

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Planning Committee

Date: **Wednesday, 21st October, 2020**

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Time: **10.00 am**

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Venue: **[Ashfield District Council's YouTube Channel](#)**

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For any further information please contact:

**Lynn Cain**

[l.cain@ashfield.gov.uk](mailto:l.cain@ashfield.gov.uk)

01623 457317

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# **PLANNING COMMITTEE**

## **Membership**

**Chairman:** Councillor Sarah Madigan

**Vice-Chairman:** Councillor Ciaran Brown

**Councillors:**

Chris Baron

Arnie Hankin

Lauren Mitchell

Helen-Ann Smith

Jason Zadrozny

Samantha Deakin

Rachel Madden

John Smallridge

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 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 Committee held on 9 September 2020. 5 - 6
4. To receive and consider the attached planning applications. 7 - 110

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## **PLANNING COMMITTEE**

**Meeting held on Wednesday, 9th September, 2020 at 10.00 am**

**Present:** Councillor Ciaran Brown in the Chair;

Councillors Chris Baron, Samantha Deakin,  
Arnie Hankin, Rachel Madden, Lauren Mitchell,  
John Smallridge, Helen-Ann Smith,  
Daniel Williamson and Jason Zadrozny.

**Apology for Absence:** Councillor Sarah Madigan.

**Officers Present:** Lynn Cain, Louise Ellis, Mike Joy, Christine Sarris  
and Robbie Steel.

**P.12 Declarations of Disclosable Pecuniary or Personal Interests  
and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

**P.13 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 22 July 2020, be received and approved as a correct record.

**P.14 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

**1. V/2020/0504, Ashfield District Council, Alterations, Extension and Improvements to Car Park and Overflow Car Park, Brierley Forest Park, Skegby Road, Huthwaite, Larwood**

It was moved and seconded that conditional consent be granted as per officer's recommendation.

**2. V/2020/0362, W. Westerman Ltd, 6 Dwellings and Access, Land adjacent Twickenham Road, Kirkby 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:-

Following on from late negotiations, the Applicant had noted the concerns raised in relation to the loss of open space and had agreed to a contribution of £7,500 for environmental improvements.

It was moved and seconded that conditional consent be granted as per officer's recommendation.

**P.15 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.

The meeting closed at 10.47 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.

**Due to Covid-19 Background Papers are only available to view online.**

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## Site Visits Planning Committee

Members will be aware of the procedure regarding Site Visits as outlined in the Councils 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 16th October 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 **observe social distancing guidance** time and date to be arranged.

T. Hodgkinson

Service Director – Place and Communities

Tel: 01623 457365

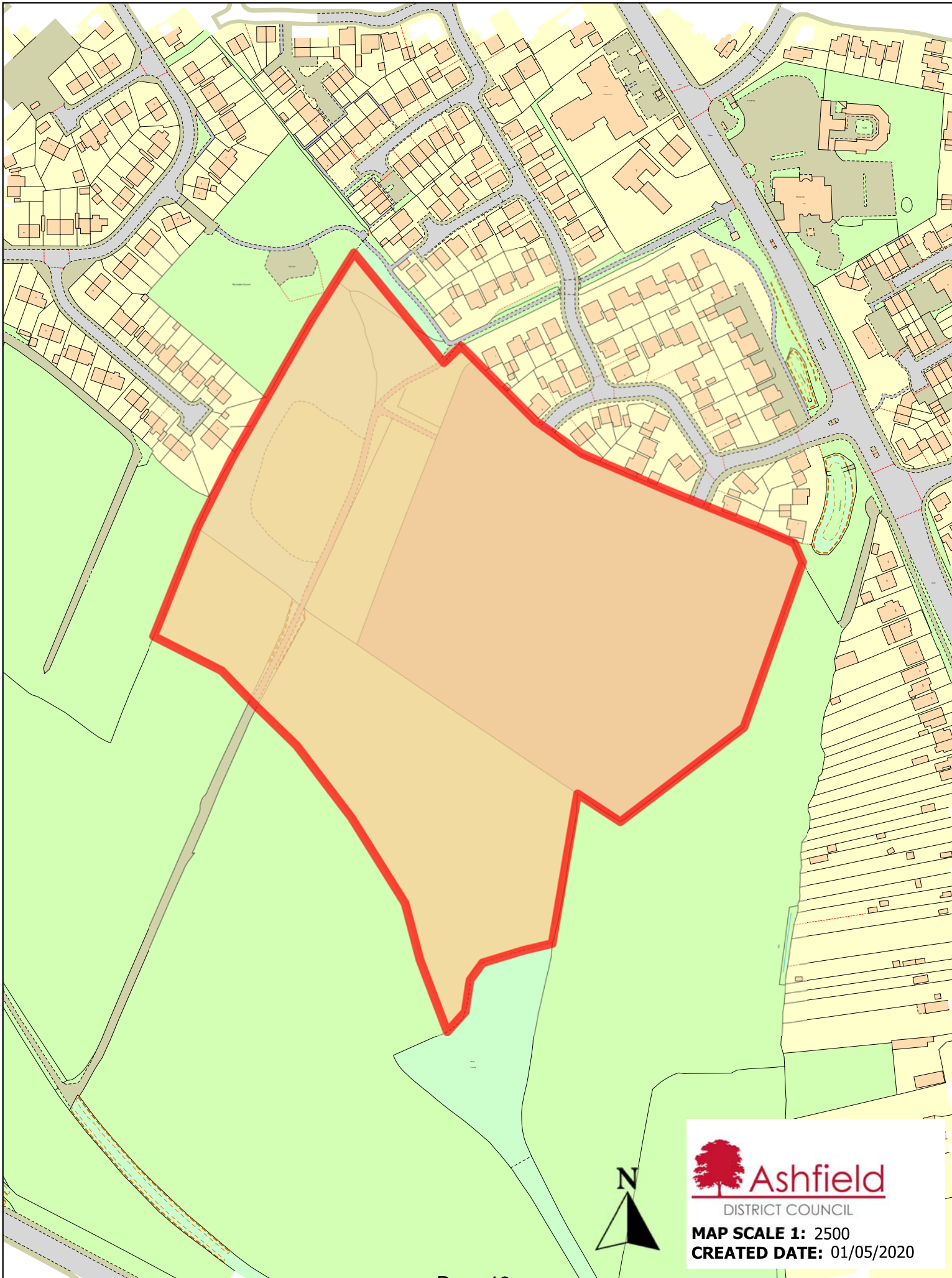
E-mail: [t.hodgkinson@ashfield.gov.uk](mailto:t.hodgkinson@ashfield.gov.uk)

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## PLANNING COMMITTEE – 21 October 2020

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Hucknall South</b>					
<b>13-50</b>	V/2019/0483	Bellway Homes(East Midlands)	Approve	The residential development of 217 no. dwellings and associated infrastructure and works, including the removal of two groups and three individual TPO trees included in the Ashfield District Council Tree Preservation Order, TPO 168	<b>(Phase 2) Land at Broomhill Farm Hucknall</b>
<b>51-58</b>	V/2020/0114 Amenity Block	Bellway Homes(East Midlands)	Approve	Erection of a Temporary Construction Site Compound (for a period of 8 Years), Car Parking and Associated Works associated with Planning Permission V/2019/0483	<b>(Phase 2) Land at Broomhill Farm Hucknall</b>
<b>Huthwaite and Brierley</b>					
<b>59-66</b>	V/2020/0545	Mr J Price	Approve	Amenity Block	<b>22a Back Lane, Huthwaite, Sutton in Ashfield</b>
<b>Summit</b>					
<b>67-102</b>	V/2019/0756	Mr T Broster	Approve	54 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure	<b>Land off Millers Way Kirkby in Ashfield Nottingham</b>
<b>Underwood</b>					
<b>103-110</b>	V/2020/0521	Mr D Fell	Refuse	Dwelling and Associated Access	<b>Land adj Rose Cottage 82 Main Road Underwood</b>

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 **Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 2500**  
**CREATED DATE: 01/05/2020**

<b><u>COMMITTEE DATE</u></b>	<b>21/10/2020</b>	<b><u>WARD</u></b>	<b>Hucknall South</b>
<b><u>APP REF</u></b>	<b>V/2019/0483</b>		
<b><u>APPLICANT</u></b>	<b>Bellway Homes (East Midlands)</b>		
<b><u>PROPOSAL</u></b>	<b>The residential development of 217 no. dwellings and associated infrastructure and works, including the removal of two groups and three individual TPO trees included in the Ashfield District Council Tree Preservation Order, TPO 168.</b>		
<b><u>LOCATION</u></b>	<b>(Phase 2) Land at Broomhill Farm, Hucknall, Nottingham, NG15 7QE</b>		
<b><u>WEB LINK</u></b>	<a href="https://www.google.co.uk/maps/place/Jackson+Rd,+Hucknall,+Nottingham/@53.0249307,-1.1928678,18z/data=!4m5!3m4!1s0x4879c01a125fd043:0x189810b333dcac24!8m2!3d53.024821!4d-1.1920041">https://www.google.co.uk/maps/place/Jackson+Rd,+Hucknall,+Nottingham/@53.0249307,-1.1928678,18z/data=!4m5!3m4!1s0x4879c01a125fd043:0x189810b333dcac24!8m2!3d53.024821!4d-1.1920041</a>		

**BACKGROUND PAPERS**    **A B C D E F K**

**App Registered 31/07/2019**

**Expiry Date 30/10/2019**

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

***This application has been referred to Planning Committee by Cllr K.A. Morrison on the following grounds:***

- **Invasion of privacy and overshadowing of neighboring properties;**
- **Destruction of wildlife and preserved trees;**
- **Antisocial behavior – specifically in relation to access and motorbikes;**
- **Lack of amenities and infrastructure. Not enough schools, doctors and traffic concerns.**

**The Site**

The application site is located on the southern edge of Hucknall. It extends to approximately 6.85 hectares and comprises agricultural land, with associated trees, hedgerows and vegetation. The site is allocated for housing under policy HG1 (Hb) of the Ashfield Local Plan Review (2002).

The site is bounded to the north and north east by new residential development, with access proposed from Jackson Road and Victoria Way. To the east, is a Local

Wildlife Site (Farley's Grassland). To the west are allotments and residential dwellings. The south of the site features a prominent ridgeline beyond which is agricultural land designated as Green Belt.

### **The Application**

This is a full planning application for 217 houses, with associated infrastructure and works. The proposals also include the removal of two groups and three individual TPO trees included within Ashfield District Council Tree Preservation Order 168.

The submitted layout consists of 217 dwellings at a net density of approximately 37.8 dwellings per hectare. 40 of the dwellings will be affordable. These will be a mix of affordable rent (10), shared ownership (10) and discount market sale (20).

The application was originally submitted seeking approval for 219 dwellings; however as the application progressed and following an independent design review, this number was subsequently reduced to 206 dwellings. An agenda report was published on that basis, with the application due to be discussed at the May planning committee. However, shortly before the committee, the applicant requested that the application be withdrawn from the agenda. This was due over concerns about the schemes viability.

The plans were subsequently amended and the number of dwellings increased to 217. It is considered that the alterations are consistent with the principles of the Design Review. This includes: the improvements to connectivity, the extension of the green way from phase 1, new pedestrian footpaths, a better relationship with the open space and altering of the block pattern to face onto the coppice to the south.

The **final plans** for consideration are as follows:

- Site Layout (dwg no. 19029\_01 Rev W);
- Site Layout Coloured (dwg no. 19029\_11 Rev W);
- House Type Brochure Booklet Abbeyfields Phase 2 Part 1,
- House Type Brochure Booklet Abbeyfields Phase 2 Part 2,
- House Type Brochure Booklet Abbeyfields Phase 2 Part 3,
- House Type Brochure Booklet Abbeyfields Phase 2 Part 4,
- Materials Plan (dwg no. 19029\_02 Rev K);
- Garage Type G13 – Version 2 (Drawing Ref No. 100-61);
- Garage Type G3 (Drawing Ref No. 100-52 Rev A); and
- Garage Type G14 (Drawing Ref No. 100-62 Rev B).
- Luthier House Type (Drawing Ref No. A/1392/00/CB/02H) ;

## **Consultations**

Site Notices have been posted together with individual notification of surrounding residents. The proposal has also been advertised in the local press.

As detailed above, there have been a number of revisions and additional information submitted since the original submission. All consultees were re-consulted as considered appropriate by the case officer based on the nature of the changes and information submitted. The following summaries represent the latest comments received from each consultee:

### **A.D.C Tree Officer**

No objections to the proposed tree removal, on the provision that appropriate landscaping be carried out to mitigate the losses.

### **A.D.C Environmental Health (Contamination)**

No objections. Recommend that a validation report is submitted showing the protection measures have been installed in the properties.

### **A.D.C Environmental Health**

The Air Quality Assessment concludes that the site is suitable for a residential development and does not predict that the development will lead to an exceedance of the Air Quality Objectives formulated by the Air Quality (England) Regulations 2000(AQR) as amended in 2002.

A construction management plan should be submitted, which includes dust control measures and limits on construction working times.

### **A.D.C Housing Officer**

The proposed affordable housing mix is policy compliant; but would welcome more rented units – especially should any other phases come forward.

### **A.D.C Places and Localities**

Concerns raised over the size of the open space extension. The combined area is relatively small for the overall housing and it would be better to mirror existing. In terms of Section 106 contributions, these are as follows:

- Public Open Space contribution for a neighborhood young people's area: £75,000
- Maintenance for phase 2 (15 years): £37,758.
- Biodiversity offsetting: £35,000. (£20,000 for tree planting and £15,000 for habitat improvements) for one, or more, of the following sites in Hucknall:



1. Common Farm
2. Polperro Lagoon
3. Titchfield Park.

### **Clinical Commissioning Group**

A development of this nature would result in increased service demand and all practices in the area are working at capacity. Accordingly, the proposal would trigger the need to provide health related section 106 funding amounting to £117,695.25 which is proportionate to the housing development size. The contribution would be invested in enhancing infrastructure capacity.

### **Environment Agency**

The site falls within Flood Zone 1. The Local Lead Flood Authority should be consulted regarding sustainable surface water disposal.

### **NCC Travel and Transport**

Require upgrades to two bus stops within the vicinity of the site. These are the AS0776 and AS0777 on Shelton Avenue. A contribution of £29,000 is requested for the works.

### **NCC Rights of Way**

No objections.

### **NCC Minerals and Waste**

There are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. Likewise, there are no existing waste sites in the vicinity. The application should be supported by a waste audit.

### **NCC Strategic Highways**

No observations.

### **NCC Public Health**

Public Health is supportive of the inclusion of the Nottinghamshire Rapid Health Impact Assessment Matrix (NRHIAM) by the applicant. This is a good example of how the NRHIAM can be used to assess the potential impact of health and wellbeing locally of a development.

## **NCC Education**

### *Primary*

The development is located in the Hucknall Primary Planning Area and would generate 43 additional primary school places. There is currently insufficient capacity to accommodate the additional pupils generated. As a result, the County Council would see a primary contribution of £801,596 (46 places x £17,426).

### *Secondary*

The development is located in Hucknall Secondary Planning Area and would generate 33 additional places. There is currently insufficient capacity to accommodate the additional pupils generated by this development. As a result, the County Council would see a secondary contribution of £835,625 (35 places x £23,875). This would be used to extend Holgate Academy.

## **Nottinghamshire Wildlife Trust**

Are pleased with the amendments and that their previous concerns, as set out in their original comments, have been taken onboard. They are however disappointed with the result of the Biodiversity Impact Assessment, which have confirmed the proposals would result in a net loss of -6.21 biodiversity units and a net gain of 0.72 linear units. Concerns are also raised that the additional 11 residential units have led to the deficit increasing by 0.25 biodiversity units and that a net gain (on-site) cannot be achieved without revised numbers. Accordingly, they advise that paragraph 176 of the NPPF should be taken into account.

However, they do suggest that that a section 106 agreement should be entered into to secure necessary mitigation measures.

## **Local Lead Flood Authority**

No objections, subject to a planning condition ensuring that the drainage scheme accords with the principles set out within the Flood Risk Assessment.

## **Police Architectural Liaison Officer**

Do not foresee any immediate issues with the design however recognize that a major issue in that area, as evidenced in Phase 1, is the nuisance motorcycles. The use of chicanes on the public footpaths is recognised and it would be useful to liaise with the developers at an early stage to consider this and other security features they intend adding to the proposed properties. At this stage they have no concerns with regards to the proposed site layout.

## Natural England

No comments.

## Severn Trent

The connections of foul and surface water will require section 106 sewer approval.

## Highways Authority

The comments from the Highways Authority, based on the latest information, are summarised below:

### Transport Assessment:

#### Study Area

Trip rates based on a recent traffic count carried out at the site access, have been agreed.

#### Accessibility

The layout illustrates a cycle route, from phase 1, terminating on its southern boundary (end of Road 1). A central refuge to the north of the existing access is to be upgraded to allow pedestrian access to and from the bus stop further to the north.

#### Assessment of Traffic Impact

- **Junction 2 – Hucknall Bypass Roundabout**

Mitigation is proposed in the form of an increase in length of the 2-lane section on the Hucknall Bypass approach.

- **Junction 5 - Portland Road / Station Road**

The impact on this junction is considered to be minimal, however, it forms part of the alternative route around Hucknall to the Ashgate Road junction (Junction 6) and is therefore sensitive to other parts of the network becoming congested.

- **Junction 6 – Portland Road / Ashgate Road**

There is a concern about the impact on this junction in the PM peak, however to reduce this impact it is proposed to carry out mitigation at Junction 5, in the form of the installation of a new system to maximize operational efficiency.

## Layout

### Vehicle Parking

Concerns have been raised because of limited parking provision for visitors and any additional vehicles. The highways have reviewed the latest layout iteration, with their

main concern being the density along the main bus route and subsequent opportunities for visitor parking.

However, it is concluded that it would be difficult to sustain a Highway objection to the development on parking grounds. In order to minimise the impact conditions are recommended to remove permitted development rights for garage conversions and fences, which would impact on parking spaces. A condition is also recommended for the submission of a scheme to reduce parking on bends within the development.

### Private Drives

Further conditions are recommended to restrict vehicles driving from adjacent private drives to another, to protect pedestrian visibility splays and the provision bin store locations.

### **Nottingham City Council**

Have been consulted, but no comments received.

### Local Community

A total of 37 responses have been received from 26 different households/individuals following the first round of consultation. These original comments were based on a scheme for 219 dwellings.

The issues raised are summarised below:

#### **Highways Safety**

- Congestion on the roundabout connection Nottingham Road, Hucknall Lane and the A611 and at Moor Bridge.
- The cycle route toward Nottingham is dangerous and unsafe. This should be improved.
- Concerns over the volume of traffic using Jackson Road and Victoria Way.
- An improvement should be made at the junction of Jackson Road and Nottingham Road – traffic lights, or a roundabout.
- Consideration should be given to a through road onto the bypass to ease congestion.
- Existing issues with road safety on Phase 1 including people parking on blind corners.
- Wish to see traffic regulations included – double yellow lines, white road markings.
- A digital model of the road networks does not take into account the reality of the situation on the roads. The increased traffic will result in significant issues.
- Even with two parking spaces provided, this is not sufficient.

