formula has been provided to show how this figure is derived based on the need stemming from the development and items required. This figure is considered to be reasonable and justified.

Rookery Park

NCC have sought a contribution of £60,832 for the upgrades to sections of footpath in Rookery Park. Given the potential increase in amount of persons using the park from the proposed development, the contribution is considered to meet the CIL tests.

Bus Stops

NCC have also advised that all major developments should contribute towards highways infrastructure improvements. A planning condition is recommended for upgrades to two bus stops. This will need to include installation of real time bus stop pole, real-time displays and raised boarding kerbs.

Monitoring Fees

A Travel Plan monitoring fee is sought amounting to £7500 as well as the Councils own standard monitoring fee of £1,600. The updated CIL legislation allows for monitoring fees to be charged.

Affordable Housing

In accordance with the NPPF paragraph 64 at least 10% of the homes should be available for affordable housing.

The applicant has confirmed acceptance to all of the Section 106 requirements. It is therefore considered that the development will be supported by the necessary infrastructure.

10. Other Issues

Air Quality

An Air Quality Assessment has been submitted with the application. This includes an assessment of exhaust emissions created by the development and concludes these are below the Air Quality Objectives. An assessment was also undertaken on the impact of road traffic emissions during construction and these were considered not to be significant.

Light Pollution

A lighting strategy is to be included as a planning condition. This is to ensure that light pollution is minimised in the interests of protecting both landscape character and ecology.

Minerals

NCC have advised that the Eastern part of the proposed site lies within the Minerals Safeguarding and Consultation Areas for limestone. NCC do not consider the development to be inappropriate in this location, however a sound argument needs to be made. In response, the applicant has advised that prior extraction of limestone would conflict with the existing residential homes in the area. It would require heavy machinery resulting in potentially significant vibrations, noise, along with a large number of heavy vehicle trips. In light of the location of the development - adjacent to residential dwellings – it is considered that the prior extraction of minerals would give rise to potentially significant residential amenity issues.

Development of Greenfield

Local objectors have suggested that brownfield sites in the District should be exhausted prior to the release and allocation of greenfield sites. A substantial area of brownfield land (33.22ha since 2001) has already been developed in the district for housing. However, the availability of brownfield land in the district falls far short of being able to accommodate the districts housing need, therefore it is inevitable that some greenfields will be required for development.

Housing Density

Policy HG3 of the ALPR sets out that a minimum of 30 dwellings per hectare should be provided on the site. The application seeks approval for the erection of up to 100 dwellings, with a site area measuring 4.1ha equating to a gross density of approximately 24ha. Though this falls short of the requirement of the ALPR, it is recognised that it may not always be possible or appropriate to achieve minimum

requirements, for example, where higher densities are not compatible with the site or its surroundings (ALPR paragraph 5.65). The proposed density is considered to be acceptable given the existing topography of the land and is commensurate with the adjacent sites appeal decision.

Loss of views

A number of local objectors have raised concerns surrounding a loss of a view. However, this is not a material planning consideration. An assessment of the development on the landscape is undertaken earlier in the report.

Climate Change

A condition is to be included requiring the applicant to submit a Sustainability Statement. This will show how the detailed application would include measures such as solar panels, electric charging rainwater collection, waste reduction, ground source heat pumps and energy efficiency etc. This will be with the aim of minimising the carbon footprint of the development.

Cumulative Impact of Development

A resident has raised concerns surrounding the cumulative impact of the development, with the adjacent Gleeson site, and that no permission should be granted until the adjacent development is complete. It is considered that the cumulative impacts of the development have been explained through the supporting technical documentation and that withholding a consent on this basis would be unreasonable.

Maintenance of Public Open Space

A resident has raised concerns surrounding the future maintenance of the Public Open Space and drainage features. Any maintenance will be undertaken by a management company and as such the responsibility would not fall upon the Council.

Power Lines

There are currently overhead power lines, which run through the eastern part of the development site. The indicative Masterplan shows these are to be buried. The requirement to bury the lines will ultimately be determined at detailed planning stage. The National Grid have design guidelines for development near high voltage overhead lines and the applicant will be informed of this via an advisory note.

11. The Planning Balance

The NPPF states that proposals should be considered in the context of the presumption of sustainable development, which is defined by economic, social and environmental dimensions and the interrelated roles they perform. Whilst the proposal is contrary to the Ashfield Local Plan Review 2002; particularly policies ST1 and RC2, it is in accordance with the National Planning Policy Framework (i.e. Part 6 – Delivering a sufficient supply of homes) that places substantial emphasis to the delivery of new and sustainable housing development.

In social terms, the scheme would deliver up to 100 dwellings, 10% of which would be affordable units and be secured by a planning obligation. The Council cannot currently demonstrate a 5-year housing land supply and the provision of new homes, including affordable homes, carries significant weight in the determination of this planning application.

In economic terms, the Government has made clear its view that house building plays an important role in promoting economic growth. The scheme would provide economic benefits during the construction phase and in the longer term it would result in increased expenditure in the local economy. There would also be further benefits arising from increased Council Tax receipts, New Homes Bonus (NHB) and support for local business. These carry modest weight in favour of granting planning permission.

In terms of other benefits, the proposal would provide a contribution towards upgrading a footpath within Rookery Park, there would also be improvements to bus stops. The site is also in a sustainable location for development and pedestrian links would be provided into the wider local area, including to the local primary school. The negative side of the balance is relatively limited in this case. There would be an inevitable impact on the landscape and visual impacts, however these would be towards the lower end of the scale. This harm carries limited weight. There would also be the loss of agricultural land. Lastly, the development site is adjacent to a former landfill site, however additional tests will be carried out to ensure the site is developed in a safe manor.

As set out above, there would be no unacceptable harm arising from traffic impact or highways safety concerns. Similarly, there are no other significant harms in relation to the other matters raised by residents, which cannot be explained in the technical documentation and dealt with by way of planning condition.

Overall, the development is considered to represent a sustainable form of development. Conflict with the development plan is considered to carry limited weight for the reasons set out above and the adverse impact of the proposal fall far short of significantly and demonstrably outweighing the considerable benefits of granting planning permission.

