

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 1st November, 2023**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

If you require an adjustment to enable you to participate or access the meeting, please contact the Democratic Services team at least 48 hours before the meeting.

Planning Committee

Membership

Chairman: Councillor Sarah Madigan

Vice-Chairman: Councillor Jamie Bell

Councillors:

Jodine Cronshaw

Arnie Hankin

Andy Meakin

Helen-Ann Smith

Samantha Deakin

Rachel Madden

John Smallridge

FILMING/AUDIO RECORDING NOTICE

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

SUMMONS

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



Theresa Hodgkinson
Chief Executive

AGENDA

Page

- 1. To receive apologies for absence, if any.**
- 2. Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
- 3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 12 September 2023.** 5 - 6
- 4. To receive and consider the attached planning applications.** 7 - 124
- 5. Planning Appeal Decisions.** 125 - 128

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PLANNING COMMITTEE

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

on Tuesday, 12th September, 2023 at 2.00 pm

Present: Councillor Sarah Madigan in the Chair;

Councillors Samantha Deakin, Arnie Hankin,
Rachel Madden, Andy Meakin, John Smallridge
and Jason Zadrozny.

Apologies for Absence: Councillors Jamie Bell and Helen-Ann Smith.

Officers Present: Rose Arbon, Lynn Cain, Hannah Cash,
Christine Sarris and Hannah Woods.

In Attendance: Councillor Dawn Justice.

**P.9 Declarations of Disclosable Pecuniary or Personal Interests
and/or Non-Registrable Interests**

No declarations of interest were made.

P.10 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 26 July 2023, be received and approved as a correct record.

**P.11 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2023/0090, D Byrne, Change of Use of Agricultural Land to Car Park, Extension to Existing Beer Garden and Erection of Play Equipment, The Royal Oak, 29 Palmerston Street, Westwood

Late Item

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:-

Since the publication of the Council's committee report one further representation from a local resident had been received raising a number of points. Those points relevant to planning had already been covered in the report, with the exception of the maintenance of new landscaping, which would fall to the responsibility of the landowner.

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

P.12 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 2.17 pm

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
- L Viability Information

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.

All 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.

The site visit will take place on Monday 30th October 2023 at 4pm.

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Interim Executive Director – Place or the Assistant Director - Planning by 5pm 27th October 2023.

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.

John Bennett

Executive Director – Place

Tel: 01623 457365

E-mail: john.bennett@ashfield.gov.uk

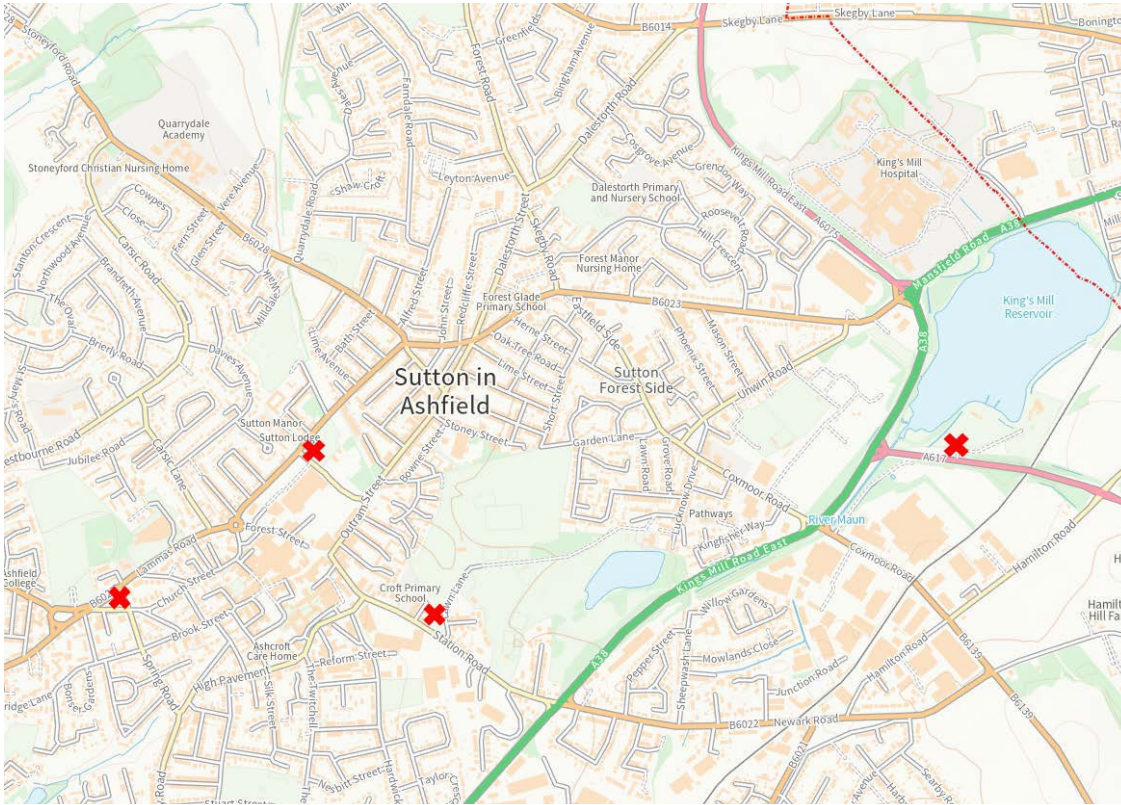
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PLANNING COMMITTEE – 1st November 2023

Page	App No	Applicant	Recommendation	Proposal	Location
Various Wards					
13-20	V/2023/0304	Ashfield District Council	Approve	Application for Consent to Display an Advertisement - 11 x Community Notice Boards located at: 1. Priestsic Road junction Asda Link Road Sutton 2. Hack Lane junction Church Street Sutton 3. Lawn Lane Sutton Lawns 4. Mill Waters Sutton 5. Sherwood Street junction Lowmoor Rd Kirkby 6. Council Offices Urban Rd Kirkby 7. Kingsway Park Kirkby 8. Spring Street Hucknall 9. Nabbs Lane Hucknall 10. Titchfield Park Hucknall 11. Hucknall Leisure Centre	Ashfield District Council, Urban Road, Kirkby in Ashfield
Huthwaite and Brierley					
21-46	V/2022/0601	Mr Lee Evans	Approve	Proposed development of 9 New Dwellings at Land adjacent to Trevelyan	Land Adjacent to Trevelyan, Blackwell Road, Huthwaite
47-66	V/2021/0793	Mr B Khan	Approve	18 Dwellings	Land Off High Hazels Drive Huthwaite
Sutton St Marys					
67-72	V/2023/0515	Ashfield District Council	Approve	Application for Consent to Display an Advertisement(s) - Installation of 3no Organisation Signs	70 -72 High Pavement, Sutton in Ashfield

PLANNING COMMITTEE – 1st November 2023

Westwood and Jacksdale					
73-124	V/2022/0066	Pevevil Homes Limited	Approve	Construction of 81 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure	Land off, Main Road, Jacksdale



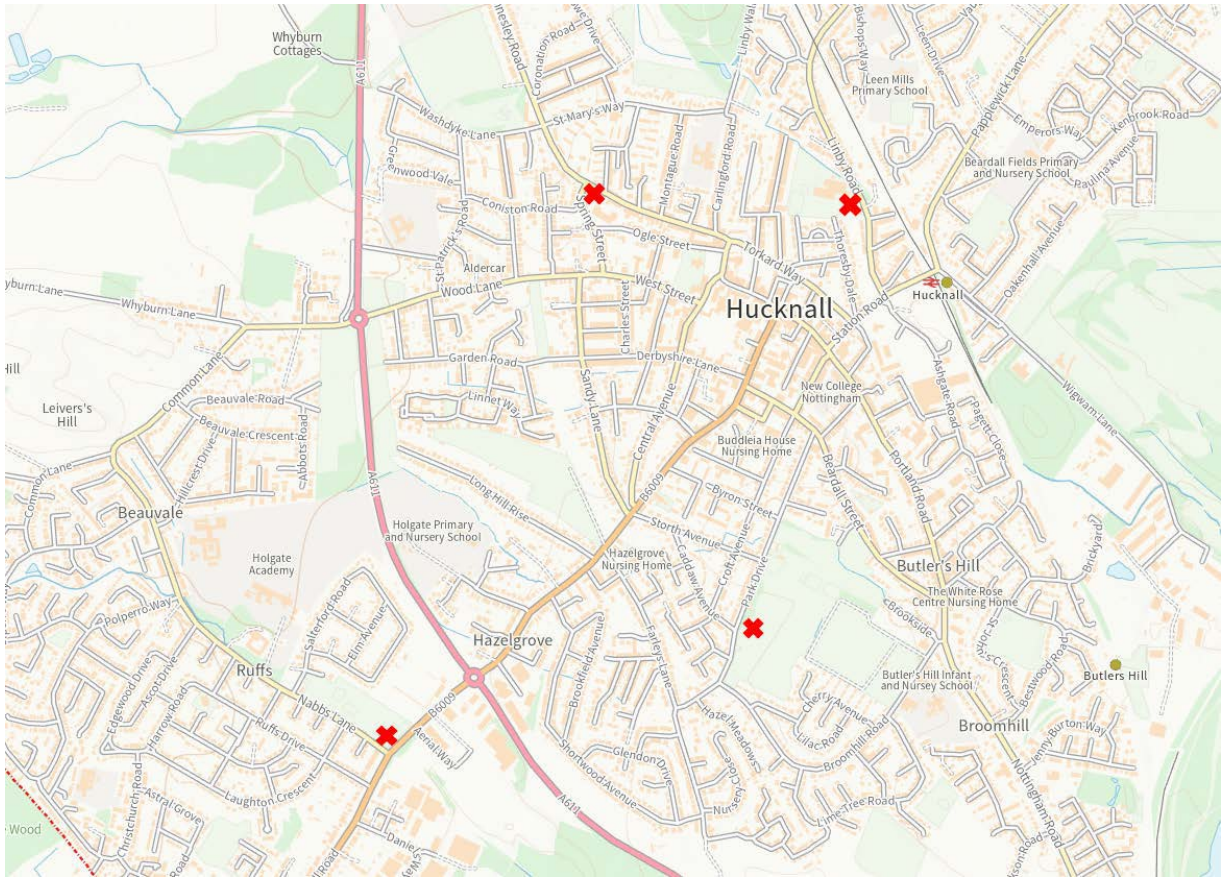
Location of advertisement boards in Sutton in Ashfield –

1. Hack Lane/Church Street
2. Priestsic Road
3. Lawn Lane
4. Mill Waters



Location of advertisement boards in Kirkby in Ashfield –

1. Council Offices
2. Low Moor Road
3. Kingsway Park



Location of advertisement boards in Hucknall –

1. Nabbs Lane
2. Spring Street
3. Titchfield Park
4. Hucknall Leisure Centre

COMMITTEE DATE 01/11/2023 **WARD** Various Wards

APP REF V/2023/0304

APPLICANT T Middleton Ashfield District Council

PROPOSAL Application for Consent to Display an Advertisement - 11 x
Community Notice Boards located at:
1. Priestsic Road junction Asda Link Road Sutton
2. Hack Lane junction Church Street Sutton
3. Lawn Lane Sutton Lawns
4. Mill Waters Sutton
5. Sherwood Street junction Lowmoor Rd Kirkby
6. Council Offices Urban Rd Kirkby
7. Kingsway Park Kirkby
8. Spring Street Hucknall
9. Nabbs Lane Hucknall
10. Titchfield Park Hucknall
11. Hucknall Leisure Centre

LOCATION Ashfield District Council, Urban Road, Kirkby in Ashfield,
Notts

WEB-LINK See Appendix 1

BACKGROUND PAPERS A, B, C

App Registered 10/08/2023 Expiry Date 04/10/2023

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

This application has been referred to Planning Committee as Ashfield District Council is the applicant.

The Application

This application seeks consent to erect 11 community notice boards at various locations around the district, as detailed within the proposal above. The Notice boards will consist of a board supported on two posts to allow banners to be attached to advertise various events and activities taking place around the district.

The notice boards will be approximately 0.84m in height by 2m in width with a header stating, "Community Information". The height to the base of the advertisement will be approximately 1.2m. The boards will have a green background with white text and will not have any illumination.

Consultations

Site Notices have been posted at each site together with a press notice and individual notification of surrounding residents.

Residents

1 Comment has been received from a resident neither objecting nor supporting raising the following:

- Question the use and value to the community based on the existing vandalised community notice board on Beauvale Road
- Existing vandalised board has been reported to Council
- Existing notice board unused for 6 years, gives out of date information
- Question cost to ratepayers in installing more

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 (ALPR) (2002)

ST2 – Main Urban Area

EV10 – Conservation Area

RC3 – Formal Open Space

EV2 – Countryside

EV4 – Mature Landscape Area

National Planning Policy Framework (NPPF) (2023)

Part 12 – Achieving well designed Places

Part 16 – Conserving and enhancing the historic environment

Relevant Planning History

There has been a number of unauthorised banner signs erected around the district in the last few years and this application is seeking to resolve this issue.

Comment :

Main Considerations

In respect of applications for advertisement consent only two issues can be considered in the determination of the application. These issues are amenity and public safety. The main issues to consider in the determination of this application are considered to be:

- Visual Amenity

- Residential Amenity
- Highway Safety

Visual Amenity

The 11 locations proposed for the erection of notice boards are in prominent places around the district to be able to serve their purpose of advertising information to the community. The proposed notice board is simplistic in design and is considered to be of an appropriate size and design for the locations proposed.

The location chosen on Hack Lane; Sutton in Ashfield is within the Sutton in Ashfield Church & Market Place Conservation Area. Whilst the sign will be located on a prominent corner it will be located within the existing community garden area so will have a backdrop of greenery and trees. It is considered unlikely that the proposal would have a significant impact on the character of the conservation area due to its design and the nature of the proposal.

Overall, it is considered unlikely that erecting notice boards at the 11 chosen locations would result in a detrimental impact on the visual amenity of the area or character of the street scene.

Residential Amenity

Comments have been received from a resident but they mainly raise points in relation to existing notice boards and their upkeep which are not part of this application. They also raise points in relation to cost which is not a material planning consideration.

The notice boards are not proposed to be illuminated and 10 of the sites chosen for the erection of the notice boards are not in close proximity to residential properties therefore no concerns are raised in relation to an impact on residential amenity for 10 of the locations.

The siting of a notice board at Spring Street, Hucknall will be closer to residential properties than the other notice boards however it will still be sited away from the ground floor window in the side elevation of the property therefore no significant concerns are raised in relation to an impact on the amenity of residents in the vicinity of the Spring Street site.

Highway Safety

Whilst the chosen locations are near the highway for visibility to residents they are also considered to be set back enough to ensure that they will not obstruct traffic or pedestrians. In addition to this the notice boards are not proposed to be illuminated therefore no concerns are raised in relation to the proposals.

Conclusion :

Overall, it is considered that the proposed community notice board and the 11 locations proposed for the siting of them are acceptable and are unlikely to result in a detrimental impact on visual amenity, residential amenity or highway safety. Therefore it is recommended that this application is granted advertisement consent subject to the following conditions.

Recommendation: - Grant Advertisement Consent - Conditionally

CONDITIONS

1.
 - i The consent hereby given shall expire five years from the date of this notice.
 - ii No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - iii No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - iv Any advertisement displayed, and any site used for the display of the advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - v Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - vi Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
2. This permission shall be read in accordance with the following plans:
 - List of the proposed sites, received 09/08/2023
 - Site Location Plan for each of the 11 sites detailed in the application description, all received 30/05/2023
 - Advertisement Drawings received 30/05/2023

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

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).

Appendix 1 – Web Links

1. Priestsic Road junction Asda Link Road Sutton
<https://www.google.com/maps/@53.1278845,-1.2611469,18.38z?entry=ttu>
2. Hack Lane junction Church Street Sutton
<https://www.google.com/maps/@53.1240774,-1.2697101,19.25z?entry=ttu>
3. Lawn Lane Sutton Lawns
<https://www.google.com/maps/@53.12324,-1.2547507,18.75z?entry=ttu>
4. Mill Waters Sutton
<https://www.google.com/maps/@53.1279866,-1.2320481,19.67z?entry=ttu>
5. Sherwood Street junction Lowmoor Rd Kirkby
<https://www.google.com/maps/@53.1012043,-1.2451276,18.92z?entry=ttu>
6. Council Offices Urban Rd Kirkby
<https://www.google.com/maps/@53.0999024,-1.2492588,19.17z?entry=ttu>
7. Kingsway Park Kirkby
<https://www.google.com/maps/@53.0963598,-1.2468851,19.21z?entry=ttu>
8. Spring Street Hucknall
<https://www.google.com/maps/@53.0408016,-1.2101524,19.29z?entry=ttu>
9. Nabbs Lane Hucknall
<https://www.google.com/maps/@53.0270327,-1.2183921,18.54z?entry=ttu>
10. Titchfield Park Hucknall
<https://www.google.com/maps/@53.0301627,-1.2036186,19.71z?entry=ttu>
11. Hucknall Leisure Centre
<https://www.google.com/maps/@53.0408034,-1.1993212,18.79z?entry=ttu>



MAP SCALE 1: 750
CREATED DATE: 25/10/2023

COMMITTEE DATE 01/11/2023 **WARD** Huthwaite & Brierley

APP REF V/2022/0601

APPLICANT L Evans

PROPOSAL Development of 9 new dwellings at land adjacent to Trevelyan

LOCATION Land Adjacent Trevelyan, Blackwell Road, Huthwaite

WEB-LINK <https://www.google.com/maps/@53.1273666,-1.3072937,17.46z?entry=ttu>

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

App Registered: 09/08/2022 Expiry Date: 31/10/2022

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

This application has been referred to the Planning Committee by Cllr Hollis, to discuss the impacts of the proposal on ecology, infrastructure, green spaces, highways and flooding.

The Application

This is a full planning application for the erection of 9 dwellings on land north of Blackwell Road.

Consultations

A site notice has been posted, together with individual notifications to surrounding residents and statutory consultees.

The following representations have been received:

ADC Contaminated Land

As the land for the proposed development has been subject to potentially contaminative uses, including a brick yard, full contaminated land condition recommended.

Condition to take into account the satisfactory Phase 1 Geo-Environmental Desk Study.

ADC Ecology

The Site Block Plan shows two off-shoot access roads to the north of the red line boundary that will 'facilitate future development'. Will there be public access to the land north of the red line boundary from the proposed development? If yes, then the potential impacts from recreational use such as dog walking on the grassland have not been addressed. Given that

the habitats to the north of the red line boundary have been assessed as being of Local Wildlife Site quality, these impacts should be given due consideration.

I agree with the NWT consultation response regarding the hedgerows qualifying as 'important' under the Hedgerow Regulations 1997 due to the age of the hedgerow. However, the ecology survey found the hedgerow along the southern boundary to be 'species-poor and generally unmanaged'. On this basis I do not agree that the hedgerow is 'irreplaceable habitat' as described by NWT. The proposals will require a section of the southern hedgerow to be removed with hedgerow trees employed to reduce the vegetation gap across the canopy. Further native hedgerow planting has been proposed along the boundaries to the west, east and north of the site which will result in an overall increase of hedgerow within the application site. It is therefore considered that sufficient mitigation has been provided for the small loss of hedgerow along the southern boundary.

The proposals have not been assessed using the current Defra Biodiversity Metric 4.0 for calculating Biodiversity Net Gain (BNG). It is recommended that a Biodiversity Net Gain (BNG) Design Stage Report in accordance with best practice guidelines will also be required that will need to demonstrate a 10% net gain.

The proposed installation of bat and swift boxes in Appendix 7 of the updated ecological report is commended, however the suggested placement of bat and swift boxes is inappropriate in some cases as both species require a clear approach to the box which would not be provided in the narrow gap between neighbouring houses.

The biodiversity enhancements described in Appendix 7 should be adhered to. Although no evidence of badgers using the site have been recorded, the habitat is considered suitable to provide foraging and sett building opportunities. Given that badgers are a highly mobile species, it is recommended that a pre-commencement badger survey is undertaken.

ADC Environmental Protection

Comments provided in respect of noise and odour. Two conditions requested.

Noise

The application site is located on a busy road which has the potential to generate adverse noise impacts. The application is not supported by a Noise Impact Assessment.

Odour

Odour may be emitted from the Axalta Coatings site in line with the requirements of the Environmental Permit, but still impact the amenity of future residents. Odour could have a detrimental impact for future residents despite Axalta taking all reasonable and practical steps to minimise their impacts.

Conclusions

Noise impacts could be addressed for this first phase of development. However, significant concerns in respect of odour and noise for the area of the site adjacent to Axalta Coatings. In the absence of both a noise and odour impact assessment for the area of the site adjacent to Axalta Coatings we would not support the development of the wider site.

Environment Agency

The development falls within flood zone 1 and therefore no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Lead Local Flood Authority

Standing advice.

NCC Highways (3rd of October 2022)

This proposal forms part of a larger site that will require a formal Transport Assessment/TP and dedicated right turn lane, with additional pedestrian facilities on Blackwell Road.

Piece-meal approach represents fragmented development. Considering and accepting such development could prejudice further development, which is discouraged by policy in the LPA's draft local plan.

No consideration for visitor parking. Resident parking depends on several private garages. Whilst this is not unacceptable, in practice garages are seldom utilised for parking. As a result, displaced parking onto the private access drives and/or Blackwell Road could occur, which would impede access, prevent turning and cause obstruction to the highway.

No details pertaining to bin storage/bin collection. A refuse vehicle does not generally enter a private drive, therefore refuse collection would be assumed from the highway. Details of bin collection should be provided. Bins being left on the public footway would not be acceptable.

Highway Authority needs to consider the overall impact of new development on highway safety and measures to mitigate the increase in demand on the transport network. Need to deliver connected opportunities for sustainable travel that benefit health, wellbeing and improve air quality as part of a larger-scale development. Such issues are impossible to consider comprehensively when development is presented unintegrated.

Future submission of the full scheme will require the applicant to provide defined improvements to local transport facilities, with new and improved pedestrian/cyclist facilities, within the development and to connect with the neighbouring areas.

The HA objects to the principle of development as it is difficult to understand the future transportation & highway safety implications of what appears to be a piece-meal approach to residential development.

NCC Highways (5th of June 2023)

Additional details submitted in the form of a transport scoping study. The applicant should determine the appropriate geometry for the intended development. Road safety audit may only be required if the design is not to that set out in the NHDG and/or there is a noted safety concern pertaining to the proposals.

A development of 9 dwellings will not require a Transport Statement or Assessment.

As a stand-alone development, the proposed access road to serve just four dwellings is not acceptable and a dropped kerb vehicular access is required, in order to ensure that pedestrian priority is not unnecessarily compromised. If it is intended to serve more dwellings in the future, the applicant should safeguard the land required to provide the required access geometry in the future.