#### **Impact on the Environment**

- Adverse impact on the ecosystem and ecology – including loss of habitat (hedgerow and trees), agricultural land, green space, and impact wildlife.
- Wildlife mitigation measures inadequate – nothing for hedgehogs.
- Loss of trees covered by a Tree Protection Order 168.
- Potential for other Green Belt land to be developed. Questions over measures being taken to protect surrounding Greenfields.
- Questions over the Ecological information being redacted.
- Destruction of wildlife is contrary to the recently declared Climate Emergency.
- Light and noise pollution.
- More tree planting should be proposed and trees shown within individual properties could be removed.
- Questions over sufficient information in relation to the flood attenuation facility.
- The proposed environmental improvements are tokenistic measures. A radical, holistic approach should be taken to improvements.
- Questions over the carbon footprint of the development.
- Adverse impact on the character and appearance of the area. The fields are enjoyed by walkers, hikers, joggers, dog walkers. These would be lost.
- The homes should feature solar panels and a high level of insulation.

### **Residential Amenity**

- The hedgerow along the boundary with phase 1 is shown in the deeds of homes on phase 1 and removal would be criminal damage. It enhances biodiversity and should be retained.
- Concerns over loss of privacy to plot 41 on Phase 1 from the footpath.
- The properties on phase 1 are at a lower ground level and consideration must be given to finished floor levels and a potential loss of light.
- Anti-social behaviour – there is an existing problem on Phase 1 with bikes along footpaths.
- The proposal would result in an adverse impact on plot 6 (phase 1) from a loss of light, overlooking and overbearing impacts. This would be contrary to the NPPF, The Local Plan and the Residential Design Guide.
- A technical assessment should be undertaken of the impact on Sunlight to plot 6 (phase 1).
- The compact housing may affect health and well-being including mental health. These should adhere to the national space standards.
- The garden sizes are unacceptably small.
- The future occupiers should be provided a good standard of living with sufficient daylight into the homes.
- Concerns over disturbances during the construction phase – the road becoming muddy, noise pollution, disturbance from HGVs etc.
- CCTV and lighting should be installed on the paths, already experiencing issues of anti-social behaviour.

### **Other Issues**

- Density much higher than phase 1.
- Insufficient infrastructure to support further housing development – doctors, school places, dentists etc. Lots of developments already planned in Hucknall, this will worsen the situation.
- Questions over the financial contributions towards schools, doctors, public transport, libraries etc.
- Hucknall has already met its housing needs through substantial new developments, which have already resulted in the loss of biodiversity and wildlife.
- The blocking of a public footpath used regularly. This has already been blocked off by fencing.
- Equestrian access link and request new bridleway gates.
- Development on a steep part of the site potential for land slippage.
- Too many people already, having an adverse impact on the quality of people's lives.
- Concerns over a loss of view, which should be protected.
- The entrance to the recreation area from Albert Close should be formed.

## **2<sup>nd</sup> Round Consultation**

Following the receipt of an amended layout plan, reducing the number of dwellings to 206, an additional round of consultation was undertaken. In total 9 further comments were received from 7 households. The contents of these are summarised below:

### **Highways**

- The updated traffic surveys are insufficient and the junction from Jackson Road onto Nottingham Road needs amending.
- Parking control measures should be implemented on the existing estate.
- Problems with parking, where garages are used for storage. The layout should be revised and bollards used.
- Questions over the 20mph speed limit and requests for pre-loaded mango cards for phase1.

### **Environment**

- Measures should be introduced for energy conservation such as solar energy, air/ground source heating and electric charging points.
- Impact on the natural environment – loss of hedgerows, TPO trees already removed and loss of a badger sett.
- Trees within property boundaries can be removed.
- Information should be given on the carbon capture from mature trees and hedgerow.
- Air Quality objectives will be breached.
- Questions over the use of the biodiversity offsetting and POS contributions.

## **Other**

- Even with the additional funds, do schools and leisure facilities have the ability to cope with development, especially with the development in Hucknall.
- Will doctors and pharmacies be able to cope with additional people.
- Impact during the construction phase, which is estimated to be up to 8 years.
- Insufficient consultation with residents.
- Osbourne close is not suitable for a pedestrian link – instances of antisocial behaviour have occurred.
- Potential for neighbour disputes with the hedge removal on the southern boundary.

Additional amendments to the layout were received, which moved the dwellings at plots 118 and 132 farther away from the site boundary. The residents of plot 6 on phase 1, they were informed of the iteration. In response they stated that the revised proposal represents an improvement to the original – but would like to see the floor level no higher than 61.0. They also reiterated their concerns about the hedgerow and to overcome these concerns requested it be within their garden.

## **3<sup>rd</sup> Round Consultation**

The applicant then advised that the scheme for 206 dwellings would not be viable, with the level of contribution offered, and sought to increase the numbers up to 217 dwellings. An additional round of consultation was undertaken with residents and a site notice erected.

The applicant subsequently submitted a further revision to the layout plan - Site Layout (Drawing Ref No. 19029/01 Rev W). The changes involved altering the parking to plots 92 and 93 to ensure the protection of the retained tree and also alterations to the handings of plots 2, 62, 198, 206 and 209. Finally, new house type packs were also submitted, these are consistent with those submitted previously. An additional round of consultation was considered to be unnecessary based on these submissions.

A total of 22 comments have been received from 20 households on the latest round of consultation. The contents are summarised below:

## **Highways Safety**

- The existing access design onto Nottingham Road is insufficient to accommodate the increase in traffic.
- Congestion at the Moor Bridge roundabout and coming into/out of Hucknall from Nottingham.
- Access from the by-pass should be considered.
- Mud and debris on roads during construction.
- Healthy and Safety risks from construction traffic.

- Questions over the roads being sufficient to cope for additional phases of development.

### **Environment**

- Noise and Air Pollution.
- Loss of open green space, which is popular with ramblers and dog walkers.
- Consideration should be given to introducing a surface path from the swale on Jackson Road to the fields
- The effects to biodiversity and green space, the loss of habitat the destruction of wildlife and mature trees, and wildlife habitat.
- There are badgers, foxes, multiple species of bird including pheasants a protected barn owl.
- The land should re-categorised as protected land.
- Questions over measures to make the construction carbon neutral and wildlife conservation.
- Current government strategies encourage the use of public transport and cycling. In
- Reference to the Secretary of States comments, released on the back of Covid-19, that 'the government therefore expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians.'
- Increased flooding risk.
- The biodiversity offsetting contribution should be used within the existing site.

### **Residential Amenity**

- Concerns over loss of privacy to plot 41 on Phase 1 from the footpath and the fencing should be reinstated to the previous position.
- Noise during the construction period.
- Plot 137 should be built below 61.00AOD.
- A fence should be erected the other side of the hedge adjacent to plot 137 and the boundary re-drawn.
- A condition should be applied in relation to management of the hedge.
- Lighting should be added to the greenway pedestrian link for phase 1 and 2.

### **Other Issues**

- Too many houses being built in Hucknall, including now at Top Wighay.
- More houses requires other infrastructure improvements, more GP surgeries, schools, better buses and public transport.
- The schools are at capacity and it's difficult to get G.P appointments.
- Is there sufficient employment opportunities for the new residents?
- Concern over how the imposed conditions will be monitored.
- Means of access to the park from Phase 2 are unclear.
- The problems anti-social behaviour should be addressed before consent is granted.



## **Policy**

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

### **Ashfield LP Review 2002 – Saved Policies**

- ST1: Development.
- ST2: Main Urban Areas.
- HG1HB – Housing Land Allocations.
- EV8 – Trees and Woodlands
- EV6 – Site of Importance for Nature Conservation.
- TR6: Developer Contributions to Transport Improvements.
- HG3: Housing Density.
- HG4: Affordable Housing.
- HG5: New Residential Development.
- HG6: Open Space in Residential Developments.

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

- The Presumption in favour of 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.

## **Guidance**

- Ashfield Residential Design SPD 2014.
- Ashfield Residential Car Parking Standards SPD 2014.
- Nottinghamshire County Council Highways Design Guide.
- National Design Guide.

## **Relevant Planning History**

### **V/2020/0114**

Proposal: Erection of a Temporary Construction Site Compound (for a period of 8 years), Car Parking and Associated Works associated with Planning Permission V/2019/0483,

Decision: Outstanding.

**V/2013/0409**

Proposal: Full application for the construction of 141 dwellings and public open space together with associated parking, garaging, road and sewer infrastructure works.

Decision: Approve

Decision date: 28/11/2013

Comment: This application approved 'phase 1' – the adjacent housing development.

**V/2006/0717**

Proposal: Full application for the erection of 382 dwellings and ancillary works

Decision: Withdrawn

Decision date: 16/12/2011

Comment: Committee Resolution to grant outline planning permission for residential development, subject to legal agreement (never signed hence finally disposed of).

**V/2003/0945**

Proposal: Outline application for the erection of approx. 360 dwellings and ancillary works

Decision: Withdrawn

Decision date: 16/12/2011

Comment: Resolution to grant outline planning permission for residential development, subject to legal agreement (never signed hence finally disposed of).

**Environmental Impact Development**

A screening exercise has been undertaken and it has been determined that the development does not constitute EIA development.

**Main Issues**

1. The principle of the development;
2. Landscape Impact;
3. Layout, Appearance and Scale;
4. Housing Density and Mix
5. Residential Amenity;
6. Highways Safety;
7. Sustainability and Locational Accessibility;
8. Biodiversity and Trees;
9. Flood Risk and Drainage;
10. Developer Contributions and Community Infrastructure Levy (CIL) Compliance;
11. Other Issues;

## 12. Planning Balance.

### **1. Principle of Development.**

The application site is located on land allocated for housing in the Ashfield Local Plan Review (2002). The application site forms part of allocation HG1(Hb), which allocated 11.8ha of land at Broomhill Farm for circa 360 dwellings. The applicant has already built 141 dwellings on much of the northern part of the allocation, leaving this residual parcel of land. The general principle of residential development is therefore acceptable in accordance with Policy HG1 (Hb) of the Local Plan.

### **2. Landscape Impact**

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.

The site is not subject to specific statutory, or non-statutory, landscape related planning designations. In terms of landscape character, the site sits within the Nottinghamshire Landscape Character Assessment, which was carried out for the much of Nottinghamshire to assist in informing Local Development documents. The LCA identifies the site as part of ML018 River Leen Corridor, with the landscape condition and sensitivity described as moderate.

The application is supported by a Landscape Impact Visual Appraisal (LIVA). This considers the impacts from a number of vantage points. It identifies that the site is located within a landscape heavily influenced by its urban fringe setting. Nonetheless, the proposal would introduce residential development on a greenfield site and result in a material change to its character and visual setting. This includes altering views at the immediate site boundaries, surrounding properties, open space, informal footpaths and some longer distance views. Although, these affects are not unusual, or unexpected, given the site is allocated for housing.

The southern boundary is defined by a prominent ridge. There would be housing situated in this area, however consideration has been given to the arrangement of dwellings and roof types. A landscaped walk is also proposed on this boundary to soften the impact. In addition, this is an edge of settlement development that would not appear as discordant with its setting and is unlikely to result in any significant notable visual effects

It is inevitable that some landscape harm would arise from the development of greenfield, however the site is allocated for housing in the Local Plan. Local residents have attached some value to the landscape, however it has no formal landscape designation and is considered not to be a valued landscape for the purposes of the NPPF . The harm to the landscape therefore carries limited weight in the assessment of this case.

### **3. Layout, Appearance and Scale**

The ALPR sets out policies on design in Policies ST1 and HG5. The policies within the development plan are supported by the provisions of the NPPF part 12. A National Design Guide has also been published since the submission of the application.

In terms of layout, a loose grid structure is adopted with perimeter blocks facing out onto roads to ensure active frontages. The existing open space will be extended in the north corner of the site, with a flood attenuation feature in the eastern corner. The scheme benefits from good internal connectivity, with an internal loop road and green walks. Increased surveillance will also be provided to the open space, which should assist in supporting a reduction in anti-social behavior.

The scheme has been subject to an independent Building For Life Review by Design Midlands. This is a tool used to help local planning authorities assess the quality of proposed developments. This sets out a list of 12 criteria and uses a traffic light system of green, amber and red to assess developments. The original assessment showed a score of 4 reds and 8 ambers. Following the design review, the scheme has improved significantly. This includes:

- Improvements to connectivity, by extending the green way from phase 1.
- New pedestrian footpaths, including one which retains a TPO tree along the central green walk,
- A better relationship with the open space and building to building relationships.
- Altering of the block pattern to face onto the coppice to the south.

The final design review score by Design Midlands indicates the scheme has 3 greens, 8 ambers and 1 red. The assessment was mainly focused on the developments functionality and connectivity, which is the primary reason for a number of the amber scores. The red was for parking integration. This has since improved in many places with the introduction of areas of landscaping – albeit it recognised that some areas are still dominated by frontage parking. Overall, the scheme has much improved throughout the process.

In terms of appearance, the scheme utilises Bellways new house type range, which varies slightly from phase 1, however these are all considered to be a high quality design and in keeping with the vernacular in the area. Building materials will be a mix of red and brown brick, with detailing provided around the windows. The scale of dwellings, sitting 2 and 2.5 storeys in height, is consistent with those in the surrounding area.

Following the design review it is considered the scheme provides an acceptable layout, with good interconnectivity. The scale and appearance of the dwellings are also considered to be acceptable.

#### **4. Housing Density and Mix**

The Housing Site Brief within the Local Plan sets out that a minimum housing net density of 34 dwellings per hectare should be achieved.

The net density of this phase is approximately 37 dwellings per hectare. The density of the site has been calculated excluding the area of public open space in the northern corner and SuDs feature.

The development proposes 217 houses, 40 of which are classified as affordable. The overall breakdown of housing mix is as follows:

- Affordable Rent: 4 x 1 Bedroom and 6 x 2 Bedroom.
- Shared Ownership: 3 x 2 Bedroom and 7 x 3 Bedroom.
- Discount Market Sale: 20 x 3 Bedroom.
- Private Sale: 14 x 2 Bedroom, 106 x 3 Bedroom and 57 x 4 Bedroom

The mix of housing proposed is considered to be acceptable, taking into account the evidence of the Nottingham Outer 2015 Strategic Housing Market Assessment (SHMA).

#### **5. Residential Amenity**

Saved Policy HG5 of the Local Plan is a criteria based policy which seeks to ensure that new residential development is acceptable. This includes, inter alia, protecting the amenity of neighbouring properties, minimising overlooking, provision of adequate amenity space, adequate boundary treatment, suitable access and parking. Policy HG5 is backed up by the Ashfield Residential Design Guide SPD 2014, which contains guidance on matters such as minimum separation distances and garden sizes.

##### **Existing Residents**

##### *Hedgerow*

A number of residents have raised concerns surrounding a hedgerow running along the boundary shared with Phase 1. This hedgerow is to be retained and will be subject to a planning condition. The resident has also requested a condition be attached in relation to maintaining the character of the hedge; however such a condition would not meet the planning tests.

Issues have also been raised about future management and the potential for neighbour disputes over ownership and maintenance. Bellways have advised that a covenant will be placed on the hedge to ensure the new owners do not remove it. This is primarily a civil matter, however, it is considered that the arrangements on this boundary are satisfactory and would not give rise to unnecessary problems. An existing close boarded timber fence runs along the boundary providing sufficient privacy to residents. The proposed arrangement is considered satisfactory from a planning perspective.

#### *Overlooking, Overshadowing and Loss of Privacy*

A representation has been made from the owners of plot 6, on phase 1, as to the impacts of plot 137 from a loss of light, overlooking and overbearing impacts. Since the submission of the original application, the layout has been amended with the dwelling at plot 137 moved farther away from the boundary and a single storey garage repositioned here. The roof of the dwelling has also been hipped. These revisions ensure the proposed dwelling would not be unduly overbearing. The 25 degree measurement is not breached, which indicates that daylight will not be unduly affected to the rear windows. There would also be no direct overlooking and subsequent loss of privacy.

A shadow analysis has been undertaken with plot 137 at a higher level than plot 6; however Bellway have since advised it will sit below the floor level of the existing dwelling (approx. 0.15m). The resident has requested a condition for the dwelling to be built below 61.00, however the proposal to build at 61.25 – which is below the floor level of plot 6, albeit the garden does slope away – is considered to be reasonable. The proposed floor levels will be subject to a planning condition.

As plot 137 is located to the south, there would be some degree of increase in overshadowing, however this would not be to an extent that the living conditions of the neighbouring residents would be harmed. It is considered the amendments to the scheme have resulted in an acceptable relationship to the existing dwelling.

In a similar vein, the dwelling at plot 122 has been amended to have a hipped roof and has been set off the boundary to avoid any overbearing impacts to plot 20 on phase 1. A shadow analysis has also been undertaken. The amendments to the scheme are, again, considered sufficient to result in an acceptable relationship to the neighbouring dwelling.

There would be some increased overlooking to the garden areas on phase 1 particularly plots 7 and 13, however this extent of overlooking is typical in most estates and would not be a reason to refuse planning permission. Concerns have been raised about the finished floor level the properties will sit from the resident of plot 13 on phase 1 with regards to potential overshadowing. The layout is considered appropriate to avoid any undue affects and the levels will be carefully examined as part of a planning condition.

The residents of plot 41 on phase 1 have raised a concern about overlooking from the adjacent footpath. This is a footpath already delivered as part of phase 1. It is noted there will be an increased usage, however this was always anticipated as part of wider proposals. Additionally, residents have requested that the footpath leading to the public open space from Osbourne Close on phase 1 be closed off. However, this falls outside the scope of this planning application.

### *Anti-Social Behaviour*

The dwellings have been orientated to provide more natural surveillance to the open space and green-walk. Details of entrances to will be secured by planning condition to help prohibit usage from motorbikes. The Police Architectural Liaison Officer (PALO) has assessed the plans and has no concerns with the proposed layout; however an informative is to be added encouraging Bellway to discuss crime prevention measures with them. In addition to this, Bellway are also willing to establish a Neighbourhood Watch function to operate across the scheme, with relevant details to be relayed to plot purchasers at the point of sale.

### *Disruption during construction*

Concern has been raised with regard to the potential disruption during the construction phase of development. It may be the case that some disturbances would occur to neighbouring residents, however this will not be permanent, nor would it result in any longer term detrimental impact upon the residential amenity of local residents. It must also be noted that the area of land has been allocated for housing since 2002 and forms phase 2 of the proposed development.

An application has been submitted for the construction of a compound, which is to be located off-site and away from existing residents. This is considered to be an appropriate location that will reduce the potential for noise disturbances and parking conflicts on the highway.