Recommendation: - Approve, subject to the conditions set out below and a Section 106 agreement securing the following:

- Primary Education - £432,432
- Public Open Space - £200,000.
- Healthcare - £54,187
- Libraries - £3,524.00
- Rookery Park Improvements - £60,832
- Monitoring Fees - £9,100
- Affordable Housing 10%

CONDITIONS

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - a) Layout
 - b) Scale
 - c) Appearance
 - d) Landscaping
2. Details of appearance, landscaping and layout required to be submitted and approved under Condition 1 shall include details of:
 - i. The design, layout and form of the dwellings, including details of the external surfaces and materials to be used;
 - ii. fencing, walling, boundary treatments and means of enclosure; this shall include a wall adjacent to the newly created vehicular access.
 - iii. a scheme of hard and soft landscaping, including the specification of trees, hedges and shrub planting and details of species, density and size of stock;
 - iv. existing and proposed ground levels and those of surrounding buildings;
 - v. refuse/recycling storage and collection points;
 - vi. measures to minimise the risk of crime;
3. The Reserved Matters required by condition 1 shall include a Sustainability Statement. This statement shall include details of measures such as solar

panels, rainwater collection, waste reduction, ground source heat pumps and energy efficiency. It must also include a scheme for the provision of electric charging points. The agreed details shall thereafter be installed and within an agreed timeframe.

4. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
5. The development to which this approval relates shall be begun not later than whichever is the later of the following dates :
 - a) The expiration of 3 years from the date of the outline planning permission;
 - b) The expiration of 1 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
6. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Preliminary Site Access Design Drg No. P18-090-510 dated 21/01/2020.
 - PROPOSED PEDESTRIAN ACCESS Drg No. P18-090-511 dated 21/01/2019
7. The Reserved Matters required by condition 1 shall include details for the provision of pedestrian accesses onto Henning Lane, Rookery Park and the neighbouring residential development to the south.
8. Prior to the commencement of development, a detailed Landscape and Ecological Management Plan (LEMP) for the site shall be submitted to and approved in writing based on the recommendations set out within the Ecological Assessment by Arc Ecology dated October 2019. The plan shall include full details of landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. The plan shall also include the following details:
 - details of new habitat created on site;
 - details of maintenance regimes and management responsibilities;

The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.

9. No site clearance, preparatory work or development shall take place in any phase until a scheme for the protection of the retained trees and hedgerows

(the tree and hedgerow protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows in the phase shall be carried out as approved for that phase and retained throughout the construction period for that phase.

10. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 18090-RLL-19-XX-RP-C001 dated June 2019, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical storm 5l/s for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term.

11. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:

- How construction traffic will access the site;
- Proposed hours and days of working;
- Management of parking by persons involved in the construction of the development, including operatives & visitors;
- Proposed temporary traffic restrictions and arrangement for loading/unloading & turning of vehicles;
- Location of the site storage areas and compounds;
- The segregation of construction vehicle and pedestrian movements on site and the adjacent public highway;
- Wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue);
- A strategy for the minimisation of noise, vibration and dust;
- Pollution control measures to the adjacent stream;
- Site contact detail in case of complaints;
- Waste Audit.

The approved details shall be adhered to throughout the construction period.

12. No development shall commence until foul water drainage plans have been submitted to and approved by the Local Planning Authority. These details shall include the results of further mitigation hydraulic modelling testing and details of any improvement measures that maybe required. Any improvements shall be carried out prior to occupation of the first dwelling house and the foul drainage strategy shall thereafter be implemented in accordance with the approved details.

13. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority:
 - i. A desktop study/Phase I report documenting the previous history of the site and its immediate environs.
 - ii. A site investigation/Phase II report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - iii. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas

and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the Local Planning Authority, in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must submit in writing, details of the contingency plan for the written approval by the Local Planning Authority.

On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the Local Planning Authority:

- iv. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the Local Planning Authority prior to the development being put to its intended use.

14. No part of the development shall be brought into use until details showing enhancements to bus stops AS0167 and AS0168 Henning Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include the installation of real time bus stop pole & displays including associated electrical connections and raised board kerbs. The approved enhancement measures shall be implemented and within an agreed timeframe.

15. No part of the development hereby permitted shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the local planning authority. The revised Travel Plan shall:-

- a) Name, and provide the contact details of the site wide Travel Plan Coordinator;
- b) State that the Travel Plan targets will not be revised without prior approval of Nottinghamshire County Council, as local Highway Authority; and,
- c) The impact of a 10% reduction in Single Occupancy Trips should be shown within a table (i.e. similar to Table 7 but with the 10% reduction applied).

Thereafter, the revised Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

16. Prior to the development hereby approved first being occupied, all noise mitigation measures shown to be necessary within the submitted Noise Impact Assessment by REC dated 11th December 2019 should be installed and a validation report submitted to and approved in writing by the Local planning Authority.

17. Prior to the commencement of any works, the applicant shall submitted a demolition method statement detailing how 211 Alfreton Road is to be demolished. The demolition shall thereafter be carried out in accordance with the approved statement.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To ensure the details provided at Reserved Matters stage are satisfactory.
3. In the interests of sustainability.
4. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
5. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
6. To ensure the development takes the form envisaged by the Local Planning Authority and in the interests of highways safety.
7. In the interests of ecology and ensuring the landscaping is maintained.
8. To ensure the site is drained sustainably.
9. To ensure retained trees are protected.
10. To protect residents and the environment during construction.
11. In the interests of ensuring a sustainable development.

12. To ensure that foul sewage is drained properly.
13. To ensure the site is developed free from contamination.
14. In the interests of promoting sustainable travel.
15. In the interests of promoting sustainable travel.
16. In the interests of residential amenity.
17. In the interests of residential amenity.