Given that the road serves 4 dwellings, the HA would not adopt it. Accordingly, previous comments regarding bin storage stand as a refuse vehicle is unlikely to enter. Previous comments regarding visitor parking remain unaddressed.

The HA recommends that this application is deferred so that the applicant can provide sufficient information to confirm the full intentions of their proposals and submit relevant drawings, so that the HA may appropriately assess the highways implications.

NCC Highways (27th of September 2023)

In response to the most recent amended drawings and technical note submitted as part of this application, we can confirm that the general layout, parking and turning provisions presented are considered acceptable, but it would be unlikely that the Highway Authority would adopt the access road as it serves insufficient public benefit.

As a private access, refuse vehicles would not generally enter and as such refuse collection would be assumed from the highway, which would necessitate the provision of a suitable bin collection point to prevent bins being left out on the public footway.

The Highway Authority acknowledge the large parcel of land to the rear of the site, for which we are aware there has been interest in terms of residential development. Whilst this is an application for nine dwellings alone, should this development form part of an access for a future larger development, we would recommend that the applicant ensures sufficient land is kept within their control to enable delivery of highway improvements required for such development, as the current proposed access arrangements may not be adequate.

However, it appears feasible and proportionate that a 2-metre-wide footway is provided as part of this application along the site frontage, to support pedestrian access to and from the site.

Given the apparent adverse vertical alignment of the site, it may be necessary to provide retaining structures, which will increase the footprint of the required highway and the applicant should ensure there is sufficient land remaining in the control of the applicant to allow for this. A condition will be requested to ensure that appropriate gradients are provided.

Please note that whilst we are unlikely to offer to adopt the roads at this time, should the development be extended in future it will be necessary for this current section of the road to be designed and constructed to adoptable standard.

In consideration of the above, the Highway Authority do not object to the proposals as currently presented but would request conditions. Informative also requested.

Nottinghamshire Wildlife Trust (15th of August 2022)

An ecological desktop assessment and Phase-1 Habitat Survey (together with any detailed protected species surveys required) should be submitted.

The site contains grassland and hedgerows. Some of the hedgerows appear on historic Sanderson maps (c1835) suggesting that the habitats have been in situ for over 150 years and may qualify as 'Important' under the Hedgerow Regulations 1997. A Hedgerow Evaluation and Grading System (HEGS) assessment should therefore be undertaken.

Identified several Local Wildlife Sites (LWS) in the vicinity, the closest of which is located approximately 30m from application site, namely Sunnyside Farm Meadows LWS. Given the habitats on and adjacent to the site, we cannot rule out the potential presence of protected and priority species, which are a material consideration in the planning process.

Furthermore, under the Environment Act, all developments must demonstrate a minimum of 10% Biodiversity Net Gain (BNG). All hedgerows should be retained and where necessary, gapped up with native species. Grassland creation should be species-rich (i.e., flowering lawn mix), bird and bat boxes should be integrated into each new property and hedgehog highways should be installed into all non-permeable boundaries.

Nottinghamshire Wildlife Trust (15th of September 2022)

The ecology survey and report has been undertaken according to good practice guidelines.

Many of the hedgerows are 'Priority Habitats'. However, the majority of hedgerows are present on the Sanderson Map of 1835. The older hedgerows would therefore qualify as 'Important Hedgerows' due to their historic value, making them 'irreplaceable habitats'.

The bat transects and static surveys recorded at least 6 out of the 12 species of bat known to reside on Nottinghamshire. Under the Local Wildlife Site (LWS) selection criteria, the site would qualify as a LWS for its bat assemblage.

The ecologist has assessed the site as being of 'Local Value' for bats. However, we would argue that the site is of 'District Value' given that the hedgerows and grassland provide *"foraging habitat frequently used by a rarer or scarce [Leislars] species in the county, or consistently used by low levels of a nationally rare species"*.

According to the ecology report, two of the four field parcels are of 'county value' and meet the LWS criteria for their botanical assemblage. The ecologist has noted that the grasslands are currently in poor condition due to unsuitable management.

Surveys recorded common toad on site including juveniles, which would suggest the presence of a breeding pond in the landscape. Toads are Species of principal Importance under the NERC Act (2006).

The site and wider landscape are mapped as 'Mature Landscape Area EV4Rm' due to the fact that the landscape has remained relatively unchanged over time. Development should be complementary to the historic habitats. The site is marked as allocated land within the emerging Ashfield Local Plan. However, given that the emerging plan is yet to be adopted, we believe that it is too early to consider the site for development.

This application fails to demonstrate that the proposal will not result in an adverse impact on UK and Nottinghamshire Priority habitats and Priority species, as well as the fragmentation of a key wildlife corridor and ecological network. In the absence of demonstration that such impacts can be avoided; mitigated or adequately compensated, we believe this application should be refused.

Severn Trent Water

Condition and informative requested.

The Coal Authority

The application site **does not** fall within the defined Development High Risk Area.

Community Representations

89 letters/emails have been received from 58 individuals. The contents of these are summarised below:

Objections

Environment and Wildlife

- Destroying habitats
- Unfair to people who use the site.
- Hedge should be kept.
- There are mature established trees and hedgerows at risk.
- No eco-friendly credentials.
- Numerous bats.
- Area of outstanding natural beauty.
- Need to preserve green belt spaces.
- Ancient field system.

Highway Safety Issues

- Blackwell Road is a very busy road.
- Cars will not be able to park on Blackwell Road.
- Users have little respect for speed limit.
- Increased risk of traffic accidents. School in close proximity.
- Increased traffic noise.
- Insufficient parking.

Flooding/Drainage

- Nowhere for rainwater to be absorbed.
- Sewage will need to be addressed. A new pumping station will have to be built.

Infrastructure

- Infrastructure is at capacity.
- No bus services.
- Smokescreen for further development.

Visual & Residential Amenity

- Design and appearance not in keeping.
- Houses should be in line with the bungalows.
- Disruption to local residents.

Other

- Contamination is suspected.
- Concerns over coal mining activities.
- Sufficient brownfield land elsewhere.
- No need for new housing.
- Water supply issues.

Support

- Land has lain vacant for years.
- Use the site for its full potential.
- Shortage of housing.

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 (ALPR) (2002)

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

- Policy ST1: Development
- Policy ST4: The Remainder of the District
- Policy EV2: The Countryside
- Policy EV4: Mature Landscape Areas
- Policy EV6: Sites of Importance for Nature Conservation and Geological Significance
- Policy EV8: Trees and Woodlands
- Policy HG3: Housing Density
- Policy HG5: New Residential Development
- Policy TR2: Cycling Provision in New Developments
- Policy TR3: Pedestrians and People with Limited Mobility

Material Considerations

National Planning Policy Framework (NPPF) (2021)

- Chapter 2: Achieving Sustainable Development
- Chapter 5: Delivering a Sufficient Supply of Homes
- Chapter 8: Promoting Healthy and Safe Communities
- Chapter 9: Promoting Sustainable Transport
- Chapter 11: Making Effective Use of Land
- Chapter 12: Achieving Well-Designed Places
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15: Conserving and Enhancing the Natural Environment

Together with supporting Planning Practice Guidance.

Other Documents

- Residential Design Guide SPD (2014)
- Residential Extensions Design Guide SPD (2014)
- Residential Car Parking Standards SPD (2014)
- Nottinghamshire County Council Highway Design Guide
- The National Design Guide (2020)
- ADC Planning Guidance Climate Change (2022)
- ADC Developer Guide to Biodiversity and Nature Conservation (2022)

Relevant Planning History

There is no planning history relevant to this application.

Comment

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

1. Principle of Development
2. Impact on the Countryside
3. Sustainable Location
4. Layout, Appearance and Design
5. Residential Amenity
6. Comprehensive Development
7. Ecology and Conservation
8. Highway Safety and Capacity
9. Other Matters
10. Planning Balance

Principle of Development

Policy ST1 of the Ashfield Local Plan Review 2002 states that development will be permitted where, amongst other things, it does not conflict with other policies in the Local Plan.

The spatial strategy defines a clear settlement hierarchy within Ashfield. The first level comprises the main urban areas, the second comprises the villages, or “named settlements”, and the third consists of other small settlements within the Countryside.

As regards its location, the site falls within the third tier, or the “Remainder of the District”. Policy ST4 (ALPR) (2002) sets out that planning permission will only be granted in respect of sites allocated for development, or for development, which is appropriate to the Countryside, as set out under Policy EV2 (ALPR) (2002).

Impact on the Countryside

Policy EV2 (ALPR) (2002) sets out that, within the Countryside, permission will not be given for inappropriate development. Development must be located and designed so as not to adversely affect the character of the Countryside, in particular its openness.

Various forms of development are considered appropriate within the Countryside; these are stated expressly within Policy EV2 and the policy subtext. The applicant’s “Design and Access Statement” (dated the 30th of June 2022) concedes that the proposal does not comply with criteria (a), (b), (c), (d), (e), (f) and (h) of Policy EV2. However, the applicant states that the proposal constitutes infill development (criterion g), “fitting within a gap in the pattern of development.”

Nevertheless, the policy subtext sets out that infill will normally comprise one or two dwellings in a small gap in existing development. Not all small gaps are appropriate for infilling where, for example, they contribute towards the openness of the Countryside. Despite the site having built form on either side, given the significant width of the plot, the policy context and the scale of development, the proposal could not reasonably be considered infill development.

Paragraph 3.33 of the policy subtext sets out that new dwellings will not normally be permitted in the open Countryside. The Framework, however, adopts a slightly less restrictive approach. Paragraph 174(b) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the Countryside.

Nevertheless, Policy EV2 broadly echoes, and is thus consistent with, the Framework’s approach, insofar as it limits development in the Countryside to that which protects its character. To conclude, the proposal does not meet the exceptions criteria prescribed by Policy EV2 and does not, therefore, constitute appropriate development in the Countryside. This matter is addressed in the ‘Planning Balance’ below.

Sustainable Location

Paragraph 110 of the NPPF requires that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.

To the east, south and west, the site adjoins the defined settlement boundary. The Local Shopping Centre “Huthwaite Market Place” (ref. SH4Sb) lies approximately 240m east/northeast. The existing conditions demonstrate that Huthwaite has a reasonable range of services and facilities, including food stores, takeaways, a post office and a health centre. The walk from the site to Huthwaite Market Place is uphill, which may prove unattractive to those persons with mobility issues. However, given its proximity, this issue does not negate the site’s sustainable location.

The application site is well-connected to public transport; approximately a 6-minute walk to the “Blackwell Road” and the “Market Place” bus stops. These stops offer transport links to Alfreton, Sutton-in-Ashfield, Mansfield and Mansfield Woodhouse. Destinations farther afield can then be accessed from these locations.

The No. 1 bus service operates 7 days a week, commencing as early as 05:03, Monday through Saturday. Due to its hours of operation, and its regularity over weekends and bank holidays, this presents a viable and attractive alternative for future occupants.

As regards pedestrians, footways are to be provided along both sides of the access road, measuring 2m in width. These footways connect with the existing provision on Blackwell Road and develop the scheme’s legibility. The Highway Authority have also requested a condition to ensure that a 2m wide footway is provided along the entire site frontage.

National planning policy assesses the sustainability of the transport in the context of the location; what is required is a “choice of transport modes.” Each dwelling is furnished with cycle parking and, as detailed above, the site offers connectivity for pedestrians, with good links to public transport.

As such, the site would not be reliant on private car ownership - opportunities for sustainable transport modes have been maximised. The site occupies a sustainable location.

Layout, Appearance and Design

Policy HG5 (ALPR) (2002) has regard to the acceptability of new residential development, setting out that development should not adversely affect the visual amenity of the locality.

Paragraph 130(a) of the NPPF sets out that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130(b) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Landscape, Openness and Character of the Area

The site is designated as a “Mature Landscape Area” (“MLA”) (ref. EV4Rm), which confers protection to valuable and vulnerable parts of Nottinghamshire’s Landscape which have remained relatively unchanged over time. However, Policy EV4 states that development which does not adversely affect the character and quality of MLAs will be permitted.

The site comprises a parcel of undeveloped land on Blackwell Road. Despite falling within the “remainder of the district”, the site has a close relationship to the existing settlement, due to its physical connection, similar topography and proximity to built form. The proposal represents a relatively minor encroachment into the Countryside and the MLA; following the pattern and grain of development along Blackwell Road.

Built form and vegetation bound the site, which afford a sense of enclosure and contribute to the verdant feel of the locale. Save for the access point, the hedgerow along the site frontage is to be retained and enhanced. Species-rich hedgerow and hedgerow tree planting are also proposed throughout the site. The Site Layout Plan (Drawing No. 053-Site Block Plan Rev B) depicts areas of “indicative planting”, details of which can be secured by condition. Taken together, intervisibility between the site and Blackwell Road is restricted. The number of visual receptors would be limited, or at least not significantly different to the existing situation. As such, the proposal would not appear unduly prominent.

The linear arrangement of Plots 1-7 contributes positively to the existing ribbon development along Blackwell Road. The proposal departs from this prevailing pattern in respect of Plots 8 & 9; however, these plots would not be overly visible from the public realm and, in any event, the northern site boundary extends to much the same depth as “Trevelyan” and “Westholme”.

The development would form a natural extension to the existing settlement, comprising an appropriate scale and character. The proposal, viewed in its context, would form part of a coherent settlement which “fills a gap” along Blackwell Road. The configuration of the 9 dwellings enables a spacious development, with room for landscaping, whilst maintaining some degree of openness.

Character of the Development

The locality displays a variety of architectural styles. In the instant case, the development comprises 9 no. detached and semi-detached dwellings with a mix of 3- and 4-bedroom properties. Paragraph 4.1 of the applicant’s Design and Access Statement submits that all properties exceed the minimum space requirements, that they are of an attractive and functional layout, and that they assimilate into their surroundings.

Furthermore, paragraph 4.3 sets out that the proposal would comprise traditional brick and slate roof construction. Cobble details and architectural detailing (cills and flush casement windows) enhance design. A suitably worded condition will ensure that materials and finishes match those outlined in the submitted details.

Residential Amenity

Retained Policy HG5 (ALPR) (2002) seeks to ensure that new residential development does not adversely affect the residential amenity of neighbouring properties. This aligns with the thrust of the Council’s Residential Design Guide SPD (2014) (“RDG”).

Separation Distances/Privacy

At paragraph 3.48, the RDG sets out that homes should provide a comfortable, safe and private space which can be enjoyed by the occupants. In order to ensure this can be achieved, minimum separation distances should be applied having regard to site conditions and context. Satisfactory separation distances are achievable within the development site and in relation to existing properties.

As regards existing residential properties, Plots 1-5 would be flush with the building line of No. 113 Blackwell Road. At first floor level (of the new plots), the only window openings in the side elevations serve non-habitable rooms.

Plots 6 & 7 are sited forward of Plots 1-5; however, the access road affords severance. Plot 6 will overlook the front gardens/driveways of Plots 1-5 which, in turn, increases levels of natural surveillance. Plots 6 & 7 are also forward of "Trevelyan". However, this does not appear to infract the 45* code. Along this eastern boundary, the applicant has proposed the planting of a species-rich hedgerow, together with the retention of the existing non-native/privet garden hedgerow. These measures, together with the difference in land levels, will soften the appearance of the proposal.

Amenity Space

All plots comprise either 3 or 4-bedroom properties. For 3-bedroom properties, paragraph 3.50 of the RDG sets out that the minimum outdoor amenity space required is 70sqm. As regards 4-bedroom properties, this requirement increases to 90sqm. Following a series of measurements, the proposal broadly complies with these minimum standards. There are some minor deficiencies, however, these would not, in themselves, result in harm.

Internal Space Standards/Outlook

At paragraph 3.52, the RDG provides guidance in respect of internal space standards, to protect the amenity and wellbeing of future occupants. Following a series of measurements, the proposal is in broad compliance with the space standards.

Furthermore, the proposal would not result in poor outlook onto unsightly areas, in accordance with paragraph 3.51 of the RDG. Adequate separation distances and amenity space result in a verdant and spacious feel.

Noise/Odour

Paragraph 185 of the NPPF sets out that new development should be appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The Council's Environmental Protection Team have been consulted on this application and have provided comments in respect of noise and odour. As regards noise, they state that the application site is located on a busy road which has the potential to generate adverse noise impacts. Despite this, the application is not supported by a Noise Impact Assessment ("NIA"). As such, a suitably worded condition has been requested.

The concerns in respect of odour relate to the wider development, given the proximity of the Axalta Coatings site. For the reasons set out under the heading of “Comprehensive Development”, these factors do not obstruct the deliverability of this proposal.

Comprehensive Development

Paragraph 48(a) of the NPPF sets out that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

Paragraph 49 is also relevant, insofar as it sets out that in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in limited circumstances. In accordance with paragraph 50 of the NPPF, where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Within the Council’s Emerging Local Plan (“ELP”), the application site forms part of a wider housing allocation, “Land off Blackwell Road/Main Street, Huthwaite” (ref. H1St). However, the ELP has not been the subject of Examination in Public and is not sufficiently advanced to the Regulation 19 consultation. To this end, the policies within the ELP carry no material weight for the purposes of the assessment of the development proposal.

Criterion (c) of Policy ST1 of the Ashfield Local Plan Review 2002 sets out that development will be permitted where it will not prejudice the comprehensive development of an area. In this respect, the Council’s Strategic Housing and Employment Land Availability Assessment (“SHELAA”) classifies the site as “potentially suitable and potentially achievable”. Additionally, on the Site Location Plan, the blue line demarcates land to the rear of the application site as being under the applicant’s ownership.

This application must be determined in light of its own facts. Whilst the revised plans intimate future development, this is not the subject of the current application. In any event, the applicant has implemented measures to avoid prejudicing a more comprehensive scheme. For instance, the access road travels from Blackwell Road up to the northern site boundary, leaving no ransom strip.

Successive schemes would be assessed on their merits and would, where appropriate, provide contributions towards infrastructure. As evidenced above, there is no substantive evidence to suggest that the proposal would prevent the delivery of a more comprehensive housing scheme. Refusals predicated on the question of comprehensive development (which may, or may never, be delivered) are seldom successful when tested at appeal. Indeed, the application makes a reasonable contribution to the supply of homes, set against the context of a significant shortfall. This scheme could be delivered relatively quickly, and there remains the option to develop neighbouring land.

Ecology and Conservation

Paragraph 180 of the NPPF sets out that, in determining planning applications, local planning authorities should apply the following principle: that if significant harm to biodiversity resulting from a 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.

In support of this application, an Ecological Impact Assessment (“EclA”) (by *Baker Consultants, January 2022*) has been submitted. This should be read in conjunction with the “Ecology Update and Biodiversity Plan” (“EUBP”) (by *Armstrong Ecology Ltd, July 2023*). For the avoidance of doubt, the EclA relates to the entire landholding.

Statutory and Non-Statutory Sites

As regards statutory sites of nature conservation interest, paragraph 3.7 of the EUBP sets out that, the proposed development, which is confined to the application site, is not anticipated to pose a risk to statutory sites. This is due to their distance from the site and the character/scale of the proposal.

As regards non-statutory sites of nature conservation interest, there are eight Local Wildlife Sites (“LWS”) within 500m of the site. However, paragraphs 3.8 – 3.11 of the EUBP set out that the application site has a slightly different context to the wider, surveyed site, as it does not adjoin Local Wildlife Sites. The nearest LWS to the application site, “Sunnyside Farm Meadows”, is 30m northwest of the application site at its nearest point. The remainder of LWS’ are 160m or more from the application site.

Given the separation between the application site and the LWS’ and its relationship to them, the proposal is not anticipated to pose a risk to non-statutory sites of nature conservation.

Hedgerows and Boundaries

Section 4.3.10 of the EclA sets out that the site contains mature overgrown and unmanaged hedgerows (TN30, 31, & 32). These hedgerows are species-poor but are considered to be of value due to their condition. They are also likely to provide opportunities for nesting and foraging birds. To the southeast of the site is a Japanese privet garden hedgerow (TN33).

In their consultation response, the NWT have confirmed that the ecology survey and report has been undertaken according to good practice guidelines and that they are generally satisfied with the resulting conclusions. They state that that ‘the majority’ of hedgerows on site are present on the Sanderson Map of 1835. The older hedgerows would therefore qualify as “important hedgerows” due to their historic value, making them “irreplaceable habitats”.

Paragraph 180(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Footnote 63 is not intended to be exhaustive, although it

does helpfully demonstrate the nature, or the type of development that might be considered “wholly exceptional”.

Nevertheless, the Council’s Ecology Officer has provided a consultation response (dated the 4th of September 2023). Within that response, the officer agrees with the findings of NWT insofar as the hedgerows qualifying as “important” under the Hedgerow Regulations 1997 due to the age of the hedgerow. However, the ecology survey found the hedgerow along the southern boundary to be “species-poor and generally unmanaged”. On this basis, the Council’s Ecology Officer does not agree that the hedgerow is “irreplaceable habitat” as described by NWT. Whilst the proposals will require a section of the southern hedgerow to be removed, hedgerow trees are employed to reduce the vegetation gap across the canopy. Further native hedgerow planting has been proposed along the boundaries to the west, east and north of the site which will result in an overall increase of hedgerow within the application site. As such, sufficient mitigation has been provided for the small loss of hedgerow along the southern boundary.

Habitats

The consultation response(s) from the Nottinghamshire Wildlife Trust (“NWT”) preceded the submission of the EUBP. A period of re-consultation has been undertaken; however, NWT have not provided further comments. In their consultation response (dated the 15th of September 2022), NWT stated that the site would qualify as a LWS for its bat assemblage and that the site is of “District Value” due to foraging habitats. They also stated that, according to the ecology report, two of the four field parcels are of ‘county value’ and meet the LWS criteria for their botanical assemblage.

Notwithstanding the above, paragraphs 3.14 – 3.19 of the EUBP set out that 75 (of 145) of the bat records relate to the wider site (including the application site). The remainder of the records are 470m from the centre of the application site. No trees with bat roosting potential were recorded within the site during the most recent visit (06/01/2023). In addition to this, Section 3 of the EUBP sets out that the application site does not include the area where most bat activity was recorded during transects and it does not adjoin this area.

As regards the botanical assemblage, the applicant’s reports note that, these grasslands are in poor condition due to their management and undesirable characteristics (e.g., presence of weeds, uniform sward height and presence of non-natives). In relation to other habitats, the EUBP finds that there are no ponds within the application site and that it is not reasonably likely that great crested newt or common toad will be present.