The Councils Environmental Health Team have been consulted and raised no objections, but have recommended conditions be attached. Accordingly, it is recommended that a condition be appended requiring the submission of a Construction Environmental Management Plan. This will contain matters such as working hours, delivery times, wheel washing facilities and dust control measures. This is a standard condition on development sites and serves to reduce the potential for disturbances to residents.

### Future Residents

The submitted layout demonstrates that the majority of back-to-back separation distances between dwellings would comply with the Councils residential design guide. Where these fall below 21m, the properties are angled to ensure there would

be sufficient privacy and meet with the guidance. Plot 57 to 77 does fall short of the 21m – but only by a nominal amount (0.4m).

In terms of garden sizes, the applicant has amended the layout so that the proportion of gardens that meet, or exceed, the standard now stands at 87%. This is a significant increase from original iteration of the layout. Although, a percentage do fall below the standard, this is considered to be acceptable. The scheme provides an extension to the public open space in the northern corner of the site, which is a short walking distance to all dwellings.

The Councils Places and Localities team have raised concern over the sufficiency of the new area of public open space. However, overall, the development would provide 10% in accordance with the requirements of Policy HG6. There would also be a contribution of £75,000 towards new equipment, in accordance with the Councils adopted Public Open Space Strategy.

Reference has been made, through local representation, to the site achieving the Nationally Described Space Standard (NDSS). It is identified that some of the house types: Melbourne, Tilton, Somerby, Joiner and Tailor do not meet this standard. However, NDSS is not adopted in Local Plan policy. The Councils Residential Design SPD also includes guidance on minimum standards. Below is a comparison of these house types against those that do not meet the minimum required NDSS:

<b>H/T</b>	<b>Beds</b>	<b>Size</b>	<b>SPD Space Standard</b>	<b>Differential</b>
Tilton	2 bed	59.2m <sup>2</sup>	62m <sup>2</sup>	-2.8m <sup>2</sup>
Joiner	2 bed	63.2m <sup>2</sup>	62m <sup>2</sup>	+1.2m <sup>2</sup>
Somerby	3 bed	71.3m <sup>2</sup>	77m <sup>2</sup>	-5.7m <sup>2</sup>
Tailor	3 bed	74.48m <sup>2</sup>	77m <sup>2</sup>	-2.5m <sup>2</sup>
Melbourne	3 bed	75.94m <sup>2</sup>	77m <sup>2</sup>	-1m <sup>2</sup>

Where there is a shortfall of a matter of a few square metres, this is considered to result in dwellings that are so deficient that would warrant them being considered to be unusable. Bellway advise in many cases this is simply reflective of the different market segments. In particular, the Somerby house type, which fails to meet the national and local standard, is part of the standard house type range for the East Midlands. Bellway have also provided evidence from a registered provider that they are content with this particular house type in terms of floor space. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales, it would be extremely difficult to resist the application solely on this basis.

Housing standards are a material consideration in dealing with planning applications. A written ministerial statement on this, dated 25<sup>th</sup> March, advises that decision takers should only require compliance with the new national technical standards where



there is a relevant current Local Plan policy. There is no local plan policy in place to require adherence to the national standards. Notwithstanding this, a number of units do not comply with the relevant national and local standards; however in view of the above and taking the scheme as a whole – which has included alterations to improve the layout following a design review – the proposals are considered to be acceptable in this regard.

## **6. Highways Safety**

The Ashfield Local Plan Review (2002) Policy ST1, set out that, amongst other matters, development will be permitted where it (c) does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF (paragraph 109) states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

The site will be accessed from the existing ends of Jackson Road and Victoria Way on phase 1. The main spine road, taken off Jackson Road, will feature a 3m wide shared use foot/cycleway. It will be 6m in width to allow for a future bus to access the site.

The applicant has submitted a Transport Assessment, which has been assessed by the Highways Authority. From the results of the technical information, and on the basis of advice received from the HA, it is considered that the development would not result in a severe impact on the highways network, subject to mitigation measures being provided. These include:

- Amendments to the roundabout junction with associated signing at the A611 Hucknall Bypass / Nottingham Road.
- Upgrades to signal efficiency at the junction of Portland Street Station Road (MOVA).
- Amendments to the existing pedestrian refuge on Nottingham Road.

A number of residents have raised concerns over the existing junction from Jackson Road onto Nottingham Road, however the assessments show that no improvements are required here and that the junction would continue to operate safely. Likewise, the assessment has not raised any issue with the volume of traffic using Jackson Road/Victoria Way.

As noted by the HA, parking has been assessed with amendments being made to the widths of driveways and improvements made for visitor and additional parking provision. The HA consider there are no substantive reasons to refuse planning permission. To mitigate against any future parking problems, conditions are recommended for the removal of permitted development rights for garages and the erection of fencing.

In light of the submitted technical evidence and subsequent comments from the Highways Authority, it is considered that, with appropriately worded planning conditions, the development would not result in any significant highways safety issues.

## **7. Sustainability and Locational Accessibility.**

Paragraph 103 of the NPPF, states that the planning system should actively manage patterns of growth, with significant development focused on locations, which are, or can be made sustainable, through limiting the need to travel and offering a choice of transport modes.

The site is well connected to the Hucknall Public Transport Corridor, with access to N.E.T and Robin Hood Line Stations. A regular bus service is provided along Nottingham Road, which provides access to Hucknall and Nottingham town centres.

A resident has also raised an issue surrounding the government's push towards active travel modes following the Covid-19 pandemic. National government has just recently announced an emergency active travel fund and a new national Cycling and Walking Plan

In this case, the development provides a high level pedestrian connectivity with walks included throughout the layout. The layout also includes a cycle/bus route extending from Jackson Road. Additionally, there would also be a contribution of 29k for bus stop improvements and amendments to the existing pedestrian refuge on Nottingham Road. Finally, a travel plan will be provided aimed at reducing private vehicular travel. The site is considered to be in a sustainable location for development and adopts a layout, which encourages active travel modes.

## **8. Biodiversity 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.

No statutory, or non-statutory, designated sites are located within the site. Although Farleys Grassland Local Wildlife Site (LWS) is located adjacent to the eastern site boundary.

### *Biodiversity Matrix*

The applicant has submitted an Ecology Appraisal and Biodiversity Impact Assessment. The submitted Biodiversity Impact Assessment has been completed in accordance with emerging DEFRA guidance and shows a net loss. To offset this

loss, the applicant has agreed contributions towards tree planting (£20,000) and a habitat creation scheme (£15,000).

### *Trees*

The proposals will result in the loss of two groups and three individual TPO trees included in the Ashfield District Council Tree Preservation Order, TPO 168. In ecological terms, the applicants ecologist has noted that none of the trees removed are veteran, or provide significant ecological interest.

The Councils Tree Officer has also visited the site and raised no objections to the removal of the trees on visual amenity grounds. To compensate, the landscaping scheme includes the planting of a significant number of trees. The developer also has agreed to contribute £20,000 towards additional tree planting in the district. At present, 10-12ft trees cost around £30 from the Councils current supplier, this means that around 666 additional trees of this size could be provided.

### *Hedgerows*

There are nine hedgerows across the site. All the hedgerows comprised at least 80% native species and therefore qualify as habitats of principal importance (as described in S41 of the NERC Act 2006), albeit none were considered to qualify as important under the Hedgerows Regulations Act (1997) wildlife and landscape criteria due to being species-poor and lacking associated features.

The boundary hedgerows (H1, H2, H3, H8 and H9) are to be retained and will be protected during the construction phase. Hedgerows H5, H6 and H7 will largely be lost under the proposals. These losses will be compensated through the creation of new native hedgerow along the southern and eastern site boundaries, which will create an alternative wildlife corridor and maintain connectivity around the edge of the site.

### *Protected Species*

The submitted Ecological Appraisal contains an assessment of protected species across the site. Precautionary working methods are recommended during ground clearance for any suitable habitat for amphibians, hedgehog and nesting bird habitats. This will ensure all relevant legislation is complied with.

The single tree assessed as having moderate potential to support roosting bats will be retained and protected. The site provides foraging and commuting resources for a low number of common and widespread bat species, and as such the loss of these resources will be compensated through planting.

A single outlier badger sett is located within the site and will be lost to the proposed development. As such, the works will require a Natural England Licence. The applicants ecologist has advised that Natural England regularly grant licences for closure without requiring the provision of artificial setts, which are only required when development proposed the closure of a main sett. No extensive evidence of foraging activity such as snuffle holes or latrines were recorded across the site and overall it is considered the site does not provide a significant resource for the local population.

#### *Farley's Grassland Local Wildlife Site*

The proposed development would not encroach onto the LWS. The revised proposals include a native species hedgerow between the LWS and the development. An Environmental Construction Management Plan will also be provided that will include appropriate measures to ensure the conservation value of the LWS is maintained. Additionally, residents will be provided information regarding the importance of the LWS.

#### *Mitigation, Enhancement and Compensation Measures:*

- A Landscape and Ecological Management Plan,
- Ecologically sensitive lighting strategy.
- Bird, bat and invertebrate boxes throughout the site.
- Provision of mammal runs.
- Contribution of £35,000 towards tree planting and habitat creation off-site.

#### *Summary*

The NPPF, at paragraph 175, states that if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is allocated for development. The development proposals do not result in direct effects to any statutory or non-statutory designated site for nature conservation. An outlier badger sett would be lost, with such works will requiring a licence from Natural England.

It is acknowledged that the proposal would result in a net loss of biodiversity on site. However, the development would provide a number of mitigation and enhancement measures, with a contribution towards tree planting and other habitat creation off-site. It is considered that with the proposals would not merit a refusal in accordance with paragraph 175 of the NPPF.

## **9. Flood Risk and Drainage**

The subject site is located within Flood Zone 1 (Low Risk of Flooding, 1 in 1000 years). Due to the site area, a Flood Risk Assessment (FRA) has been submitted. The FRA notes that the site will drain its surface water to new balancing facilities located to the south east corner.

The Local Lead Flood Authority has assessed the proposals and found them to be acceptable, subject to a planning condition requiring full drainage details to be submitted. Severn Trent have also been consulted and advised that their permission will be required for the foul sewer connection. On the basis of the information received, it is considered that the site would not be at risk of, or result in an increased risk of flooding to the surrounding area

## **10. Developer Contributions and Community Infrastructure Levy (CIL) Compliance**

The requirements of the CIL Regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. A number of developer obligations are required to be included in the s106 agreement. These are detailed below:

### **Affordable Housing**

Policy HG4 of the ALPR sets out that a minimum of 18.5% dwellings should be provided as affordable. This developer would provide a total of 40 affordable dwellings at the site. These are detailed as follows:

- Affordable Rent x 10
- Shared Ownership x 10
- Discount Market Sale x 20

### **Biodiversity Offsetting**

As detailed above, a contribution of £35,000 is sought to offset the loss of biodiversity onsite. This will split into £20,000 for tree planting and £15,000 for habitat improvements. This contribution is considered reasonable in kind and scale and would meet the CIL tests.

### **Bus Stop Improvements**

Nottinghamshire County Council Travel and Transport have requested a contribution of £29,000 towards two bus stop upgrades. These are the AS0776 and AS0777 on

Shelton Avenue. A costings list has been provided to justify the figure and as such the contribution is considered reasonable in kind and scale.

### Education

NCC have requested a primary education contribution of £801,596 (46 places x £17,426). The calculation has been made based on the planning area of a cluster of primary schools and seeks a contribution of facilities directly stemming from the likely school age children living at the development site. This would meet the CIL tests.

The correspondence from NCC also shows that there is a predicted deficit in the number of secondary places in the Hucknall Secondary Planning Area. A contribution has been sought of £835,625 (35 places x £23,875). This would be used to extend Holgate Academy. Such a contribution is directly related to the development, is reasonable in kind and scale and would meet the CIL tests.

### Highways

A contribution of £33,000 is to be provided for a MOVA upgrade to the Portland Road and Station Road junction. This includes a 10% contingency fund, which will be paid back to the applicant if not required. The Section 106 Agreement will also cover other required improvements to the highway, including improvements to the roundabout junction and the pedestrian refuge upgrade.

### Healthcare

The Clinical Commissioning Group have requested a financial contribution of £117,695.25. The CCG has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects. Accordingly, the healthcare contribution is considered proportionate to a development of this size and complies with the CIL Regulations.

### Public Open Space and Maintenance Contribution

The Councils Places and Localities team have requested a contribution of £75,000 towards a neighbourhood young people's play area. This could include a concrete ramp skate/BMX/scooter park, multi-use games area, bike dirt track, or outdoor gym equipment. The requirements for this are set out in the Council's adopted Public Open Space strategy. There is also the requirement of £37,758 for maintenance for a period of 15 years for public open space. As with phase 1 it has been agreed the council will adopt the public open space.

### Monitoring Contribution

The updated CIL legislation allows for a Section 106 monitoring fee to be charged. This will amount to £2,500 and will cover the Councils fees for monitoring payment of the Section 106.

## **11. Other Issues**

### **Archaeology and Heritage**

The applicant has submitted an Archaeological Desk Based Assessment. This identifies that few archaeological remains are known in the vicinity of the development, which may be due lack of intrusive fieldwork in the vicinity. It concludes that there is low potential for archaeological remains of all periods to be discovered during any new development.

The assessment also identifies heritage assets within the vicinity of the development based on a search from the Historic Environment Record. It is considered that the proposed development would not impact on the setting of any designated, or non-designated heritage assets.

### **Air and Light Pollution**

An Air Quality Assessment has been submitted with the application, which has been assessed by the Councils Environmental Health Officer, who acknowledges that the site is suitable for residential development and that the proposals would not result in a breach of Air Quality Objectives.

A condition will be applied for a lighting strategy to be submitted. This will need to be designed to minimise light pollution as well as ensuring potential dark commuting corridors are protected.

### **Climate Change**

The application is supported by a Sustainability Statement. This addresses the sites energy efficiency, water efficiency, pollution and material selection. This includes, amongst other things, that the construction specification for the phase 2 site achieves A+ and A ratings when assessed against the Building Research Establishments Green Guide, flow restriction devices will be installed in every property and a waste management plan will operate during construction. A condition will also be applied for the dwellings to have the capacity to install electric charging points.

### **Closure of Footpaths**

Representations have been received on the basis that the developer has shut off existing footpaths running through the site. There are no public rights of way passing through the site; however there are informal paths, which have been used by

members of the public. The layout has been designed to incorporate a green-walk, which links phase 1 to the fields to the south. A pedestrian link has also been formed through the site. The connectivity of the site received a green score in the building for life assessment.

A resident has raised queries over the inclusion of suitable equestrian links and gate. The site does not feature a formal Bridleway, but the details of fencing on the newly created green-walk from phase 1 is to be subject to a planning condition.

### Ground Contamination

A phase II site appraisal has been submitted with the application and the contents assessed by the Councils Environmental Health Office (EHO). The EHO has raised no objections, but recommends a condition be attached to the planning permission to ensure the recommended protection measures are installed.

### Health

The applicant has completed the Nottinghamshire Rapid Health Impact Assessment Matrix (NRHIAM) The Health Impact Checklist identifies, assesses and presents any potential effects on the health of the population arising from the proposed development.

The proposed development is expected to have an overall positive impact on the health of the population. The positive health outcome is linked to the provision of new residential dwellings, including affordable dwellings, that supports employment opportunities during the construction period, provides public realm which creates opportunities for social interaction, and provides a safe environment. The checklist has been assessed by NCC Public Health, who have welcomed its inclusion with the application.

### Housing Need

Many local objectors have determined that Hucknall does not require any more homes, given the existing and planned developments around the area. However, the council's 5-Year Housing Land Supply shortage is significant and amounts to a supply of just 2.67 years.

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. This is an allocated site for housing within the Local Plan and as such the principal of housing is acceptable on this site.



### Insufficient Infrastructure

A number of comments have been made by local residents raising concerns about infrastructure provision for the development. As detailed above, the proposals will make contributions towards healthcare, primary and secondary education and also transport. These are considered necessary to offset the impacts of the development and will ensure the site is served by the appropriate infrastructure. No objections have been received from any consultees on this basis.

### Insufficient Consultation

A resident has raised concerns over the consultation process. However, this has been fully undertaken with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Councils Statement of Community Involvement.

Amended plans were received during the course of the application, as considered appropriate residents were re-consulted and new site notices erected. As detailed earlier in the report, further minor amendments to the scheme were made – but it was not felt prudent to consult all residents for a fourth time given the nature of the changes.

## **12. 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.

The site is allocated for housing under Policy HG4HB of the Ashfield Local Plan Review and as such the principle of housing is acceptable. In social terms, the scheme would deliver 217 dwellings, 40 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 and New Homes Bonus (NHB). These are generic benefits that would occur with any major development, however given the current economic climate – these are considered to carry medium weight.

In environmental terms, the scheme has shown to result in a net loss in overall biodiversity on site, however this is offset by contributions towards habitat improvements and tree planting elsewhere. There would also be the loss of an

outlier badger set, TPO trees and hedgerows. However, mitigation and enhancement measures are proposed with substantial hedgerow re-planting, native species planting, bird and bat boxes. Overall, these impacts carry neutral weight.

The layout, appearance and scale of the development is considered to be acceptable, with the proposals having been subject to an independent Design Review. The impact upon highways safety, local residents amenity, flooding and landscape have all been assessed and considered acceptable – subject to planning conditions in certain cases.

Overall, the proposed development is considered to accord with both the development plan and the NPPF. Accordingly, approval is recommended, subject to the conditions outlined below and Section 106 requirements.

**Recommendation: - Approve, subject to the conditions detailed below and a Section 106 Legal Agreement, which secures the following:**

- Primary Education Contribution - £801,596 (46 places x £17,426).
- Secondary Education Contribution - £787,875 (33 x £23,875 per place).
- Healthcare - £117,695.25.
- Bus Stop Improvements - £29,000.
- MOVA (signal) Upgrades - £33,000.
- Public Open Space - £75,000.
- Maintenance - £37,758.
- Biodiversity Offsetting - £35,000.
- Monitoring Contribution - £2,500.
- Travel Plan and Co-ordinator.
- Highways Improvements (Roundabout works and pedestrian refuge upgrade).
- Affordable Housing – 40 dwellings.

## CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
  - Site Layout (dwg no. 19029\_01 Rev W);
  - Site Layout Coloured (dwg no. 19029\_11 Rev W);
  - House Type Brochure Booklet Abbeyfields Phase 2 Part 1,
  - House Type Brochure Booklet Abbeyfields Phase 2 Part 2,
  - House Type Brochure Booklet Abbeyfields Phase 2 Part 3,
  - House Type Brochure Booklet Abbeyfields Phase 2 Part 4,
  - Materials Plan (dwg no. 19029\_02 Rev K);
  - Garage Type G13 – Version 2 (Drawing Ref No. 100-61);
  - Garage Type G3 (Drawing Ref No. 100-52 Rev A); and
  - Garage Type G14 (Drawing Ref No. 100-62 Rev B).
  - Luthier House Type (Drawing Ref No. A/1392/00/CB/02H) – Plot 137;
3. No site clearance, preparatory work or development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. This shall be based on the recommendations set out within the Ecological Appraisal Rev B, by FPCR dated March 2020 and include full details of all the landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. It shall also include an ecologically sensitive lighting strategy. The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.
4. Notwithstanding any submitted details, no site clearance, preparatory work or development shall take place until information detailing the protection of retained trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority. This shall include the hedgerow along the boundary with phase 1 being retained.
5. 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) addendum (Stephen Daykin Consulting Ltd. Jan 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 rain storm 5 l/s rates 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 for the lifetime of the development.
6. Prior to the commencement of development, details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.
7. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
- Proposed hours and days of working, including deliveries;
  - Management of parking by persons involved in the construction of the development, including operatives & visitors;
  - The routing of deliveries and construction vehicles to site and any temporary access points.
  - Details of protection measures for the adjacent Local Wildlife Site.
  - 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;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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.

8. Prior to the commencement of development, details of all the finished floor levels, surrounding ground levels and levels of existing dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall thereafter be built in accordance with the agreed details.
9. Notwithstanding the approved plans, prior to occupation of the first dwelling house full details of the public open space in the north corner of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of all hard and soft landscaping, any retained vegetation and boundary treatments. The approved details shall thereafter be implemented within an agreed timeframe.
10. The dwellings shall not be occupied until full details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling.
11. Notwithstanding the approved plans, the development shall not be occupied until the following information has been submitted to and agreed in writing by the Local Planning Authority:
  - Details of the sites boundary treatments and individual plot boundaries.
  - Details of the footpaths boundary treatments and gating arrangements.
  - Details of all hard landscaping across the site.

The approved details shall thereafter be implemented and within an agreed timeframe.

12. Prior to the construction of any dwellings, details of the new and amended roads shall be submitted to and approved in writing by the Local Planning Authority (LPA) 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 to the LPA for approval shall comply with the County Council's current Highway Design Guide and shall be implemented in accordance with these details to the satisfaction of the LPA.

13. Prior to the occupation of any dwellinghouse, details of a scheme to prevent parking on bends within the site shall be submitted to and approved in writing by the Local Planning Authority.

14. No works shall take place above damp proof course until details of the following have been submitted to and agreed in writing by the Local Planning Authority:

- Pedestrian visibility splays shown on each side of the private drives. The areas of land within these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
- Details of bin stores for the private drives; including type, size and final location.
- Details of measures to prohibit vehicles driving through to adjacent private drives outside plots 213 – 214.
- A scheme for the provision of future electric vehicle charging within the properties.

15. No dwelling shall be occupied until the parking for that dwelling has been provided. The parking spaces shall be surfaced in a hard, bound material for a minimum distance of 5 metres from the rear of highway, with appropriate drainage included in the construction to prevent the discharge of surface water to the public highway.

16. There shall be no occupation of the proposed dwellings until such time as a suitable maintenance agreement is in place to cover the proposed private drive developments serving six dwellings or more. The details shall first be submitted to and approved in writing by the Local Planning Authority.

17. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development][England] Order 2015 [or any Order revoking and re-enacting that Order with or without modification] no development relating to;

- Schedule 2, Part 1, Class A – Extension, alterations etc.
- Schedule 2, Part 1, Classes B and C – Alterations to the roof.
- Schedule 2, Part 1, Class F – Hard surfacing
- Schedule 2, Part 2, Class A – Erection of fences

shall be undertaken without the prior written approval of the Local Planning Authority.

18. All proposed integral, attached and detached garages within the development shall be retained for the parking of vehicles at all times and shall not be converted for any other domestic or business purpose without the prior written consent of the Local Planning Authority.
19. Prior to the occupation of any dwellinghouse a validation report, which confirms the remedial works detailed Remediation Method Statement and Gas Protection Measures Design and Verification Plan dated September 2019, have been carried out shall be submitted to and approved in writing by the Local Planning Authority.
20. The first floor side bathroom window on plot 122 (Tilton House Type) shall be glazed in obscure glass and be non-opening below 1.7m in the floor level of the room its installed.

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To secure the ecological enhancement and mitigation measures.
4. In the interests of protecting retained trees and hedgerows.
5. To ensure the development has sufficient surface water management.
6. To ensure adequate means of foul water disposal.
7. To minimise disruption during construction.
8. In the interests of protecting visual and residential amenity.
9. In the interests of visual, residential amenity and place making.
10. In the interests of visual amenity.
11. In the interests of visual and residential amenity.

12. To ensure the development is constructed to adoptable standards in the interest of Highway & pedestrian safety.
13. In the interests of highways safety.
14. In the interests of highways safety.
15. To reduce the chances of the development leading to indiscriminate parking on Highway; to transference of deleterious materials and surface water to public highway. All in the interests of Highway Safety.
16. In the interests of highways safety.
17. In the interests of residential amenity and highways safety.
18. To ensure the development has sufficient parking.
19. To ensure the site is developed free from contamination.
20. In the interests of residential amenity.



## INFORMATIVE

- 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).
- Prior to commencement of development, the developer is advised to contact the Police Architectural Liaison Officer to discuss security features across the development. These can be contacted at:

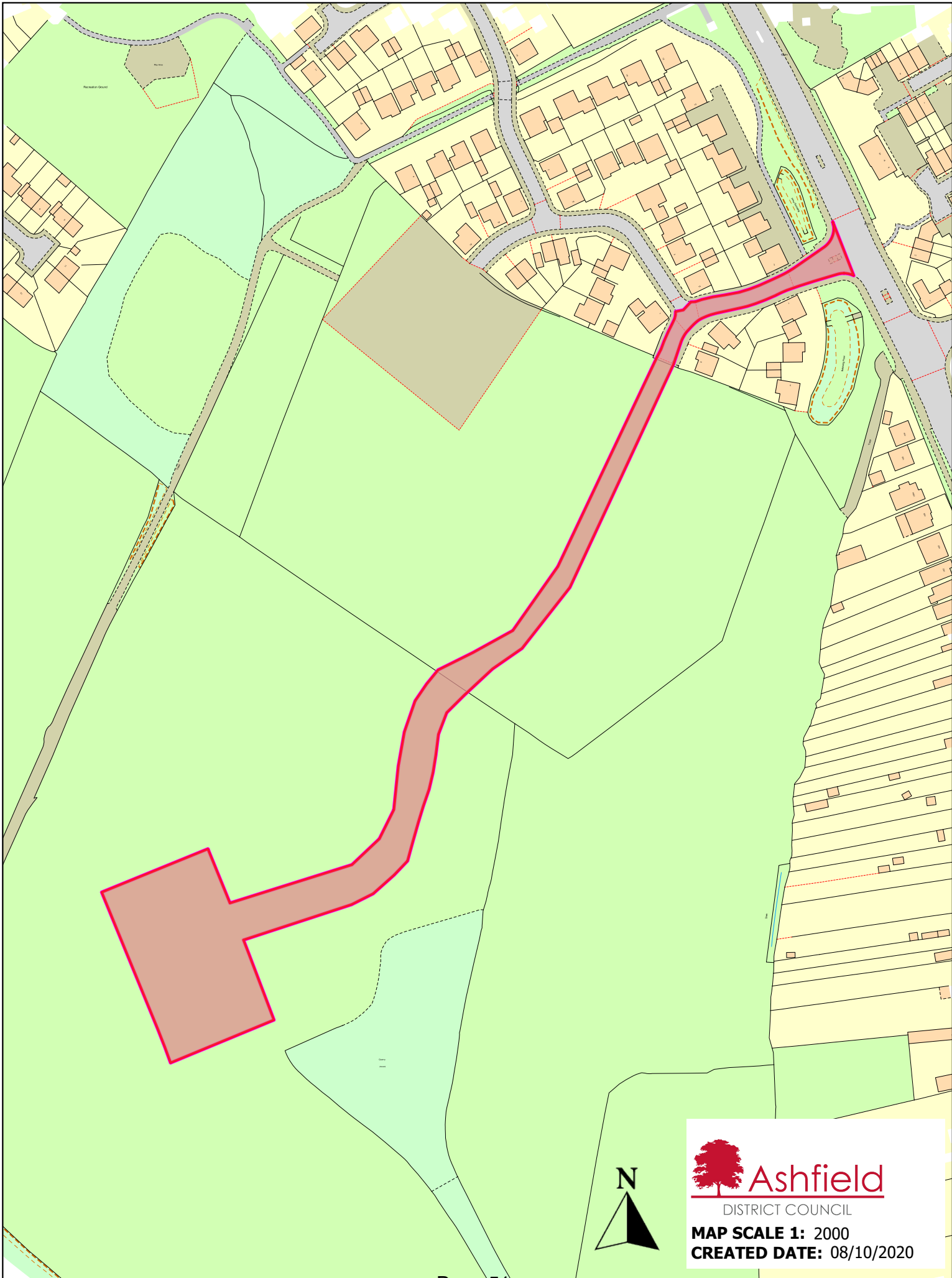
[DOCO@Nottinghamshire.pnn.police.uk](mailto:DOCO@Nottinghamshire.pnn.police.uk)

- 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.
- 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.
- 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.

- 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.

Correspondence with the HA should be addressed to [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk)

- In order to carry out the off-site Highway works, 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.
- The applicant should note that details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be recommended for discharge by the Highway Authority until the technical approval of the Section 38/278 Agreement is issued, if relevant.
- Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact [highwaysouth.admin@viaem.co.uk](mailto:highwaysouth.admin@viaem.co.uk)
- It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.



**COMMITTEE DATE**    21/10/2020                      **WARD**            Hucknall South

**APP REF**                      V/2020/0114

**APPLICANT**                      Bellway Homes (East Midlands)

**PROPOSAL**                      Erection of a Temporary Construction Site Compound  
(for a period of 8 Years), Car Parking and Associated  
Works associated with Planning Permission  
V/2019/0483

**LOCATION**                      Land to the South of, Broomhill Farm, Nottingham Road,  
Hucknall, Nottingham, NG15 7QE

**BACKGROUND PAPERS**    A, C, E, F

App Registered 19/02/2020                      Expiry Date 30/10/2020

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

*This application has been referred to Planning Committee by Cllr Lauren Mitchell because of the impacts on surrounding residential properties.*

### **The Application**

This is an application for Erection of a Temporary Construction Site Compound (for a period of 8 Years), Car Parking and Associated Works associated with Planning Permission V/2019/0483

### **Consultations**

Site Notices have been posted together with individual notification of surrounding residents. The following responses have been received:

5 comments have been received from residents raising the following concerns

- V/2019/0483 has not been approved yet, this application should be contingent on that applications decision.
- Impact on air quality.
- The compound will increase litter, waste, as well as noise disturbances to nearby residents.
- It will decrease house prices
- Loss of biodiversity.
- Mud deposited on surrounding roads has been a consistent problem, this will increase it.

- Could increase security and antisocial behavior issues; the access to the field should be secure.
- Issues relating to the broader appropriateness of developing phase 2.

### **ADC Landscaping**

The works are temporary, no comments to make.

### **ADC Environmental Health**

No objection, but would request conditions relating to operating hours, dust and wheel washing facilities to be in operation at the compound.

### **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**

ST1 – Development

ST4 – Remainder of the District

EV1 – Green Belt

#### **National Planning Policy Framework 2019**

5 – Delivering a sufficient supply of homes

13 – Protecting Green Belt land

### **Relevant Planning History**

#### **V/2019/0483**

Residential development of 206 dwellings and associated infrastructure and works...  
Awaiting determination.

### **Comment :**

#### **The site and the application**

The application site is located in the Nottinghamshire Green Belt on the edge of Hucknall. The site is located outside of the site boundary of V/2019/0493, to the south west.

The applicant seeks consent for the erection and use of a temporary construction site compound and the associated infrastructure and vehicle parking to aid with the delivery of planning application V/2019/0493. The compound includes a number of storage buildings/spaces, facilities for workers, fencing and vehicle parking spaces.

#### **Principle of the development**

The application site is located in the Green Belt where inappropriate development is, by definition, harmful to the Green Belt and, as stated in paragraph 143 of the NPPF, should not be approved unless in very special circumstances . The applicant accepts

that the proposed development cannot be justified as an exception to Green Belt policy and that special circumstances are required. The applicant has presented three main points in their case for special circumstances.

1. The site compound and vehicle parking is a temporary use and development for 8 years. Following completion of development of the associated planning application the land will be reinstated to its former use and made good.
2. The site compound is required to facilitate residential development on an allocated site, which will provide needed housing in Ashfield, in accordance with the NPPF which seeks to boost the supply of housing.
3. There are no preferable alternative locations for the compound that are not also within the Green Belt. The compound must be located outside of the main site to avoid compromising the delivery of the development and ensure construction is efficient and effective.

The use of green belt land for the erection and use of a construction compound does represent harm the Green Belt and special circumstances are required. However, the temporary nature of the proposed development, with the land to be returned to its previous use and state after, and its contribution to effectively delivering housing in the local area do hold weight. On balance, it is considered that the application does demonstrate special circumstances and does represent an appropriate form of development when the NPPF is taken as a whole.

### **Residential amenity**

Some concern has been raised by residents over the impact that the construction compound and the wider development in the area will have on their amenity. Firstly, this application can only be assessed on its own content and merits. The housing development is being considered under planning application V/2019/0483.

The application site is located towards the south west corner of the broader development site and as such is located furthest away from the surrounding residential properties. It is approximately 230m from the compound to the nearest boundary of a property on Nottingham Road and 280m to the nearest property on Phase 1 of the development on Victoria Way. This distance is considered to be sufficient to avoid any significant disturbances or negative impacts (including noise and air pollution) from the construction compound that cannot be suitably managed by appropriate conditions.

### **Other matters**

Due to the relatively remote setting of the compound, and its proposed scale, it is considered that it will not have a significant detrimental impact on the appearance of the area and will largely not be visible from public highways. Once the temporary permission has expired the land will be returned to its former use and made good to avoid any permanent impact on the landscape character and visual amenity of the area.

It is considered that the compound will not have a detrimental impact on biodiversity due to its scale, wider biodiversity impacts of V/2019/0483 are addressed in that application.

The compound will be accessed through the V/2019/0483 site and from Jackson Road off Nottingham Road. No concerns have been raised by the Highways Authority, and although the development will clearly facilitate HGV and works vehicles in the area no significant risk to highway safety is considered to result. A construction management plan will ensure that there is a strategy in place to reduce the likelihood of mud being deposited on surrounding highways.

**Conclusion:**

The proposed construction compound is proposed to be a temporary development to facilitate the effective and efficient delivery of new houses and as such is considered to have special circumstances for development located within the Green Belt. Through the location of the compound, its scale and through the management of working practices at the compound it is also considered that the proposed development will not result in an unacceptable harm to the amenity of nearby residential properties. Therefore, it is recommended that this application is granted conditional consent.

**Recommendation: Conditional consent**

**CONDITIONS**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Site Plan, Block Plan, Site Layout Plan, Elevations, Floor Plans, Fencing, Material and Utilities Plans; all received on 19/02/2020. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. This permission is valid for a limited period only, expiring on the date 8 years after the date of this decision. On or before that date the use and associated structures hereby permitted shall cease and be removed and the site shall be reinstated to its former condition unless a further planning application with regard to the use/development has been submitted to and approved by the Local Planning Authority.
4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage, which gives particular consideration to pollution run-off and contamination, have been submitted to

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

5. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
  - Proposed hours and days of working, including deliveries;
  - Management of parking by persons involved in the construction of the development, including operatives & visitors;
  - The routing of deliveries and construction vehicles to site and any temporary access points.
  - Details of protection measures for the adjacent Local Wildlife Site.
  - 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;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - 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.

6. No site clearance, preparatory work or development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. This shall be based on the recommendations set out within the Ecological Appraisal Rev B, by FPCR dated March 2020 and include full details of all the landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. It shall also include an ecologically sensitive lighting strategy. The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.
7. Notwithstanding the submitted details, no site clearance, preparatory work or development shall take place until information detailing the protection of retained trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority.



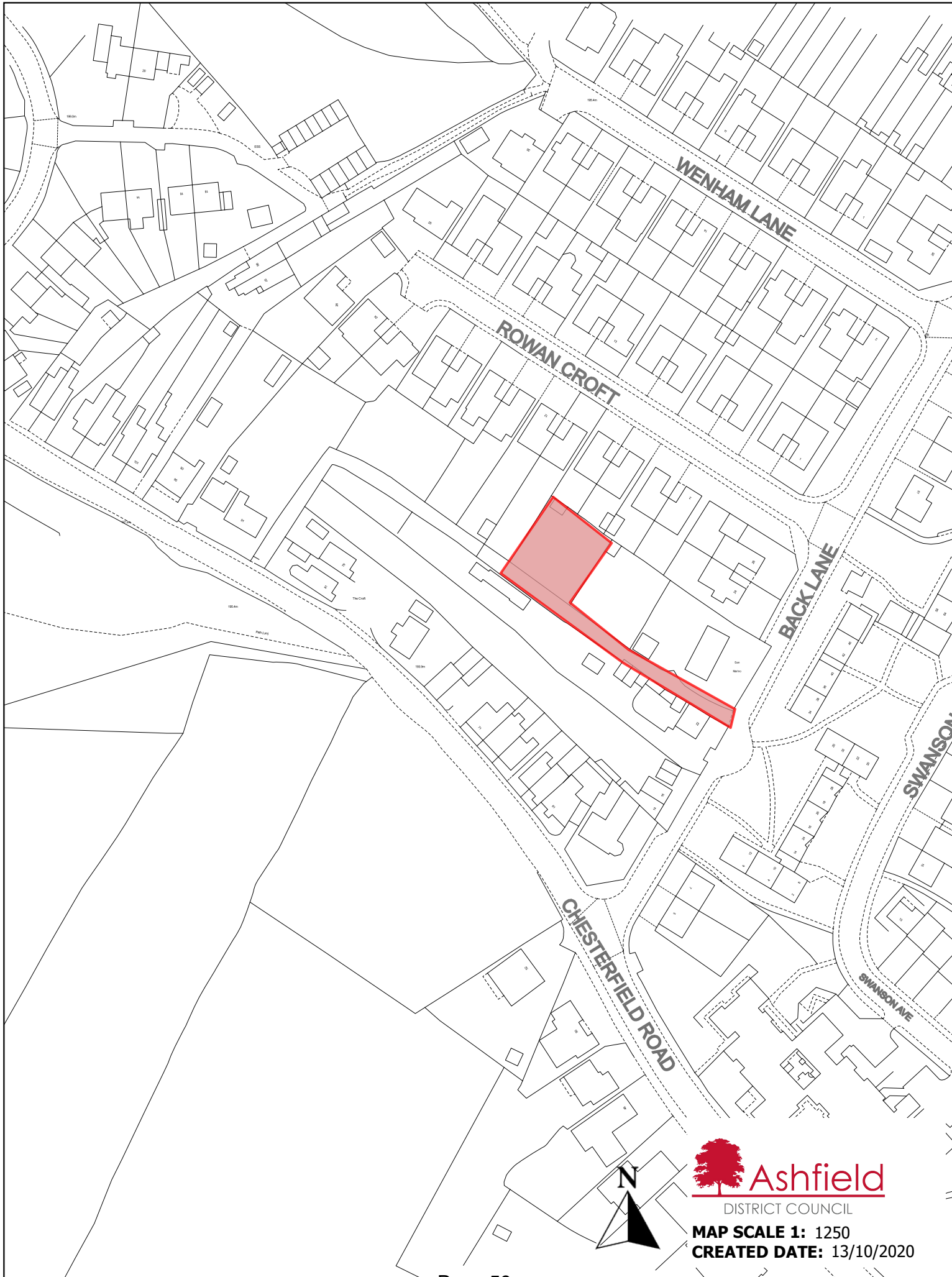
## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. This permission is granted because of the special circumstances outlined in the application. In such circumstances a permanent planning permission would be inappropriate.
4. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
5. To secure the ecological enhancement and mitigation measures.
6. In the interests of protecting retained trees and hedgerows.
7. To minimise disruption during construction.

