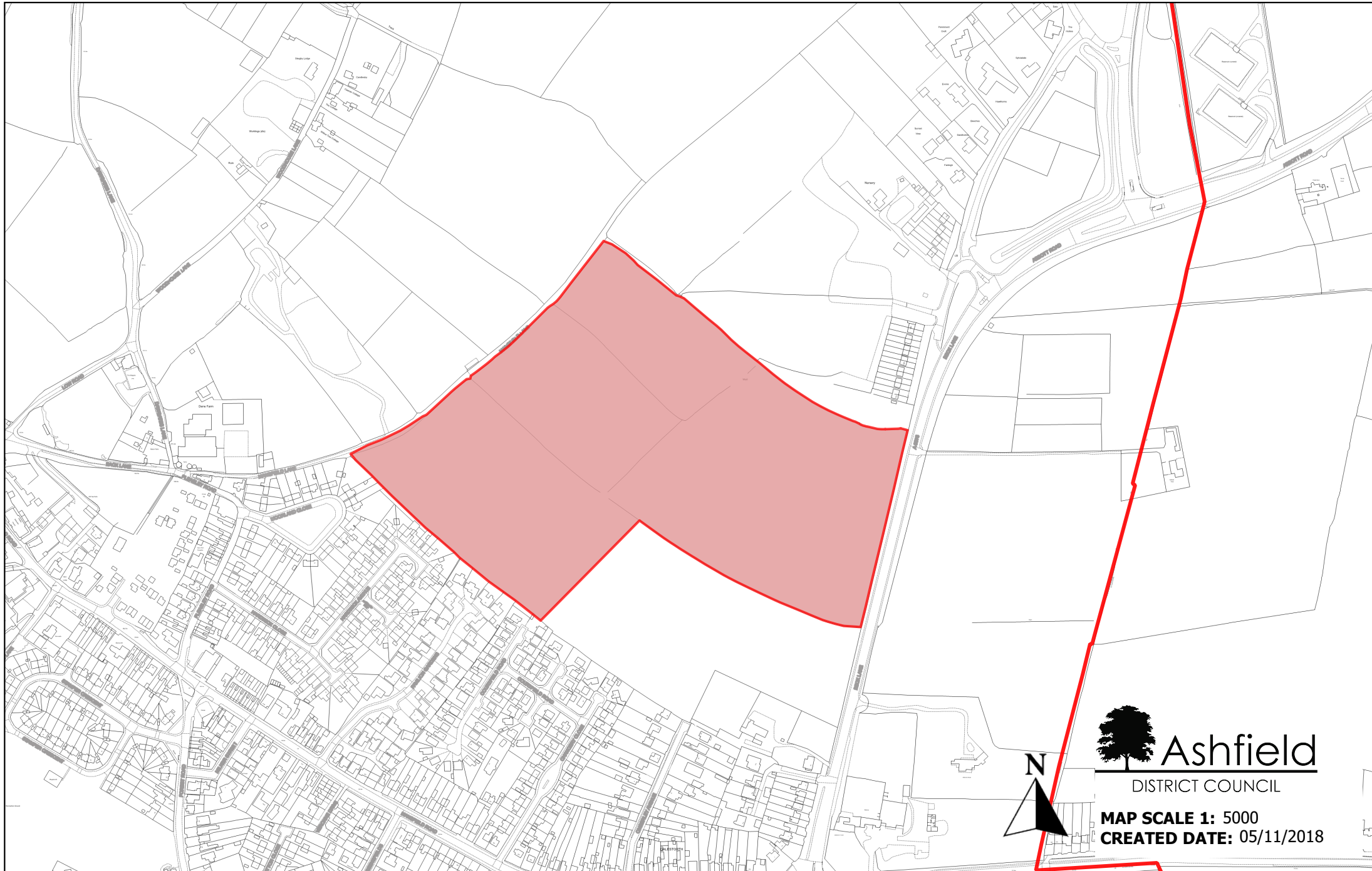


V/2016/0569 - Land at Beck Lane, Skegby



<u>COMMITTEE DATE</u>	14 November 2018	<u>WARD</u>	Skegby
<u>APP REF</u>	V/2016/0569		
<u>APPLICANT</u>	Lovel (East Midlands) Limited		
<u>PROPOSAL</u>	Outline Application With Some Matters Reserved For A Residential Development For A Maximum Of 322 Dwellings		
<u>LOCATION</u>	Land at Beck Lane Sutton in Ashfield		
<u>WEB LINK</u>	https://www.google.co.uk/maps/place/Beck+Ln,+Mansfield,+Sutton-in-Ashfield+NG17+3AH/@53.1424898,-1.2448418,17z/data=!4m5!3m4!1s0x487996695ccb2e49:0xa705dd7c5c592378!8m2!3d53.1453825!4d-1.2405449		

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

App Registered 09/09/2016

Expiry Date 19/12/2017

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

This application has been referred to Planning Committee by Councillor Zadrozny to discuss policy and highway implications.