Biodiversity and Enhancement Measures

The Council’s Ecology Officer has stated that the biodiversity enhancements described in Appendix 7 should be adhered to. Although no evidence of badgers using the site has been recorded, the habitat is considered suitable for foraging and sett building opportunities. Given that badgers are a highly mobile species, it is recommended that a pre-commencement badger survey is undertaken.

Furthermore, Section 4 of the EUBP prescribes a biodiversity plan for the site. Various mitigation measures are incorporated:

- Retention of trees/hedgerows within the site;
- Hedgerow/hedgerow tree planting;
- Inclusion of bird and bat boxes;
- Sensitive lighting strategy;
- Hedgehog corridors to be incorporated; and
- Excavations to be covered overnight.

Greater detail is provided within the EUBP as to each biodiversity measure. These details can be secured by condition.

Highways Safety and Capacity

Retained Policy HG5(f) (ALPR) (2002) sets out that new residential development will be permitted where parking facilities are provided in accordance with Council standards. The Council's Residential Car Parking Standards SPD (2014) ("RCPS") sets the requirement for parking provision to serve new residential developments within the District. Criterion (e) of Policy HG5 (ALPR) (2002) sets out that development will be permitted where access for vehicles, pedestrians and cyclists and public transport where appropriate, is safe and convenient, and integrated with existing provision.

Paragraph 110 of the NPPF sets out that safe and suitable access to the site should be achieved for all users. Paragraph 111 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The southern site boundary fronts Blackwell Road, a classified B-road. A number of residents' objections draw on the capacity and safety of the highway network.

1st Consultation Response – 3rd October 2022

The Highways Authority ("HA") have been consulted on three occasions. These consultation responses are addressed chronologically. In their original consultation response (dated the 3rd of October 2022), the HA raised objection, stating that, where the proposal forms part of a larger site, a formal Transport Assessment/TP would be required, together with a dedicated right turn lane and additional pedestrian facilities on Blackwell Road.

The HA found that this 'piecemeal' approach represents fragmented development, which could prejudice further development. In addition to this, no consideration had been given for visitor parking, whilst resident parking depended on private garages. Whilst this is not unacceptable, in practice garages are seldom utilised for parking. As a result, displaced parking onto the private access drives and/or Blackwell Road could occur, which would impede access, prevent turning and cause obstruction to the highway. The HA also noted that no details had been provided pertaining to bin storage and bin collection points.

Finally, the HA stated that any future submission of the full scheme will require the applicant to provide defined improvements to local transport facilities, with new and improved pedestrian/cyclist facilities, both within the development and to connect with the neighbouring areas.

2nd Consultation Response – 5th June 2023

The applicant subsequently provided a “Transport Scoping Study” (by HSP Consulting Engineers Ltd), the content of which was reviewed by the HA. In a consultation response (dated the 5th of June 2023), the HA appeared to retract their earlier position, stating that a development of 9 dwellings would not require a Transport Statement or Assessment.

The HA further advised that, as a stand-alone development, the proposed access road to serve just four dwellings is unacceptable and a dropped kerb vehicular access is required. If it is intended to serve more dwellings in the future, the applicant should safeguard the land required to provide the required access geometry in the future. Given that the road serves 4 dwellings, the HA would not adopt it. Previous comments in respect of visitor parking were unaddressed. To conclude, the HA recommended that the application be deferred so that the applicant could provide sufficient information to confirm the full intentions of their proposals and then submit drawings accordingly. This would allow the HA to appropriately assess the highway implications.

3rd Consultation Response – 27th September 2023

Following these consultation response(s), a revised scheme has been submitted, together with a Transport Technical Note (by HSP Consulting Engineers Ltd) (“TTN”).

At section 1.2.1, the TTN sets out that the development site layout has been adjusted in line with feedback. These ‘improvements’ are detailed at section 1.2.1 of the TTN, though in summary the revised scheme includes: cycle stores, a shared driveway, allocated visitor parking spaces, turning facilities, pedestrian footways and a bin storage area. The additional access point off Blackwell Road has been deleted.

After a period of re-consultation, a response was received from the HA on the 27th of September 2023. Within that response, the HA confirmed that the general layout, parking and turning provisions are acceptable, but it would be unlikely that the HA would adopt the access road as it serves insufficient public benefit. As a private access, refuse vehicles would not generally enter, and as such, refuse collection would be assumed from the highway, which would necessitate the provision of a suitable bin collection point to prevent bins being left out on the public footway.

The HA acknowledge the large parcel of land to the rear of the site, for which there has been interest in terms of residential development. They state that, should this development form part of an access for future development, it is recommended that sufficient land is kept within the applicant’s control, to enable the delivery of highway improvements required for such development, as the current proposed access arrangements may not be adequate. Given the apparent adverse vertical alignment of the site, it may be necessary to provide retaining structures which will increase the footprint of the required highway.

Section 5 of the RCPS dictates the requisite quantum of off-street parking. All dwellings are either 3- or 4-bedroom properties; thereby requiring 2 or 3 spaces. The amended drawings depict parking provision to accord with this requirement.

In conclusion, the HA do not object to the proposals as currently presented but have requested a number of conditions.

Other Matters

Coal Mining

The application site lies adjacent to, but not within, the defined Development High Risk Area. The National Planning Practice Guidance (“NPPG”) on *Planning Applications and Coal Mining Risk Assessments*, sets out that where a site falls within the Development High Risk Area, for most planning applications a Coal Mining Risk Assessment (“CMRA”) will be required.

The applicant has submitted a CMRA in support of this application (by HSP Consulting). Section 5 of the CMRA sets out that, the risk of exposure and subsequent combustion of a shallow coal seam is considered to be low.

For completeness, the Coal Authority have been consulted on this application. Within their consultation response(s), they state that the application site does not fall within the defined Development High Risk Area and have requested only that an informative note is added to the planning permission.

Land Contamination

As confirmed by the Council’s Contaminated Land Officer (“CLO”), the site has been subject to potentially contaminative uses, including a brick yard.

The applicant has submitted a Phase I Geo-Environmental Report (by HSP Consulting). Section 6.3 of the report sets out that a ground investigation is recommended, to provide information as part of the feasibility study and assess the geo-environmental constraints identified. As such, the Council’s CLO has requested that a condition be added to any planning permission.

Flood Risk

The Environment Agency (“EA”) have been consulted as part of this application. Within their consultation response (dated the 10th of August 2022), the EA state that the development falls within Flood Zone 1 and therefore there are no fluvial flood risk concerns associated with the site.

Severn Trent Water have also been consulted and have requested that one condition be imposed.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The Council cannot currently demonstrate a five-year supply of deliverable housing land. This point has been highlighted in recent appeal decisions and in the Council’s Housing Land Monitoring Report 2023.

The Council's position is stated as 2.93 years, which represents a significant shortfall. Accordingly, in line with paragraph 11(d) of the NPPF, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 219 of the NPPF (Annex 1: Implementation) sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Of the development plan policies, the proposal would conflict with Policy EV2 (ALPR) (2002). Policy EV2 broadly echoes, and is thus consistent with, the Framework's approach, insofar as it limits development in the Countryside to that which protects its character. The proposal does not meet the exceptions criteria prescribed by Policy EV2 and does not, therefore, constitute appropriate development in the Countryside.

Notwithstanding the conflict with Policy EV2, the harms in this case do not "significantly and demonstrably" outweigh the benefits. As amended, the harm that arises relates to the character and openness of the Countryside. However, even then, such harm is reduced, having regard to both the spatial and visual aspects of openness. For the reasons set out within this report, the site has a close relationship to the existing settlement; the development would form a natural extension, comprising an appropriate scale and character. Such harm should therefore be afforded moderate weight, given the degree of the shortfall in 5-year housing land supply across the district.

Furthermore, no harm would arise from reliance on private motor vehicles; the application site is in a sustainable location and the applicant has maximised opportunities for sustainable transport.

There would also be a number of benefits associated with the proposal. These include the provision of 9 market homes, in the context of a significant shortfall in 5YHLS. Within the district there is an acute need for market housing, which must be met. This represents a significant benefit and should be attributed substantial weight. There would be other, moderate benefits, including employment at the construction stage. Future occupiers would also help to support local facilities and services which, again, should be attributed moderate weight. In summary, the weight to be attached to the benefits should be substantial.

The harms in this case are limited. Overall, the adverse impacts would not significantly and demonstrably outweigh the benefits of the development. It is recommended that planning permission should be granted.

Recommendation: Approve, subject to the conditions detailed below.

Conditions

1. The development hereby approved shall be begun before the expiration of the 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - 053-101 Revision B (The “Bridgebank” Plot 1 - Floorplans and Elevations)
 - 053-102 Revision B (The “Mapperley” Plot 2 – Floorplans and Elevations)
 - 053-103 Revision B (The “Lutterworth” Plot 3 – Floorplans and Elevations)
 - 053-104 Revision A (The “Mapperley” Plot 4 – Floorplans and Elevations)
 - 053-105 Revision B (The “Mapperley” Plot 5 – Floorplans and Elevations)
 - 053-106 Revision B (The “Chelmsford” Plot 6 – Floorplans and Elevations)
 - 053-107 Revision B (The “Bridgebank” Plot 7 – Floorplans and Elevations)
 - 053-108 Revision B (The “Ripon” Plots 8 & 9 – Floorplans and Elevations)
 - 053-109 Revision B (Garages Plots 6 & 7 – Floorplans and Elevations)
 - 053-Site Block Plan Revision B (Site Block Plan)
 - 053-Location Plan Revision A (Site Location Plan)
 - “Reenee’s View, Blackwell Road, Huthwaite” (Proposed Street Scenes)

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The materials and finishes to be used for the external elevations and roof of the proposal shall match those outlined in the submitted details.
4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. Prior to the first occupation of the dwelling(s) hereby approved a scheme of sound mitigation shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

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

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

6. No dwelling hereby permitted shall be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. 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 building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Details of the proposed treatment of the site's boundaries shall be submitted to and approved in writing by the Local Planning Authority. Any garden fence or other non-permeable structure should be provided with small holes (gaps 130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. The holes in the boundary treatments shall thereafter be retained in perpetuity.
8. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 10m from the rear of the highway boundary unless otherwise agreed with and approved in writing by the Local Planning Authority.
9. No part of the development shall be occupied on any part of the application site until a minimum 2-metre-wide footway has been provided along the entire site frontage, the details of which shall be first submitted to, and approved in writing and thereafter constructed to the satisfaction of the Local Planning Authority.
10. No part of the development shall be occupied on any part of the application site until a suitable bin collection point is provided for all proposed dwellings to enable refuse collection from the public highway, the details of which shall be first submitted to, and approved in writing and thereafter constructed to the satisfaction of the Local Planning Authority.
11. No development shall be commenced until technical details of the roads and proposed arrangements for future management/maintenance of the proposed streets and private accessways including associated drainage have been submitted to and approved in writing by the Local Planning Authority.
12. All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework with a diameter greater than 150mm should be capped off at the end of the day and chemicals should be stored securely.
13. Prior to the occupation of the hereby approved dwellings, one bee brick shall be installed within each of the dwellings.

14. Land Contamination

- a) No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- ii. The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iii. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and
- iv. If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

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

Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

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

15. The development hereby permitted shall be carried out in accordance with the Ecological Impact Assessment (dated 01/2022) and the Ecology Update and

Biodiversity Plan (dated 07/2023). The recommendations made within these documents, including Section 4 (Biodiversity Plan) of the Ecology Update and Biodiversity Plan, shall be strictly adhered to.

16. Prior to the commencement of development, a walk over badger survey shall be completed and the results, along with details of any necessary mitigation measures, shall be submitted to and approved in writing by the local planning authority. All works and measures shall proceed in accordance with the approved details.
17. The highway proposed as part of this development shall be completed and available for use up to the site boundary to the north before the occupation of the 8th dwelling on the site.

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. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
5. To protect the aural amenity of future occupiers of the dwellings.
6. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
7. In the interests of enhancing local ecology.
8. In the interests of highway safety.
9. In the interests of pedestrian safety and sustainable travel.
10. In the interests of pedestrian safety.
11. In the interests of highway safety and to ensure that the liability of bringing roads up to standards to meet those required for highway safety purposes does not become the responsibility of the Highway Authority.
12. To minimise harm to any species which may enter the application site during construction.
13. In the interests of enhancing local ecology.

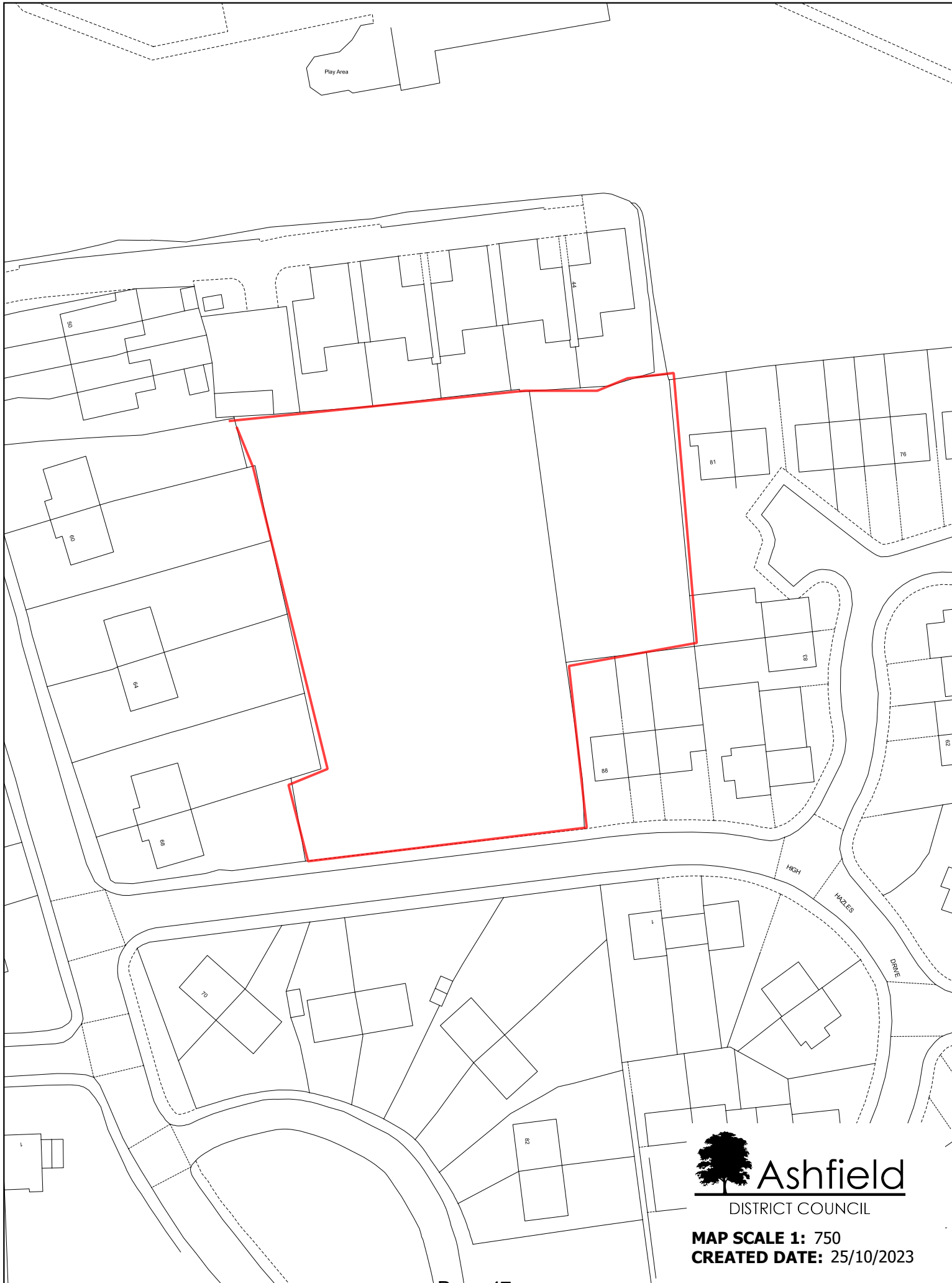
14. To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 183 & 184. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health.
15. In the interests of protecting wildlife.
16. In the interests of protecting wildlife.
17. To ensure the development as a whole is completed and access is provided to the land to the north.

Informative

1. The planning permission hereby granted is in respect of 9 dwellings which is below the threshold for contributions to be sought to ensure the development is sustainable and provides the necessary infrastructure. If this is the first phase of a larger development, which it appears to be so because of the highway design then when the development of further land which is reliant on this land, solely or in part, then any contributions which become necessary shall include the amount which would have been required for these 9 plots.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
3. 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.
4. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
5. In order to carry out the off-site works required you 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 you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control North by email at hdc.north@nottscc.gov.uk for details.

6. 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 issued.



MAP SCALE 1: 750
CREATED DATE: 25/10/2023

COMMITTEE DATE 01/11/2023 **WARD** Huthwaite and Brierley

APP REF V/2021/0793

APPLICANT Bo Khan

PROPOSAL Residential Development to Form 18 Dwellings

LOCATION Land Off, High Hazles Drive, Huthwaite, Notts, NG17 2QR

WEB-LINK <https://www.google.co.uk/maps/@53,-1.2985002,19.25z?entry=ttu>

BACKGROUND PAPERS A, B, C, D, E, F and L

App Registered 12/11/2021 Expiry Date 11/02/2022

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

This application has been referred to Planning Committee by Councillor Tom Hollis on the grounds of highways impact and impact on the street scene.

The Application

This is an application for residential development, as amended, for 18 dwellings on land fronting High Hazles Drive, Huthwaite. The proposal comprises two detached houses and 16 semi-detached houses, all being two storeys in height and each with off-street parking for two vehicles.

When first submitted, the application was for 19 houses but, due to the cramped nature of this original proposal and other related reasons, it was considered to be unacceptable.

The application site is bounded by houses on three sides with the remaining boundary being with High Hazles Drive to the south. Houses to the north and west are all bungalows with further two storey houses to the east and across High Hazles Drive. The site is vacant, overgrown with dense, self-set planting and trees and slopes gently down from north to south. There are several mature trees along the boundaries. A few of the trees within the site have been felled.

The boundaries with existing houses comprises fencing with an open boundary with High Hazles Drive. Across this road, there is a breeze block boundary wall in front of existing houses and there are trees in some of the front gardens.

Consultations

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

Neighbour Representation.

One letter of representation from a neighbour has been received which sets out the following comments:

- A multi-stemmed sycamore tree shown outside the site boundary is within the site.
- There is potential for a loss of privacy affecting the rear of adjoining houses on Columbia Street.

Statutory Consultee Responses.

Nottinghamshire CC (NCC) Highways.

The original submission for 19 houses was unacceptable because of the resulting cramped nature of the off-street parking, lack of manoeuvring space and compromised visibility splays. These issues will be set out in more detail later in this report but the submission of the revised scheme for 18 houses has freed up the space required to resolve all issues.

The Highway Authority (HA) is satisfied that the scheme will not have an adverse impact on the highways network. The highways will be adopted by the County and in order to create the new junction and spine road serving the site, the applicant will need to enter into a section 278/38 legal agreement with the HA.

The following conditions will be necessary:

- Parking and turning areas to be provided.
- Full technical details of the new roads including sections will be required.
- Details of future management of the streets and drainage to be submitted.

NCC Planning Policy.

NCC have set out comments relating to the impact of this proposal on local services and infrastructure.

With respect to Education, it is anticipated that this development would generate an additional four primary and three secondary school places. There is a surplus of school places for both, so no contribution is required.

Similarly, the additional 18 houses proposed would not impact on Health provision, so no contribution in this respect will be required.

Turning to bus services, it is considered that the maximum distance passengers should expect to walk to a bus stop is 400 metres and, ideally, this should be 250 metres. The nearest bus stop is 160 metres from the site on Columbia Street denoted AS0120 – Springwell Street and this needs to be improved by way of a real time bus stop display being provided. This would attract a financial contribution of £8,800.

NCC Constabulary.

No comments or objections to the application.

NCC Local Lead Flood Team.

No objections to the application but a condition is necessary for a detailed surface water drainage scheme including sustainable drainage (SuDS).

Ashfield District Council (ADC) Arborculturalist.

The whole site is covered in dense scrub planting and there are also some trees, mainly in a line running north to south on the east side of the site and along boundaries. However, there is agreement with the findings of the Tree Report submitted in support of the planning application which concludes that none of the trees or planting have enough merit to warrant retention. Consequently, it is accepted that the whole site would be cleared.

A condition will be necessary to control the submission of a detailed landscape scheme.

ADC Environmental Health.

To the southeast of the site lies a former landfill site, now disused. There is a possibility of this affecting the application site so a condition is required which controls the need for mitigation measures in the event of ground contamination being found during construction works.

Severn Trent Water.

No objections to the application but a condition is necessary to control the submission of a detailed drainage scheme including SuDS.

Environment Agency.

No comments or objections to the application.

Natural England.

No comments or objections to the application.

Responses to Consultations.

The comments set out by the local resident are noted and the potential for a loss of privacy will be considered later in this report.

The financial contribution for the bus stop improvements will be controlled by a section 106 legal agreement and conditions will be attached in line with the above consultee responses.

Policy

Applications for planning permission must be determined in accordance with national planning policy guidance and the local development plan unless material considerations indicate otherwise.

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

Ashfield Local Plan Review (ALPR) (2002).

- ST1 - Development.
- ST2 - Main Urban Areas.
- EV8 - Trees and Woodland.
- HG3 - Housing Density.
- HG4 - Affordable Housing.
- HG5 - New Residential Development.
- HG6 - Open Space in Residential Development.
- TR2 - Cycling Provision in New Development.
- TR3 - Pedestrians and People with Limited Mobility.
- TR6 - Developer Contributions to Transport Improvements.

National Planning Policy Framework (NPPF) 2021.

- Part 2 - 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 15 - Conserving and enhancing the natural environment.
Part 14 – Meeting the challenge of climate change.

Supplementary Planning Documents (SPD) 2014.

- Residential Car Parking Standards.
- Residential Design Guide.

Relevant Planning History

V/2014/0175. Outline planning permission for residential development granted on 4 August 2014 which has now expired.

Material Considerations.

- Principle of Development.
- Affordable Housing.
- Layout and Design.
- Residents' Amenity.
- Sustainability.
- Highways Safety.
- Contamination, Noise Impact and Air Quality.
- Landscape and Public Open Space.
- Ecology and Biodiversity.
- Drainage and Flood Risk Assessment.
- Developer Contributions.
- Planning Balance.

Principle of Development.

The application site lies within the urban area of Huthwaite which, in itself, is part of the larger Sutton in Ashfield urban area. ALPR policy ST2 says that development will be concentrated in these areas. The application site is not specifically allocated for a particular use but is contained within a residential area.

A previous outline planning application for housing was granted permission in 2014 and weight will be attached to this in establishing the principle of housing development.