INFORMATIVE

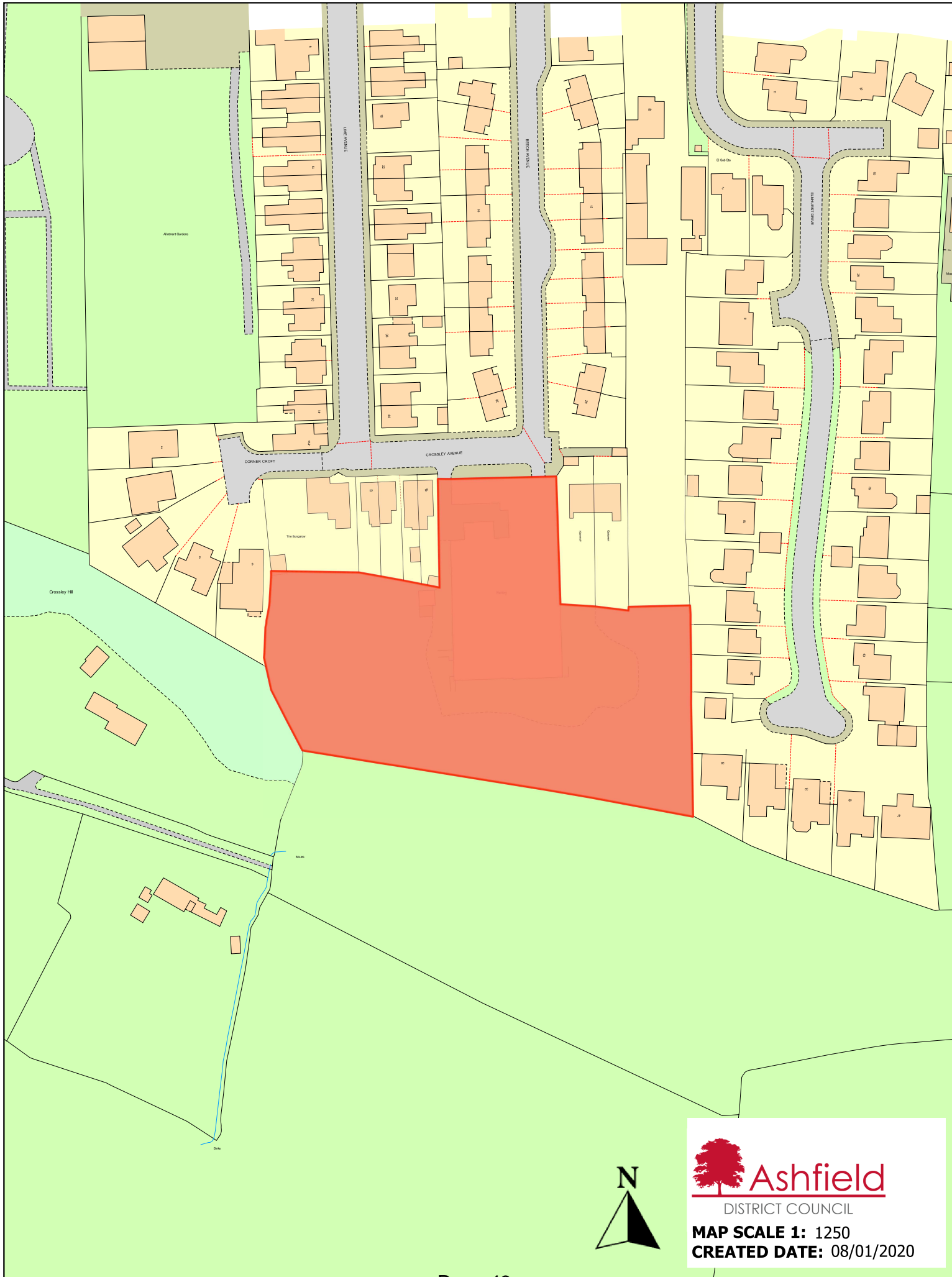
1. This permission shall be read in connection with a Section 106 Agreement.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
4. Design guidance for electricity pylons can be found at the following link:

<https://www.nationalgrid.com/sites/default/files/documents/Sense%20of%20Place%20-%20National%20Grid%20Guidance.pdf>
5. In order to avoid impacts to nesting birds we also request that all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works

are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area.

6. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.
 - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38 Agreement is issued.
 - b) It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.
 - c) Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk
7. In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be

permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 08/01/2020

Recommendation: - Approve, subject to the satisfactory completion of a Section 106 Agreement for:

- £34,365 for primary education and;
- Up to £10,000 towards altering the one-way system on Beech Avenue.

The conditions contained in the original report will also be attached.

- *Following the deferral and with the committee report now a public document, their client's marketing agent, Musson Liggins, marketed the site for residential development in August 2019.*
- *Consideration was given to an 100% Affordable housing scheme.*
- *Whilst there have been some expressions of interest, these have predominantly been from within the affordable housing sector and to date no offers have been received.*
- *In the context that the market testing has not delivered any firm offers, our client is unable to increase the contribution offered, which is above the viability position (i.e.: Nil).*
- *The absence of any firm offer is an indication of the precarious viability issue.*

An assessment of the proposal is detailed within the original report, which is attached. This sets out a total of £210,315 should be provided to ensure the necessary infrastructure can be met. However, this also sets out that the viability evidence demonstrates that the scheme cannot viably provide any affordable units, or Section 106 contributions. Members, at the meeting in June, therefore sought £120,000 towards infrastructure, which is still below the total required.

The applicant had made an offer of £34,365 towards primary education; which is considered to be a reasonable, when taking into account the viability information, recent appeal decisions and the applicants efforts to market the site following the previous committees comments requesting a higher contribution. The applicant has agreed to meet the £34,365, but cannot agree to the additional contributions as this will make the development unviable.

Recommendation: - Approve, subject to the satisfactory completion of a Section 106 Agreement for a contribution of £34,365 towards primary education. And with the conditions contained in the original report.

Nottinghamshire Wildlife Trust – No comments received.

A.D.C Place and Wellbeing - The proposed new tree planting, enhancement of the existing hedgerows and demolition of the factory unit would comply with the landscape actions set out within the Greater Nottinghamshire Landscape Character Assessment 2009. Details should, however, be provided of the exact planting specifications.

A contribution should also be sought for the following:

- £46,000 towards public realm improvement at Low Street, or Albert Square (Sutton Town Centre) including but not limited to paving works, signage and new street furniture.
- £23,000 towards upgrading junior teenage play provision at Huthwaite Welfare or visitor car parking improvements to Brierley Forest Park.

A.D.C Drainage – No known drainage issues with the site, but percolation tests are required to check the grounds suitability for soakaways.

A.D.C Environmental Health (Land Contamination) – The site is used for a factory, which is considered to have the potential to result in land contamination. A full four stage contamination condition is therefore recommended.

Nottinghamshire County Council Planning Policy – Have provided comments setting out the relevant policies in relation to waste, minerals, transport and education. It has also been advised that as a number of mature trees are to be felled, bat surveys should be carried out prior to determination.

Developer contributions have been sought in respect of bus stop improvements £15,000, with Travel and Transport also wishing to negotiate with the developer regarding a bus service to the site. A contribution has also been sought for education for £57,275 (5 primary school places) and £69,040 (4 secondary places).