## **INFORMATIVE**

1. 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).

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<b><u>COMMITTEE DATE</u></b>	<b>21/10/2020</b>	<b><u>WARD</u></b>	<b>Huthwaite and Brierley</b>
<b><u>APP REF</u></b>	<b>V/2020/0545</b>		
<b><u>APPLICANT</u></b>	<b>J Price</b>		
<b><u>PROPOSAL</u></b>	<b>Amenity Block</b>		
<b><u>LOCATION</u></b>	<b>22a Back Lane, Huthwaite, Sutton in Ashfield, Nottinghamshire, NG17 2LL</b>		
<b><u>WEB-LINK</u></b>	<b><a href="https://www.google.co.uk/maps/@53.1308498,-1.3051362,19z">https://www.google.co.uk/maps/@53.1308498,-1.3051362,19z</a></b>		
<b><u>BACKGROUND PAPERS</u></b>	<b>A, C, D &amp; K</b>		

App Registered: 27/08/2020

Expiry Date: 21/10/2020

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

***This application has been referred to Planning Committee by Councillor Hollis on the grounds of visual and residential amenity.***

### **The Application**

This is an application that seeks planning consent for the construction of an amenity block, comprising of a day room, laundry/shower room and an open fronted storage area, in association with an established traveller site off Back Lane, Huthwaite.

### **Consultations**

A site notice has been posted together with individual notification to surrounding residents.

The following responses have been received:

#### ***Resident Comments:***

1x Letters of objection has been received from local residents raising the following:

- The proposal would attract more caravans to the site

1x Letter neither objecting nor supporting the application has been received from a local residents raising the following:

- The adjacent site already benefits from a day room and shower block
- No objections to the proposal provided it doesn't result in increased noise nuisance or increased number of residents

#### ***Nottinghamshire County Council Highways:***

No objections to the proposed development as the proposal will not affect Footpath 120.

***Nottinghamshire County Council Rights of Way:***

Whilst Sutton in Ashfield Footpath 120 runs adjacent to the application site, the footpath would remain unaffected by the proposal. As such the Rights of Way team have no objections.

**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 2 – Achieving Sustainable Development

Part 12 – Achieving Well Designed Places

**Ashfield Local Plan Review (ALPR) 2002**

ST1 – Development

ST2 – Main Urban Area

HG7 – Residential Extensions

**Supplementary Planning Documents**

Residential Extensions Design Guide 2014

**Relevant Planning History**

**V/2016/0742**

Details: Change of Use of Land to use as Residential Caravan Site for Two Gypsy Families, Including the Erection of Amenity Building

Decision: Refused - Allowed on appeal

**V/2019/0520**

Details: Shower block

Decision: Conditional Consent

**V/2019/0521**

Details: Application to Vary Condition 3 and 6 of Planning Permission V/2016/0742 Approved by Planning Appeal APP/W3005/C/17/3172500 - to Allow 4 Residential Static Caravans and 4 Touring Caravans and 6 - Revised Site Layout

Decision: Conditional Consent

Adjacent site

**V2020/0243**

Details: Change of use from derelict land to domestic with vehicle storage shed, chicken coup, grassed recreation area and hard standing for vehicle storage.

Decision: Refused - significant harm to visual amenity of the area.

**V/2020/0647**

Details: Change of Use from Derelict Land to Domestic with Vehicle Storage Shed, Grassed Recreation Area, Hard Standing for Vehicle Storage and Hard Surfacing for Access Road

Decision: Pending

**Comment:**

The application site is located within the main urban area of Sutton in Ashfield, and comprises of one of two established traveller plots off Back Lane, Huthwaite. The site presently comprises of an area of hardstanding, and is occupied by two caravans.

Sited immediately adjacent to the east of the site is a further established traveller plot, whilst to the north and west of the site is existing residential development on Rowan Croft. Adjacent to the south of the site is the access driveway, which also forms Sutton footpath no. 120, which links Chesterfield Road with Back Lane. Beyond the access and footpath is further residential development sited on Back Lane and Chesterfield Road.

As part of the proposal, a brick built amenity block is to be constructed. The amenity block is proposed to comprise of a day room and a shower/laundry room for residents of the site. A storage room is also incorporated into the design of the proposed development.

The main issues to consider as part of this proposal is the impact of the proposal on visual and residential amenity, as well as matters relating highway safety.

***Visual Amenity:***

The amenity block is to be sited along the sites northern boundary which adjoins the rear of properties on Rowan Croft. The block measures approximately 4m at its widest point, and will extend for a length of 17m. The day room is proposed to have a hipped roof design, which will measure 2.4m in height to the eaves, and 3.9m in height to the ridge line. The remainder of the building will have a flat roof, which will measure 2.4m in total height.

The building includes windows and doors in its front and windows in its side elevations but the rear of the building is brick work. The building materials include red facing brick and grey concrete roof tiles which are considered acceptable in design.

The building is sited away from public views from Back Lane and therefore is limited in any impact on the street scene. Whilst the ridgeline of the building will be partially visible from the adjacent highway known as Rowan Croft to the north, the proposed building is not of a size or height that will appear overly intrusive in any view available over the boundary fence.

***Residential Amenity:***

The proposed amenity block is to be sited approximately 9m away from the rear elevation of neighbouring properties 6 and 8 Rowan Croft, which are sited to the north of the site. At present there is an approximate 2m high timber fence sited along the sites northern boundary, therefore the visual impact of the proposed development on neighbouring residential occupiers is limited.

Given the overall siting and size of the proposed development, it is considered that the proposed amenity block would not give rise to any significant massing or overshadowing impact on nearby residents. Furthermore, as no windows are to be sited in the rear (northern elevation) of the proposed amenity block, the proposal will not result in any obtrusive overlooking or loss of privacy to neighbouring residents.

Details provided in the submitted application form and plans, indicates that the foul water from the laundry/shower room, as well as surface water from the rain water pipes will be directed and connected to an existing public sewer.

One letter of objection has been received from a local residents in respect of the proposal attracting further residents to the site. This matter is also reiterated in a further resident comment. Issues relating to increased noise nuisance from the site have also been raised.

As part of the original permission (V/2016/0742) for the traveller site, a condition was attached preventing the site from being occupied by anyone other than the named persons and their dependents. As such, the proposed development would be highly unlikely to attract any further residents to the site, alleviating nearby residents concerns. Furthermore, the proposed building is to be used for domestic purposes only, and therefore any noise generated from the use of the building would not be dissimilar to noise emanated from any other domestic premises. A condition requiring the proposed development to be used for domestic purposes only would be attached to any approval notice.

***Highway Safety:***

The proposed amenity block will be sited approximately 15m from the adjacent access driveway and public footpath, and subsequently does not cause any obstruction to users of the driveway or footpath.

The County Council Rights of Way team and the Highways Authority have confirmed that they have no objections to the proposed development, given that the adjacent footpath will remain unaffected.

In addition to the above, the amenity block will not negatively impact the turning space for touring caravans or other vehicles that enter or exit the site.

The application is therefore considered to not result in any significant detriment to highway safety in the area.

**Conclusion:**

The construction of the proposed amenity block is required in association with an established traveller site. Given the siting and size of the proposed development, it is considered that the proposal will not give rise to any significant impact upon the appearance on the street scene, nor will it give rise to any undue impact on the amenity of nearby residents.

In addition to the above, the proposal will also not result in any detriment to the adjacent driveway or public footpath, and will not give rise to any impact upon highway safety within the vicinity of the site.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed below.

The Authority are aware that the applicant has a protected characteristic under the Equality Act 2010. The Authority understand the relevant requirements of the Equality Act 2010 and conclude that the applicant is in no way being treated unfairly based on their protected characteristic, namely their race, during the consideration of this application.

**Recommendation: Full Application Conditional Consent**

**CONDITIONS**

- 1. This permission shall be read in accordance with the following plans: Site Location Plan, Received 19/08/20; Proposed Block Plan, Received 19/08/20; Proposed Elevations and Floor Plans, Received 21/08/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.**
- 3. The hereby permitted amenity block shall only be used for social and domestic purposes incidental to the occupation of the site as such, and no trade or business shall be carried out therefrom.**

**REASONS**

- 1. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
- 2. To ensure the satisfactory appearance of the development.**
- 3. To safeguard the amenities of residents living in the vicinity of the application site.**

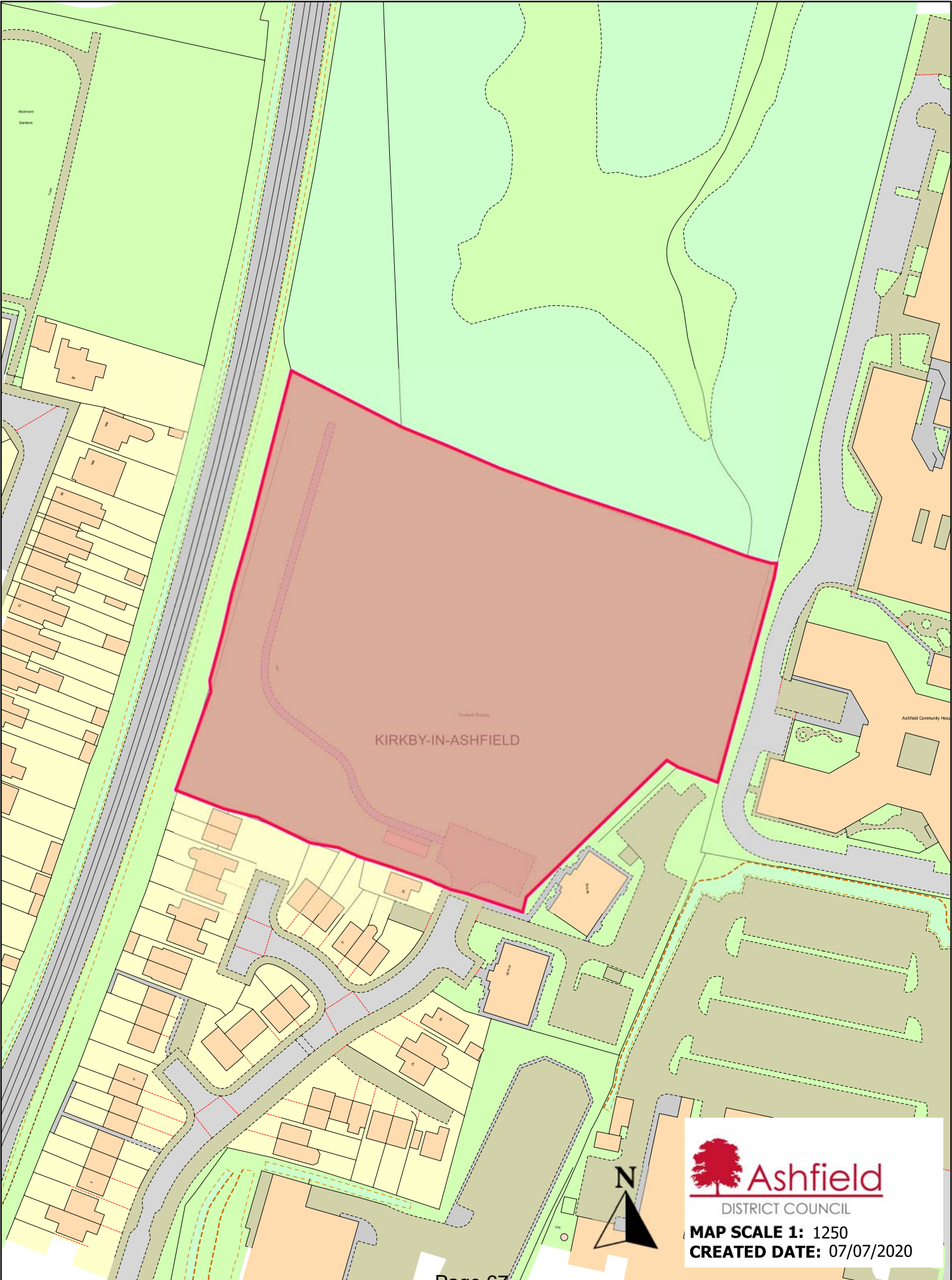
**INFORMATIVES**

- 1. 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).**
- 2. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their**



**representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.**

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<b><u>COMMITTEE DATE</u></b>	<b>21/10/2020</b>	<b><u>WARD</u></b>	<b>Summit</b>
<b><u>APP REF</u></b>	<b>V/2019/0756</b>		
<b><u>APPLICANT</u></b>	<b>T Broster – Peveril Homes Limited</b>		
<b><u>PROPOSAL</u></b>	<b>54 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure</b>		
<b><u>LOCATION</u></b>	<b>Land off Millers Way, Kirkby in Ashfield, Nottingham, NG17 8RF</b>		
<b><u>WEB LINK</u></b>	<a href="https://www.google.co.uk/maps/place/Millers+Way,+Kirkby+in+Ashfield,+Nottingham/@53.1020321,-1.2524141,17z/data=!4m5!3m4!1s0x487995b42552a697:0xd44dce18ebd28f7!8m2!3d53.1004282!4d-1.2521888">https://www.google.co.uk/maps/place/Millers+Way,+Kirkby+in+Ashfield,+Nottingham/@53.1020321,-1.2524141,17z/data=!4m5!3m4!1s0x487995b42552a697:0xd44dce18ebd28f7!8m2!3d53.1004282!4d-1.2521888</a>		

**BACKGROUND PAPERS**    A, B, C, D, E, F, K

**App Registered 26/11/2019**

**Expiry Date 25/02/2020**

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

***This application has been referred to Planning Committee due to a potential conflict with the development plan.***

***Councillors Zadrozny, Baird, Madden and Nuthall have all shown an interest in the application.***

**The Application**

This is a full application for 54 dwellings, associated highways, drainage and landscaping infrastructure. The proposed mix of properties is as follows:

- 1 bed duplex apartment x 8
- 2 bed semi/detached x 12
- 3 bed semi/detached x 34

The application site is flat, measures 1.4 hectares, and is located at the end of Millers Way, Kirkby in Ashfield. It is located in close proximity to Kirkby railway station and town centre. To the north of the site is a former colliery spoil heap, which has now greened over. To the west the Robin Hood line sits at a lower level. Whilst to the east and south respectively is the Ashfield Health and Wellbeing Centre and the existing residential dwellings.

The site was last in use as a football pitch, by Beaufort United FC, with portacabin changing rooms and a small parking area. The pitch is privately owned, but has been maintained by the Council for a number of years.

### **Consultations**

A press notice and site notices have been posted together with individual notification of surrounding residents.

During the processing of the application the number of dwellings was reduced from 59 to 54. This alteration was required to ensure the proposed dwellings meet the Councils minimum floor space requirements. It was considered unnecessary to re-consult all consultees on the basis of the changes. Any contribution requests made by consultees have been appropriated accordingly and these are detailed later in the report. Below is a summary of responses received:

**A.D.C Conservation Officer** - The locally listed heritage asset Kirkby in Ashfield and Selston Railway Line (Ref: 112) does not meet the criteria to be considered as a non-designated heritage asset at this location. The proposed development will therefore not result in any loss of significance. The willingness of the developer to provide some form of interpretation relating to the sites history is more than adequate mitigation in this instance.

**A.D.C Environmental Protection (Land Contamination)** - The submitted Phase 1 Deskstudy and Phase 2 Ground Investigation Reports have demonstrated that the site is currently suitable for use, with no remedial works necessary for building works to commence. Radon protection measures for the dwellings are, however, necessary.

**A.D.C Environmental Protection (Air)** – Originally requested a condition for an Air Quality Assessment to be submitted, however conditions to control dust during construction and the provision of electric charging points are considered to be satisfactory.

**A.D.C Environmental Protection (Noise)** – Based on the Noise and Vibrations Impact Assessment no objections are raised. However, a condition should be applied for a dust, noise and odour management scheme to be submitted along with limits on working hours.

**A.D.C Housing** – Provision should be made for Affordable Private Rent dwellings in line with the NPPF requirements.

### **A.D.C Planning Policy -**

- Ashfield District Council cannot demonstrate a 5-year land supply (2.67 years) and as such the application will need to be considered against the provisions of the NPPF paragraph 11.

- The proposal will need to be considered against Policies ST1 and ST2 of the Ashfield Local Plan Review (2002).
- Under the ALPR Policy RC3, site RC3KI the application site is identified as part of an area of Formal Open Space. Under this Policy, development will only be permitted under specific circumstances.
- Open spaces and recreation buildings are also protected under paragraph 92 of the NPPF.
- A local listed asset Kirkby in Ashfield and Selston Railway Line (Site Ref: 112 Railway line) is located within the site (eastern boundary area).
- A Tree Preservation Order (Ref 117 - Ash Tree) is identified on the boundary of the application site.
- Land to the north of the site form deciduous woodland, which is identified under the Natural Environment & Rural Community Act 2006, Section 41 as a Priority Habitat.
- The adjacent site is also subject to a Section 106 Agreement date 9<sup>th</sup> April 2013 in relation to planning permission V/2013/0006. This relates to the translocation of the Dingy Skipper from the employment allocation of Welshcroft Close site.
- Comments were also provided in respect of the relevant local and national planning policies which govern: Housing (density, mix, affordable), Highways, Infrastructure and Flooding.

**A.D.C Places and Localities** – A detailed landscape plan should be provided, along with details of boundary treatments and protection measures for any retained trees/hedgerows. This includes the hedgerows along the south and south eastern boundary. The parking layout for dwellings 8 and 9 should be reviewed and the pedestrian access to the woodland should be a chicane entrance.