Housing Supply.

Paragraph 60 of the NPPF sets out the Governments objective to significantly boost the supply of homes. Paragraph 74 requires Local Planning Authorities (LPA) to identify a minimum of five year's supply of housing against the local housing

requirement allowing for a buffer varying between 5% and 20%, dependent on the LPAs circumstances.

Based on the Housing Land Monitoring Report April 2023 and applying a 20% buffer, Ashfield Council has a 2.93 year housing land supply which is well below the 5 year requirement. There is, therefore, a serious and immediate need for more housing to be delivered in the District.

In accordance with NPPF paragraph 11, the tilted balance is engaged. Consequently, planning permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits of the scheme as a whole.

Tilted Balance.

The application site which is vacant land, lies within a sustainable main urban area and is surrounded by existing housing. The NPPF confirms that planning policies and decisions should give substantial weight to the use of sustainable sites for homes.

The site represents an opportunity to deliver 18 new houses in a sustainable and accessible location. Whilst this is a modest amount, the proposal will help to address the significant under-provision of housing within the District. The principle of developing this site for housing is acceptable but this needs to be set against all other material considerations to ensure that the development delivers an acceptable, sustainable scheme.

Affordable Housing.

The provision of adequate levels of Affordable Housing is an important requirement for new housing schemes and, at this location, 10% of the total provision should be affordable. As an alternative to on-site provision, it is possible to provide a financial contribution towards a location where there is an identified need for affordable housing.

The applicant provided a Financial Viability Assessment (FVA) in support of the application which concluded that Affordable Housing would not be possible because it would render the scheme financially unviable.

The applicants FVA was tested by an independent Financial Assessment which concluded that this proposal could support three Affordable Houses and the applicant has agreed to this. However, the relevant policy criteria requires 10% of the units to be affordable so two are required.

As part of the continuing consideration of the application, the applicant requested a further independent Financial Assessment because the applicant was concerned that deteriorating house prices would affect those within the proposal. A further

assessment was carried out which agreed with the applicants' assertions on house values in that the affordable housing requirement was reduced to a single unit along with the financial contributions which have been set out at the end of this report.

The intention is that one house would be given over to a registered provider and the process would be controlled by way of a legal agreement under section 106 of the Planning Act.

Layout and Design.

The site is served by a single residential access road taken from High Hazles Drive to the south. A gateway into the site is established by way of plots 2 and 3 and plots 17 and 18 built in semi-detached pairs either side of the entrance. Plots 3 and 17 lie either side of the entrance into the site and plots 2 and 18 are set back 3 metres behind the building line next to these which creates an interesting, symmetrical and identifiable built form at the entrance. Plot 1 is located to the west of plot 2 set back behind plot 2 which allows the four plots at the entrance to dominate.

The remaining 13 houses are arranged around the internal road and two short private drives. The whole development comprises 16 semi-detached and 2 detached houses. There would be 9 two bedroomed dwellings and 9 with three bedrooms. External materials would be the same throughout the scheme.

The application, as submitted, proposed 19 houses but this resulted in an unacceptable, cramped layout with the street scenes dominated by cars parked in front of the houses. The scheme, as amended, has been reduced to 18 and this reduction, although modest, allows the layout to breathe more, creating more space between dwellings, breaking up car parking and allowing more planting to be introduced.

The design approach proposes modest, two storey brick houses with pitched, tiled roofs with a simple built form. Detailing is limited to porches on six houses and an entrance canopy on others. The scale of the proposed individual houses is smaller than that of surrounding housing but is acceptable because the eight pairs of semi-detached houses are similar in scale to surrounding houses.

The applicant has confirmed that the exterior would be of brick with tiled roofs. A specific palette of materials has not been identified but the drawings and plans submitted in support of the application indicate that a pale beige or light orange exterior is anticipated. Although this would be paler than existing houses to the west and south, it would closely reflect the appearance of the bungalows to the north.

All control and submission of all external materials would be the subject of an appropriate condition.

Residents' Amenity.

A neighbour has raised a concern that houses along Columbia Street to the west of the site will suffer a loss of privacy. The minimum acceptable distance between habitable room windows is 21 metres and the distances between existing and proposed houses here would be between 29.8 and 39.5 metres which is well over the minimum requirement. Of more concern, in this respect, is the relationship of the proposal with the existing bungalows to the north where the distances between habitable room windows are slightly over 21 metres which are nearer but acceptable.

The minimum acceptable distance between a blank wall with no windows and habitable room windows is 12 metres. In this respect, the closest proposed house to an existing house is plot 9 which is 15 metres away from a bungalow to the north.

There is enough space between proposed houses to ensure that there is no loss of privacy. It is noted that the privacy distances across the public domain along the roads are reduced but this is acceptable because there is unrestricted public access.

The relationships between plots 2 and 3 and 17 and 18 give rise to concern because plots 2 and 18 are set 3 metres behind the building lines of the adjoining semi-detached houses. Application of the 45 degree rule, whereby if a line is taken from the nearest rear corner at 45 degrees to the affected, adjoining house, then the line should not enclose a window of a habitable room. In this instance, the patio doors at the rear of plots 3 and 17 would be affected, a situation which is often unacceptable. However, the room at the rear of the two affected plots is a kitchen/diner, served by both the patio doors and a further window which is not compromised by the 45 degree rule. Also, the grouping of the four houses around the entrance creates an attractive feature whereas amending the layout here to a consistent building line would give the impression of a barrier at the entrance, rather than an attractive feature. It is considered that this provides sufficient mitigation to render the layout affected by the 45 degree rule to be acceptable, on balance.

Each house is provided with a private rear garden and these vary in size. The minimum depth of garden should, ideally, be 10 metres but on plots 6 and 7, this is reduced to 8 metres. However, these are both 2 bedroomed houses and Council standards for garden sizes indicate that a minimum area of 50 square metres should be provided. The smallest garden is plot 7 which has 48 m² which is slightly below the minimum but considered to be acceptable. This garden is west facing and will receive much light and sun from midday. All other gardens are in excess of the recommended minimum areas.

Sustainability.

The application site is highly sustainable as it is located within an existing urban area and surrounded by housing. It is located close to shops, services and amenities and

has good transport links. The nearest bus stop is 160 metres away located on Columbia Street.

Construction methods will include cavity walls which will allow high insulation levels to be achieved. A minimum of 10% reduction in carbon emissions will be achieved by using low u-values for external elements, thus reducing energy demand. Provision of highly efficient boilers with effective heating controls, low carbon electricity from solar panels and the provision of electric car charging points on properties will contribute to a sustainable proposal.

Highways Safety.

Policy ST1 of the ALP says that development will be permitted where it does not adversely affect highway safety or the capacity of the transport system. NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the impacts on surrounding roads would be severe.

The single access into the site is taken from High Hazles Drive to the south and this will have an acceptable visibility splay of 2.4 x 47 m, which would not impact on gardens of future houses. The existing footway along High Hazles Drive would turn the corners into the site and extend along the whole of the new road. The two private drives would serve three houses each.

This new access is considered to be safe with good visibility in both directions. The existing road layout with junctions and bends in the roads will restrict vehicle speeds to 30mph.

With respect to car parking provision, each house has two on-plot spaces in accordance with the Nottinghamshire Highway Design Guide and these are all either in front or at the side of houses. Tandem parking is generally discouraged because this can lead to on-street parking but the Highways Authority accept, in this instance, that 14 houses would be served by tandem parking. This is because of the modest size of the proposal and many of the houses will appeal to lower income occupiers who will often own only one car. Consequently, on-street parking would be reduced, there will be space on drives for visitors to park and there is no need to provide specified on-street visitor parking.

No separate pedestrian or cycle routes are proposed because the site is too small to justify these and there are no linkages to an existing network.

The highways and parking layout is considered to be acceptable subject to conditions requiring details of parking and turning areas, full details of road specifications including longitudinal sections and the future management of streets and drainage.

Contamination, Noise Impact and Air Quality.

With respect to potential land contamination, a condition would be attached which, in the event of contamination being discovered during construction, a programme of remediation measures would be required to mitigate against the impact of the contamination.

A Noise Assessment has not been submitted in support of the application as the site is located in a quiet residential area. However, because of this and the potential for noise and dust affecting existing residents who live next to the site, a condition would be attached which restricts construction hours to 08.00 to 18.00 hours Monday to Friday, 08.30 to 13.00 hours Saturday with no working on Sundays or Bank Holidays.

Landscape and Public Open Space.

The applicant has submitted a Tree Survey in support of the application which describes the site as being vacant and almost completely overgrown with shrubs, self-set trees and brambles. The topographic survey also submitted in support of the application supports this, describing the site as 'densely overgrown'. There is also evidence of fly tipping on the site.

There are a number of trees on the site, being individual specimens and in groups and none of these are protected by a Tree Preservation Order. These are all a mix of multi stemmed sycamore, willow, hawthorn and ash. The presence of Knotweed is also noted within the site.

The proposed layout would involve the removal of all vegetation on the site except for the privet hedge along part of the western boundary. The report justifies this removal by stating that there is no significant planting, apart from the privet, worth retaining. The Council Arborculturalist agrees with this assessment.

As part of this proposal, a detailed landscape scheme will be required which will be controlled by a condition along with tree protection measures to ensure the retention of the privet hedge during construction works. It is expected that the landscape scheme will include a variety native species to encourage wildlife as well as providing an attractive setting for the houses.

With respect to open space improvements, two financial contributions will be required to improve local open space which will serve future occupants.

For public open space, a sum of £2,000 per dwelling is required. This will total £36,000 and, of this, £10,800 would be for maintenance to cover a period of 15 years.

Regarding public realm, a sum of £1,000 for each dwelling is necessary, totalling £18,000 and this will be spent on improvements to Sutton in Ashfield town centre.

The submission of these two payments will be controlled by a legal agreement under section 106 of the Planning Act.

Ecology and Biodiversity.

It is a requirement of the NPPF (2019) that new development provides a measurable net gain for post development biodiversity.

A Phase 1 Habitat Survey has been submitted in support of the application and this points out that the site is disused land supporting scattered trees, continuous scrub and other planting.

The site is dominated by continuous scrub which covers nearly all the site, the exception being the centre which has a patch of bare ground.

The site was surveyed for the presence of protected species and there was no evidence of either habitat or activity on the site. The site comprises suitable habitat for nesting birds so the site would need to be cleared outside of the nesting season.

There are invasive species present on the site, namely Japanese Knotweed and the removal of this would require the submission of a Method Statement which would be controlled by a condition.

The Habitat Report confirms that all plants on the site are common in the UK and development for housing creates a number of opportunities to enhance the biodiversity of the site. The current on-site biodiversity is low. Native and non-native flowering plants and trees can be introduced to provide better pollen and nectar sources. Bird, bat and bee boxes along with hedgehog gaps/tunnels can also be introduced.

Drainage and Flood Risk.

The applicant has submitted a Surface and Foul Water Drainage Strategy which includes correspondence between the applicant and Severn Trent Water. The supporting information says that a Sustainable Drainage Strategy (SuDS) will be incorporated into the scheme.

Consultee responses from both Severn Trent Water and the County Local Lead Flood Team have raised no objections or issues other than a condition required by both bodies to control a scheme for surface water drainage.

The site is part of an area contained within Flood Risk Zone 1 which has a low probability of flooding (less than 1 in 1,000 annual probability). The risk of flooding is negligible.

Developer Contributions.

The requirements of the CIL Regulations state 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 relate to the development and fairly and reasonably related to the scale of the development.

The following developer contributions are required which would be controlled by a legal agreement under section 106 of the Planning Act.

Affordable Housing.

One house would be required. This is below the normal requirement of 10% of the development but this is in line with the revised Financial Viability assessment which has been submitted in support of the application and verified by an independent assessor. The intention is that this house would be taken over by a Housing Association.

Public Open Space.

A sum of £36,000 is required for improvements to existing public open space in Huthwaite which includes a sum of £10,800 to cover maintenance for a period of 15 years.

Public Realm.

A sum of £18,000 is required for improvements to Sutton in Ashfield town centre.

Bus Stop Improvements.

A sum of £8,800 is required to provide a real time bus display panel at bus stop no. AS0120 – Springwell Street close to the site on Columbia Street.

Monitoring Contribution.

The updated CIL legislation allows for a section 106 monitoring fee to be charged. This will amount to £1,000 and will cover the Council's fees for monitoring payment.

Planning Balance and Conclusion.

The NPPF says that proposals should be considered in the context of a presumption in favour of sustainable development which is defined by economic, social and environmental aspects and the interrelated roles they perform.

The application site is contained within a sustainable, main urban area but does not have a designation on the Development Plan.

With respect to the three objectives of sustainable development which are set out in the NPPF (2021), the proposal would have the following benefits:

Economic.

This is a modest housing development but it would still, by way of new residents, boost the local economy by way of increased expenditure. There would also be benefits arising from builders being employed and the need to purchase building materials and supplies.

Social.

The Council cannot currently demonstrate a 5 year housing land supply and the provision of new homes, including affordable units, although modest in this instance, carries significant weight in the determination of this application.

Environmental.

The proposal will regenerate a vacant, overgrown and unused site by providing new homes bringing benefits in terms of visual and residential amenity. The scheme is in a sustainable location and will include a number of sustainable features to reduce the reliance on fossil fuels.

The design, layout, scale and appearance of the development is considered to be acceptable. The impact on highways safety, amenity of local and future residents, biodiversity, drainage and landscape have all been assessed and are considered to be acceptable subject to the inclusion of planning conditions where necessary.

This planning application complies with the policy criteria set out in the development plan and the NPPF. Consequently, the application is recommended for approval subject to the requirements of a section 106 Legal Agreement and the conditions listed below.

Recommendation: Conditional Planning Consent subject to a section 106 Agreement.

Section 106 Heads of Terms.

1. One property within the development to be Affordable Housing. With an amount of £1760, which is the remaining amount in the verified financial assessment taking into account the contributions below, to be provided towards the provision of Council housing in the district.
2. A sum of £8,800 to be provided for improvements to a bus stop.
3. A sum of £36,000 to be provided for public open space improvements in Huthwaite including a sum of £10,800 for maintenance costs over a 15 year period.
4. A sum of £18,000 to be provided for public realm improvements to Sutton in Ashfield town centre.
5. A sum of £1,000 to be provided to cover the cost of monitoring the Section 106 Legal Agreement in accordance with CIL legislation.

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:
 - Proposed Site Block Plan: DB/BK/21/33/02 Rev. F
 - Floor Plans and Elevations Plots 2, 3, 17 and 18: DB/BK/21/33/08 Rev. A
 - Floor Plans and Elevations Plot 10: DB/BK/21/33/07 Rev. A
 - Floor Plans and Elevations Plots 4 to 7, 11 to 14: DB/BK/21/33/05 Rev. A
 - Floor Plans and Elevations Plots 8, 9, 15 and 16: DB/BK/21/33/04 Rev. A
 - Floor Plans and Elevations Plot 1: DB/BK/21/33/03
 - Site Location Plan
3. No dwelling hereby permitted shall be occupied until the parking and turning areas are provided in accordance with the approved plan drawing number DB/BK/21/33/02 Rev.D. The parking and turning areas shall not be used for any other purpose than parking, turning, loading and unloading of vehicles.
4. No part of the development hereby permitted shall take place until full technical details of the new roads have been submitted to and agreed in writing by the Local Planning Authority. Such details shall include longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. The development shall be implemented prior to the occupation of any dwelling and retained thereafter.
5. No part of the development shall commence until details of the proposed arrangements and plan for future the management and maintenance of the proposed streets including associated drainage have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall thereafter be maintained in accordance with the approved management

and maintenance plan until such time as an agreement has been entered under section 38 of the Highways Act 1980.

6. Prior to the commencement of development, details of all external materials and finishes shall have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out with those materials unless the Local Planning Authority give written approval for any variation.
7. No development shall take place until a detailed hard and soft landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. All planting, seeding and turfing indicated on the approved landscaping scheme shall be carried out in the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
8. Prior to the commencement of development, details shall have been submitted to and approved in writing by the Local Planning Authority of measures to protect the retained privet hedge along the western boundary. Such approved protection measures shall remain in place until the construction works are complete.
9. A. No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of or provision of any services, laying of temporary services and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with potential ground contamination has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
 - (i) A preliminary risk assessment which identifies all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination from the site.
 - (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off the site.
 - (iii) The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken.
 - (iv) A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard.
 - (v) If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

B. If during the works, any additional contamination is encountered, all works in the relevant parts of the site shall cease immediately and not resume until either;

- The potential contamination has been assessed and a remediation scheme has been submitted to and agreed in writing by the Local Planning Authority, or
- Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

Any additional land contamination shall be fully remedied prior to the first occupation of the development.

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

10. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.

Planning practise guidance and section H of the Building Regulations 2010 detail surface water hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should be explored. If these are found to be unsuitable, satisfactory evidence will need to be submitted before discharge to the public sewerage system is considered.

- 11 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 Michael Evans Associates Ltd. Surface and Foul Water Drainage Strategy ref. 21-381 dated 30 September 2021, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority. The detailed design must comply with the points listed below:

1. It is unacceptable to assume infiltration is unsuitable and testing to BRE365 standards must be provided should the application progress any further.
2. The use of SuDS is not evident in the submission and this should be clarified (as below) in any further submissions.

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 rain events up to the 100 year plus 40% (for climate change) critical rain storm 5l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO 30219 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 of the 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 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 100 year plus 40% storm.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of how the on-site water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the long term drainage.
12. Prior to the commencement of development, details of bird boxes, bat boxes, swift bricks and hedgehog runs and tunnels/holes shall have been submitted to and agreed in writing by the Local Planning Authority. Such boxes, bricks and runs shall be implemented prior to the occupation of any dwelling and retained thereafter.

REASONS

1. To comply with the requirements of section 91 of the Town and Country Planning Act as amended.
2. To define the terms of the permission.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the development leading to on-street parking in the area and in the interests of highways safety.
4. To ensure that the development is constructed to safe and adoptable standards.

5. To ensure that the road infrastructure is maintained to an appropriate standard.
6. To ensure the satisfactory appearance of the development.
7. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
8. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
9. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with the NPPF, paragraph 178. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan, even the early stages of the development process (other than specified) could result in the spread of contamination and a risk to public health.
10. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
11. A detailed water surface management plan is required to ensure that the development is in accordance with the NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
12. In the interests of bio-diversity and the enhancement of the natural environment.

INFORMATIVES

1. Planning consent is not permission to work on or adjacent to a public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at licenses@viaem.co.uk to ensure all necessary licenses and permissions are in place.
2. It is an offence under section 148 and section 151 of the Highways Act 1980 to deposit mud on the public highway and as such, you should undertake every effort to prevent it occurring.
3. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with 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 Highway Authority about 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 contacts the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the circumstance and it is **essential** that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) before any work commences on site.

All correspondence with the Highway Authority should be addressed to hdc.north@nottscc.gov.uk.

4. Please note that any relevant details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.
5. Severn Trent Water advise that although our statutory sewer records do not show any public sewer within the area you have specified, there may be sewers that have recently been adopted under the Transfer of Sewers 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 buildings.
6. The Local Lead Flood Team ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.
7. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to so could result in legal action being taken by 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 contact the Development and Building Control Section of the Authority on Mansfield (01623) 450000.



MAP SCALE 1: 750
CREATED DATE: 25/10/2023

COMMITTEE DATE 01/11/2023 **WARD:** Sutton St Mary's

APP REF V/2023/0515

APPLICANT P Crawford Ashfield District Council

PROPOSAL Application for Consent to Display an Advertisement(s) -
Installation of 3no Organisation Signs

LOCATION 70-72 High Pavement, Sutton in Ashfield, Notts, NG17 1BT

WEB-LINK <https://www.google.com/maps/@53.1223885,-1.2639188,19z?entry=ttu>

BACKGROUND PAPERS A, B, D

App Registered 08/09/2023 Expiry Date 02/11/2023

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

This application has been referred to Planning Committee as Ashfield District Council is the applicant.

The Application:

The application is seeking consent for 3 advertisements to the east and south elevations of the building. The signage will consist of two static internally illuminated signs with an illuminance level of 850 cd/m² each and one non-illuminated sign.

The first sign will be on the south elevation facing High Pavement. It will be 3.67m in width by 1.8m in height and the bottom of the sign will be 4.275 above ground level in line with the first floor windows.

The second and third signage will on the east elevation facing Langton Road. One is proposed above the entrance, measuring 2.31m in width by 1.8m in height. The third is an organisational sign which contains details of the organisations in the building and measures 1.44m in width by 1.526m in height, the bottom of this sign being 0.304 above ground level.

All signage will be aluminium with white text on a green background.

Consultations

A site Notice has been posted together with individual notification of surrounding residents.

NottsCC Highways:

This application can be considered under Standing Advice.

Policy

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

Local Plan Review (ALPR) (2002)

- ST1 - Development
- ST2 – Main Urban Area

National Policy Framework (NPPF) (2023)

- Part 12 – Achieving Well Designed Places

Relevant Planning History

X/2023/0032 - Application to determine if prior approval is required for installation of roof mounted solar PV panels – Prior Approval Not Required – 04/08/2023.

V/2022/0148 - Alterations to the facade including new fenestrations and cladding, landscaping and new vehicular access, minor internal alterations – FULCC – 01/06/2022.

Comments:

In respect of applications for advertisement consent only two issues can be considered in the determination of the application. These issues are amenity and public safety. The main issues to consider in the determination of this application are considered to be visual amenity and highway safety.

Visual Amenity

The proposed signage is considered sympathetic to the design of the building and the wider street scene. Overall, it is considered that the proposal will not have a detrimental impact on visual amenity or character of the street scene.

Highway Safety

Nottinghamshire County Council Highways were consulted on the application and have raised no objections. The proposed signage is to be illuminated however it is considered that the signage is set back far enough from the highway that they will not cause distraction or concerns in regards of highway safety.

Conclusion:

Overall, it is considered that the proposed advertisements are appropriate and will not have a detrimental impact on the visual amenity or highway safety. Therefore, it

is recommended that the application is granted advertisement consent subject to the following conditions.

Recommendation: - Grant Advertisement Consent – Conditionally

CONDITIONS

1.
 - i. The consent hereby given shall expire five years from the date of this notice.
 - ii. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - iii. No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - iv. Any advertisement displayed, and any site used for the display of the advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - v. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - vi. Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
2. This permission shall be read in accordance with the following plans:
 - Proposed Elevations with Signage received 11/09/2023.
 - Site location Plan received 07/09/2023.
 - Advertisement Drawings received 07/09/2023.