Nottinghamshire County Council Highways Authority – Have objected to the access details. Plans were submitted attempting to overcome the issues raised, however the swept path required for refuse vehicle means it would be necessary to move the access road further to the east. The HA are satisfied that an access can be achieved but details are required.

Severn Trent Water – Recommend a condition is attached for drainage plans to be submitted to the Local Planning Authority.

Community

A total of 5 letters of objection have been received from 4 households. Their concerns are summarised below:

- *The Access to the development should be taken off Beech Avenue, as the existing entrance across from a garage may cause road safety issues;*
- *The road is inadequate to serve the development;*
- *The development is too close to existing houses;*
- *There would be a loss of natural habitat and trees;*
- *The vacation of the existing factory could result in safety issues;*
- *There is a storage tank which protrudes onto a neighbouring property;*
- *Parking would become an issue;*
- *Concerns over the boundary treatments;*
- *There may be job losses at the existing industrial premises;*

The concerns raised by local residents are addressed within the main body of the report.

Policy

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration. The policies listed below are considered relevant to this application:

Ashfield Local Plan Review 2002 as amended by "saved policies" 2007 (ALPR)

- *Policy ST1: Development.*
- *Policy ST2: Main Urban Areas.*
- *Policy EV6: Sites of Importance for Nature Conservation.*
- *Policy EV8: Trees and woodlands.*
- *Policy EM5: Protection of Existing Employment Sites.*
- *Policy HG3: Housing density.*
- *Policy HG4: Affordable Housing.*
- *Policy HG5: New residential development.*
- *Policy HG6: Open space in residential developments.*
- *Policy TR6: Developer contributions to transport improvements*

Material considerations

National Planning Policy Framework (NPPF) policies relevant to the application are:

- *Para 11: Sustainable Development.*
- *Part 5: Delivering a sufficient supply of homes.*
- *Part 6: Building a strong, competitive economy.*
- *Part 8: Promoting healthy and safe communities*
- *Part 9: Promoting sustainable transport.*
- *Part 11: Making effective use of land.*

- Part 12: Achieving well designed places.
- Part 14: Meeting the challenge of climate change, flooding and coastal change
- Part 15: Conserving and enhancing the natural environment.

Supplementary Planning Documents

- Residential Design Guide SPD 2014
- Residential Car Parking Standards 2014

Relevant Planning History

V/1987/0283 – Site for residential development. Consent. 30/07/1987

V/2008/0009 – Demolition of factory and erection of 23 houses with associated access and parking. Withdrawn.

V/2017/0228 – Outline Application with some matters reserved for demolition of industrial unit and erection of up 23 dwellings with associated access and parking. Withdrawn.

Comment:

The main issues in the determination of this application are:

1. *Principal of Development*
2. *Impact on Landscape Character*
3. *Loss of Trees*
4. *Ecology*
5. *Residential Amenity*
6. *Highways Safety*
7. *Developer Contributions and Viability*
8. *Planning Balance*

1. Principal of Development

The proposal site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas. The proposal would comply with this policy.

The application site is partially occupied as a factory. Policy EM5 of the Ashfield Local Plan Review 2002 sets out a policy protection for existing employment sites and buildings, as employments sites in urban areas are subject to pressures for their conversion to alternative uses. Under Policy EM5 the loss of an employment site would only be permitted where:

- a. *Retention of the employment use would cause unacceptable environmental problems; or*
- b. *The building or site is no longer capable of providing an acceptable standard of accommodation for employment purposes and this can be demonstrated by lack of demand.*

The Design and Access Statement and covering letter sets out that the premises are nearing the end of their functional life. The initial buildings were constructed in the 1950s and are currently in poor condition, with water ingress into the property and a number of windows missing. A substantial issue is that the property can only be accessed by either Lime Avenue, or Beech Avenue. These are both residential streets, requiring on street parking for residents, which makes it less attractive to potential occupiers. The supporting information demonstrates that the site has been marketed through a sale board, social media, direct mailing and on property websites, however no serious offers have been received.

Although the site is currently occupied and thus in some conflict with Policy EM5, this conflict has to be set in the context of the existing state of the employment site, lack of demand and the provisions of the NPPF. The NPPF identifies that a positive approach should be taken to alternative uses of land, which is currently developed but not allocated. This includes employment land for homes in areas of high demand. (NPPF para 121). Paragraph 118 of the NPPF also identifies that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.

2. Impact on Landscape Character

The site is located on the edge of the defined main urban area at the top of a relatively steep sloping site. The land to the south of the site slopes away and comprises agricultural fields and the old landfill site, which has been redeveloped to form Rookery Park. The frontage of the site facing onto Crosseley Avenue comprises the existing factory unit.

The proposed new tree planting, enhancement of the existing hedgerows and demolition of the factory unit would comply with the landscape actions set out within the Greater Nottinghamshire Landscape Character Assessment 2009. The submitted layout plan shows the proposed residential development could be screened from the surrounding open areas, particularly to the south, where there are a number of TPO trees to be retained along with new planting.

The existing factory is currently in a poor state of repair, and although the design of the properties has not been submitted at this stage, it is likely these could be designed to enhance the appearance of the area.

3. Loss of Trees

There is a Tree Preservation Order which covers much of the site. An up to date Tree Survey has been submitted, which identifies that a number of the trees listed by the Order have died, or are in poor health and unsuitable for retention on arboricultural grounds. The majority of trees to be removed for the site are considered to be of the lowest quality, offering fairly limited amenity value. The trees of higher quality are shown to be retained on the indicative layout. A scheme of new tree planting is also to be undertaken using a species considered more appropriate for a residential area.

The Councils Tree Officer has confirmed the veracity of the report and its recommendations, noting the works are considered appropriate in the context of safe tree retention and site safety. The Tree Officer has however identified further information is required in the form of an updated arboricultural method statement and a post felling works assessment of the retained trees. This information will be secured through an appropriately worded planning condition.

On the basis of the above, the proposal is considered not to be in conflict with Policy EV8 of the Local Plan, which seeks to protect trees worthy of retention.

4. Ecology

The application site has no ecological designation, although it is covered by a number of trees and as a result, a Phase 1 Ecological Survey has been undertaken. The report identifies that there are mature trees on site, which have potential roosting value for bats.

As detailed above, the trees on site, which are being felled are being done so on the grounds of site safety and safe tree retention. The works have been considered appropriate by the Councils tree officer and therefore necessary. The submitted Ecological report identifies that prior to any felling further surveys are to be carried out. If roosts are located, then a Conservation Regulations Licence for the works will be required from Natural England.