BACKGROUND

An appeal has been lodged against the non-determination of this application. It is therefore being reported to Planning Committee seeking a decision as to what view it would have taken on the proposals if the Council had been in a position to determine the application. The decision of the Committee will inform the Council's case for the appeal process that will be determined by the appointed Inspector at a Public Inquiry.

Once an appeal has been lodged against non-determination a formal decision cannot be taken by the Local Planning Authority.

The application has not been determined within the 13 week time period or within the latest extension of time agreed between the Council and the applicant. This was initially due to the complexity of the application and concerns regarding the design and layout and highway implications of the proposed development. Latterly, protracted consultations with the Nottinghamshire County Council regarding the requirements for Education from this and other potential residential development sites within this part of the Ashfield District has delayed matters but was nearing a conclusion. The applicant has however decided to exercise their right of appeal.

THE SITE

The application site is located close to the north eastern boundary of the Ashfield

District, within the area of Skegby and immediately west of the A617 known locally as Beck Lane. It is within open countryside situated immediately north of the edge of the settlement boundary comprising mainly residential properties. A few dwellings are found in a linear form to the north of the site.

THE APPLICATION

The application is an outline submission, reserving all matters except means of access for subsequent consideration. It proposes a development of up to 322 dwellings.

The application also seeks approval to the proposed means of access into the site. Submitted drawing No.15 1958 SK02, Rev. F – Illustrative Masterplan indicates that the access would be taken from Beck Lane towards the north eastern corner of the site. The proposed access, detailed on drawing no. LTP/1704/T4/01.01, Rev.B, would include the provision of a signalised junction, together with a scheme of road widening along Beck Lane; provision of ghost islands and lane segregation markings, a right turn refuge and the decrease in permitted speed from 60mph down to 40mph for the entire site frontage.

Entry into the site would be by dedicated right and left turning lanes so as not to obstruct through traffic and egress will be aided by the provision of a dual lane exit for right and left turning traffic.

It should be noted that the highway junction proposed has been designed with additional capacity to enable comprehensive site development.

CONSULTATIONS

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

ADC Policy

National Planning Policy Framework 2018, paragraph 11 provides that (unless material considerations indicate otherwise) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

Existing development plan policies have to be considered in relation to NPPF paragraph 213, which identifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Countryside

The site is located in designated Countryside. The Ashfield Local Plan Review 2002, in Policies ST2, ST3 and ST4 make it clear that the purpose of these Policies and Policy EV2 is to protect and minimise the loss of the countryside. The development of the site for housing is not therefore appropriate development under the Policy EV2. However, it is considered that the NPPF is less restrictive in relation to the countryside than this Policy and therefore, the Policy is not fully consistent with the provisions of the recently updated NPPF.

Teversal, Stanton Hill and Skegby Neighbourhood Plan - was brought forward within the context of the Ashfield Local Plan Review 2002 countryside policy EV2. The issues raised by local people include:

- The desire to influence the look and layout of development,
- To protect the countryside and open spaces and access to them, and
- To have a better standard of housing suited to resident's needs.

This approach is reflected in a number of neighbourhood plan policies, which are set out in the list of applicable policies highlighted below.

Housing

The NPPF in paragraph 59 identifies that the Government's objective is to significantly boost the supply of homes. The Council is required to identify a five years supply of deliverable housing sites. As of 31st March 2018, Ashfield District had 3.92 years housing land supply.

As such, under NPPF, paragraph 11, and footnote 7, the saved ALPR policies which are the most important for determining the application are out-of-date.

The site is not located in a protected area (NPPF para 11 d) i) consequently the 'tilted balance' as set out in NPPF para 11 d) ii is engaged. That is, in the absence of relevant up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission, except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise.