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

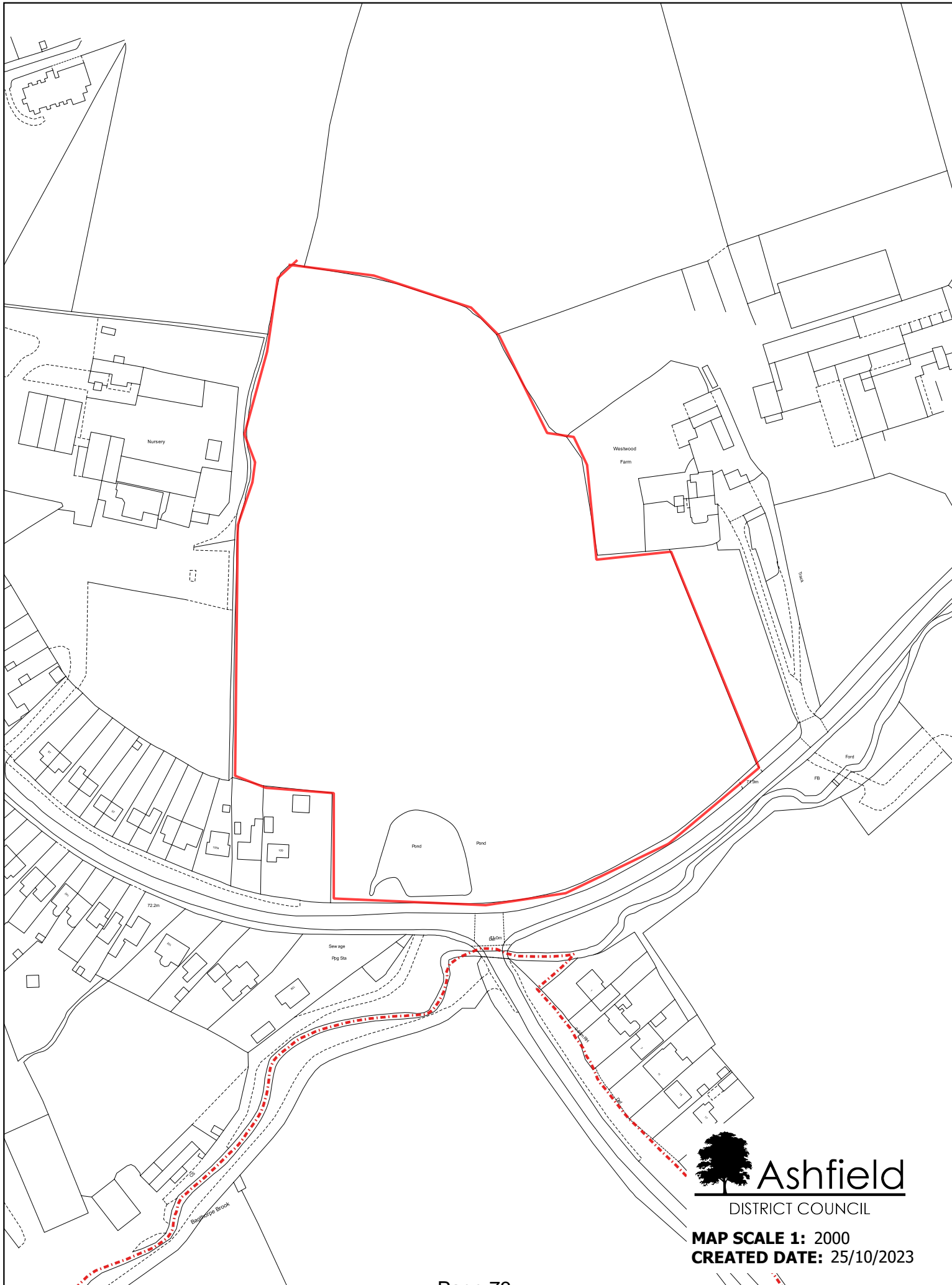
1. In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

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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MAP SCALE 1: 2000
CREATED DATE: 25/10/2023

COMMITTEE DATE 01/11/2023 **WARD** Jacksdale

APP REF V/2022/0066

APPLICANT A Baldwin

PROPOSAL Construction of 81 Dwellings and Associated Highways,
Drainage and Landscaping Infrastructure

LOCATION Land Adjacent 109 Main Road, Jacksdale

WEB-LINK <https://www.google.com/maps/@53.0570899,-1.3256039,16.5z?entry=ttu>

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

App Registered: 03/02/2022

Expiry Date: 31/09/2023

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

This application has been referred to Planning Committee as the development scheme is a departure to the local development plan.

The Application

This is a full planning application for the construction of 81 dwellings with associated highways, drainage and landscaping infrastructure on land north off Main Road, Jacksdale. The proposed mix of properties is as follows:

- 2 bed semi / detached – 14 total
- 3 bed semi / detached – 39 total
- 4 bed detached – 26 total
- Self build plots – 2 total

The application site is identified as comprising an area of 4.19 hectares located between the settlements of Jacksdale and Westwood. The site comprises an agricultural grazing field, which slopes down towards Main Road to the south of the site and Bagthorpe Brook. To the east is Westwood Farm and Oak Tree Farm. Immediately abutting the site there is a complex of buildings and extensive hard surfaced area with an equestrian outlet beyond together with agricultural land. To the north is agricultural land and housing in Jacksdale/Westwood beyond. To the west is the Jacksdale Garden Centre and residential properties fronting onto Main Road. To the south beyond the mature hedge is a grass verge and across Main Road the sewerage pumping station, a number of houses and agricultural land.

Consultations

A press notice has been published and site notices have been posted, together with individual notification to surrounding residents and statutory consultees.

The following representations have been received:

ADC Environmental Health (Contamination):

A Ground Gas Monitoring Report has been submitted with the application, however part of this report, including the Coal Mining Report referred to in the Planning Statement has not. As such, a full contamination condition is recommended as part of any approval.

ADC Place and Communities:

No objections in principle to the proposal.

Seek developer contributions towards off-site play and young persons' provision and general open space improvements as set out below:

Off-site contribution of **£162,000**. The contribution is to be towards two sites:

- Main Road Recreation Ground
- Westwood Recreation Ground

TR6 contribution of **£81,000** for offsite contribution for active travel associated to the improvement of Footpaths FP24, BW23 and FP59.

ADC Planning Policy:

The site is located within the Green Belt. The proposal does not meet any of the exceptions for appropriate development set out within the NPPF or ALPR and therefore Very Special Circumstances will need to be established.

There are locally listed heritage assets in proximity to the application site. The significance of these will need to be taken into account in respect of loss or harm.

The JUS-t NP places an emphasis on landscape character - none of the view corridors identified relate to the application site. A landscape assessment has been submitted with the application which should be reviewed.

The site consists of land within Flood Zones 1, 2 and 3. Access and egress is through FZ 2 & 3. A sequential test will be necessary which has subsequently been submitted.

There are no identified national or locally designated sites identified on the application site. A Local Wildlife Site, Jacksdale Meadow East is located to the southeast of the site on the other side of Main Road. Information has been submitted on Biodiversity Net Gain which identifies a 10.23 % increase in habitat units and 41.88% in hedgerow units. No hedgerows are proposed to be removed as part of the development. The protection of the hedgerows is important as the Heritage Statement identifies in Figure 5, the 1844 Selston Tithe Map, that some of the boundary hedgerows date back to a least this time.

No footpaths are identified as being located on or immediately adjacent to the application site. A link to existing rights of way would be desirable in the context of the JUS-t NP policies, NP1, NP 3 and NP 8. This is reinforced by NPPF para 104 that identifies that opportunities for walking, cycling and public transport use are identified

and pursued. It is noted that the application identifies that a new right of way is proposed to be created to link the development with the existing Right of Way Selston BW26. However, this falls outside the application site and presumable consideration needs to be given to how this is taken forward if permission is granted.

ALPR Policy HG4 and NPPF paragraph 65 means that 10% affordable housing will be required in relation to the development. Consideration needs to be given to the findings of the Housing Needs Assessment 2020 and the national planning guidance on First Homes in considering the nature of the affordable homes provided.

Any development scheme should aim to achieve a permeable, safe and accessible environment with clear legible pedestrian routes and high quality public space. The ALPR sets out policies on design aspects and these are supported by SPDs on residential design and car parking, which provides detailed guidance on the standards of design the Council is looking to achieve. The JUS-t Neighbourhood Plan has a substantial emphasis on considering design aspects, the settlement pattern and landscape character.

Housing density requirements for this area require a minimum of 30 dwellings per hectare. Paragraph 5.69 sets out how the net density is derived. The proposed number of units is significantly below this requirement as, simply based on the site area, the number of dwellings per ha is 19.33. The ALPR recognises that it may not always be possible or appropriate to achieve minimum requirements, for example, where higher densities are not compatible with the site or its surroundings, (ALPR paragraph 5.65). But NPPF, paragraph 125 stresses that, where it is identified that where there is an existing shortage of land for meeting housing needs, planning decision should avoid homes being built at low densities and ensuring that development makes optimal use of the potential of each site.

In respect of housing mix, there is no relevant policy in the ALPR. However, the JUS-t NP sets out the that Schemes will demonstrate that housing development is a size and type and tenure to meet locally identified need.

ALPR Policy HG6 sets out the requirements for open space within new developments. Under the Policy as the site is more than 2 ha a minimum of 10% of the gross housing should be open space. The Policy is consistent with the NPPF, which in paragraphs 93 and 98 emphasises the important of open space reflecting both a design and health and wellbeing aspect. The application identifies the site area as 41,900 sq m (4.19ha) so that the open space area comprises approximately 29% of the gross area including the attenuation pond and the existing pond.

The NPPF advises that planning policies and decisions should support development that promoting healthy and safe communities emphasises the importance of planning positively for community facilities, ensuring sufficient choice of school places, and access to high quality open spaces respectively. Developer contributions are likely to be required in order to ensure a sustainable development, which satisfies NPPF requirements.

ADC Conservation:

Concur with the findings of the submitted Heritage Statement. The site lies between the setting of two locally listed buildings known as Westwood Farm to the east and St Mary's Church to the north-west. Whilst there would not be any discernible effect on St Mary's Church, there will be a very low level of harm to the significance of the adjacent farmhouse, in particular through the loss of a parcel of agricultural land with which there is a functional and visual relationship with the locally listed building. However, unlike with designated heritage assets, there is no requirement to give such harm great weight, nor clear and convincing justification for any harm, and instead there is a requirement to have a balanced judgement (para 203 of the NPPF).

In terms of heritage values, the significance of the asset will largely be retained, in particular through its architecture, its immediate setting and the wider setting to the north, south and east. It is therefore considered that the harm is outweighed by this, and in heritage terms, would be acceptable.

ADC Ecology:*First Set of Comments*

An updated Preliminary Ecology Appraisal (PEA) (as required by Nottinghamshire Wildlife Trust) has been submitted. This updates the now 'out of date' PEA and is based on survey data collected in August 2023. The following comments are made:

- Potential impacts on Bagthorpe Brook and associated species will need to be reviewed/confirmed once the drainage strategy is firmed up.
- A GCN presence/absence survey of the pond at the southern end of the site will need to be undertaken, with the results indicating what mitigation will be required.
- The vegetation on/around the site and the pond offers potential roost, foraging and commuting habitats for bats. Activity surveys will need to be carried out.
- There is no Phase 1 Habitat plan included with the PEA which indicates the location of trees with bat roost potential. Some of the trees along the sites northern and western boundaries have no buffer between proposed gardens and access roads, making light pollution and disturbance to bats likely. A Phase 1 habitat plan is required.
- Although no evidence of badgers was found during any of the site visits, the habitats described within the PEA may provide foraging and set building opportunities for the species. Further information, including commencement checks and precautionary working methods in relation to badgers will be required.
- Precautionary working methods described within the PEA relate to hedgehog, reptiles, birds and brown hare – these should be adhered to.
- A Biodiversity Net Gain (BNG) Design Stage Report has not been provided – this should include details of the long-term management and monitoring plan of created or enhanced features. The Landscape Ecological Management Plan (LEMP) only covers a 5-year period, not the broader 30-year lifetime of the BNG commitment.
- Consideration needs to be given to the condition of habitat creation and how this is recorded within the Biodiversity Metric.

Second Set of Comments (Following Amendments/Revisions)

- The strategic significance of habitats has not been correctly considered within the BNG assessment. Lowland natural grassland (other neutral grassland) and species-rich hedgerows are priority habitat for Nottinghamshire and Ashfield and are therefore strategically significant (marked as having no local strategic importance).
- Soil analysis will be required on the area proposed for other neutral grassland creation.
- A Biodiversity Enhancement Management Plan should be submitted to show how the proposed habitats will be created and managed over a 30-year period. This should include other enhancement measures such as bird and bat boxes, sift bricks and hedgehog highways.
- Tree T2 has been assessed as having moderate bat roost potential. The layout indicates that an approach road and driveways to two dwellings will be sited near to the tree.
- A lighting strategy setting out lighting parameters and likely mitigation requirements should be conditioned as part of any approval.
- A Method Statement detailing methodology of habitat removal in respect of reptiles, amphibians, brown hare, badger and hedgehog should be produced prior to works commencing.

ADC Waste Services:

The proposed layout would mean that waste collections to a number of properties couldn't be undertaken by the Council. The layout needs to be reviewed to design out this risk through the removal of dead ends and areas inaccessible to refuse vehicles. The road surface and layout needs to be appropriate for a standard size 32ft refuse collection vehicle.

Selston Parish Council:

Object to the proposal on the grounds of Green Belt and flood risk. The site is located within the Green Belt and development of the site would be contrary to planning policy. Very Special Circumstances do not appear to exist as there is evidence gathered in support of bring forward other sites forward for development in Jacksdale/Westwood.

Site is also in an area designated at Flood Zone 2. The proposal should ensure that it is in accordance with national and local plan policies by ensuring that there is sufficient surface water management and does not increased the risk of flooding elsewhere. Main Road is located within Flood Zone 3, and the extent and frequency of flooding in the locality is reflected in local residents comments. The road floods every time there is heavy rainfall and Bagthorpe Brook – opposite the site – also regularly overflows.

Local infrastructure will also be unable to cope with the development of the site, in addition to the amount of development also planned for nearby villages (allocated sites within the JUS-t NP, and those with extant permissions). Development of the site could also encourage further development on the adjacent land to be brought forward.

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 a Mineral Safeguarding and Consultation Area for surface coal, however due to the nature of the potential resource, there will be little scope for prior extraction. The county council therefore raises no concern in this respect.

NCC Archaeology:

No comments to make on the application.

NCC Waste:

There are no existing waste sites in the vicinity, which the development could sterilise. The proposal is likely to generate significant volumes of waste through both the development and operational phases. It would be useful if the application was supported by a waste audit.

NCC Strategic Transport:

There are no observations to make in respect of the strategic highway.

NCC Transport and Travel:

The site access appears to be via an existing field access onto Main Street with the closest bus stops being AS0038 and AS0729 Brinsley Hill approximately 180 metres from the centre of the site, measured along the proposed path running north-south to the junction of Brinsley Hill with Main Road.

- The closest bus stops are located on Brinsley Hill, approximately 180m from the centre, measured along the proposed path running north-south to the junction of Brinsley Hill with Main Road.
- 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 of **£32,100** is required for improvements at two bus stops (AS0038 and AS0729 – Brinsley Hill). This will include the installation of real time bus stop poles & displays including associated electrical connections, extended hardstands, polycarbonate bus shelters and solar lighting.

NCC Rights of Way:

No objections to the proposal. All nearby rights of way run outside the site and are not affected by the development.

NCC Education:

The proposed development of 81 dwellings on the above site would yield an additional 17 primary, 13 secondary and 2 post 16 aged pupils. 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:

First Set of Comments

A Transport Assessment has been submitted in support of the proposal. Vehicular access is proposed to the south-east of the existing junction of Main Road and Brinsley Hill. The following comments were received:

- Speed surveys have been undertaken to ascertain visibility splays required on access. This approach is incorrect for the location of the site. Splay/forward visibility sightlines should be commensurate to the speed of the highway – speed limit is 40mph, visibility splays should be 120 metres. The visibility splays, as currently proposed, are unacceptable. Although a Road Safety Audit has been provided, this has no bearing on the acceptability of the proposed splays.
- Reduced speed signage showing 30mph are some 90 metres west from the proposed vehicular access – unlikely that vehicles will be reducing speeds at the proposed point of access.
- The design parameters of the junction are in accordance with the NCC design guide for adoption.
- The trip rates produced and applied are deemed to be significantly low for the sites location. The sites chosen in TRICS have not been demonstrated to be comparable with application site. The developer should survey similar development sites within NCC to establish more reliable trip generation figures.
- The closest junctions on each of the main routes has been considered as part of the traffic impact assessment – the approach taken to this is unacceptable. All junctions need to be appropriately modelled and assessed to demonstrate that there would be no impact from the development.
- The Travel Plan needs to be substantive and should include reference to suitable targets for public transport modal share to achieve an uplift. A Sustainable Travel Contribution of **£10,000** is requested for residents of the development which may include, but not exclusively the use of taster tickets for travel on public transport and/or bus service enhancements. The developer will also be required to fully fund the cost of bus stop improvements.
- A pedestrian and cyclist access should be provided at the south western end of the site off Main Road to enhance site permeability for pedestrians and cyclists.
- All dwellings are to be provided with cycle stores.
- A scheme should be submitted which provides a 2m wide footway and 2m wide cycleway from the proposed access along the site frontage in accordance with LTN 1/20.
- Car parking provision has been provided in accordance with required standards.
- It is advised that all parking bays have EV charge points.
- The internal road layout is assumed will be adopted; the extent of proposed adopted highway is required to be demonstrated on any future plans submitted. Key dimensions should be indicated on the proposed layout.

Second Set of Comments (Following Amendments/Revisions)

- NCC maintain that the visibility splays at the site access should be 2.4m x 120m in both directions. Removal of the hedgerow will be required and the area to the front of the visibility dedicated as highway.
- As an extension to the 30mph speed limit/reduction in 40 mph has been suggested. To achieve a reduction in the speed limit to accommodate a lesser visibility is not normally supported unless the area becomes built up with enhanced lighting and other speed reducing features.
- No further information received regarding previous concerns around the trip generation rates.
- PROW between the development site, Westwood and Jacksdale via route 26 can be agreed with surfacing details etc. by condition.
- Bin collection points on plot and on private drives are in acceptable locations. Appropriate access can also be achieved for refuse and fire vehicles.
- 2m wide footways need to be included on ends of turning facilities.
- As the design speed has been stated as 20mph, there are areas of the development that may benefit from Traffic Calming features to maintain low speeds, and these need to be shown.

Third Set of Comments (Following Amendments/Revisions)

- The access arrangement onto Main Road should have visibility at the access of 2.4m X 120 metres based on a design speed of 43mph/70kph. The speed limit on this existing road is 40mph reducing to 30mph along the site frontage towards Brinsley Hill junction. Actual speeds have been recorded over a 7-day period. Southwest bound traffic has actual 85%ile speed readings of 36.7mph, whereas Northeast bound traffic has 38.4mph. In line with design guidance, allowing for a 3mph increase in the actual speed readings, southwest bound traffic should have 2.4m x 103.5m splay and Northeast bound traffic should have a 2.4m x 112m splay at the access.
- The access is located in the most optimal position having regard to an existing mature tree on the eastern boundary and an area of FZ 2 to the west. The visibility to the southwest, (for northeast bound traffic) is 2.4m x 120m which is acceptable and visibility to the northeast, (for southwest bound traffic) is 2.4m x 101.5m. The 2m deficit is considered acceptable as the majority of traffic travelling along Main Road towards the site access will be travelling on the left-hand side of the road, on the opposite side to the access. The visibility is shown into the nearside running lane and is in the noncritical direction. Visibility to the opposite running lane from the access will be greater, therefore the visibility is considered acceptable.
- There is an existing street lighting system along the south side of Main Road including the frontage of the site and this will be reviewed at detailed design stage when the access junction and works on Main Road are put forward for design approval to the highway authority.

- In order to enhance the 30mph speed limit on approach to Brinsley Hill junction and Jacksdale Village it may be beneficial to incorporate speed reduction indicators or enhancements to make it clearer to drivers that they are entering a 30mph zone
- Refuse and fire strategy-It is accepted that the bin storage facilities and fire recommendations have been addressed and are acceptable.
- 2m footways have been provided and a 3m wide cycleway/footway link to the south of the site towards Brinsley Hill is proposed.
- Internal traffic calming in the form of speed tables are proposed in front of plot 29-31 and the side of plot 3. These are acceptable.
- Visitor Parking numbers and locations, and cycle storage are acceptable.
- All properties to have EV charge points.
- Subject to Section 278 approval, the cycle/footway and the bus stop facilities on Main Road are acceptable.
- No SuDs are proposed to be approved or adopted by the HA.

The scheme, as now submitted, is considered acceptable. Conditions are recommended as part of any grant of permission.

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.

Nottinghamshire Ramblers Association:

No comments to make on the application.

Nottingham and Nottinghamshire Integrated Care Board:

No objections to the proposed development. Request a contribution of **£43,891.88** towards local healthcare provision. This will provide enhancements to the capacity and infrastructure at either: Jacksdale Medical Centre, Selston Surgery or Ashfield Centre.

Environment Agency:

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included requiring the development to be carried out in accordance with the submitted flood risk assessment, which requires all finished floor levels to be set no lower than 71.55 metres above ordnance datum (AOD).

Results of the intrusive investigation on site have not identified any contamination of significant concern with regard to controlled waters. There are still uncertainties as to whether this site has been infilled in the past, given the records of it being an historic landfill site. Further site investigations to greater depths should be undertaken across the entire site, along with groundwater level monitoring and soil sampling. This should be secured via condition.

Severn Trent Water:

No objections to the proposed development subject to a drainage condition.

The Coal Authority:

Do not object to the proposal subject to conditions pertaining to further ground investigation works, and confirmation that the site has been made safe and stable for the approved development prior to occupation.

Natural England:

No comments to make on the application. Standing advice can be used to assess the proposal.

Nottinghamshire Wildlife Trust:

The trust raise concerns regarding the submitted preliminary ecological appraisal (PEA), LEMP, landscape plans and in respect of biodiversity net gain (BNG). These are summarised below:

PEA

- PEA should be updated to an Ecological Impact Assessment.
- Further great crested newt surveys on the pond required.
- Avoidance measures to address the impact on protected species required.
- Wording in relation to breeding birds should be amended.

LEMP

- Clarification on the frequency of hedge cutting needed
- Use of herbicides should be discouraged.
- Period for removal of materials from site is too long – needs reducing to 72hrs.

Landscape Plan

- Does not include any details on plants/trees/seed mixes.
- No planting specification.
- Artificial habitats should be marked on the landscape plan – this should include their spec and installation advice.