In terms of mitigation and compensation, the application proposes to retain the majority of trees identified as moderate quality and value. Further tree planting is proposed to be undertaken along the sites boundaries, potentially providing additional foraging resources for a range of species. Bat friendly planting (designed to help attract bats) is also to be included in the landscaping, along with a sensitive lighting strategy. These measures are to be secured through a planning condition.

The tree works are considered necessary for site safety purposes and adequate mitigation/compensation will be secured, thus ensuring the favourable species status of any potential bats will be maintained. The proposal has been assessed against

the three licensing criteria within Natural England Guidance and in accordance with the Habitat and Species Regulations (2017).

5. Residential Amenity

A resident has raised concerns surrounding the development being too close to existing dwellings. Although, this is an outline application, an indicative layout plan has been submitted, which shows that a development for 23 dwellings could be accommodated and achieve the Councils minimum required separation distances, as set out within supplementary planning guidance.

Any subsequent Reserved Matters application will be closely examined to ensure the guidance is complied with and that there would be no adverse impact on the living conditions of neighbouring occupiers, through loss of privacy, or overshadowing impacts.

6. Highways Safety

The Highways Authority have raised concerns over the location of the proposed access shown on the submitted layout plan, noting it may be necessary to move the access road further to the east, due to the requirement to manoeuvre refuse vehicles. As this application is an Outline, with all matters reserved for future consideration, the access position will be fully considered at Reserved Matters stage

Residents have raised concerns regarding the adequacy of the road to service an additional 23 dwellings. The road currently serves a factory unit, along with a number of other residential dwellings and appears to be constructed to a good standard.

No in-principal objection has been received from the Highways Authority, and as a result, it is considered that the proposal would not give rise to any highways safety concerns. Accordingly, the proposal would comply with Policy ST1 (c), which identifies that development will be permitted where it will not adversely affect highway safety.

7. Developer Contributions and Viability

The following contributions have been requested/required:

- £15K Bus stop improvements by Nottinghamshire County Council Transport and Travel*
- £23k Public open space and £46k Public Realm by Ashfield District Council Place and Wellbeing.*
- £57,275 Primary Education and £69,040 Secondary education by Nottinghamshire County Council Education.*

In accordance with the NPPF paragraph 64 it is considered that 10% affordable housing should be provided.

The developer has, however, confirmed that they are unable to provide any contributions for the scheme. A viability report has been submitted, which demonstrates that the scheme cannot viably provide any affordable units, or Section 106 contributions. The viability report has been assessed by the District Valuer, whom have confirmed the veracity of the report and that the scheme cannot meet any planning obligations.

The Council did raise concern over the land value being too high. However, the District Valuer confirmed that the figure is in line with other brownfield sites they have appraised, which have similar abnormal costs.

Planning Practice Guidance identifies for the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers. The submitted viability appraisal demonstrates that with no S106 contributions, developer profit would be at 18.07%, with a contribution of £69,000 – even below the figure required by the Council – this would fall to 15.5%. The district valuers appraisal identifies that at a profit margin of 17.5%, even with no developer contributions, the development would still be unviable.

Notwithstanding the submitted Viability Assessment, Officers of the Council have suggested a contribution of £80,275 to meet the primary education and open space requirements. The applicant has considered this request and made an offer of £34,365 for the cost of 3 primary school places. They have also provided recent appeal decisions in Gedling and Mansfield, where viability was a significant concern and the Inspector concluded that a reduced contribution would still serve a useful purpose.

There is a significant shortfall in terms of the required contributions that would normally be expected. However, when taking into account the viability appraisal, the contribution offered toward education is, on balance, considered to be reasonable.

8. Conclusions and Planning Balance

There would be some degree of conflict with Policy EM5 of the Ashfield Local Plan Review, as the unit is still currently occupied, although this conflict is reduced given the current state of the building and its attractiveness to any future occupiers. Moreover, the NPPF identifies that a positive approach should be taken to alternative uses of land, which is currently developed but not allocated.

The proposal would involve the loss of Trees Covered by a Preservation Order, some of which hold potential for Bat roosting. However, the Councils Tree Officer has raised no objection to the removal of the trees and a scheme of replacement

planting is to be provided, along with other ecological mitigation and enhancement measures.

Given the shortfall in terms of the required infrastructure contributions, there are concerns regarding the sustainability of the development. However, following negotiation, Officers have achieved what is considered to be a reasonable contribution towards primary education. On balance, this reduced contribution is considered to be acceptable when taking into account the viability information and also recent appeal decisions in neighbouring authorities.

The proposal would bring substantial social benefits through the provision of 23 additional homes. The NPPF seeks to significantly boost the supply of housing and this benefit is afforded significant weight within the planning balance. Further benefits are likely to accrue from the re-development of a brownfield site and its potential to enhance the appearance of the area.

Overall, it is considered that the harms arising from the development do not significantly and demonstrably outweigh the benefits. Therefore, the proposals would be compliant with the NPPF when considered as a whole and amount to sustainable development.

Recommendation: - Approve, subject to the satisfactory completion of a Section 106 Agreement for a contribution of £34,365 towards primary education.

CONDITIONS

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - (a) Layout
 - (b) Scale
 - (c) Appearance
 - (d) Landscaping
 - (e) Access
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. Details of appearance, landscaping and layout required to be submitted and approved under Condition 1 shall include details of:

- i. The design, layout and form of the dwellings, including details of the external surfaces and materials to be used;
 - ii. fencing, walling, boundary treatments and means of enclosure;
 - iii. a scheme of hard and soft landscaping, including additional planting along the boundaries of the site, the specification of trees, hedges and shrub planting and details of species, density and size of stock;
 - iv. existing and proposed ground levels and those of surrounding buildings;
 - v. refuse/recycling storage and collection points;
 - vi. provision for electric vehicle charging points;
 - vii. measures to minimise the risk of crime;
5. The landscaping works shall be carried out in accordance with the approved details agreed by the Local Planning Authority and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written approval to any variation.
6. No dwelling shall be occupied until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall ensure adequate illumination of roads and paths and avoid any unnecessary light pollution. The strategy shall: (i) identify areas and features on site that are particularly sensitive for bats, and (ii) provide details of how and where external lighting will be installed so that lit areas will not disturb and prevent bats using their territory, including breeding sites and resting places. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
7. The development shall be undertaken in accordance with the submitted Arboricultural Assessment dated March 2017. However, prior to the commencement of development an Arboricultural Method Statement and Management Plan shall be submitted and agreed in writing by the Local Planning Authority. These shall detail the exact nature of any engineering works required within close proximity to the retained trees detailed and a post felling works assessment of the retained trees.
8. The development shall be undertaken in accordance with the Ecological Assessment dated 22nd February 2017. Prior to the felling of any trees, further Bat Surveys shall be carried out in accordance with the submitted Ecological Assessment. The results of these bat surveys, along with the details of any Licence that may be required from Natural England, shall be submitted to and agreed in writing by the Local Planning Authority, prior to the felling of any trees.