Section 106 contribution should be secured toward public open space improvements at Kingsway Park, which includes maintenance for 15 years. This payment would be used to offset the loss of open space caused by the development.

**Natural England** – No comments.

**Nottinghamshire County Council [NCC]** - The County Councils comments set out the policy position in respect of Waste, Minerals, Transport and Education. The county planning context is set out below:

**NCC Minerals** – The site lies within the Mineral Safeguarding and Consultation Area for limestone in the emerging Minerals Local Plan (July 2019). However, considering the proposal is within an urban area, the County Council do not consider the development to be inappropriate in this location. Although, it must be demonstrated there is a sound argument of the need for non-mineral development and that the practicality of prior extraction has been fully considered.

**NCC Waste** – There are no existing waste sites in the vicinity, which the development could sterilise. It would be useful if the application was supported by a waste audit.

**NCC Strategic Transport** – No specific observations to make, although every significant development in the district should provide strategic transport infrastructure improvements.

**NCC Transport and Travel -**

- The closet bus stop is approx. 420m from the centre of the site on Urban Road. This is slightly in excess of the Councils Highways Design guide, but is considered to be acceptable considering the frequency of services serving the closest stops.
- The frequency of services, serving key destinations, means that a contribution is not required towards local bus service provision.
- A bus stop service infrastructure contribution is required for improvements at two bus stops (Council Offices). This will include the installation of a replacement bus shelter and solar lighting.

**NCC Rights of Way** – There are no public rights of way affected by the development. There are two informal existing paths joining the northern boundary; however, these will not be taken on as public rights of way.

**NCC Libraries** – A contribution is required for additional stock at the Kirkby Library.

**NCC Education** - Based on current data there is projected to be sufficient capacity to accommodate the additional primary and secondary school aged pupils projected to arise from the proposed development. As a result, the County Council will not be seeking any primary, or secondary education, contributions to mitigate the impact of this development.

**NCC Highways Authority** – Whilst there are some areas of contention with the Transport Assessment, they are in agreement with the overall conclusion that the development will not have a significant or unacceptable impact on capacity or road safety on the existing network. The amount of dwellings served off a singular point of access, does not exceed the relevant guidance in the Nottinghamshire Design Guide. Though, the extension of Millers Way will require speed attenuation features with a maximum spacing of 60m.

In terms of the internal layout suitably sized parking spaces are provided, although conditions are required to stop residents erecting fences that could affect their usage. Conditions are also required to ensure the spaces are hard surfaced and adequate drainage is provided

**NCC Local Lead Flood Authority** – No objections, subject to condition requiring a drainage scheme to be submitted, which is based on the principles in the submitted Flood Risk Assessment and Drainage Strategy.

**NCC Archaeology** - No comments provided for the application.

**North Nottinghamshire Health Authority** – All practices in the area are working at capacity and therefore in order to make the development acceptable a contribution is required to accommodate the increased population. This will be used for investment in enhancing capacity/infrastructure within existing local practices.

**Network Rail** – Recommend that details of drainage, boundary fencing, working method statements, soundproofing, lighting and landscaping are subject to conditions for the safety, operational needs and integrity of the railway. Informative notes should also be attached to the decision notice, making the applicant aware of various matters to ensure the safe operation of the railway.

**Nottinghamshire Wildlife Trust** – Concerns were raised about the Phase 1 habitat surveys been undertaken just outside the optimum survey season and that the Reptile Survey and Preliminary Ecological appraisal states these are only valid for 12 months, which has now recently passed.

However, after speaking with the applicants ecologist, NWT are happy that on the basis the management of the site has not changed since the 2019 surveys, there would be no requirement for these to be updated. This is because as the management of the grassland habitat remains unchanged, it is considered likely that the baseline ecological value of the site remains as was recorded during the original surveys.

Additional guidance and comments are also provided in respect of birds, badgers, bats, hedgehogs, reptiles, habitats and the ecological enhancement scheme for the Dinghy Skipper.

**Sports England** – No objections. The application will result in the loss of an existing playing field located at the northern end of Millers Way. However, the proposal will meet exception 1 of the Playing Fields Policy, which sets out that an assessment has shown that the field is surplus to requirements.

**Severn Trent** – Recommend a condition is applied requiring the applicant to submit details of foul and surface water drainage. Also request that an informative note is added to the decision notice, advising the applicant of the public sewer located within the site.

**Councillor R Madden** – There were considerable concerns about the adjacent development given the unusual geology and ecology. A survey should be carried out



and Notts Wildlife Trust/NCC Biodiversity consulted. Also, the land is thought to be the source of the Erewash system.

*Officer Note: All of these issues are addressed within the body of the report.*

## **Local Community**

### **(1<sup>st</sup> Round of Consultation)**

38 letters/emails were received from 28 individual households/residents. The contents of these are summarised below:

#### Highways Safety Issues

- The proposal and the extra vehicles it will lead to will exacerbate traffic and parking problems in the area, putting children, the elderly, and disabled people at risk.
- The adjacent road network and junction off Millers Way is already heavily congested by people using the Aldi, train station and the social club.
- Tight space for emergency vehicle access and concerns over the entrance to be used during building works.

#### Residential Amenity

- Invasion of privacy due to the overlooking aspect of the three storey properties.
- Noise impact on residents, including people using Ashfield Hospital.
- Noise, dirt and disruption during building works, particularly for those who work from home or work shifts.
- Children currently play out due to the quiet nature of the area and there being no through roads, this will stop them being able to do so.
- Extra noise to the area once the properties are erected will ruin the quiet and peaceful location.

#### Green Space

- Loss of green space, which are already scarce in Kirkby in Ashfield
- Displacement of children who use the green space for sports and the local football club.
- Loss of green space for dog walkers, children and the public in general.

#### Environment and Wildlife

- Wildlife, vegetation, grassland and other natural surrounding being displaced, uprooted & destroyed.
- Rare species of moth inhabits the area.
- Concerns if relevant surveys have been carried out as birds of prey, squirrels and foxes inhabit the area.
- Calcareous native grassland on the field.
- Pollution caused by extra traffic.

#### Other Issues

- Public footpath runs along the side of the site.

- Infrastructure. Extra demands upon utilities, health, education, community and other services.
- Impact on value of properties in surrounding area.
- New properties already being built in the local area and properties standing empty, which could be redeveloped.
- Application submitted at Christmas reducing opportunities for residents to respond and at the time of General Election when correspondence easily overlooked due to the volume of political material being posted.
- Lack of consultation with residents.

### **(2<sup>nd</sup> Round of Consultation)**

Another re-consultation was undertaken with residents, as the layout was altered to include a 3m wide cycle/footway. The proposed development remained substantially the same; however some of the built form was brought slightly closer to dwellings off Millers Way. Accordingly, it was felt appropriate to send out additional letters. A total of four additional letters were received from three separate households. The issues raised remained the same; although one resident pointed out that the green space was even more important in light of Covid-19.

### **(3<sup>rd</sup> Round of Consultation)**

As the development was reduced from 59 to 54 dwellings, it was considered appropriate to keep local residents informed, given the interest received in the first round of consultation. A total of two responses were received from two separate households. No new issues were raised.

### **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 ST2: Main Urban 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 RC3: Formal Open Space.

There is no neighbourhood plan relating to the area in question.

### **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.
- Part 16: Conserving and enhancing the historic environment.

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

### **Other Documents**

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

### **Relevant Planning History**

- **V/1999/0732** – Site for residential development. Outline Permission - 08/06/2000
- **V/2001/0287** – Residential Development of 43 houses and 24 flats. Reserved Matter Consent. 19/07/2001.
- **V/2002/0892** – Removal of condition 9 of planning permission 2001/0287 – requiring on site provision of affordable housing. Consent. 02/12/2002.

## **Comment :**

The main issues in the determination of this application are as follows:

1. Background and Context
2. Principle of Development - Loss of Formal Open Space
3. Layout, Appearance and Design,
4. Impact upon Residential Amenity,
5. Housing Density and Mix
6. Ecology and Trees,
7. Drainage and Flooding,
8. Highways,
9. Developer Contributions,
10. Other Issues,
11. The Planning Balance,

### **1. Background and Context**

The requirement for this football pitch arose from a planning condition attached to the Outline Permission for the adjacent residential development to the south (Ref V/1999/0287). There was no Section 106 Agreement attached to the Outline and the condition did not require the land to be transferred to the Council, simply that a replacement pitch was provided.

It appears there was engagement between the Councils Leisure Services and Peveril Homes, but there is no record that any agreement was entered into to transfer the land. There is also no obligation requiring the land owner to do so. The pitch is therefore still in private ownership, albeit it has been maintained by the Council for a number of years.

The planning file for the reserved matters application of the adjacent land (V/2001/0287) sets out that 'all conditions relating to the development have been complied with and as such can be discharged.' Therefore, there are currently no outstanding planning issues relating to the adjacent development.

### **2. Principle of Development - Loss of Formal Open Space**

The Council cannot currently demonstrate a 5 year housing land supply (2.53 years) and as a result, the tilted balance under paragraph 11 of the NPPF is 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.

The development plan is the starting point for decision making and the presumption in favour of sustainable development does not change the statutory status of the plan. The NPPF stresses, in paragraph 213, that due weight should be attached to development plan policies dependent upon their alignment with the NPPF.

Consequently, while the tilted balance means that the decision-maker should be disposed to grant the application unless the presumption can be displaced. It still requires matters on either side of the balance to be identified and given appropriate weight in determining the application. For the ALPR, the weight to be given to policies in the plan will depend on their degree of consistency with the policies of the NPPF.

The application needs to be considered against Policy ST1, which is a general criteria based policy for development in the district. This includes, amongst other things, that development must not conflict with other policies in the local plan. The application site falls within the main urban area as defined by Policy ST2, which sets out where development should be concentrated.

Under the ALPR Policy RC3 (KI) the application site is identified as part of an area of Formal Open Space. Policy RC3 seeks to protect the loss of formal open space and is clear that development will only be permitted under specific circumstances. This includes:

- Adequate replacement provision of new formal open space is provided in the locality;
- It is proposed to make significant improvements to the overall quality of recreation provision.

Similarly, the NPPF in Part 8: 'Promoting healthy and safe communities' places substantial emphasis on supporting healthy lifestyles. This requires that planning decisions should guard against the unnecessary loss of value facilities and services. (Para 92 c)). The NPPF, in paragraph 97, identifies that existing open spaces and recreational buildings and land should not be built on unless it meets three criteria, this includes:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

In this context, it is considered that ALPR Policy RC3 is generally consistent with the NPPF paragraph 97. Although, the NPPF also includes the allowance for undertaking an assessment, which shows that the open space is surplus to requirements.

Until recently, Beaufort United FC used the pitch. Prior to submission of the application, the applicant held discussions with Beaufort, resulting in their relocation to the Polly Bowls Sports Club on Unwin Road, which is also owed by the applicant and allocated as formal open space under Policy RC3.

Ashfield Rugby Club used the sports pitch, adjacent to the Bowls facility, however, the Rugby Club has already relocated to a purposely built facility. Consequently, the pitch was available and Beaufort indicated a desire to move from Millers Way because the new location provides them with improved facilities.

As suggested by Sports England, the applicant has undertaken a pitch assessment of the Polly Bowls site, which recommends improvements to the playing surface. These improvements are to be undertaken. The applicant is also providing a contribution of £162,000 towards improvements on Kingsway Park, as well as a contribution of £54,000 towards the new leisure centre for Kirkby-in-Ashfield.

Two of the exception requirements of Policy RC3 are that adequate replacement provision is provided or significant improvements to provision. The sports pitch at the bowls club is an existing area of formal open space and therefore it would not amount to replacement provision. However, the applicant has worked to relocate Beaufort United, necessitating improvements to the playing surface at the Bowls Club. Separately, contributions are also being provided towards improvements on Kingsway Park and towards the new Leisure Centre. Accordingly, it is considered that the development would meet with the requirements of Policy RC3, as significant improvements would be provided.

It is also considered that the proposal meet with the NPPF paragraph 97, as an assessment has shown the site to be surplus to requirements. Specifically, Sports England have not objected to the application advising that an assessment has demonstrated there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted. The factors in Sports England's Assessment including the following:

#### Millers Way

- The Ashfield Playing Pitch Strategy 2017-2020 (PPS) advises that this site (referenced BRSA (Millers Way)) has the ability to accommodate a 9v9 pitch and a 7v7 pitch aerial photographs show that one pitch has been regularly marked.
- Overall, the Ashfield Playing Pitch Strategy (PPS) identifies that some adult pitches are available, but identifies need for junior pitches.
- The PPS advocates the consolidation of a number of single adult (Mainly council owned) to hub sites.
- The site has limited ancillary facilities, which are provided by a portacabin type structure.

- Car parking is limited and the site is susceptible to anti-social behaviour, dog fouling etc.
- The site is considered to be unsuitable as a new venue for cricket given the access issues and site boundaries being restricted.
- Whilst the site could accommodate a rugby pitch, the site is unlikely to be used for rugby as Ashfield Rugby Club have consolidated at the existing Swans site and the new Larwood Park site.
- Given the restricted nature of the site and the limited potential for a long term lease, the relevant governing bodies are unlikely to invest in ancillary facilities or pitch improvements.

### Unwin Road Polly Ground

- The PPS advises that once rugby has relocated to Larwood Park that the area is likely to revert to a football use.
- Beaufort United have already relocated to the Unwin Road site, providing them with a permanent home.
- There is a potential to retain the Rugby club floodlights for evening training.
- The Football Foundation advises on behalf of the Football Association, that the FF and Notts FA have met with Beaufort United FC at its new home on and begun discussing potential grant support.
- Polly Bowls Club confirm that they have been supported by Ashfield Rugby since 2010 and hope that Beaufort United will continue to help to sustain the continuation of the site.

In summary, it is considered that the proposed development would not be contrary to Policy RC3 as significant improvements are being provided to recreation facilities in the locality. It is also considered that, on the advice and assessment received from Sports England, the pitch is currently surplus to requirements and as such the application would be consistent with the provisions of NPPF paragraph 97.

### **3. Layout, Appearance and Design,**

The ALPR sets out policies on design in Policies ST1 and HG5. The policies within the development plan are supported by the provisions of the NPPF, particularly part 12, which places a key emphasis on good design. The Councils Residential Design Guide SPD (2014) also provides useful local context when assessing proposals. The application is supported by a Building For Life 12 Assessment, which provides a detailed analysis behind the design of the proposed development.

Firstly, the development will fundamentally alter the character of the existing greenfield site. However, the site is located within the main urban area and surrounded by development on three sides. The introduction of built form, at this location, would not give rise to any adverse landscape impacts.

The site will be developed as an extension to the existing housing scheme to the south, utilizing the highway access into a Y shaped layout with cul-de-sac arrangements to the west and east. New cycle and footpaths are to be provided, which link into the informal open space to the north of the site and out into the wider area of Kirkby. The proposed layout provides a good degree of connectivity.

Adequate separation distance is provided between proposed and existing dwellings. Consideration has also been given to how dwellings turn corners to provide a continuous street scene at key vantage points. The existing landscaping along the eastern boundary and south eastern corner is to be retained.

The scale and design of the dwellings are in keeping with adjacent dwellings in the vicinity. The use of materials will be subject to a planning condition, however it is envisioned these will be redbrick, to match properties immediately adjacent to the site.

Taking this all into account, it is considered that the layout, appearance, scale and design of the development is considered to be acceptable.

#### **4. Impact upon Residential Amenity**

Saved Policy HG5 of the Local Plan is a criteria based policy which seeks to ensure that new residential development is acceptable. This includes, inter alia, protecting the amenity of neighboring properties; minimising overlooking, provision of adequate amenity space and adequate boundary treatment. Policy HG5 is backed up by the Ashfield Residential Design Guide (SPD) 2014, which contains key requirements for garden, room sizes and separation distances.

The layout has been carefully designed to ensure that there will be no overlooking, overbearing or overshadowing to neighbouring dwellings, with the Councils minimum separation distances being achieved.

In terms of existing occupiers, the garden sizes across the development are acceptable and generally meet with the requirements of the SPD. Just one property fails to meet the garden standard. The application was also amended, with new house types being introduced that meet the Councils minimum floor space standard. Accordingly, the proposals will provide an acceptable standard of living for future residents.



## Noise

A number of residents have raised concerns about the impact of increased noise during construction. To alleviate this issue, it is recommended that a Construction Environment Management Plan is provided. This will take into account matters such as contractor parking, working/delivery hours, where the site compound will be positioned etc.

In terms of proposed residents, to the west of the site lies an existing railway line. The application is supported by a Noise Impact Assessment and both Network Rail and the Council's Environmental Health Team have been consulted. Neither of these have objected to the proposals on this basis. Indeed, it is common for housing to back onto railway lines and the proposed relationship, with rear gardens backing onto the boundary, is considered to be acceptable.

## **5. Housing Density and Mix**

The development provides the following mix of houses, which is considered to be acceptable in accordance with the Strategic Housing Market Assessment 2015:

- 1 bed duplex apartment x 8
- 2 bed semi/detached x 12
- 3 bed semi/detached x 34

Housing density requirements are set out in ALPR saved Policy HG3. In this location, the Policy requires a net minimum density of 40 dwellings per hectare (dph) reflecting that the site is within 400 metres of Kirkby-in-Ashfield Railway Station.

The net density of the site sits at 38 dwellings per-hectare, so therefore below the minimum required by the ALPR Policy. However, the application provides an acceptable mix of dwellings, which meet the Council's standards for floor area and parking. The shortfall is considered not to be significant as to withstand a reason for refusal, especially where a reduction in numbers came about following discussions with officers to increase the quality of the development.

## **6. 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 a Preliminary Ecology Appraisal.

A Tree Preservation Order (Ref 117 - Ash Tree) is identified adjacent to the boundary of the site. There is no building shown within the root protection area of

the tree and a planning condition will be applied to secure it is appropriately protected during construction.

### Designated Sites

The Kirkby Grives SSSI and Portland Park LNR are located 660 m and 1.04 km respectively to the south of the application site. However, given the nature of the development, surrounding land use and distances between the application site and these sites, it is not considered that the development will impact these sites.

This site is not subject to any specific ecological designation. Though, the land to the north of the site forms deciduous woodland, which is identified under the Natural Environment & Rural Community Act 2006, Section 41 as a Priority Habitat. Some of the canopy over hanging the site will be trimmed; though the Construction Environment Management Plan will seek to ensure any disturbance to this area, in ecological terms, is minimised.

### Habitats

The dominant habitat within the site is intensively managed amenity grassland. Other habitats/features within the site included a porta cabin, boundary hedgerows and trees, scrub habitat and an area of compacted hardstanding. Species diversity within the grassland habitat around the edges of the site was greater due to the less intensive management regime.