BNG

- Headline results suggest the development will achieve 10.23% habitat units and 41.88% hedgerow units – this has not been supported by the submission of the metric calculations nor the accompanying BNG design stage report.

NB: Further information seeking to address the above comments have been received. Nottinghamshire Wildlife Trust have been consulted on the amendments, however no further comments have been forthcoming.

Community Representations:

193 letters/emails have been received from 171 individuals. The contents of these are summarised below:

Objections

Environment and Wildlife

- Land is designated green belt – development of the site would result in sprawl, development in the countryside and the merging of two settlements.
- Loss of agricultural land – needed to feed the nation.
- Wildlife, vegetation, grassland and other natural surrounding being displaced, uprooted & destroyed. Loss of birds, water voles, bats, fish, reptiles.
- Important view corridors lost.
- Pollution caused by extra traffic / increase carbon footprint.
- Set a precedent for development on neighbouring land.
- Site is semi-rural in nature.

Highway Safety Issues

- The proposal and the extra vehicles it will lead to (both during construction and occupation thereafter) will exacerbate traffic and parking problems in the area, putting children, the elderly, and disabled people at risk.
- Local road network is already congested.
- Inappropriate location of the access – in a 40mph zone where people speed and on a bend.
- Increased likelihood of vehicular/vehicular and vehicular/pedestrian conflict.
- Inappropriate parking facilities provided on site.
- Deterioration of local roads.
- Local bus service is poor and will not adequately serve the site.

Flooding and Drainage

- Site lies in flood zones 2 and 3.
- Area designated as the access regularly floods.
- Main Road is susceptible to significant flooding events.
- Exacerbate flooding in the local area – increased hard surfacing and loss of green space.
- Existing sewage system will be unable to cope with new foul water connections – Severn Trent objected to previous schemes.
- Bagthorpe Brook remains unmaintained.
- Disagree with the calculations within the flood risk assessment.
- One additional pond will not prevent flooding.

Residential Amenity

- Disruption during and after construction – noise, dust, odours and emissions.
- Loss of quietude.
- Loss of green space will have a negative impact on the physical and mental well-being of local residents.

Land Stability

- High risk area for coal mining.
- Land is known to be contaminated.

Local Infrastructure

- Infrastructure. Extra demands upon utilities, health, education, community and other services.
- Overwhelm the small scale of the village.
- Lack of shops and amenities within the village to support this scale of development.
- Proposal does not provide for any new infrastructure.
- Unsustainable location outside boundary of Jacksdale village.

Heritage

- Detract from local heritage assets adjacent to the site.

Other Issues

- Overdevelopment of the site.
- More appropriate sites within Jacksdale and further afield.
- Vacant properties in the village should be renovated first.
- Contrary to the local development plan.
- Previous applications have been refused on this land – nothing has changed.
- Houses would be unaffordable for local people.
- Council should purchase land and create a country park.
- No employment opportunities in Jacksdale – people will have to commute to nearby villages/towns/cities.

Support

- Enrich local economy – investment in local services and increased expenditure in local shops and services. Further investment through increased Council Tax.
- Provide high quality homes for local people allowing people to remain in the village.
- Improve local transport provision.
- Improve current drainage provision and reduce likelihood of flooding.
- Will improve access to open space.
- Creation of new jobs.
- Provides for improved biodiversity/habitats on site.

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 (ALPR) 2002

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

- Policy ST1: Development.
- Policy ST3: Named Settlement.
- Policy ST4: Remainder of the District.
- Policy EV1: Green Belt
- Policy EV2: Countryside
- Policy EV6: Sites of Importance for Nature Conservation.
- Policy EV8: Trees and Woodlands.
- Policy RC8: Recreational Routes.
- Policy HG3: Housing Density.
- Policy HG4: Affordable Housing.
- Policy HG5: New Residential Development.
- Policy HG6: Open Space in Residential Developments.
- Policy TR2: Cycling Provisions in New Development.
- Policy TR3: Pedestrians and People with Limited Mobility.
- Policy TR6: Developer Contributions to Transport Improvements.

Jacksdale, Underwood & Selston Neighbourhood Plan (JUS-t NP) 2017

- NP1: Sustainable Development.
- NP2: Design Principles.
- NP3: Protecting the Landscape Character.
- NP4: Housing Type.
- NP8: Improving Access to the Countryside.
- Appendix E - JUS-T Place Analysis

Material Considerations

National Planning Policy Framework (NPPF) 2021

- Part 2: Achieving sustainable development, in particular Para 11 *'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 13: Protecting green belt land.
- 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.

Together with supporting Planning Practice Guidance.

Other Documents

- Residential Design Guide SPD 2014.
- Residential Car Parking Standards 2014.
- The National Design Guide (2020).
- National Model Design Code (2021).
- Building for a Healthy Life (2020).
- Gear change: a bold vision for cycling and walking (2020).
- Cycle infrastructure design (LTN 1/20) (2020).
- Manual for Streets 2 (2010).
- ODPM Circular 06/2005 Biodiversity and Geological Conservation.

Relevant Planning History

V/2021/0043

Details: Construction of 100 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure
Decision: Withdrawn

Comment

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

1. Background and Context
2. Principle of Development
3. Housing Density and Mix
4. Landscape Character
5. Layout, Appearance and Design
6. Impact upon Residential Amenity
7. Biodiversity
8. Drainage and Flooding
9. Highway Capacity and Safety
10. Other Issues
11. Planning Obligations
12. Very Special Circumstances
13. The Planning Balance and Overall Conclusions

1. Background and Context

A previous full application for the site comprising the construction of 100 dwellings and associated infrastructure was submitted to the Authority in 2021, under planning reference V/2021/0043. The application was subsequently withdrawn in August 2021 after concerns were raised by officers regarding the scheme.

Concerns were raised in respect of the following:

- Green Belt - The proposal would constitute inappropriate development in the Green Belt, for which '*Very Special Circumstances*' has not been demonstrated. Officers did not agree with the applicants critique of the Council's Strategic Green Belt Review.
- Flooding/Drainage - Parts of the site lie within Flood Zones 2 and 3, in which attenuation features and the site access were proposed; the latter of which would prevent emergency vehicles from being able to gain access to the site when flooding occurs. Issues were also raised regarding the submitted Flood Risk Assessment.
- Heritage - The site forms an important setting for nearby heritage assets and development of the site would form an unnecessary intrusion into the open countryside and this would be detrimental to the setting of heritage assets. Limited archaeological details had been provided.
- Biodiversity - Further details in respect of biodiversity were required, in addition to the provision of a robust programme for Biodiversity Net Gain (BNG).
- Highways - Highway issues were raised in respect of the location of the site access and whether appropriate visibility could be achieved, the internal site layout, the feasibility of providing footpath linkages and the lack of a footway along the site frontage.
- Landscape - A Landscape Visual Appraisal was submitted indicating the site was of medium value but the conclusions drawn suggested that there would be no unacceptable harm to the local landscape context or visual receptors. The impact was considered to be underplayed and there was a lack of assessment in regards to St Mary's Church.
- The submitted layout would be out of keeping with the pattern of development found within Jacksdale, as per analysis within the JUS-t NP. The layout was also considered to result in little connectivity with the wider area, affordable housing was not well integrated with the rest of the development, and the retained Oak tree was not made a feature.

The issues raised by officers and consultees has driven the revised submission. As will be discussed in detail below, the fundamental changes include a reduction in the number of units proposed from 100 to 81; the relocation of the access; a revised surface water management scheme; biodiversity enhancements; a redesign to the internal layout of the scheme; and the retention/creation of view corridors created/opened up. Other refinements have also been proposed.

2. Principle of Development

Green Belt

The application site is located outside of the Districts main urban areas and named settlements, in an area classified as Green Belt as set out in policies ST4 and EV1 of the ALPR. While Policy EV1 is broadly consistent with the provisions of the NPPF in relation to the Green Belt, it is recognised there are inconsistencies with specific aspects.

The site also falls within the area covered by the JUST Neighbourhood Plan 2017-32 (NP) and although this plan does not allocate site for development or alter Green Belt Boundaries it provides local policies to guide future development. Notwithstanding the concerns raised by the Parish Council, the site is not identified as appropriate for housing but it is also not identified as having any specific constraints expect being located in the Green Belt.

The land forming the application site comprises of agricultural grazing land which is verdant in appearance and is presently free from any built development. In its current form, the site is considered to positively contribute to the rural nature of the surrounding locality and the openness of the Green Belt in this location.

Under the NPPF, all development in the Green Belt is prima facie inappropriate and can therefore only be justified by very special circumstances unless they fall within the specific exceptions set out in paragraphs 149 and/or 150 of the NPPF. This reflects that in terms of the policy, development in the Green Belt is, by definition, harmful as the fundamental aim of the Green Belt is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence (NPPF para.137). Although there is no definition of 'openness' within the NPPF, the Government Planning Practice Guidance (PPG) refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated. NPPF paragraph 148 requires that local authorities should ensure that substantial weight is given to any harm to the Green Belt as part of decision making.

Subsequently, unless development falls within the exceptions list, there must be '*very special circumstances*' capable of clearly outweighing the harm by reason of inappropriateness and any other harm that might be caused by the proposed development.

The proposed development of the site for 81 dwellings is deemed to be inappropriate and the scale of development proposed would have both spatial and visual impacts on the site, which is considered harmful to the Green Belt in this location. Very special circumstances would therefore need to be demonstrated to outweigh the presumption to resist the proposal.

Strategic Green Belt Review

In 2016 the Council undertook a Strategic Green Belt Review (SGBR) which assess land parcels and their performances against the five purposes of the Green Belt (SGBR, Figures 1 and 2), as set out in paragraph 134 of the NPPF:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns from merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The SGBR is a two-stage process:

- Assessment 1 - Assessment 1 gives a broad overview of the performance of the Green Belt at a strategic level using the criteria set out in Figure 1 of the SGBR and the Matrix in Figure 2.
- Assessment 2 - The broad areas from Assessment 1 were then divided into sites, using defined physical feature such as roads, railways, watercourses, tree belts, woodlands, ridgelines or field boundaries to determine suitable sites for assessment. Sites were then assessed again in the same way as in Assessment 1.

The SGBR is a technical exercise and does not determine whether or not land should remain or be excluded from the Green Belt, nor is it the role of the SGBR to establish whether exceptional circumstances exist.

Both the broader and more site specific assessments were given an overall score ranging between 4 (low) and 20 (high). The application site falls within the Strategic Site J01 – Land off Main Road, Jacksdale, which scores a 6 (out 20) as part of Assessment 1. However once the strategic site is sub-divided as part of Assessment 2, the parcel of land which forms the application site scores a 12 (out of 20), performing highly for purposes 1 (unrestricted sprawl) and 3 (safeguarding the countryside from encroachment).

As part of the submission, the applicant has set out some questions regarding the SGBR of the application site, concluding that *“whilst the Green Belt Review is detailed, there are flaws in the assessment criteria and matrix and within some of the conclusions of the review. It is considered that the scores awarded to Site 4 [the application site], when assessing the effectiveness of the site to contributing to purposes 1 and 3 of the purpose of the Green Belt, are too high.”*

Whilst the site score is a matter of planning judgement, the SGBR identifies that the site meets the purposes of the Green Belt as set out in the NPPF and is correctly identified as being part of the established Green Belt.

The site lies immediately adjacent to existing residential properties located to the west which are within the settlement boundary of Jacksdale, and immediately adjacent to

Jacksdale Garden Centre, a brownfield site, which although part of the Green Belt in this location, forms part of the built form of Jacksdale. To the east of the site is Westwood Farm, and a storage area and hardstanding associated with Oak Tree Farm. Main Road runs along the southern boundary of the site, whilst mature hedgerows and trees line the eastern and northern borders, delineating the site from further agricultural land, particularly to the north.

Whilst the site plays a role in the transition from the built area of Jacksdale into the open countryside and the sporadic development to the east, the site is nevertheless considered to have strong defensible boundaries. The development of the site, which is bounded on three sides by existing development, could therefore be seen to 'round off' the settlement of Jacksdale, with the farmsteads to the east of the site providing a new urban rural fringe, affording a gradual introduction to the built form of Jacksdale.

3. *Housing Density and Mix*

Housing density requirements are set out in ALPR saved Policy HG3. In this location, the Policy requires a net minimum density of 30 dwellings per hectare (dph). The proposed number of units is significantly below this requirement as simply based on the site area the number of dwellings per ha is 19.33.

The ALPR recognises that it may not always be possible or appropriate to achieve minimum requirements, for example, where higher densities are not compatible with the site or its surroundings. Due to site constraints, namely the southern portion of the site being located in flood zones 2 and 3, circa 28% of the site is to be provided for green and blue infrastructure. When taking this into consideration, the proposed density amounts to 26.8 dph, which although remains below the requirements of the local development plan, is considered to take into account the location and character of the site on the urban rural fringe of Jacksdale.

In respect of housing mix, there is no relevant policy requirement within the ALPR. The JUS-t NP however sets out that schemes will demonstrate that housing development is a size, type and tenure to meet locally identified needs (Policies NP1 and NP4) and that a range of house types including two bedroom dwellings to suit older people and first homes should be included (Policy NP4).

The Council Housing Need Assessment (CHNA) 2020 identifies the different recommendations for housing mix in relation to market housing, affordable home ownership and affordable rent on a district basis. The assessment identifies that in Jacksdale, housing mix on new developments shall comprise of:

Submarket	Housing Type	1 Bed	2 Beds	3 Beds	4+ Beds
Selston & Jacksdale	Market Housing	1%	31%	51%	17%
	Affordable Housing	7%	37%	53%	3%

Source: The Greater Nottingham & Ashfield Housing Need Assessment, September 2020, Icenl.

The housing mix proposed as part of this development comprises of:

Submarket	Housing Type	1 Bed	2 Beds	3 Beds	4+ Beds
Selston & Jacksdale	Market Housing	0%	11%	51%	38%
	Affordable Housing	0%	75%	25%	0%

Source: Peveril Homes Planning Layout. Drawing No 20-480-03 Rev C.

As evidenced above, it is acknowledged that the housing mix proposed does not match the requirements identified in the assessment. However, this does not take into account other developments permissioned elsewhere within the submarket of Selston and Jacksdale. Nevertheless it can be seen that there is a mixture of house sizes and tenures which will go some way to meeting local need.

The site has been identified due to its highly sustainable location being close to public transport access, the village centre and everyday facilities. The mix includes smaller two bedroom properties for first time buyers, families and downsizers as well as larger three and four bedroom family homes, along with two serviced plots for the aspirational self-build families or individuals. In accordance with the JUS-t NP, a proportion of bungalows have been proposed to be provided as part of the development, meeting the aims of Policy NP1 and NP4.

4. Landscape Character

Paragraph 130 of the NPPF provides amongst other things that planning decisions should ensure that developments are: ‘sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’. Paragraph 174 identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Consequently, no landscape is considered valueless, however what is defined as a ‘valued’ landscape is not defined within the Framework. The leading court case [Stroud District Council v SSCLG 2015] on what constitutes a valued landscape is the Stroud judgement, which deals with whether the countryside in question has demonstrable physical attributes (rather than just popularity) which would take the site beyond mere countryside. In other words, whether the attributes take the landscape beyond the ‘ordinary’ or ‘everyday’.

The ALPR identifies Mature Landscaped Areas (MLA) under policy EV4. MLA’s are a local countryside designation to identify and protect valuable and vulnerable parts of Nottinghamshire’s Landscape which have remained relatively unchanged over time. The application site is not identified as being within a MLA.

The JUS-t NP places an emphasis on landscape character. This is outlined in the following policies:

Policy NP1 – Sustainable Development, stipulates that (3c) *‘where appropriate, schemes will also demonstrate... respect for the existing landscape character and green infrastructure’*.

Policy NP2 – Design Principles, sets out that (3) *‘In Jacksdale development should include the following characteristics or demonstrate that these are not appropriate for the scheme concerned to: a) incorporate far views where possible to retain the distinct relationship with the landscape.’* (5) *‘Where possible, new development should provide for sustainable patterns of movement and integrate development into the existing settlement. Direct, safe and pleasant connections are sought.’*

Policy NP3 seeks to protect the landscape character of the neighbourhood plan area, and stipulates that any development proposals are required to protect identified view corridors (Map 4 and Appendix D) and demonstrate that the scheme adheres to the Landscape Actions for that particular policy zone in the Greater Nottingham Landscape Character Assessment (GNLCA).

Although concerns have been raised by the Parish Council in respect of landscape character, none of the view corridors identified in Map 4 around Jacksdale/Westwood relate to the application site. In relation to the GNLCA, the site is located draft policy zone (DPZ) NC03 (Selston and Eastwood urban fringe farmland); area NC03 is described as having an undulating topography that gives some long views over the patchwork of agricultural fields and settlements. The strength of the landscape character is considered ‘Moderate’ and as such there is an emphasis on enhancing the landscape. Amongst other things, the Landscape Actions for this area include restricting further urban edge expansion and promoting measures to achieve a better integration of settlements into the wider landscape through the planting of small groups of hedgerow trees and the careful placement of built development to reduce its prominence in the landscape.

A Landscape and Visual Appraisal (LVA) forms part of the application. The LVA is comprehensive and assesses the impact of the development on the wider landscape. Soft landscape proposals, alongside a landscape management plan, have also been submitted in support of the application.

The site is currently used for grazing and is enclosed by a combination of hedgerows with some timber fences and a concrete panel fence on the boundary with Oak Tree Farm to the north-east. Tree cover is generally limited to a low number of hedgerow trees but with a number of mature trees around Westwood Farm to the east and within the boundary to the garden centre to the west. A single Oak tree is located towards the centre of the southern part of the site. A relatively large field pond is located on the southern boundary, adjacent to the boundary hedge.

The site is located within a landscape which features an undulating topography with numerous high points and valleys associated with watercourses. The site forms part of a larger parcel of open fields which are surrounded and influenced by development.

The undulating landform largely restricts views although some longer views are possible from elevated locations. Views consist of a mix of open fields and settlement

with some woodland. The presence of a mix of fencing and barbed wire on the Main Road field boundary are visually detracting features within some local views. Within the site itself, a single tree provides a focal point but otherwise, the site is considered unremarkable.

The proposed development will comprise of 81 new dwellings with associated landscape planting, areas of open space with areas given to habitat creation, a trim trail feature, pedestrian linkages and vehicular access. Existing boundary hedgerows will be retained, although part of the frontage hedgerow will be removed to accommodate a footway and the new access visibility splay. This hedgerow is to be replaced. The single Oak tree towards the south of the site is to be retained and will be incorporated into an incidental area of open space. The northern boundary will be strengthened with native tree planting and understorey planting to help filter views from the north, while within the southern part of the site, the development will be set back with a frontage landscape which will incorporate part of the retained field.

Long term landscape effects on the landscape character area known as DPZ NC03 is assessed as Negligible; this is due to the large scale nature of this character area and the lack of change to the key characteristics of the area as a result of the development. At a more local scale, the proposed development responds to the relevant Landscape Actions of the DPZ through the retention of the existing field pattern and enhancement of retained hedgerows. Further, small scale woodland planting will be included along the northern boundary to enhance green infrastructure and this will also help to filter views. The long term landscape effects on the DPZ are considered Minor Adverse.

With regard to the site itself within the immediate context, the proposals will inevitably result in a change in the character of the site from an open field to residential development with associated infrastructure set within a structure of new planting and drainage features. The loss of the open field will be permanent and irreversible but the new landscape proposals which contribute to approximately 28% of the overall site, will provide a strong landscape setting to the buildings. Further, new woodland planting around the northern boundary will provide containment and existing features of the majority of the boundary hedgerows, single Oak tree and pond will be retained and enhanced through additional planting.

A number of visual receptors have been identified for the proposed development. It is acknowledged that views from residential receptors in close proximity to the site will be changed from views across open fields to views of development, albeit these will be softened and filtered by new boundary and internal planting. Long term visual effects for sensitive residential receptors close to the site are considered as Moderate Adverse while those at a greater distance to the site are considered as Minor Adverse to Negligible.

Concerns have previously been raised regarding the visual impact on St Marys Church set to the north-west of the site. The LVA has assessed the effects of the proposal on this heritage asset. Whilst it is acknowledged that distance views of the church from Main Road will be lost indefinitely, due to the topography of the site, only the northern part of the site will be visible from the church and its grounds itself but this will be filtered by retained vegetation in addition to new planting along the sites northern

boundary. The development would subsequently have a Minor Adverse / Negligible effect on this receptor.

A number of public rights of way lead through the local area and users will have varying degrees of visibility of the new development as a result of the undulating land form and presence of existing mature trees. Long term visual effects for users of the rights of way in close proximity to the site are considered to be Moderate / Minor Adverse or Minor Adverse when viewed within the context of existing surrounding development. Furthermore, the provision of new structural planting within the site will help soften and filter views once mature.

Long term visual effects for lower sensitivity receptors such as road users and users of the nearby facilities are considered to be Minor Adverse or None.

Whilst the visual effects of the development may be greater to the identified receptors during winter months due to less leaf cover on the trees and hedges, it is considered that this would not result in any greater impact than arrived at above.

Taking the above into account, whilst it is acknowledged that the development would result in intrusion into the countryside and would subsequently result in a change of character to the area, it is considered that the effect of the proposed development would not give rise to a significant harmful long term impact on the landscape character of the area.

5. *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 JUS-t NP also has a substantial emphasis on considering design aspects, the settlement pattern and landscape character. The application is supported by a Building For Life 12 Assessment, which provides a detailed analysis behind the design of the proposed development, in accordance with policy NP2 of the JUS-t NP.

Site access is to be gained via a new vehicular access in the form of a simple priority junction from Main Road located to the east of the road frontage. The majority of dwellings are served by the main loop road network, with emphasis being placed on tight bends to reduce vehicle speeds within the site and long sight lines being created where possible. Additional lower category access routes in the form of private drives are designed to serve the extreme northern and southern plots and maintain an outward facing aspect to these open boundaries. Provision is made within the non-adopted areas for refuse vehicle turning areas and emergency vehicle access. The rectilinear grid with straight streets is employed to replicate the existing character of Jacksdale.

The new homes will largely enjoy conventional front to front and back to back relationships ensuring that the dwellings have sufficient separation distance between them, with areas of landscaping to the front and rear of properties. Active frontages have also been incorporated in the design to improve informal surveillance

opportunities on site and dual aspect dwellings are also used where appropriate. Landmark buildings are also proposed to be sited throughout the development to terminate important vistas when moving through the site. Development is proposed to be set back along all site boundaries to protect existing soft landscaping assets around the perimeter of the site and provide a suitable relationship with adjacent land uses.