9. Prior to the commencement of development, a detailed Landscape and Ecological Management Plan (LEMP) for the site shall be submitted to and approved in writing in accordance with the recommendations set out within the Ecological Assessment dated 22nd February 2017. The plan shall include full details of landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. The plan shall also include the following details:

- details of new habitat created on site (Inc. bird and bat boxes)
- details of maintenance regimes and management responsibilities

The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.

10. Prior to the commencement of development, a demolition method statement shall be submitted to and approved in writing by the Local Planning Authority.

11. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:

- How construction traffic will access the site;
- Proposed hours and days of working;
- The parking of vehicles of site personnel, operatives and visitors;
- Location of the site storage areas and compounds;
- Wheel washing facilities;
- A strategy for the minimization of dust and vibration;
- A strategy for the minimisation of noise, vibration and dust;
- Site contact detail in case of complaints;

The approved details shall be adhered to throughout the construction period.

12. The dwellings shall not be occupied until a travel plan to promote and encourage the use of alternative modes of transport to the car has been submitted to and approved in writing by the local planning authority. The travel plan shall include raising awareness in respect of cycling, walking, car share initiatives, car clubs and providing details of a nominated travel plan co-ordinator. The scheme shall include, for the first occupier of each dwellings, the provision of a travel information welcome pack to raise awareness in respect of sustainable transport modes.

13. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and

approved by the Local Planning Authority. The surface water drainage scheme shall include sustainable drainage principles and be implemented in accordance with the approved details before the development is first brought into use.

14. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority (LPA):

1. A Desktop Study/Phase I Report documenting the historical use(s) of the site and its immediate environs. This shall include a conceptual site model indicating all potential pollutant linkages.

2. A Site Investigation/Phase II Report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the LPA.

3. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the LPA, in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must submit in writing, details of the contingency plan for written approval by the LPA.

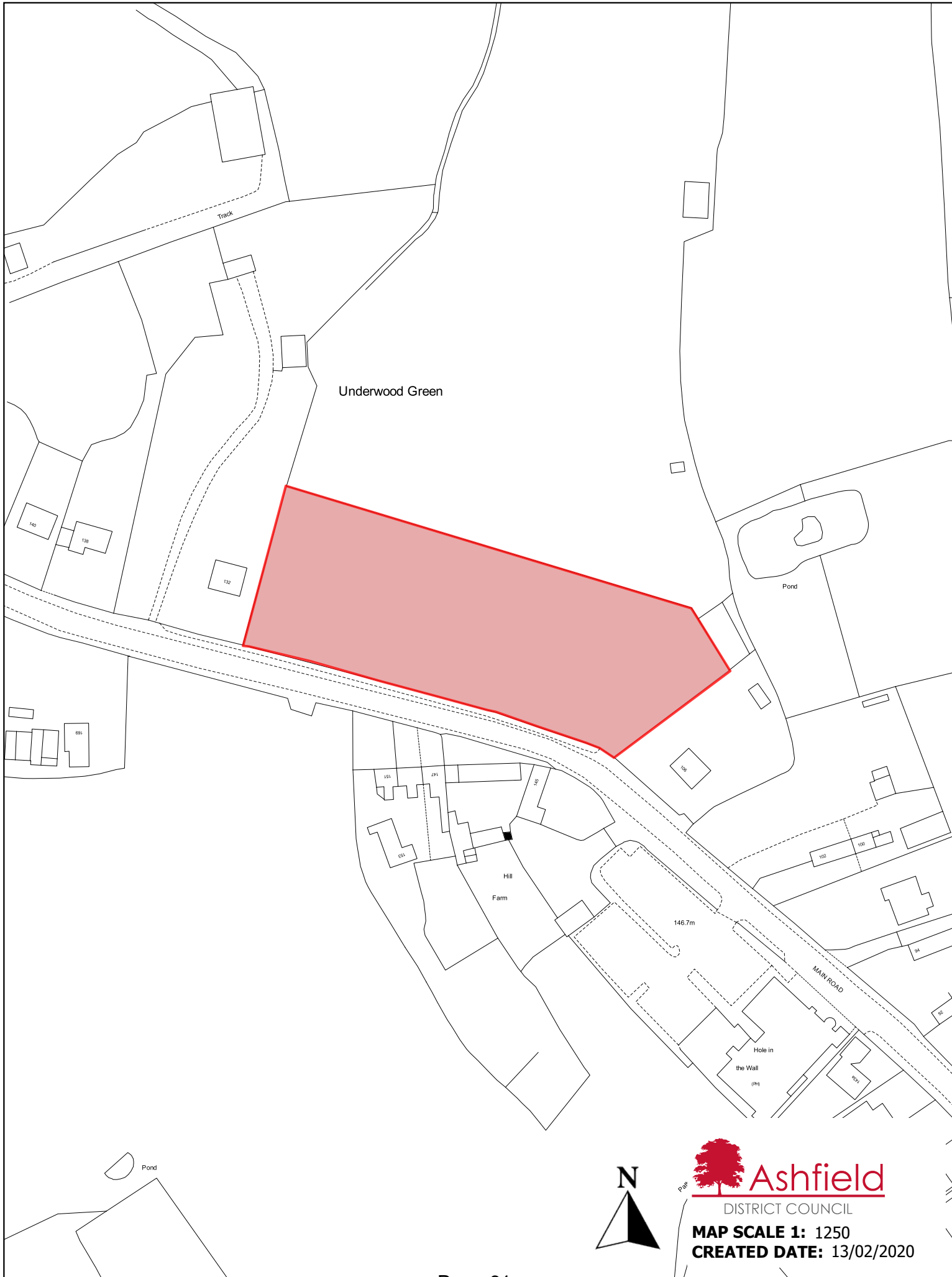
On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the LPA:

4. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the LPA prior to the development being put to its intended use.