Housing Mix

The Teversal Stanton Hill and Skegby Neighbourhood Plan (TSSNP) - Objective 1 is to ensure that future housing growth meets the needs of the local community whilst minimising the impact on the natural and built environment. The Strategic Housing Market Assessment (SHMA) confirms that over the period to 2033, the proportion of older persons in the District is expected to grow with the population aged over 65 expected to increase by 53%. The neighbourhood plan area is identified as having a higher percentage population over 65 than the rest of the District. Policy NP3 and the supporting paragraphs 177 to 180 of the TSSNP, set out the anticipated local housing requirements. The SHMA estimates of dwelling requirements by size are as follows :-

Indicative Property Size Guide	Market Sector Housing %	Affordable Sector Housing %
1 bedroom	4%	39%
2 bedrooms	35%	36%
3 bedrooms	53%	24%
4+ bedrooms	8%	1%
Total	100%	100%

The TSSNP therefore expects that the focus of new market housing provision would be smaller market dwellings. Policy 3 of the TSSNP expects housing development to provide a mix that reflects local need, including smaller market dwellings to suit older people and for first time buyer. If housing mix is to be considered at the reserved matter stage, it is recommended that a condition is imposed.

Open Space & Recreation – Policy HG6 of the ALPR requires a minimum of 10% of the gross housing area for open space. TSSNP policies place a strong emphasis on integration of the development with the wider environment (Policies NP4 and NP6). Green Infrastructure routes should be taken into consideration when designing any future scheme. Opportunities to strengthen existing routes and create new routes should be sought. A Right of Way footpath crosses the northern corner of the site and an important aspect is maintaining the access into the countryside. (ALPR Policy RC8).

Housing Density

ALPR Policy HG3, would require a minimum net density of 30 dwellings per hectare. This needs to be considered in relation to NPPF paragraphs 122 and 123 c) on achieving appropriate densities.

Affordable Housing

ALPR Policy HG4 and the Affordable Housing SPD 2009 identify a requirement for 10% requirement for affordable housing. Under NPPF paragraph 64, 'at least 10% of the homes are to be available for affordable homes ownership.'

Education contributions.

The NPPF in para 94 emphasis the requirement to:

- a. give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b. work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

The evidence base for emerging plans in the Joint Education Statement on provision of school places identifies that there is shortage of pupil places for both primary and secondary schools in Sutton in Ashfield.

Transport Improvements

ALPR Policy TR6 identifies that where the development places additional demand on transport environment contributions will be required to the transport infrastructure identified in the Policy

Social Facilities

TSSNP identifies in Policy NP1 that where appropriate schemes will also demonstrate delivery of a range of social facilities to meet local need where necessary. In this context, paragraph 125 identifies that the existing capacity of the doctors and schools was raised as a concern throughout the consultation process. However it is for the education and health agencies to ensure that there is adequate provision. A key part of sustainable development is ensuring that the social needs of a community are met.

Broadband

The neighbourhood plan in Policy NP8: Improve Digital Broadband sets out that new development should provide the necessary means for residents to access the superfast broadband network when it is available.

Electric Charging Points

Mindful of the Government stance on fossil fuel powered vehicles, the NPPF at Paragraph 110 states that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Design

Whilst it is acknowledged this application relates to an outline application, which includes a limited amount of detail, any future proposal should be well integrated into the existing area. ALPR Policy ST1 and HG5 will be applicable, as well as the TSSNP policies highlighted below.

ADC Heritage

The proposed development is not considered to affect the setting of the Grade 11 Listed Dalestorth House, located to the south east of the site.

ADC Environmental Protection [Contamination & land stability]

ADC Environmental Protection have already received a Preliminary Phase 1 Desktop Study report which recommends intrusive site investigations are required. Concurring with this recommendation, ADC Environmental Protection raise no objections, subject to a pre-commencement condition requiring a three stage investigation / remedial works / validation report being undertaken, submitted to and approved by ADC.

ADC Environmental Protection [Air Quality]

No objections subject to a pre-commencement condition being appended requiring the submission of and approval by the ADC of an air quality assessment.

ADC Drainage

The Lead Local Flood Authority need to be consulted on the drainage proposals for this development, Severn Trent need to be consulted on the foul water drainage. Percolation tests will need to be carried out to determine if the ground conditions are suitable for the use of infiltration to dispose of surface water.

ADC Landscape

Considers that the public open space zone ought to be equivalent to 10% of the developable site area, preferably located towards the western site boundary. Neighbourhood play and young peoples facilities are required as detailed in the Council's Public Open Space Strategy. Dwellings should overlook the public open space to encourage use & safety. S106 contributions towards public realm improvements are required, as detailed below.

ADC Tree Officer

Whilst the topographical survey indicates the positions of trees around and within the site, there are no details given here or elsewhere as to the species, sizes, and conditions of trees. Request that a full arboricultural survey be undertaken and submitted for approval in advance of any works on site.

NHS Clinical Commissioning Group

Due to potential increase in list sizes following the development, consideration should be given to increasing capacity at Skegby Family Medical Centre and Harwood Close Surgery. Options for additional consulting rooms and clinical space as well as more GP's will be required to ensure that the current level of healthcare provision for the locality is maintained.