The design of the dwellings incorporate a mixed pallet of materials including a variety of red and orange facing bricks, off-white render and pantile or imitation slate roof tiles. Casement style windows alongside brick and stone headers and cills are incorporated into the design of dwellings. Steep roof pitches are also utilised to ensure a traditional, attractive and interesting roofscape which is reflective of the local vernacular. The proposed materials are considered sympathetic to the wider area. The scale of development is mainly two storey, with some single storey units plotted around the northern and western perimeter of the site. This scale of development reflects the wider area.

Boundary treatments will primarily comprise of 1.8m high close boarded fencing. 1.8m high brick walls are also incorporated into the scheme where property boundaries lie directly adjacent to the proposed public highway.

Where possible, existing landscape features in the form of hedgerows and trees around the site perimeter are proposed to be retained to offer screening and to give the development maturity. Parts of the retained landscaping will also form part of the public realm. A comprehensive soft landscaping scheme has been proposed which provides substantial new and supplementary planting within and around the perimeter of the site, making the development more attractive and softening views of the site. The mature Oak tree located centrally within the site is proposed to be retained within an area of public open space.

Extensive areas of public open space are provided on site to buffer development from the external boundaries of the site to provide a suitable relationship with neighbouring properties and to ensure the development is considered to be appropriate within the landscape context. Development is also proposed to be set back from the northern boundary with substantial new tree and hedgerow planting to provide a suitable relationship with the landscape beyond. The existing field pond in the south-western corner is to be retained, whilst a new drainage basin is proposed within the southern portion of the site. The green and blue infrastructure and well considered development layout, ensures that the proposal can be integrated into the site and its immediate setting without significant undue impact on the visual amenity of the local area.

Although it is acknowledged above in Section 4 that the development would result in intrusion into the countryside and would subsequently result in a change of character to the area, in terms of the development itself, it is considered that the layout, appearance, design and scale is in keeping with the surrounding vicinity and would not be detrimental to local character.

6. Impact upon Residential Amenity

Concerns have been raised by local residents in respect of the proposal and the subsequent impact that the development would have on their amenity.

Having regard to existing residential occupiers, the nearest residential properties to the proposed development are 105a – 109 Main Road, Jacksdale. Plot 21 located in the south-western corner of the site lies closest to the aforementioned properties. At its nearest, the side wall of this dwelling, which is single story in height, is sited approximately 17m from the rear wall of 107 Main Road. This separation distance exceeds the Council's recommended distance of 12m between habitable room windows and blank elevations, as set out within the Residential Design Guide SPD 2014. All minimum separation distance as prescribed within the SPD are also adhered to in respect of Westwood Farm and Westwood Farm Cottages.

In respect of noise and dust arising from the development during construction, a condition would be attached to any grant of permission requiring the submission of a Construction Management Plan to limit disturbance to nearby residents. Such details would include, amongst others, working hours, dust and mud alleviation strategies, storage of materials and waste, and parking provision for site operatives.

In respect of future occupiers, the proposed development would provide an acceptable standard of living for future residents. The dwellings are laid out to ensure they each receive sufficient light and privacy. Internally, the development would meet the National Minimum Space Standards; whilst externally, 93% of the garden areas would meet the minimum requirements set out within the Residential Design Guide SPD, with the remaining 7% of gardens falling just marginally below the required standards. As previously stated however, 28% of the developable site has been left as public open space, and connections to the local area are provided as part of the proposal, ensuring that future residents would benefit from an acceptable standard of amenity.

7. Biodiversity

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 (PEA), together with a Great Crested Newt eDNA survey and Biodiversity Net Gain Calculations. A commentary of the key aspects is set out below:

Designated Sites

No statutorily designated sites have been identified within 1km of the development site. '*Bagthorpe Meadows*' Sites of Special Scientific Interest (SSSI) is located circa 1.89km to the north-east of the site, with '*Friezeland Grassland*' SSSI located circa 2.45km to the east of the site.

Fourteen non-statutory sites within 1km of the site have been identified; this includes 10 Local Wildlife Sites (LWS), one Derbyshire Wildlife Trust Nature Reserve, and three Sites of Interest for Nature Conservation (SINC). These sites are located between 20m and 830m from the site, with the nearest being '*Jacksdale Meadow East LWS*', a 1.8ha area of hay meadow located directly south across Main Road. The majority of these sites reside to the south and south-west of the application site. No impact on the non-

statutorily designated sites within the local area is anticipated as a result of the proposed development.

Habitats

The site includes a single field holding species-poor semi-improved grassland on a south facing slope with boundary hedgerows and trees. Located in the southwest corner of the site is a medium sized pond. A single Oak tree is positioned centrally within the southern part of the site. The site, including its habitats and usage have seen very little change since at least 2001.

The PEA has identified that the pond, mature trees and hedgerows within and edging the application site are considered to be of notable ecological value and of potential value to several protected species, as noted by Nottinghamshire Wildlife Trust (NWT).

The development will result in the loss of the species-poor semi-improved grassland within the site, however the scheme will retain the pond in the southwest corner of the site, the single Oak tree within the central area of the southern region of the site, and the boundary hedges/trees. Conditions will be used to protect the existing hedgerow, where practical, and the landscape strategy will also look to include native species, with additional hedging and tree planting. The strategy will also include significant areas of wildflower and wet meadow seeding.

Protected 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 provides a range of habitats that were deemed suitable for bat foraging and commuting activity. Habitat linkage within and around the edges of the site are good, with the mature trees and hedges providing connected features for bats in-flight.

Whilst bat activity surveys have not been carried out, the PEA makes recommendations that these features be retained as part of the development, and where vegetation is to be removed, they should be subject to a detailed inspection and surveys to identify any features suitable for roosting bats.

Trees within and around the perimeter of the site have been surveyed to determine their potential to support roosting bats. The location of the trees is indicated on the Habitat Plan. Three trees were identified as having 'moderate' bat roost potential; T2 on the northern boundary and T4 & T6 on the western boundary. Trees T4 and T6 had previously been included within the gardens of future dwellings. The layout has subsequently been updated to create a maintained vegetative buffer along this boundary to minimise disturbance to and/or the loss of these potential bat roosts. In regards to T2, the PEA details that the tree exhibits a large wound in the northern elevation of the tree which could provide a potential bat roost. The Council's Ecologist has advised that light disturbance to this roost could be possible, and therefore a

condition requiring a lighting strategy in accordance with best practice guidelines is requested as part of any approval. Further, artificial bat bricks are recommended to be included within the new dwellings. These would be secured via condition.

Birds

The semi-improved grassland field within the site provide potential nesting habitat for open ground nesting birds including meadow pipit, skylark and possibly lapwing. The hedgerows, pond and trees within and edging the application site are also considered suitable for foraging and nesting birds.

The proposal will result in the removal of some hedgerow and the loss of grassland habitat, both of which are suitable to support nesting and foraging birds. There is, therefore, potential for direct adverse effects on nesting and foraging birds. These habitats are nevertheless widespread and well represented in the wider local area. Recommendations and mitigation measures are nevertheless included within the PEA to mitigate against this proposed loss of habitat.

In addition, the landscape buffers proposed along the site boundary are anticipated to include a variety of trees, shrubs and grassland planting, providing suitable foraging and nesting opportunities for bird species. Further, 25% of the total houses constructed or their associated garages, must incorporate integrated nesting features for bird species, as set out in the PEA.

Reptiles

The grassland habitat within the site was considered to be suboptimal for reptile species due to lack of cover, regular disturbance from agricultural practices and limited botanical diversity within the grassland. However as records indicate that reptiles including the common lizard, grass snake and slow worm have been found 1km of the site and the boundary hedgerows are considered suitable for sheltering, foraging and hibernating reptile species, construction works will need to be carried out in accordance with best practice guidelines. The PEA also provides additional mitigation measures in order to protect reptile species on site.

Great Crested Newts (GCN)

A Great Crested Newt eDNA Survey has been carried out given the presence of a pond within the south-western corner of the site. A negative result was recorded for the presence of GCN within the pond. Based on the survey results, no specific mitigation or compensatory input is considered necessary for GCN as part of the proposed development. As with reptiles, in order to maintain best practice, it is recommended that construction staff are made aware of the potential presence of common amphibians prior to any work commencing.

Hedgehogs

The site provides suitable habitat for hedgehog, associated with the grassland and scrub vegetation, and as a result, there is a direct risk of harm to this species as a result of the proposed development.

Mitigation measures incorporated within the PEA include ensuring there are no open trenches or pits left uncovered or alternatively without a mammal ramp in overnight to prevent hedgehogs becoming trapped during the construction phase, and the requirement for small gaps to be installed beneath fences (13cm x 13cm) within the development to ensure that hedgehogs can continue to pass through the site. Consideration will also need to be given to the potential to include hedgehog sheltering features, such as log piles, located close to the retained trees and hedge lines.

Biodiversity Net Gain

Paragraph 180 of the NPPF recommends that development should aim to provide measurable net gain for biodiversity in and around the development. The Environment Act 2021 outlined a legal requirement of 10% measured against a DEFRA metric although this Act has yet to be implemented.

The scheme will include the following measures:

- Species rich meadow grassland created along the northern edge of the site, in the central region of the site and around the SuDS.
- Areas of high quality grassland to be created within the south-west corner of the site (around the pond) and in the south-east corner of the site.
- Several sections of ornamental hedge planted within the site.
- Several sections of native hedge planting around the site (eastern and southern edges of the site).

These enhancements will be secured by way of planning condition and will result in a 10.23% increase in biodiversity units and 41.88% increase in hedgerow units. The proposal is therefore consistent with biodiversity policy as set out in Section 15 of the NPPF and the Environment Act 2021.

Given the type of grassland proposed (natural grassland) within the scheme, the Council's Ecologist has advised that soil testing will be required in the areas in which the grassland habitat is proposed to ensure that the grassland can establish. The Council's Ecologist has also requested that a Biodiversity Enhancement Management Plan (BEMP) be submitted which should set out methodologies as to how the proposed habitats will be created and managed over a 30-year period – the BNG commitment period. Results of the soil analysis should also be included within the BEMP.

Summary

The NPPF, at paragraph 180, 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.

Whilst there will be a short-term negative effect on the biodiversity value of the site, in the long-term it is anticipated that full mitigation and enhancement measures will be

achieved and there will be no significant residual effects on protected species resulting from the proposed development. Habitat creation measures would also facilitate in reducing the potential adverse effects of the development. Conditions requested by the Council's Ecologist would be attached to the permission if this application is found to be acceptable.

8. Drainage and Flooding

The site is identified as being substantially in Flood Zone 1 and the proposed layout identifies that all of the proposed residential development will be within Flood Zone 1. However, part of the site adjacent to Main Road is within Flood Zone 2 and Flood Zone 3 which means that there is a high probability of flooding in some parts of the site and the site performs a function for the storage of water during times of flood. Further the single access to the development is proposed to be through Flood Zone 2 and 3.

Significant concerns have been raised by local residents and the Parish Council in respect of flooding and the proposed development exacerbating flood risk within the immediate locality and further afield.

A site-specific Flood Risk Assessment (FRA) has been submitted in support of the application. These conclude that the proposed development is considered not to be at significant risk of flooding and is considered to be sequentially preferable when assessed in line with the technical guidance provided within the NPPF. Nevertheless, to prevent the increased risk of flooding both on and off site, the following mitigation measures are proposed:

- Plot levels are to be raised with respect to external levels and the road corridor used to create a preferential flow around the proposed dwellings to safeguard against low risk surface water flows.
- Floor levels are to be set at a minimum of 71.550 based on 300mm above the 1:100 + climate change (62%) Brinsley Hill Culvert 100% blockage flood extent level of circa 71.250.
- Development drainage is to be attenuated to greenfield run off with a maximum discharge rate of 20l/s and attenuation, in the form of a new open pond storage feature, is to be provided for the 1 in 100 year + 40% event. The pond and its embankments will be fully located outside of the 1:100 year + climate change flood extent and therefore its operation will not be impacted by a flood event.
- The proposed attenuation pond feature will likely be put forward for adoption by Severn Trent Water as part of the wider site drainage system under a S104 application. This would place future maintenance requirements of the SuDS feature under their responsibilities. If the site drainage and pond do not get adopted then responsibility will fall to the management company. Exact details of the management company cannot be confirmed at this time.
- Level for level flood compensation is to be provided for the nominal area where the proposed access road crosses the 1:100 year + 30% climate change.

The Local Lead Flood Authority (LLFA), the Environment Agency (EA) and Severn Trent Water have assessed the proposals, including the FRA and drainage strategy,

and found them to be acceptable, subject to the development being carried out in accordance with the submitted details which includes adaptation methods to ensure the development is not susceptible to increased risk from flooding caused by climate change, in accordance with Paragraph 154 of the NPPF.

Whilst concerns expressed by local residents in relation to existing flooding which takes place on Main Road are acknowledged, the Council are satisfied that appropriately worded conditions in relation to surface water and drainage can satisfactorily address any impacts of the development in accordance with comments received from the LLFA, EA and Severn Trent Water.

On the basis of the information received, it is therefore considered that flood risk within the site itself has been minimised as far as possible by locating the proposed housing in the part of the site at lowest flood risk, with landscaping in the highest risk areas. This ensures that the development will be safe for its lifetime. Further, there is no evidence before the Council that the proposed development would exacerbate flood risk elsewhere.

9. Highway Capacity and Safety

Comments received from local residents in respect of the proposal largely raise concerns regarding increased congestion within the locality, as well as increased likelihood of highway safety implications arising from the proposed development.

Policy ST1 of the ALPR, sets out that, amongst other matters, development will be permitted where it does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF in paragraph 111 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.

Access is proposed to be gained to the development via a new vehicular access from Main Road to the south-east of the site. The design includes 6m junction radii and a 5.5m wide access road with a 2m footway on each side of the carriageway of the access road. The access has been located to optimise the visibility splays and has been positioned accordingly.

At the point of access, Main Road has a speed limit of 40mph, and therefore the Highway Authority (HA) advised that visibility splays measuring 2.4m x 120m would be required on either side of the access. The HA noted that the visibility splays to be provided did not meet this minimum requirement. In response to this, the applicant subsequently provided actual vehicle speeds recorded over a 7-day. This data demonstrates that Southwest bound traffic has actual 85%ile speed readings of 36.7mph, whereas Northeast bound traffic has 85%ile speed readings of 38.4mph. Based on actual vehicle speed readings, Southwest bound traffic is required to have a visibility splay of 2.4m x 103.5m and Northeast bound traffic should have a visibility splay of 2.4m x 112 metres at the access arrangement. Whilst the required visibility splay to the Northeast has been achieved, the splay to the Southwest falls 2m below the requirement. The HA have nevertheless advised that the 2m deficit is considered

acceptable as the majority of traffic travelling along Main Road towards the site access will be travelling on the left-hand side of the road, on the opposite side to the access.

Whilst no reduction in the speed limit at the point of access is proposed, to encourage drivers to slow down on approach to Jacksdale Village, which is subject to a 30mph speed limit circa 90m west of the proposed access, the HA has requested that a condition be attached to any grant of permission requiring the applicant to submit measures to encourage drivers to be aware that they are approaching a 30mph, which in turn could encourage a reduction in vehicle speed near the site access. Such measures may include the provision of new signage, new planting and enhancements to the existing street lighting.

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. Updated analysis of the traffic movements has been provided, and the HA have confirmed that 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.

Internally, a loop system is proposed to serve the site and it is anticipated that this will be adopted. Properties fronting onto the southern green space and northern boundary are to be accessed via private drives. Swept path analysis demonstrates that all vehicles requiring access to the site, including large service vehicles and emergency vehicles, can be accommodated safely. Internal traffic calming measures in the form of speed tables are proposed in front of plot 29-31 and to the side of plot 3.

Car parking for each dwelling is provided in accordance with the Councils Residential Car Parking Standards SPD 2014, and all properties will be afforded EV charging.

10. Other Issues

Historic Environment

No designated heritage assets in the form of Conservation Areas, Listed Buildings or Scheduled monuments are located within the site. The nearest designated heritage asset is Jacksdale War Memorial, located 0.5km to the north-west of the site which is a Grade II listed structure. This is located within the centre of the village and is separated from the site by the residential area of the village.

Locally listed heritage assets are however identified in close proximity to the development site. This includes: Westwood Farm located immediately adjacent to the east of the site; St Mary's Church located circa 120m to the north-west; and Jacksdale Primary School located circa 265m to the west.

Paragraph 194 of the NPPF identifies that applicants are expected to describe in their application the significance of any heritage assets affected by the application, including any contribution made by their setting. This is of key importance to

understand whether there is any potential impact of significance and if there is, to what extent.

The Heritage Statement and LVA submitted with the application identify that Westwood Farm and St Mary's Church have some intervisibility with the development site. The application site is therefore considered to form part of the settings to both of these locally listed buildings. The Council's Conservation Officer has confirmed that whilst there would not be any discernible effect on St Mary's Church, there will be a very low level of harm to the significance of the adjacent farmhouse (Westwood Farm), in particular through the loss of a parcel of agricultural land with which there is a functional and visual relationship with the locally listed building. However, unlike with designated heritage assets, there is no requirement to give such harm great weight, nor clear and convincing justification for any harm, and instead there is a requirement to have a balanced judgement (Paragraph 203 of the NPPF).

In terms of heritage values, the significance of the asset will largely be retained, in particular through its architecture, its immediate setting and the wider setting to the north, south and east. It is therefore considered that the harm is outweighed by this, and in heritage terms, the proposal would be acceptable.

The applicant has submitted a desk based archaeological study in support of the application and this concludes that the potential for buried archaeological remains is low for all periods. However, whilst the Coal Measures have for long been believed to be unattractive for settlement in the Iron Age and Roman periods, recent fieldwork in the locality has challenged this. Geophysics is considered to work well on the local soils and provides an accurate indication of presence/absence of settlement and enclosure. It would therefore be necessary for a geophysical survey to be commissioned. This would be secured by planning condition should the proposal be deemed to be acceptable. Should the geophysical survey return a negative result, then no further archaeological work would be necessary.

Public Rights of Way

No footpaths are identified as being located on or immediately adjacent to the application site. Selston FP 24 runs to the east of Westwood Farm and Selston BW 26 runs to the edge of the settlement boundary.

The proposal incorporates a new dedicated public footpath from the northern boundary of the site to the east and north adjacent the church boundary to link with Selston Bridleway 26. This links Palmerston Street, Westwood to the east with Main Road, Jacksdale to the west. This will be provided through provisions in the Highway Act or via a Creation Agreement. The footpath connection is proposed over land within the same ownership of the application site.

The County Council are satisfied that the proposal would have no detrimental impact on existing rights of way in the locality.

Climate Change

Addressing climate change is one of the core land use planning principles, which the NPPF seeks to underpin in both plan making and decision taking. Opportunities for reducing climate change impacts should be reflected in development proposals. Although a Climate Change / Energy Statement has been submitted with the application, this provides limited information in respect of the sustainable credentials of the scheme.

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.

Coal Mining Legacy

The site has a band of what is identified as 'Coal High Risk Area: 453238' running through the site. A High Risk Area is where recorded coal mining risks are present at the surface or shallow depth and are likely to affect new development. A Coal Mining Risk Assessment has been submitted in support of the application.

The site lies within a Mineral Safeguarding and Consultation Area for surface coal, however due to the nature of the potential resource, there will be little scope for prior extraction. The county council have confirmed that they raise no objection to the development of the site in this respect.

The Coal Authority have also provided comments and confirm that they do not object to the proposal, subject to conditions pertaining to further ground investigation works, and confirmation that the site has been made safe and stable for the approved development prior to occupation of the dwellings. Planning conditions to this affect would be attached to any grant of permission.

Ground Conditions and Contamination

The site is presently an agricultural grazing field. Under paragraph 174 (b) of the NPPF, consideration should be given to the benefits of the best and most versatile agricultural land (grades 1, 2 and 3a). Based on the East Midland Region Agricultural Land Classifications Map, the site is identified as being Grade 4 which is classed as 'poor' quality agricultural land. The development of the site would therefore not result in the loss of good quality agricultural land.

In respect of ground contamination, a Phase I and II Geo-environmental Investigation has been submitted in support of the application. This identifies that whilst the site has been used for agricultural purposes for in excess of 30 years, the site is understood to have supported a historic landfill, however limited information is available on the waste types and dates of operation. The investigations indicate that feasible pollutant linkages have been identified. The most significantly elevated contaminants are all present within the made ground without the south-east of the site. Exceedances have also been found in the topsoil. Chemical analysis in the remainder of the field appears to show that generally the natural topsoil and underlying clays are suitable for re-use.

Remediation works to protect human health are considered necessary; this would include either removal of the full depth of impacted / contaminated made ground or the capping of soft landscaped areas (including private gardens) within the affected area should be undertaken or encapsulation beneath permanent hardstanding. This would be conditioned accordingly.

11. Planning Obligations

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 – £162,000 and Public Realm - £81,000

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. Whilst 28% of the site is to be left for green and blue infrastructure, a proportion of this land comprises either the existing pond or new attenuation basin. A proportion of the green infrastructure, as well as the proposed trim trail equipment is located in Flood Zones 2 or 3.

A contribution of £162,000 is sought towards off-site play and young persons' provision and general open space improvements at Main Road Recreation Ground & Westwood Recreation Ground. This is worked out on the basis of £2,000 per dwelling, which is considered reasonable in kind and scale to the development. 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.

A contribution of £81,000 is also sought towards an off-site contribution for active travel associated to the improvements of Footpaths FP24, BW23 and FP59, which are three of the nearest public rights of way to the proposed development. This amounts to £1,000 per dwelling, which is considered reasonable in kind and scale.

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

- Health Care - £43,891.88

The ICB 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 £43,891.88 on the basis of 81 dwellings. This will provide enhancements to the capacity and infrastructure at either: Jacksdale Medical Centre, Selston Surgery or Ashfield Centre – the nearest centres to the proposed development. 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.

- Bus Stop Infrastructure - £32,100

A bus stop infrastructure contribution of £32,100 is required to provide improvements to the bus stops denoted as AS0729 (Brinsley Hill) and AS0038 (Brinsley Hill). Improvement works will include the installation of real time bus stop pole & displays incl. associated electrical connections, extended hardstand, polycarbonate bus shelters 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 meets the statutory tests.

- Sustainable Travel - £10,000

A contribution of £10,000 is sought towards procuring with the County Council sustainable travel measures for residents of the development which may include, but not exclusively, the use of taster tickets for public transport and/or bus service enhancements.

- Affordable Housing - 10%

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.

- Monitoring Contribution – 2% off the total financial contribution

The updated CIL legislation allows for a Section 106 monitoring fee to be charged. This will amount to 2% off the total financial contribution and will cover the Councils fees for monitoring payment of the Section 106.