15. Prior to the commencement of any works on site, full details of the new roads shall be submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross sectional gradients, street lighting, parking & turning facilities, access widths, gradients, surfacing, visibility splays, drainage & outfall proposals, construction specification, provision of and diversion of utilities services, materials and any proposed structural works. Drawings must indicate key dimensions. All details submitted for approval shall comply with the Nottinghamshire County Council's current Highway Design Guide and shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reasons

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. To ensure an adequate lighting strategy is employed that does not affect bats.
7. To protect trees worthy of retention.
8. To protect protected species.
9. In the interest of visual amenity and ensuring the site is maintained.
10. To protect residential amenity.
11. To protect residential amenity.
12. In the interests of sustainability.
13. To ensure the site is adequately drained.
14. To ensure the site is developed free from contamination.
15. In the interests of highways safety.



COMMITTEE DATE 26/02/2020 **WARD** Underwood

APP REF V/2019/0824

APPLICANT R Bacon

PROPOSAL Permission in Principle for 4-9 Dwellings

LOCATION Land adj 106, Main Road, Underwood, Nottingham

WEB-LINK <https://www.google.com/maps/@53.052122,-1.3053527,18z>

BACKGROUND PAPERS A, B, C, D, E, F, G

App Registered: 14/01/2020 Expiry Date: 17/02/2020

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr. D Martin and Cllr. T Hollis on the grounds of Green Belt and Countryside implications.

The Application

The application site comprises of an agricultural field used for the grazing of livestock, and forms an important visual gap on Main Road between the settlement boundary of Underwood and the hamlet of Underwood Green. The area surrounding the application site is undulating in nature with the land falling to the north and rising to the south.

Directly to the south-east and east of the application site is existing residential development located within the named settlement of Underwood. Whilst residential development is also apparent to the west of the site, this is more sporadic in nature and falls outside of the settlement boundary of Underwood. Directly to the north and south-west of the site is open Countryside comprising of fields and paddocks.

The application site is located outside of the Districts main urban areas or named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policy EV1 of the ALPR 2002.

The applicant seeks permission in principle for a residential development of between four to nine dwellings.

Consultations

Site Notices have been posted together with individual written notification to surrounding residents.

The following responses have been received:

Resident Comments:

7x Letters of objection received from local residents in respect of the following:

- Green Belt land
 - o Inappropriate development in the Green Belt
 - o Set a precedent for further development in the Green Belt
- Loss of open Countryside
- Loss of protected view from Underwood to Lower Bagthorpe and Selston
- Loss of ecology – species frequenting the site include bats, birds & rabbits/hares
- Highway safety implications
 - o Increased traffic
 - o Road is very narrow
 - o Access located on a bend in the road
 - o Obstruction of road during construction
- Drainage implications
 - o Road floods and site is below road level
 - o Pressure on existing sewer systems
- Brownfield sites should be explored first
- Village already served by a wide range of housing stock

Selston Parish Council:

Object to the proposed development on the grounds that the proposal represents an inappropriate form of development in the Green Belt which would result in the encroachment of development in the Countryside extending beyond the settlement boundary, contrary to Part 9 of the NPPF 2019. The proposal would also be prominent from the village of Selston and the hamlet of Lower Bagthorpe due to the surrounding topography of the land to the detriment of the appearance of the Countryside and the surrounding landscape character, contrary to policy NP3 of the JUS-t Neighbourhood Plan 2017.

ADC Environmental Health:

The layout of the site will require a full assessment to ensure any future housing on the site would not be affected by noise from vehicles on Main Road.

NCC Highways:

For development up to five dwellings the roadway may remain private. An access of 4.8m in width for 5m would be required, along with appropriate visibility splays and a bin storage facility. If the development were to be for six or more dwellings, the access road would be required to be up to an adoptable standard.

Given the location of the site, consideration should be given to sustainability guidance within the NPPF with regards to access to shops, services and public transport.

Severn Trent:

No objections to the proposed development. Drainage condition required.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2019

- Part 5 – Delivering a Sufficient Supply of Homes
- Part 9 – Promoting Sustainable Transport
- Part 12 – Achieving Well Designed Places
- Part 13 – Protecting Green Belt Land
- Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002

- ST1 – Development
- ST4 – Remainder of the District
- EV1 – Green Belt
- HG5 – New Residential Development

JUS-t Neighbourhood Plan 2017

- NP1 – Sustainable Development
- NP3 – Protecting the Landscape Character
- NP4 – Housing Type

Relevant Planning History

V/1994/0125

Details: Site for Two Dwellings
Decision: Outline Refusal

V/1975/0443

Details: Site for Bungalow and Garage
Decision: Refusal

Comment:

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the considerations of matters of principle for proposed development from the technical detail of the development.

As this application forms the first stage of this route, all that requires consideration as part of this application is whether the principle of a residential development in this location would be acceptable in accordance with the development plan, unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

Principle of Development

The application site falls outside the Districts main urban areas and named settlements, in an area identified as Green Belt as set out in policies ST4 and EV1 of the ALPR 2002.

The land forming the application site is verdant in appearance and is presently free from any built form, providing an important strategic visual gap on Main Road between the settlement of Underwood and the hamlet of Underwood Green. The site in its current form is considered to positively contribute to the rural nature of the surrounding locality and the openness of the Green Belt in this location.

When assessed against the five purposes of the Green Belt as part of the Council's Green Belt Review in 2014, the application site scored highly, particularly in respect of checking for unrestricted sprawl of settlements, preventing neighbouring settlements from merging and assisting in safeguarding the countryside from encroachment. The assessment details that the site is open countryside in character with no inappropriate development. The development of this site would also result in the coalescence of Underwood with isolated properties on Main Road, effectively reducing the gap between Underwood and Brinsley from approximately 500m to 250m, and would be prominent from Bagthorpe and Selston due to the topography of the surrounding locality.

The NPPF 2019 highlights that the government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;

- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

There are no exceptions outlined within Part 13 – Protecting Green Belt Land of the NPPF 2019, which would allow for the erection of new buildings for residential purposes at this site.

Page 3 of the planning statement submitted with the application acknowledges that the proposed development of four to nine dwellings in this location would not comply with Green Belt policy at either a national or local level, and as such Very Special Circumstances are required to justify the proposed scheme.