Specifically, it is noted that boundary vegetation and some of the hedgerow along the southern boundary will be removed to facilitate the provision of the housing. This is identified as being of ecological value and potential importance to protected species, as noted by NWT. It is also noted that Hedgerows are identified as important under Section 41 of the NERC Act. Conditions will, however, be used to protect the hedge along the south eastern boundary, where practical, and the landscape strategy will also look to include native species, with additional hedging and tree planting. This will also include a significant area of wildflower planting to the north of the site and creation of a butterfly bank.

### Species

#### *Bats*

Bats are fully protected through The Conservation of Habitats and Species Regulations 2010 as European Protected Species (EPS). Furthermore, it is an offence to damage or destroy a breeding site or resting place of a bat. The site does not contain any suitable roosting for bats. Although, some areas of the vegetation, especially by the woodland and hedgerows, maybe suitable for foraging. Artificial bat boxes will be installed and a sensitive artificial lighting strategy will be devised, in

accordance with the Bat Conservation Trust guidance. Nottinghamshire Wildlife Trust are in agreement with the ecologists recommendations for bats.

### *Hedgehog*

Hedgehogs are protected by law under Schedule 6 of the Wildlife and Countryside Act 1981, making it illegal to kill or capture them and they're listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41. Nottinghamshire Wildlife Trust (NWT) have made additional recommendations for Hedgehogs in the form of holes within garden fences and suitable refugia within the site.

### *Reptiles*

The Preliminary Ecological Appraisal recommended that reptile surveys should be carried out. A total of seven survey were undertaken between 31<sup>st</sup> May and 24<sup>th</sup> June 2019, with no evidence of reptiles found on the site. However, as records indicate grass snake in the area and with potential habitat on the site, construction works will need to be completed in accordance with best practice guidelines.

NWT have also advised that a Reasonable Avoidance Measures Statement (RAMS) is produced for the site and should outline a methodology to prevent any harm to reptiles e.g. vegetational checks, directional strimming. This will be conditioned as part of the Construction Environment Management Plan (CEMP) for the site.

### *Badger*

The site itself was identified as being sub optimal for badgers however the surrounding habitat is considered to be suitable for badger activity (i.e. woodland to the north and railway embankments to the west). NWT have, however, pointed out that badgers are highly mobile and can easily colonise new areas. For this reason, NWT would recommend pre-commencements checks immediately prior to works for any new setts that may have arisen (within a 30m radius of the site) between the time of the original survey and start of construction work.

### *Dinghy Skipper*

The adjacent site is subject to a Section 106 Agreement date 9<sup>th</sup> April 2013 in relation to planning permission V/2013/0006. This relates to the translocation of the Dingy Skipper from the employment allocation of Welshcroft Close site. A Construction Environment Management Plan, will ensure this area is appropriately protected during construction.

The applicant also owns a section of land at the north west edge of the site, which extends upwards. An Ecological Enhancement scheme for the Dingy Skipper has been prepared by the applicants ecologist and landscape architect. This will provide for a Butterfly Earth bank, together with meadow seeded grassland.

NWT have advised that to make a fully comprehensive assessment of this scheme we would again require further information including the exact location, detailed planting scheme and further details regarding the management of this area. These matters are subject to a planning condition, requiring the submission of a Landscape and Ecological Management Plan (LEMP).

#### *Other*

The Ecological report identifies the site is highly unlikely to contain great crested newts and that there is no suitable habitat for Water Vole. Artificial bird boxes are however recommended along with standard mitigation measures to protect wildlife during the construction phase.

The condition recommended for a Landscape and Ecological Management Plan (LEMP) will ensure that the recommendations within the Ecological Surveys are carried out and that appropriate planting is provided within the development.

### **7. Drainage and Flooding**

A site specific Flood Risk Assessment (FRA) and Drainage Strategy have been submitted with the application. This identifies that the site is located within Flood Zone 1 and so is considered to have the lowest risk of flooding from rivers. The report looks at all other sources of flood risk, including: groundwater, sewer overflow and land drainage and considers the risk to be low.

The FRA notes that the sites drainage strategy will restrict surface water to a maximum of 5l/s, which is consistent with greenfield runoff rates. The Local Lead Flood Authority and Severn Trent have both been consulted on the application, neither have raised an objection, but request that a condition is imposed requiring details of the final drainage strategy to be submitted. Subject to a condition requiring a suitable drainage plan to be submitted, there are no concerns surrounding flood risk at this site.

Severn Trent Water have advised that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and require consent to build close to, or over. The applicant has shown the line of the sewer on the layout plan, with a note that an easement reduction is required. Severn Trent have been consulted on the application, which clearly shows a reduction in the easement being proposed, however they have not objected on this basis. Simply, advising that an informative note be included on the decision notice. It will be incumbent on the applicant to resolve this with Severn Trent.

### **8. Highways**

Saved ALPR Policy HG5 seeks to protect amenity and safety in respect of access for vehicles, pedestrians and cyclists is safe, convenient and integrated with existing provision. The scheme should also be consistent with the Residential Car Parking SPD (2014).

The application proposes the creation of a new access from the end of Millers Way. The site then splits into a Y shaped layout with cul-de-sac arrangements. The existing 3m cycle path along Millers Way will be continued up through the site and into the woodland to the rear. This enhances the sustainability of the site and ensure potential future links are catered for.

The applicant has submitted a Transport Assessment, which models the capacity of the existing road network and the impact of traffic from the proposed development. Whilst the Highways Authority do have some areas of contention with the Assessment, they are in agreement with the overall conclusion that the development will not have a significant or unacceptable impact on capacity, or road safety on the existing network. On the basis of this, it is considered that the development will not have a detrimental impact upon the existing highway network.

The car parking for each dwelling would be provided in accordance with the Councils Car Parking SPD. Acceptable pedestrian visibility details have also been shown to private drives and adjacent to boundaries.

It is therefore considered that the application is acceptable in highways safety terms and would not have an adverse impact on the area or surrounding road network. A refusal on the basis of Highways impact would be very difficult to sustain on this application.

## **9. Developer Contributions**

The requirements of CIL Regulation 122 are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. An assessment of the requested contributions against these tests are set out below:

- Public Open Space for Kingsway Park - £162,000 and Leisure Facilities £54,000.

The application site is currently designated as Formal Open Space under policy RC3 within the Local Plan. Whilst the application may deal with relocating Beaufort United to Polly Bowls Club site; the development still results in the loss of formal open space.

Policy HG6 of the ALPR sets out that residential development will only be permitted where open space is provided to meet certain requirements. Where it is not appropriate to provide open space within a site boundary, a planning obligation will be negotiated.

A contribution of £162,000 is sought towards improvements at Kingsway Park. This is worked out on the basis of £3,000 per dwelling. Which is reasonable in kind and scale to the development. It also includes maintenance (2.5% of £162k = £4,050 a year; £60,750 over 15 years). This is in accordance with the Councils playing pitch strategy, which sets out the Council is to provide better quality facilities on a smaller number of 'hub' sites.

The leisure centre is a £15.5m project which will provide facilities for the Kirkby area. £54k is sought, which is considered to be a reasonable contribution towards the new facility, which is close to the new development and likely to generate an increased usage.

The contributions are directly related to the development, necessary to make the development acceptable in planning terms. They also fairly related in scale and kind and therefore meets the necessary tests.

- Healthcare - £29,261.25.

The CCG has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects, which equates to a total contribution of £29,261.25 on the basis of 54 dwellings. This formula has been devised by a suitably qualified expert and is therefore fairly and reasonably related in scale and kind to the development. The proposal would generate a requirement for healthcare provision for residents and is therefore directly related. This contribution therefore satisfies the necessary tests.

- Libraries - £1,899.68

The nearest existing library to the proposed development is Kirkby in Ashfield Library. The Museums, Libraries and Archives Council (MLA) recommends a standard stock figure of 1,532 items per 1,000 population. NCC have provided evidence to show Kirkby Library is currently below the MLA optimum stock level and so a developer contribution is sought to ensure current stock levels are not put under further pressure as a result of the new development.

A developer contribution for the additional stock that would be required to meet the needs of the 124 population that would be occupying the new dwellings. This is costed at  $124 \text{ (population)} \times 1.532 \text{ (items)} \times £10.00 \text{ (cost per item)} = £1,899.68$ . This contribution is directly related, necessary and reasonable in kind and scale. It therefore meets the CIL tests.

- Bus Stop Infrastructure - £8,500

A Bus Stop Infrastructure contribution of £8,500 is required to provide improvements to the bus stop denoted as AS0316, Council Offices. This shall include installation of a replacement bus shelter and solar lighting. Nottinghamshire County Council seek to achieve the standard for bus stop facilities as set out in their response to the application.

The improvements are at the nearest bus stops which are situated adjacent to the site, so are relevant to the development, precisely specified, and fairly and reasonably related in scale and kind. The contribution therefore meet the statutory tests.

- Highways - £54,000

Policy TR6 sets out that where a development places additional demands on transport infrastructure, planning obligations will be negotiated to allow a sum to be paid towards a number of improvements; including, inter alia, improvements to the cycling network, pedestrian improvements, rail facilities etc. The contribution will be used towards improvements in the immediate vicinity and is therefore directly related. The quantum proposed of £54,000 is also reasonable in kind and scale. The contribution therefore meet the statutory tests.

- 10% - Affordable Housing

The NPPF paragraph 64 sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

## **10. Other Issues**

### *Air Quality*

The Councils Environmental Health team originally requested that an Air Quality Assessment be conditioned. However, the development is for 59 dwellings, and located a short walking distance from the train station, town centre and bus services – meaning residents would not necessarily need to own cars here.

Conditions are to be recommended for the installation of electric charging ports and a Travel Plan to help reduce reliance on private transport. A Construction Environment Management Plan would also seek to ensure dust is appropriately controlled during construction. The Councils Environmental Health Officer is happy with the approach recommended.

### *Source of the Erewash River*

A representation has been received from a local Councillor regarding the site being a potential source of the Erewash River. It is understood this arises from historic mapping in the area. This has been raised with the applicant who has undertaken a review of site investigation data and web-based research and can find no further evidence the River Erewash was historically located at this site. This includes assessment using the following sources:

- Phase I Geo-Environmental Assessment for Peveril Homes Ltd, Project No: GML19148/1/0, dated April 2019 (Geo-Matters Consulting Engineers).
- Phase II Geo-Environmental Investigation for Peveril Homes Ltd, Project No: GML19148/2/1, dated July 2019 (Geo-Matters Consulting Engineers).
- Summit Colliery Phase 2 Ecological Mitigation Progress Report, Ref: 496\_03\_R\_mw\_final.docx, dated 1 December 2014 (Baker Consultants).
- Environment Agency website
- British Geological Survey 1:50,000 Scale Mapping Sheet 112 Solid & Drift and associated memoir Geology of the Country around Chesterfield, Matlock & Mansfield.
- Ashfield District Council-Strategic Flood Risk Assessment, Level 1, dated February 2009.

### *Climate Change*

A condition is to be recommended for a sustainability statement to be submitted. This will be required to indicate what measures are proposed to reduce the schemes carbon footprint: from waste management to material choice and energy efficiency.

### *Heritage and Archaeology*

The constraint map identifies that locally listed asset Kirkby in Ashfield and Selston Railway Line (Ref: 112 Railway line) is located within the red-line of site (underneath the eastern boundary area). However, the Conservation Officer has noted that because virtually nothing remains of its physical presence, the area in question does not actually meet the criteria to be considered as a non-designated heritage asset. As such, the development will not result in the loss of any significance.

A condition is to be applied for some form of interpretation board to be provided adjacent to the footpath link. This proposed interpretation will go some way to reconnecting the community with this part of the town's economic and social history - providing a tangible public benefit.

The Conservation Officer suspects an archaeological watching brief would not be merited, however advises that the County archaeologist should be consulted. It is considered not to be prudent to include a condition for a watching brief based on the



consultation with the Historic Environment Record, historic mapping and the fact this brief would be complicated by potential contamination adjacent to the railway.

### *Minerals*

The site lies within the Mineral Safeguarding and Consultation Area for limestone in the emerging Minerals Local Plan (July 2019). However, considering the proposal is within an urban area, the County Council do not consider the development to be inappropriate in this location.

The applicant has argued that given the 5 year supply of deliverable sites, this indicates a clear need for non-minerals development. The site covers 1.4ha and is adjacent to the town centre. If mineral activities were undertaken, HGV traffic would have to pass through Millers Way. A cordon sanitaire would be required to protect neighbouring land uses, especially the live railway line to the west. It is considered that the site would not be suitable for mineral extraction.

### *Insufficient Infrastructure*

A number of comments have been made by local residents raising concerns about infrastructure provision for the development. As detailed above, the proposals will make contributions towards healthcare, libraries, public open space, the leisure centre and bus stops. These are considered necessary to offset the impacts of the development and will ensure the site served by the appropriate infrastructure. No objections have been received from any consultees on this basis.

### *Development of Greenfield*

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. The Council currently has a significant shortfall of housing supply and this weighs heavily for granting planning permission. The issue of developing on Formal Open Space has been addressed earlier in the report.

### *Insufficient Consultation*

Residents have raised concerns over the consultation process. However, this has been fully undertaken in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Councils Statement of Community Involvement. This includes individual neighbouring residents, a site notice and press notice. Additional consultation was also undertaken with residents following a revision to the plans.

## **Planning Balance**

The proposal would result in the loss of an area of formal open space; however, the proposals are not considered to be contrary to Policy RC3. This is because significant improvements are being provided to recreation facilities in the locality - in the form of financial contributions towards Kingsway Park (162k), the new Leisure Centre in Kirkby (54k) and pitch improvements at the Bowls Club. It is also considered that, and based on the advice and assessment received from Sports England, the pitch is currently surplus to requirements.

The Council cannot currently demonstrate a 5-year housing land supply with a significant shortfall of 2.53 years. Accordingly, the titled balance is 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.

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.

In Social terms, there would be benefit from the provision of 54 new homes, including 10% of these being affordable. The site is within a highly sustainable location - adjacent to the train station and town centre, with a good mix of housing being provided: including 1,2, and 3 bed homes. This carries significant weight in favour of granting planning permission.

In economic terms, construction works would create employment opportunities and the provision of housing would increase local spending, all of which would contribute towards the local economy. This is of moderate weight. The planning obligation proposes numerous other monetary contributions to off-set the effect of the development, but these would be essentially of neutral value since they would mitigate the effect.

In Environmental Terms, the application provides for ecological enhancements in the form of a meadow seeded grassland area and Butterfly bank to the north of the site. There would also be a landscape scheme secured and other standard measures such as bird and bat boxes. A 3m wide cycle way is also provided through the site, linking into the woodland at the rear, this enhances the sites overall sustainability. Finally, a condition is also proposed for the creation of an interpretation board adjacent to the footpath, which will provide details of the Kirkby in Ashfield and Selston Railway Line. These improvements carry modest weight in favour of granting permission.

The layout, appearance and scale of the development is considered to be acceptable. The impact upon highways safety, existing local residents amenity, flooding and landscape have all been assessed and considered acceptable.

Overall, the proposed development is considered to broadly accord with both the development plan and the NPPF. Accordingly, approval is recommended, subject to the conditions outlined below and relevant Section 106 contributions.

**Recommendation:** - Approve, subject to the conditions detailed below and a Section 106, which secures the following:

- **Public Open Space for Kingsway Park - £162,000**
- **Healthcare - £29,261.25.**
- **Bus Stop Infrastructure - £8,500**
- **Libraries - £1,899.68**
- **Leisure Facilities (leisure centre) - £54,000.**
- **Highways - £54,000**
- **10% - Affordable Housing.**

## Conditions

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
  - Millers Way - Kirkby in Ashfield Location Plan 19-404-03 280819
  - Millers Way - Kirkby In Ashfield Planning Layout 19-404-02 F
  - Acresford Planning Drawing 19-404-100 14.09.20
  - Brassington Detached Planning Drawing 19-404-101 28.08.20
  - Brassington Semi-Detached Planning Drawing 19-404-102 28.08.20
  - Carsington Planning Drawing 19-404-103 28.08.20
  - Litton Elevations Planning Drawing 19-404-105 28.08.20
  - Litton Floor Plans Planning Drawing 19-404-104 24.08.20
  - Tissington Planning Drawing 19-404-106 28.08.20
  - Ecological Enhancement Scheme Dinghy Skipper Butterfly Drg No. GL123402.
3. No works above damp proof course shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been submitted to and agreed in writing by the Local Planning Authority. The submitted detail shall also include the type, size, colour and positioning of meter reading boxes on the dwellings. The development shall thereafter be carried out in accordance with the approved detail.
4. No site clearance, preparatory work or development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. This shall be based on the recommendations set out within the following documents/plans:
  - Preliminary Ecological Appraisal by Quants dated May 2019.
  - Reptile Survey by Quants dated June 2019.
  - Ecological Enhancement Scheme Dinghy Skipper Butterfly Drg No. GL123402.

This shall include full details of all the sites soft landscaping and ecological management objectives, operations and maintenance prescriptions, together with their timings. The LEMP shall be carried out as approved and the site maintained thereafter in accordance with it.

5. No site clearance, preparatory work or development shall take place until a method statement detailing the protection of the retained hedgerow and the TPO Tree (Ref 117 - Ash Tree) on the south eastern boundary has been submitted to and approved in writing by the Local Planning Authority. The statement shall accord 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).
6. Prior to commencement of development a detailed surface water drainage, scheme based on the principles set forward by the approved AB Civils Design Flood Risk Assessment (FRA) and Drainage Strategy ref AB-119 Dated November 2019 – as amended by Site layout 19-404-02 F - shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
  - 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 rain storm 5 l/s rates 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 for the lifetime of the development.
7. Prior to the commencement of development, details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.

8. Prior to the commencement of development, details of all the finished floor levels, surrounding ground levels and levels of existing dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall thereafter be built in accordance with the agreed details.
9. Prior to the occupation of the first dwellinghouse, details shall be submitted showing the erection of an interpretation board/information plaque/way marker/ freestanding sculpture in the vicinity of the footpath and cycleway leading into the woodland. This shall contain relevant details about the Kirkby in Ashfield and Selston Railway Line non-designated heritage asset. The approved details shall thereafter be implemented and within an agreed time frame.
10. Notwithstanding the approved plans, no above ground works shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) Details of the sites boundary treatments and individual plot boundaries;
  - b) Details of hard landscaping across the site;
  - c) Details of a chicane entrance to the woodland paths;
  - d) A lighting strategy;
  - e) Details of bin storage size, type and locations;
  - f) A plan showing the provision of electric charging points for the dwellings;

The approved details shall thereafter be implemented and within an agreed time frame.

11. No part of the development shall commence until full details of the new roads and any required changes to the existing highway for speed attenuation purposes have been submitted to and approved in writing by the LPA. This shall include road/footway/cycleway longitudinal and cross sectional gradients/levels, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward visibilities), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, TRO's/road markings, signage/street name plates, and any proposed structural works. All details submitted to the LPA shall comply with the County Council's current Highway Design & Parking Guides and shall be implemented as approved. Any visibility splays/sightlines shall be kept clear of any obstructions over 600 mm high for the life of the development.