12. Very Special Circumstances

As outlined in Section 2 (Principle of Development) of this report, the development site is located outside the settlement boundary of Jacksdale, in an area identified as Green Belt. Substantial weight is attached to any harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is widely acknowledged that the definition of very special circumstances do not in themselves have to be rare or uncommon [Wychavon DC vs SSCLG 2008]. The below factors are taken into account when making this assessment:

Housing Supply

The NPPF in paragraph 60 sets out that it is the Government's objective to significantly boost the supply of homes. In order to achieve this, the Framework notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Whilst the Written Ministerial Statement of December 2015 indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances, this Statement pre-dates the revised NPPF in 2021 and has not be included within it and similar guidance within the Planning Practice Guidance has been removed. Little weight is therefore given to this as a material consideration.

Paragraph 74 of the NPPF requires local planning authorities to identify a minimum of five years worth of housing against the local housing requirement allowing for a buffer varying between 5% and 20% dependent on the local planning authorities circumstances.

Based on the 2022-23 Housing Monitoring Report (HMR), adjusted for a 20% buffer required by the results of the Ashfield Housing Delivery Test, the Council has a 2.93 years supply (this is based on an assumption of 535 dwellings per annum), and can therefore not identify a 5-year housing land supply. One such very special circumstance is that the Council needs a significant number of sustainable housing sites to meet its housing needs.

Table 7 of the HMR sets out the house completions in the area known as the 'Rurals', which includes Jacksdale. It demonstrates that there were just 173 completions over the 13 year period (2011-23); this is an average of just over 13 completions per year across the Rurals.

It is therefore considered that given the existing position of the Council, the delivery of housing represents a benefit which will positively boost supply within the District. The provision of 81 new homes is afforded very substantial weight.

Affordable Housing

In addition to the under delivery of housing in the District, there has also been an under delivery of affordable housing, particularly in the 'Rurals' – the area in which Jacksdale is located. An under delivery of affordable housing is considered to impact on social cohesion and the ability of families to live close together in settlements where they have a social and geographical relationship.

Table 8 of the HMR sets out the delivery of affordable housing. This demonstrates that only 10 affordable units have been delivered in the whole the Rurals over a 13 year period (2011-23); less than one a year. There is subsequently a serious and immediate

need for more affordable housing to be delivered in the District, which carries very significant weight in the decision making process.

In the settlement of Jacksdale, 10% affordable housing should be provided on site. Evidence from The Greater Nottingham & Ashfield Housing Need Assessment (2020) identifies that in relation to affordable homes in the District, the emphasis is on rented accommodation or shared ownership. In May 2021, the Government published a Written Ministerial Statement to set out the requirements for the delivery of First Homes. It was accompanied by Planning Practice Guidance First Homes which came into effect in June 2021. Subsequently 25% of affordable homes are required to be First Homes.

The proposal outlines that 10% (eight) of the dwellings will be delivered as affordable homes. This provision will comprise of 2 no. First Homes, 2 no. Shared Ownership Homes, and 4 no. Socially Rented Homes; the latter of which will be bungalows to help meet identified local need. These units will be sited on plots 19-24 and 27-28 in and amongst market homes. The dwellings will also be indistinguishable from the market homes in terms of design, style and external materials. The siting and design of the affordable homes will ensure that they are well integrated into the new community and will promote social interaction and opportunities for meetings between people who might not otherwise come into contact with each other, in accordance with paragraph 92 of the NPPF.

The provision of eight new affordable homes to boost local supply is afforded very substantial weight.

Self-Build Homes

Paragraph 62 of the NPPF makes specific reference to the need to assess the housing needs of different people, which includes amongst others, those who wish to commission or build their own homes. There are no policies within the ALPR which relate specifically to the provision or delivery of self-build housing.

The Self-build and Custom Housebuilding Act 2015 also defines self-build and custom housebuilding as follows:

“where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals” (NPPG Reference ID: 57-016-20210208).

The Councils' most recent Self-Build and Custom Housing Monitoring Report (SBCHMR) (March 2021) details that in the monitoring period 31st October 2019 – 31st October 2020, there were 18 entries on the Council's Self-Build register. A number of preferences were expressed by applicants (multiple preferences can be expressed per entry) with the majority wanting a detached property. 14 out of 24 preferences were for 4+ bedroom plots. In terms of location 10 were content to build anywhere in the district with 7 preferring Kirkby, 4 preferring Sutton and 4 preferring the Rural Area, including Jacksdale.

In terms of supply the Council has considered the quantum of small residential approval (1- 2 plots) during the monitoring period. This equates to 43 dwellings in 19/20 and was considered to be sufficient to meet the duty set out in Section 2A of the Act. The sites relied upon are set out in Appendix A of the report. However, an analysis of the planning records for each of the sites identified in Appendix A indicates that none made any references to self-build or custom build, raising the question as to whether any of the plots identified provided genuine self-build plots. Further, it is acknowledged that the SBCHMR is not up to date.

The application proposes the provision of two (plots 17 and 18) genuine self-build plots. Each plot is of a sufficient size to accommodate a 4 bedroom dwelling together with garaging and private amenity space. The plots are proposed to be made available in the initial build phase, and it is envisaged that a short Design Brief to guide the development of the two plots could be secured as part of any permission.

In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions for self-build homes is a particularly poor one. It is therefore considered that the provision of two self-build serviced plots carries substantial weight to its element of housing supply.

Location and Sustainability

As previously set out, the NPPF sets out the Government's objective to significantly boost the supply of homes (paragraph 60) and requires local authorities to identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing (paragraph 74), which the Council are unable to demonstrate.

In relation to housing in rural areas, the NPPF in paragraph 77 identifies that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Under paragraph 78, housing should be located where it will enhance or maintain the vitality of rural communities.

As set out, whilst the application site is located outside the settlement boundary of Jacksdale, it nevertheless lies immediately adjacent to it. The site benefits from a number of key services and facilities within walking distance (1000m), via surfaced footways along the local highway network and traffic free footpaths. The pedestrian catchment area includes various employment, education, health, retail and leisure facilities predominantly located within Westwood and Jacksdale. These include, amongst others, Jacksdale Nursery and Primary School, Jacksdale Family Dental Centre, Jacksdale Medical Centre, Acorn Pharmacy, Co-Op Food Store, Jacksdale Library and Jacksdale Recreation Ground.

In addition to the above, new footpaths are provided to the northern boundary by plots 39-41 and the southern boundary by plots 8-9 to link with the existing footpath network off site. These routes from the development will provide a convenient link to the wider area and associated employment, recreation and commercial outlets. Proposed dwellings are sited and aspect to provide surveillance of the footpath on entry and exit from the site, this will enhance security and in turn should increase use of the proposed links.

The development also provides opportunities for other means of sustainable travel. The closest bus stops to the site are located adjacent to the proposed site access to the south of the southern boundary of the site on Main Road.

Bus services 532, Rainbow One and the Jacksdale Shopper are suitable for residents to travel to and from Nottingham as well as surrounding local villages. The Rainbow One service is particularly suitable for accessing employment as it provides an hourly service from the site during the week and on Saturdays between Alfreton and Nottingham. The Jacksdale Shopper and 532 access the site during the weekday between the peak hours and provide access to a range of local retail, educational and recreational destinations during the week and on a Saturday.

The application site benefits from being in proximity to a range of village services and amenities, including a reasonable bus service that operates regularly throughout the week and weekend. It is envisaged that the sustainable location of the site, in addition to the existing infrastructure and level of local public transport provision offers genuine choice of transport modes on offer for future residents.

Local Infrastructure

Concerns have been raised by local residents in respect of the impact that the proposed development would have on local infrastructure and services. As outlined in Section 11 of this report (Planning Obligations), developer contributions have been negotiated to mitigate any impact that the development would have on local services. For example, circa £43,000 has been secured to enable enhancements to the capacity of local health care provision, whilst circa £162,000 has been secured to improve recreational facilities within Jacksdale and Westwood. Such contributions will provide improvements to local infrastructure and facilitate in making the development acceptable in planning terms.

It is further anticipated that future residents of the development would utilise existing shops and services in Jacksdale therefore providing a boost to the local economy through increased expenditure and helping to sustain local businesses.

13. Planning Balance and Overall Conclusion

The proposed development scheme constitutes inappropriate development which is, by definition, harmful to the Green Belt. To this must be added further harm as a consequence of the proposed development through loss of openness of the Green Belt and harm to its purposes included in Paragraph 138 a) and c) of the Framework, and some, albeit limited harm in terms of the character and appearance of the area generally. Paragraph 148 of the Framework confirms that any harm to the Green Belt is to be given substantial weight.

The Parish Council's concerns are also considered to be of significance, however, the Neighbourhood Plan accepts that there will be housing development in the parish to meet requirements and that proposals have to be considered with regard to the social, economic and environmental issues.

Inappropriate development in the Green Belt should not be approved other than in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. Moderate weight is also attached to harm to the character and appearance of the area.

As set out above, there are nevertheless substantial benefits arising from the scheme. These include the provision of a choice of housing which includes market, affordable, and custom/self-build homes at a time when there is pressing need, not least as a consequence of the Council's five year housing land supply. These meet the social objectives of the Framework.

The economic objectives of the Framework would be achieved by the scheme. Although much of the economic benefit would be temporary, arising during the construction period, together with increased spend in local shops and services. In accordance with paragraph 81 of the Framework, these benefits attract limited weight.

The environmental benefits of the Framework would be achieved through the large contribution of BNG. The extent of the BNG attracts substantial weight. It is also considered that the provision of other benefits related to the provision of open space and footpath connections above the policy requirements attract limited weight.

It is considered that based on the technical evidence supplied by the applicant - and subsequent comments received from consultees - that a refusal on the grounds of increased flood risk, ground stability, biodiversity and residential amenity could not be substantiated.

In terms of developer contributions, these will be secured towards healthcare, public open space, public realm, as well as affordable housing. These will ensure that the necessary infrastructure is in place to support the housing development. The new residents will also support the rural economy, local shops and facilities in Westwood, Jacksdale, Selston and Underwood and the local bus service.

These factors, when taken collectively demonstrate that very special circumstances do exist and clearly outweigh the identified harm to the Green Belt and other harm, such as to amount to the very special circumstances needed to justify inappropriate development in the Green Belt. As a result, it is therefore concluded that the proposals would comply with both the Framework and the development plan taken as a whole.

If the recommendation to approve the development is agreed, following the signing of the Section 106 legal agreement, the decision will be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) Direction 2021 because it is a departure from the development plan to see whether the application is to be called in for a decision to be made by the Secretary of State.

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

Heads of Terms of the Section 106 Agreement

- 10% (eight) homes to be affordable – 50% social rented, 25% shared ownership & 25% first homes.
- £162,000 for offsite POS improvements.
- £81,000 for off-site public realm improvements.
- £32,100 to improve local bus stop infrastructure.
- £10,000 to improve sustainable travel.
- £43,891.88 to improve local health care facilities.
- A monitoring fee equating to 2% of the cost of the financial contributions.
- A Management Plan setting out details of the responsibility for maintaining and managing the landscaped areas of public open space and SuDS which shall include a planting schedule and timetable of works.

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 Location Plan; 20-480-02.
 - Planning Layout; 20-480-03 Rev C.
 - Affordable Homes Layout; 20-480-04.
 - Garden Areas; 20-480-05 Rev B.
 - Open Space Areas; 20-480-07 Rev B.
 - Parking Layout; 20-480-08 Rev A.
 - Proposed Public Right of Way Plan; 60164-FP01 Rev A.
 - Proposed Elevations (Milford); A099283-215 HT-A-EL.
 - Proposed Floor Plans (Milford); A099283-215 HT-A-PL.
 - Proposed Elevations (Brassington); A099283-215 HT-B-EL.
 - Proposed Floor Plans (Brassington); A099283-215 HT-B-PL.
 - Proposed Elevations (Tissington - AS); A099283-215 HT-C-EL.
 - Proposed Floor Plans (Tissington - AS); A099283-215 HT-C-PL.
 - Proposed Elevations (Tissington - OP); A099283-215 HT-Co-EL.
 - Proposed Floor Plans (Tissington - OP); A099283-215 HT-Co-PL.
 - Proposed Elevations (Repton - AS); A099283-215 HT-D-EL.
 - Proposed Floor Plans (Repton - AS); A099283-215 HT-D-PL.
 - Proposed Elevations (Repton - OP); A099283-215 HT-Do-EL.
 - Proposed Floor Plans (Repton - OP); A099283-215 HT-Do-PL.
 - Proposed Elevations (Milton - AS); A099283-215 HT-E-EL.
 - Proposed Floor Plans (Milton - AS); A099283-215 HT-E-PL.
 - Proposed Elevations (Milton - OP); A099283-215 HT-Eo-EL.

- Proposed Floor Plans (Milton - OP); A099283-215 HT-Eo-PL.
 - Proposed Elevations (Rempstone - AS); A099283-215 HT-H-EL.
 - Proposed Floor Plans (Rempstone - AS); A099283-215 HT-H-PL.
 - Proposed Elevations (Rempstone - OP); A099283-215 HT-Ho-EL.
 - Proposed Floor Plans (Rempstone - OP); A099283-215 HT-Ho-PL.
 - Proposed Elevations (Bradgate - AS); A099283-215 HT-I-EL.
 - Proposed Floor Plans (Bradgate - AS); A099283-215 HT-I-PL.
 - Proposed Elevations (Bradgate - OP); A099283-215 HT-Io-EL.
 - Proposed Floor Plans (Bradgate - OP); A099283-215 HT-Io-PL.
 - Proposed Elevations (Bosworth - AS); A099283-215 HT-L-EL.
 - Proposed Floor Plans (Bosworth - AS); A099283-215 HT-L-PL.
 - Proposed Elevations (Bosworth - OP); A099283-215 HT-Lo-EL.
 - Proposed Floor Plans (Bosworth - OP); A099283-215 HT-Lo-PL.
 - Proposed Elevations (Brailsford - AS); A099283-215 HT-M-EL.
 - Proposed Floor Plans (Brailsford - AS); A099283-215 HT-M-PL.
 - Proposed Elevations (Brailsford - OP); A099283-215 HT-Mo-EL.
 - Proposed Floor Plans (Brailsford - OP); A099283-215 HT-Mo-PL.
 - Proposed Elevations (Langley - AS); A099283-215 HT-N-EL.
 - Proposed Floor Plans (Langley - AS); A099283-215 HT-N-PL.
 - Proposed Elevations (Langley - OP); A099283-215 HT-No-EL.
 - Proposed Floor Plans (Langley - OP); A099283-215 HT-No-PL.
 - Twin Garage Plans; A099283-215 GT-01-PL.
 - Single Garage Plans; A099283-215 GT-03-PL.
 - Twin Garage (Gable Fronted); A099283-215 GT-06-PL.
 - Soft Landscape Proposals; GL1387-03C.
 - Soft Landscape Proposals; GL1387-04C.
3. Trees and shrubs shall be planted in accordance with the landscaping scheme submitted to the Local Planning Authority (drawing nos. GL1387-03A & GL1387-03B). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning authority gives written consent to any variation.
4. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and this shall include:
- How construction traffic will access the site.
 - Proposed hours and days of working.
 - The parking of vehicles of site personnel, operatives and visitors.
 - Location of site storage areas and compounds.
 - Wheel washing facilities.
 - A strategy for the minimisation of noise, vibration and dust.

- Site contact detail in case of complaints.

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

5. 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.
6. 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 Jackson Purdue Lever Flood Risk Assessment (FRA) and Drainage Strategy ref PEV01862-1FR., 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.
 - 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.
7. The development shall be carried out in accordance with the submitted flood risk assessment (PEV01862-1FR, 001862-JPL-ZZ-ZZ-RP-D-2001-A2-C04, 17.06.2022, Jackson Purdue Lever) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 71.55 metres above Ordnance Datum (AOD) as per section 7 (Summary of Flood Mitigation Measures) in the Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

8. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

10. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

11. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
12. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
13. The hereby permitted development shall be carried out in accordance with the recommendations contained within Section 4 of the submitted Preliminary Ecological Appraisal, Prepared by Quants Environmental, Dated November 2020.
14. Prior to commencement of the development, a Biodiversity Enhancement Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and this shall include:
 - Methodologies as to how the proposed habitats will be created and managed over the next 30 years.
 - Soil analysis of the areas proposed for 'other neutral grassland' creation.

This should include:

- pH (water)
- available phosphorus (P) using the Olsen method
- available potassium (K)
- available magnesium (Mg)
- total nitrogen (N) using the Dumas method
- a hand soil texture

The P, K and Mg results should be quoted in milligrams/litre.

15. The hereby permitted development shall be carried out in accordance with the details contained within the Landscape and Ecological Management Plan Issue 2, Prepared by Golby+Luck, Dated July 2023.
16. Prior to commencement of development, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall set out the parameters, objectives and likely mitigation requirements in respect of biodiversity, and Best practice guidelines must be closely adhered to: Bats and Artificial Lighting at Night. Guidance Note GN08/23. Institute of Lighting Professionals, 2023.

17. No site clearance, preparatory work or development shall take place until a method statement detailing the protection of the retained hedgerow and the Oak Tree 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).
18. No site clearance, preparatory work or development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist. The archaeological assessment should include the following components:
 1. The assessment should initially take the form of a geophysical survey in order to map anomalies of possible archaeological origin within the site.
 2. Should anomalies be identified, this shall be followed by the excavation of trial trenches located across these anomalies, with further trenching located across the remainder of the development area in order to check for features missed by the geophysics.
 3. No works shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority.
 4. Following completion of archaeological fieldwork a report shall be prepared in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publications and public engagement. The report shall be submitted in writing to the Local Planning Authority.
19. Prior to commencement of development, the applicant shall submit 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.
20. Prior to its construction, details of the surfacing for the footpath link to Jacksdale Church Hill, as shown on drawing number 60164-FP01, shall be submitted to and approved in writing by the Local Planning Authority. The footpath link shall be provided prior to ending of construction and kept open for use in perpetuity.
21. Prior to occupation details of a shared cycleway/footway, bus stop facilities and access arrangement including associated signing and lining are to be submitted to and approved by the Local Planning Authority, as indicated on Drawing

reference 20-684-SK9 and implemented along the frontage of the development site on Main Road to join with the existing footway infrastructure to the west.

22. The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to internal street layout, including longitudinal (maximum 1 in 15) and cross sectional gradients, footpath/road key dimensions, parking and turning facilities (private & public), surfacing, street lighting, highway structures, junction/pedestrian/forward visibility splays, cycleway/pedestrian facilities, VPA/tracking, electric vehicle charge points, drainage/outfall proposals, visitor parking on street and traffic calming.
23. Prior to occupation the Residential Travel Plan ref CTP-20-684 shall be reviewed, updated and submitted to, and approved, by the Local Planning Authority.
24. Prior to occupation details of measures to encourage drivers to be aware of the 30mph speed limit on Main Road on the approach to Brinsley Hill junction and Jacksdale Village are to be submitted to, approved by the Local Planning Authority and implemented.

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 overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. In the interests of protecting visual and residential amenity.
5. In the interests of protecting visual and residential amenity.
6. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
7. To reduce the risk of flooding to the proposed development and future occupants.
8. To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

9. To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
10. To ensure that the site, once developed, is free from contamination and that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.
11. To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.
12. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.
13. In the interests of biodiversity.
14. In the interests of biodiversity.
15. In the interests of biodiversity.
16. In the interests of biodiversity.
17. In the interests of arboriculture.
18. To ensure that any features of archaeological/historic interest are protected and recorded.
19. To reduce the carbon footprint of the development.
20. To ensure the footpath links are provided.
21. In the interests of highway safety and to ensure vulnerable users have access to safer improved sustainable facilities that encourage active travel.
22. To ensure the development is constructed to a satisfactory fit for purpose standard for use of the public and in the interest of safety for all highway users.
23. To encourage sustainable active travel
24. To encourage road users to reduce their speed in the interests of highway safety.

INFORMATIVES

1. This permission is subject to a S106 legal agreement, which is required to be signed and executed before such time a decision is issued.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. In order to avoid impacts to nesting birds, 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.
4. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
5. 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.
6. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the NCC's current highway design guidance and specification for roadworks.
7. **Section 278 Agreement (Highways Act 1980)**

To carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. To undertake the works, which must comply with the NCC'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 HA as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Contact hdc.north@nottsc.co.uk

8. **Section 38 Agreement (Highways Act 1980)**

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 about 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 Highway Authority as early as possible.

Please note, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the HA until technical approval of the Section 278-38 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 circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the NCC in writing before any work commences on site. Contact hdc.north@nottsc.co.uk

9. **Commuted Sums**

The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e., additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage Systems, retaining walls, bollards, and materials outside usual specification). The applicant is strongly advised to hold discussions with the HA as soon as possible to agree sums, ownership, and responsibility for perpetuity.

10. **Adoption of roads/streets**

The HA only seeks to adopt streets where the new street network is acceptable in all highways and transportation terms. Accordingly, the HA may refuse to accept future maintenance liability of roads that do not meet the required standards and specification.

11. Planning consent is not agreement to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.
12. 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.

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Report To:	Planning Committee
Date:	1 November 2023
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	HUCKNALL CENTRAL, LARWOOD
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Detailed Information

Planning Application – Appeal Decisions

Hucknall Central

Planning Application	V/2022/0842
Site	24 Ogle Street, Hucknall, NG15 7FR.
Proposal	Remove Ground Floor Window and Replace with Garage Door. Build Two Canopies Over Front Doors and Replace Existing Doors.
Appeal Decision	Appeal Dismissed

The Inspector agreed with the Council's assessment that the appeal site has a visual connection with a nearby Grade II* Listed building and changes to the appeal site would therefore impact upon its setting. The alterations proposed were also found to be harmful to the contribution that the building

makes as a non-designated heritage asset and to the setting and character of the Hucknall Conservation Area. The Inspector further concluded that it had not been demonstrated that the proposal would not have a harmful effect on parking and highway safety.

Larwood

Planning Application V/2022/0682
Site 71 Sutton Road, Kirkby in Ashfield, NG17 8GY
Proposal Application for Consent to Display an Advertisement – Hanging Sign
Appeal Decision Appeal Dismissed

The Inspector concluded that the proposed hanging sign would appear to odds with the otherwise open and spacious residential character of the area, and would unacceptably erode the character of the area to the detriment of the visual amenity of the area.

Implications

Corporate Plan:

Reporting these decisions ensures we are open and transparent in our decision making process.

Legal:

Legal issues relating to specific planning appeals are set out in the report. As the report is for noting, there are no legal issues associated with the recommendation in the report.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk: N/A

Risk	Mitigation
N/A	N/A

Human Resources:

No implications

Environmental/Sustainability

None

Equalities:

None

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

Report Author and Contact Officer

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