The Very Special Circumstances given by the applicant are:

1. That the Council cannot identify a five year housing land supply; and
2. The dwellings will be single storey in height reducing the visual impact of the development and maintaining the openness of the Green Belt.

The 2018-19 Housing Monitoring Report identifies that the Council are unable to demonstrate a 5 year housing land supply. Under these circumstances, Paragraph 11 of the NPPF 2019 makes clear that the policies which are most important for determining the application are out-of-date, and as such permission should be granted unless:

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

The Green Belt is identified in the footnote for paragraph 11 as a protected area, and as such the Green Belt policy should be afforded significant weight in the decision making process. National Planning Practice Guidance is also very clear that unmet housing need is unlikely to outweigh the harm to the Green Belt. It is therefore considered that given the modest size of the proposed development, that the first Very Special Circumstance regarding unmet housing need given by applicant is not deemed sufficient alone to warrant the approval of four to nine dwellings in this location.

The second Very Special Circumstance argued by the applicant is that the dwellings would likely be single storey in height and would subsequently maintain the openness of the Green Belt.

Consideration should therefore also be given as to whether the proposal would result in any harm to the openness and permanence of the Green Belt. Given the location of the application site to the urban area of Underwood, this is an area of the Green Belt vulnerable to development pressures. The purpose of the Green Belt in this locality is to safeguard the countryside from further encroachment of urban development, and the outward sprawl of Underwood to the west.

The application site comprises predominantly of open grass land with sections of hedgerows along the boundaries. The introduction of 4 to 9 dwellings, regardless of their size, scale and massing, along with their associated parking areas, gardens and domestic paraphernalia onto the site, which is presently devoid of built form, would markedly reduce the openness of the Green Belt in this location. Notwithstanding frontage boundary screening, the dwellings would require accesses that would make them readily apparent from Main Road. Accordingly, the proposal would have an obvious adverse spatial and visual impact on the openness of the Green Belt.

Landscape Character:

The site comprises an open, grassed area separating the edge of the village of Underwood from the hamlet of Underwood Green to the west, which when combined with the hedgerows along the sites boundaries results in a spacious rural character. The site plays a notable role in the transition from the built area of the village into the open countryside and the sporadic development of Underwood Green. As such, introducing the presence of considerable built form and associated domestic gardens into this area would considerably diminish the rural spaciousness currently provided by the site.

In support of the proposal, the development could continue the line of built form established by properties to the east of the site in terms of building line, garden depth and plot sizes. However, these are not matters that would be established, or secured as part of a permission in principle and therefore carry limited weight. In any event, this would fail to overcome the harm from the loss of spaciousness and reduction in rural character arising from the proposal.

Policy NP3 of the JUS-t Neighbourhood Plan 2017 seeks to protect the landscape character of the neighbourhood plan area, and stipulates that any development proposals are required to demonstrate that the scheme adheres to the Landscape Actions for that particular policy zone in the Greater Nottingham Landscape Character Assessment (GNLCA).

The application site is located in policy zone NC03 (Selston and Eastwood urban fringe farmland), and the GNLCA describes this area as having an undulating topography that gives some long views over the patchwork of agricultural fields and settlements. The strength of the landscape character is considered 'Moderate' and as such there is an emphasis on enhancing the landscape. Amongst other things, the Landscape Actions for this area includes restricting further urban edge expansion and promoting measures to achieve a better integration of settlements into the wider landscape through the planting of small groups of hedgerow trees and the careful placement of built development to reduce its prominence in the landscape.

As previously mentioned, given the undulating topography of the surrounding area, development on the site would be prominent and visible from surrounding vantage points, in particular from the villages of Selston and Bagthorpe. The development of the site would as such be detrimental to the surrounding landscape character, contrary to policy NP3 of the JUS-t Neighbourhood Plan 2017.

Sustainability:

As mentioned, the application site is located outside of the named settlement of Underwood. Paragraphs 78 and 79 of the NPPF 2019 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Whilst the site does not form part of a settlement, it is acknowledged that the site is located adjacent to the settlement boundary of Underwood. As such, if the principle of development in this location were to be deemed acceptable, it is acknowledged that the site is located within walking distance of a small number of local services. Furthermore, whilst there is a bus stop located approximately 150m to the east of the site, this bus service is understood to be limited.

Part 9 – Promoting Sustainable Transport of the NPPF 2019 looks to maximize sustainable transport options but recognizes that this will vary between urban and rural locations. However, given the location of the application site, any future occupiers of the proposed dwellings are likely to be highly dependent upon private transport to access the majority of services not available in the immediate vicinity of the site.

Conclusion:

Paragraph 144 of the NPPF advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and harm would be caused to the openness of the Green Belt. These factors attract substantial weight. In addition, significant weight is given to the harm that would result to the character and appearance of the area as a result of the development.

The very special circumstances alluded to by the applicant do not clearly outweigh the harm identified in relation to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal would be contrary to Part 13 – Protecting Green Belt Land of the NPPF 2019, and to policy EV1 of the ALPR 2002 which primarily seeks to protect the Green Belt from inappropriate development.

The proposal would also result in a significant detrimental impact upon the character and appearance of the surrounding locality and landscape character, contrary to policy NP3 of JUS-t Neighbourhood Plan 2017.

Taking into account the development plan and other material considerations, it is considered that the principle of development at the application site is not acceptable, and fails to comply with planning policy at both a local and national level. It is therefore recommended that this application is refused.

Recommendation: Refuse Permission in Principle

REASONS

- 1. The principle of residential development at the application site does not constitute appropriate development in the Green Belt. The proposal would introduce considerable new built development and associated residential paraphernalia in an area which is presently undeveloped, resulting in a harmful impact on the openness and permanence of the Green Belt in this location. The proposal would therefore be contrary to Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019, and policies ST1 and EV1 of the Ashfield Local Plan Review 2002. These policies seek only to permit appropriate development in the Green Belt, which is located and designed so as not to adversely affect the purpose of the Green Belt and its openness.**
- 2. The proposed development, through the construction of four to nine dwellings, would considerably diminish the rural spaciousness currently provided by the site, resulting in a significant detrimental impact upon the character and appearance of the surrounding locality. Given the topography of the surrounding land, the proposal would also result in a harmful impact on the local landscape character, with any development**

on the site being visible from surrounding public vantage points and villages. The proposal would as such conflict with Policy NP3 of the JUS-t Neighbourhood Plan 2017, and would be contrary to the Landscape Actions for this area, as detailed within the Greater Nottingham Landscape Character Assessment.