12. Prior to the commencement of development, including any site preparation works, an Construction Environment 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;
- Protection measures for the woodland to the north of the site;
- A risk assessment for the railway line to the west;
- Details of any earthworks adjacent to the Network Rail boundary;
- 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, odour, vibration and dust;
- Site contact detail in case of complaints;

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

13. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development][England] Order 2015 [or any Order revoking and re-enacting that Order with or without modification] no development relating to; Schedule 2, Part 2, Class A – Erection of fences forward of the dwellinghouse, shall be undertaken without the prior written approval of the Local Planning Authority.

14. 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.

15. No works above damp proof course shall take place until the applicant has submitted a sustainability statement. This shall include details of measures such as solar panels, rainwater collection, waste reduction, ground/air source heat pumps, construction materials and energy efficiency. All approved details shall thereafter be implemented within the scheme.
16. All pedestrian visibility splays from the private drives as shown on drawing numbered 19-404-02F shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
17. The footpaths and cycleway into the woodland to the north of the site, as shown on drawing numbered 19-404-02F, shall be provided prior to ending of construction and kept open for use in perpetuity.

#### Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. In the interests of promoting biodiversity at the site.
5. To ensure the satisfactory protection of retained trees and hedgerows.
6. To ensure adequate means of surface water disposal.
7. To ensure adequate means of foul water disposal.
8. In the interests of visual and residential amenity.
9. In the interests of maintaining the significance of the sites non-designated heritage asset.
10. In the interests of visual and residential amenity.



11. In the interests of ensuring highways safety.
12. In the interests of protecting residential amenity.
13. In the interests of visual and residential amenity.
14. To promote sustainable travel.
15. To reduce the carbon footprint of the development.
16. In the interests of highways safety.
17. To ensure the footpath and cycleway links into the woodland are provided.

## **Informatives**

1. 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).
2. 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.

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.

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.

Correspondence with the HA should be addressed to [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk).

Please note that 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 is sought by the developer and issued by NCC.

3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
4. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
5. Network Rail

#### **Drainage**

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure.

#### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the

nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rails Asset Protection Project Manager.

### **Fencing**

It should be noted that the NR fence should not be altered or moved in any way and nothing should be put in place to prevent them from maintaining our boundary fence as we are obliged to do so in law. We would advise that the developer should provide a trespass proof fence adjacent to Network Rails boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rails existing fencing / wall must not be removed or damaged.

### **Method Statements/Fail Safe/Possessions**

The Method Statement will need to be agreed with Network Rail prior to construction, please see details below:

Asset Protection Project Manager  
Network Rail (London North Eastern)

Floor 3B  
George Stephenson House  
Toft Green  
York  
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk

The Protection Project Manager will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

### **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicants land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### **Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

#### **Acceptable:**

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata, Zebrian

#### **Not Acceptable:**

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus

Hippocastanum), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

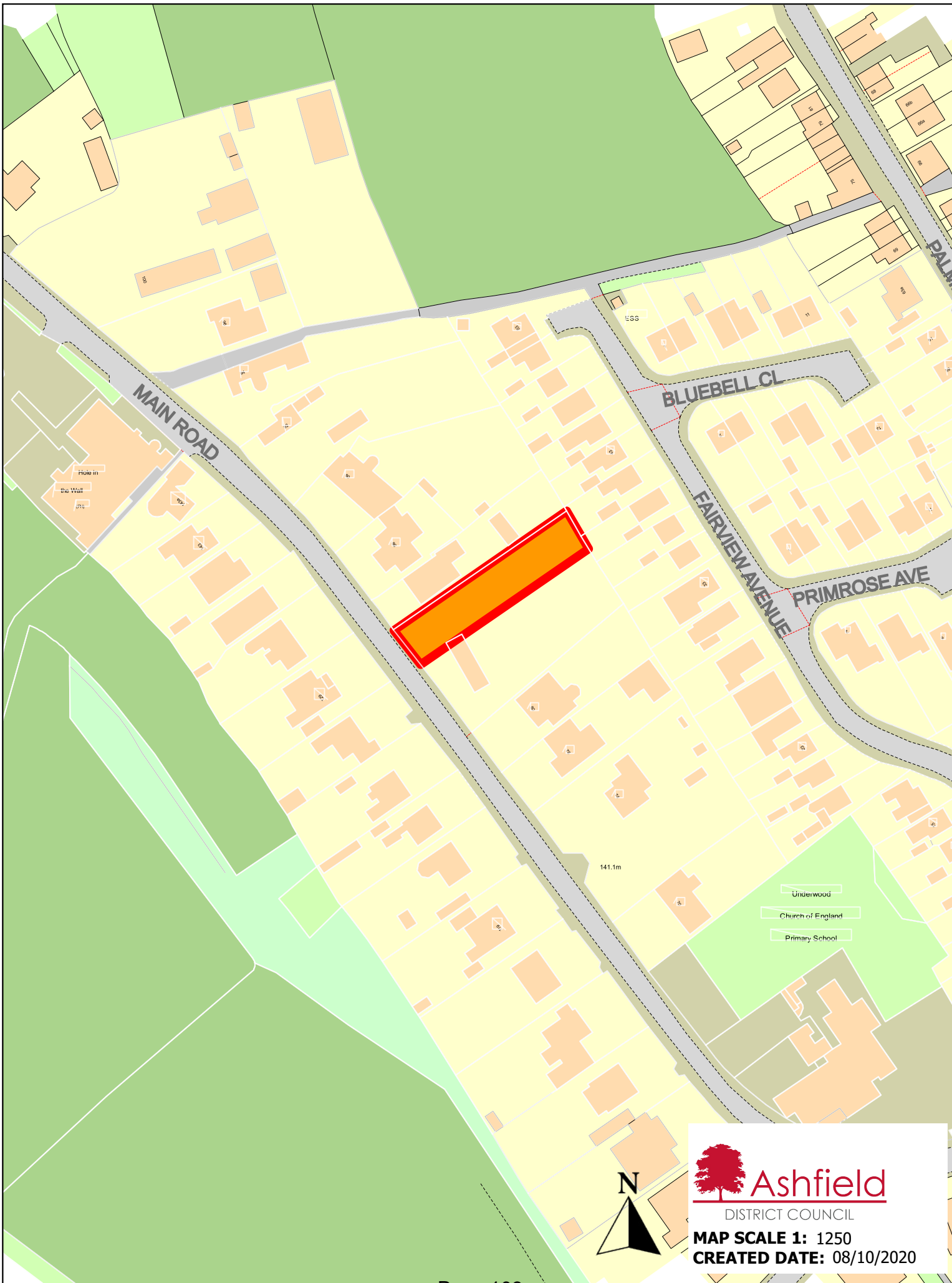
### **Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

### **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.





**COMMITTEE DATE**    21/10/2020                      **WARD**           Underwood

**APP REF**                      V/2020/0521

**APPLICANT**                      D Fell

**PROPOSAL**                      Dwelling and Associated Access

**LOCATION**                      Land adj Rose Cottage, 82 Main Road, Underwood, Nottingham,  
NG16 5GN

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.0507981,-1.303492,18z>

**BACKGROUND PAPERS**    A, C, D & K

App Registered: 11/08/2020                      Expiry Date 05/10/2020

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

*This application has been referred to Planning Committee by Councillor Zadrozny on the grounds of residential amenity.*

**The Application**

This is an application which seeks full planning consent for the construction of a two-storey, detached dwelling with associated private amenity space to the rear and off-street parking provision to the frontage of the site.

**Consultations**

A site notice has been posted together with individual notification to surrounding residents.

The following responses have been received:

***Resident Comments:***

4x Letters of objection/concern received in respect of the following:

- Loss of privacy – overlooking impact
- Proximity to neighbours – massing and overshadowing impact
- Overdevelopment of the plot
- Impact on visual amenity of the area
- Dwelling should be in keeping in terms of building line and height
- Impact on locally listed building
- Noise and disturbance from use
- Maintenance of trees



**Ashfield District Council Arboriculture Officer:**

Having reviewed the information supplied in support of the application and conducting a site visit, in order to pass further comments a full tree survey to the minimum standard laid down in BS5837 2012 is required, with an accompanying Arboricultural method statement and Arboricultural impact assessment to be presented.

*An Arboricultural report and method statement provided as per the V/2017/0676 & V/2020/0097 has subsequently been submitted to accompany the application. The conclusions from this report have previously been found to be acceptable by the Council's Arboriculture Officer, and its inclusion as part of the application subsequently satisfies the above requirements.*

**Nottinghamshire County Council Highways:**

This is an application for a dwelling in the garden of No.82. The visibility requirement cannot be achieved due to the hedges both sides. However, this is in-keeping with the majority of other off-road parking provision in the area and is therefore acceptable, as was the case for the access provided for no.82 itself. Parking provision is acceptable, and a turning area is to be provided in order to enter and leave in a forward gear. The Highway Authority would not wish to raise objection.

**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 11 – Making Effective Use of Land
- Part 12 – Achieving Well Designed Places
- Part 16 – Protecting and Enhancing the Historic Environment

**Ashfield Local Plan Review (ALPR) 2002**

- ST1 – Development
- ST3 – Named Settlement
- EV8 – Tree and Woodlands
- HG5 – New Residential Development

**JUS-t Neighbourhood Plan 2017**

- NP1 – Sustainable Development
- NP2 – Design Principles
- NP4 – Housing Type

**Supplementary Planning Documents**

- Residential Design Guide 2014
- Residential Car Parking Standards 2014

**Relevant Planning History**

**V/2009/0606**

- Details: Outline application for two dwellings
- Decision: Refusal

**V/2017/0551**

Details: Outline application for one dwelling and associated access

Decision: Outline conditional consent

**V/2017/0676**

Details: Fell one pine tree

Decision: Conditional consent

**V/2020/0097**

Details: Fell one pine tree

Decision: Conditional consent

**Comment:**

The application site is located within the named settlement of Underwood, where under policy ST3 of the ALPR 2002, limited development is considered acceptable on the provision that all other material considerations are satisfied.

The application site comprises of a parcel of land fronting onto Main Road, Underwood, between numbers 82 and 84. The area directly surrounding the development site is residential in nature. The neighbouring property no. 82 is a locally listed heritage asset.

The applicant seeks full planning consent for the construction of a detached, two-storey dwelling, with associated parking and amenity space.

A previous application for outline consent for one dwelling has been approved at the site, under planning reference V/2017/0551, and as such, the principle of residential development at the site has been established.

The main issues to consider as part of this proposal is the impact of the proposal on the character and appearance of the locality and nearby heritage assets, as well as the impact of the development on residential amenity, highway safety and arboriculture.

***Character, Appearance and Heritage:***

The proposed dwelling is to be sited between 82 and 84 Main Road. The property at 82 Main Road is a locally listed heritage asset, and comprises of a detached traditional cottage building of modest proportions, whilst the property at 84 Main Road comprises of detached chalet style bungalow.

The proposed dwelling comprises of a combined kitchen/dining/living room at ground floor level, in addition to a snug/study, utility room and shower room. At first floor level are three bedrooms and three bath/shower rooms. Parking is proposed to be sited to the frontage of the site, whilst an area of private amenity space will be sited to the rear.

The dwelling is proposed to measure 17m in total length, 8m in width at its widest, and will have a height of approximately 4.5m to the eaves and 7.5m in total height. The dwelling will be two storey in height for its entire length, and will project above both neighbouring properties by approximately 1m. The dwelling will be sited approximately 1m further forward than no. 84 and 4m further forward than no. 82.

Part 12 – Achieving Well Designed Places of the NPPF 2019, seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment. Further, as stipulated in paragraph 196 of the Framework, the effects of a proposal on a non-designated heritage asset should be taken into account when determining an application.

Given the size and scale of the proposed development in comparison to the properties sited either side of the site, the dwelling will subsequently be highly prominent and imposing within the street scene when travelling along Main Road in either direction, detracting from the setting of the adjacent locally listed heritage asset. This impact is further exacerbated by virtue of the fact that the side elevations most prominent within the street scene, comprise of blank elevations.

In addition to the above, the overall size and scale of the development is considered to be out of character with properties within the immediate vicinity of the site. Whilst the proposed dwelling is of a similar length to the neighbouring property at 84 Main Road, the neighbouring property is one and a half storey in height for a length of approximately 9m, before dropping to single storey in height for the remainder of the length. In contrast, the proposed dwelling will be two-storey in height for its entire length (approx. 17m in total). As such, the proposal will be out of keeping with the surrounding form of development, resulting in detriment to the character and appearance of the surrounding locality.

The proposed development is subsequently considered to be contrary to policy ST1 and HG5 of the ALPR, and Part 12 – Achieving Well designed Places and Part 16 – Protecting and Enhancing the Historic Environment of the NPPF 2019. These policies seek to protect the character, quality and amenity of the environment through well designed development, and also seeks to protect the historic environment. The proposal would further be contrary to policy NP2 of the JUS-t Neighbourhood Plan 2017, which requires development in Underwood to reflect the surrounding pattern of development.

Whilst it is acknowledged that the principle of a dwelling has been accepted on the site, the previous decision made clear that the siting, scale, character and appearance of the dwelling would have to be appropriate so as not to have an impact on the street scene or adjacent heritage asset.

***Residential Amenity:***

Objections have been received from local residents in respect of the proposed development and its subsequent potential impact upon the amenity of neighbouring residents.

As previously mentioned, the proposed dwelling is two-storey in height and will measure approximately 17m in length. Whilst the proposal would not result in any significant loss of light by virtue of the 45 degree rule, the 25 degree rule would be breached. The neighbouring property at no. 84 has a habitable room which is served by a set of glazed doors facing the application site. This is the only source of light into

this room. The 25 degree line from the centre of the glazed doors is breached by the proposed development, indicating a significant loss of light to this habitable room.

In addition to the above, the proposed dwelling will be sited approximately 1m, at its closest, from neighbouring property 82 Main Road, and 3m from neighbouring property 84 Main Road. 84 has a number of side aspect windows along the side elevation facing the application site. Whilst these windows are not afforded the same level of protection as main aspect windows, it is inevitable that given the proximity of the proposal and its overall size and scale, the residents at no. 84 would be subjected to a detrimental massing impact.

In regards to the overlooking impact, the proposed dwelling has been designed to ensure that a minimum separation distance of 21m between all habitable room windows is met, resulting in no significant loss of privacy to nearby residents.

In respect of future occupiers, the proposed development provides adequate internal space and an area of private amenity space to the rear, in accordance with the minimum requirements outlined within the Council's Residential Design Guide 2014. As such, and future occupiers of the dwelling would be afforded an adequate level of amenity.

***Arboriculture and Highways/Parking:***

To facilitate the proposed development, a number of trees will be required to be felled. This includes one Pine tree, which is protected by a Tree Preservation Order (TPO no. 274).

Permission has previously been given for the felling of this tree, under applications V/2017/0676 and V/2020/0097. As part of the most recent permission to fell the tree, the applicant was required to plant a replacement tree; this being an 'extra heavy standard' Silver Birch tree. The siting of the replacement tree is shown on the proposed site layout plan to the south of the site, adjacent to the proposed site access. The Pine tree protected by the TPO is yet to be felled, and the replacement tree is yet to be planted.

An area of off-street parking is proposed to be provided forward of the dwelling as part of the development. The provision will comprise of two parking spaces, in accordance with the minimum requirement for a three bedroom property, as outlined within the Council's Residential Car Parking Standards 2014, as well as a turning area.

The proposed driveway and parking area will subsequently be sited directly below the canopy of the proposed replacement tree, and within its root protection area, once planted. The Highways Authority have confirmed that the driveway would be required to be constructed from a hardbound material (not gravel) to prevent the transfer of deleterious material (loose stones and gravel) to the public highway in the general interests of road safety, resulting in further potential impact upon the required replacement tree as hardstanding can have implications on tree roots.

Whilst the Highways Authority have provided comments stating that they have no objections to the proposed development, concerns are however raised in respect of the proposed parking area and turning space. The proposed parking and turning area

measures approximately 8-9m in width. As the parking spaces are required to be a minimum of 5.5m in length, this would leave approximately 2.5-3.5m in width behind the parking spaces to facilitate vehicle manoeuvring, to ensure any vehicles enter and egress the site in a forward gear. This is essential given that Main Road is a busy classified road within close proximity to a primary school. The applicant has subsequently failed to demonstrate that the parking, as shown on the proposed site layout, can provide two off-street parking spaces and appropriate turning space.

### **Planning Balance and Conclusion:**

As the Council cannot identify a 5 year housing land supply, the policies which are most important for determining the application should be considered out of date, particularly in relation to housing, and the presumption in favour of sustainable development should be applied, resulting in the tilted balance.

It is acknowledged that the proposal would provide a number of benefits, including support for a small house builder and other economic benefits that would be generated during the construction of the dwelling and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, albeit modest.

Whilst the principle of residential development at the site is not disputed, the development scheme proposed would result in a significant adverse effect on the character and appearance of the area, and give rise of harm to a locally listed heritage asset. Further, the proposal by virtue of its siting and overall size would also result in detriment to the amenity of neighbouring residents in regards to massing and overshadowing impacts. As such, any benefits arising from the provision of the additional dwelling would not outweigh the harm identified.

On balance therefore, it is considered that the proposal does not constitute an appropriate form of development, and it is subsequently recommended that this application be refused.

### **Recommendation: Full Application Refusal**

### **REASONS**

- 1. The proposal would result in the provision of a prominent and imposing building within the street scene by virtue of its siting, scale and design, resulting in detriment to the character and appearance of the locality. Further, the proposal would also detract from the adjacent locally listed heritage asset, resulting in harm to its setting. The proposed development is subsequently considered to be contrary to policy ST1 (a & b) and HG5 (g) of the Ashfield Local Plan Review 2002, and Part 12 – Achieving Well designed Places and Part 16 – Protecting and Enhancing the Historic Environment of the National Planning Policy Framework 2019. These policies seek to protect the character, quality and amenity of the environment through well designed development, and also seeks to protect the historic environment.**

- 2. The proposal would result in significant detriment to the amenity of neighbouring residents in respect of massing and overshadowing impacts, by virtue of the siting, size and scale of the proposed development. The proposal would as such conflict with policies ST1 (a & b) and HG5 (a) of the Ashfield Local Plan Review 2002, as well as Part 12 – Achieving Well Designed Places of the National Planning Policy Framework 2019, which stipulates seeks to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.**
- 3. The applicant has failed to demonstrate that the proposed parking can provide two off-street parking spaces and appropriate turning space to allow vehicles to enter and egress the site in a forward gear. In addition, the parking and turning areas are required to be constructed from a hardbound material, resulting in detriment to the health and quality of the required replacement tree. The proposal is considered to conflict with policies ST1 (b & c), HG5 (e) and EV8 of the Ashfield Local Plan Review 2002.**