NB : In view of these comments, the CCG were requested to fully justify and quantify the contributions sought but despite many subsequent requests, no definitive responses have been received. Accordingly, the Council are unable to consider any contribution request as part of the S106.

Natural England

Based upon the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objections.

Environment Agency

The development site is located within a Flood Zone 1 area and therefore they have no comments to make on the application.

Severn Trent Water Authority [STWA]

STWA have no objections to the proposals subject to the inclusion of a stated condition.

Nottinghamshire County Council – Ecology

The submitted Extended Phase 1 Habitat Survey Report has been considered. The site is dominated by arable farmland of low ecological value, bounded and subdivided by hedgerows which are of higher value, and the majority of which are considered to be species-rich. The latter are largely being retained within the layout, which is welcomed.

No evidence of, and limited potential for protected species was found on the site, although no specific surveys for breeding birds or bat activity were carried out. Given the nature of the habitat present, it can be assumed that the site supports a typical farmland bird assemblage, which will inevitably be displaced by the proposals. It can also be assumed that the site supports foraging and commuting bats, although this is not specifically considered in the Extended Phase 1 Habitat Survey report. Whilst a bat activity survey would have been desirable, it is likely that mitigation proposals would, in any event, have focused on the retention of foraging and commuting lines (hedgerows) as well as landscaping enhancements and a sensitive lighting scheme.

No objections subject to conditions as stated.

Nottinghamshire County Council - Archaeology

The site has archaeological potential and a pre-commencement planning condition is requested requiring an archaeological investigation.

Nottinghamshire County Council - Local Lead Flood Team

The LLFA are satisfied that the information contained within the Flood Risk Assessment & Drainage Strategy, May 2017 is appropriate and consequently, they have no objections.

Nottinghamshire County Council Libraries

Skegby Library is stocked. Consequently, Nottinghamshire County Council will no longer be seeking a library contribution from this development.

Nottinghamshire County Council Rights of Way

The application impacts on Sutton in Ashfield Parish footpaths No. 1 and 101, which run through or next to the site. Whilst not objection, the availability of the paths should not be affected or obstructed in any way by the development unless subject to appropriate diversion or closure orders.

Nottinghamshire County Council Highways

The application has been subject to lengthy consultations between the Highway Authority (HA) and the developer and their consultants. The HA has now considered issues of highway access, capacity and safety, and sustainability.

It should be noted that these comments purely relate to the concept of the development and highway access and in no way should this be misconstrued as technical approval which will be dealt with by the HA, at the appropriate stage should a full application be submitted.

Therefore should the LPA make the decision to approve this outline application then the Highway Authority would recommend the stated conditions are applied to any approval.

All new developments have a direct and indirect impact on the existing transport infrastructure and should therefore contribute towards mitigation of the negative impacts and the realisation of an improved and integrated transport system. The Nottinghamshire CC Planning Obligation Strategy (POS) indicates that developments must contribute to the wider strategic transport improvements for public transport and facilities for cycling and pedestrians. This will provide motorists with an alternative mode of transport to the car and help to achieve modal transfer targets as set out in the County Council's Local Transport Plan which reflects current ministerial planning policy.

The HA is of the opinion that this application currently does not fully meet the core planning principle of promoting opportunities for sustainable travel. There are no proposals to improve surrounding facilities to achieve this key planning principle.

To assist with reducing car trips associated with this site, it is considered important that improvements are made to links between the site and local transport facilities. Therefore, the HA considers that the applicant should fully refurbish both signalised pedestrian crossing facilities at the, A617 Kings Mill Road/ Beck Lane/ Skegby Lane junction, and the A38 Kings Mill Road/ A38 Sutton Road junction to provide LV/ELV kerbside/on-crossing pedestrian detection equipment. The HA considers the requirement to enhance these pedestrian crossing facilities to be reasonable and necessary to make the development acceptable in planning terms. This requirement is directly related to the development and practical in relation to type and scale of the development.

The development will trigger the requirement for contributions to provide for the extra demand on highway assets and infrastructure contained in Nottinghamshire County Council's Planning Obligation Strategy(POS) (April 2014). The HA has recalculated the amount contribution and based on the figures in the STA, the maximum 2-way trip generation is 185 in the PM peak. This would equate to a contribution of **£197,333 (£32k/30 x 185)** directly payable to the Highway Authority.

Nottinghamshire County Council Estates

Initially raised objections on the grounds that the NCC owned land adjacent to the SW corner of the development site, is potentially prejudiced by these proposals in terms of access and layout. However, NCC have agreed with the applicant and their agents to be party to any S106 Agreement, so as to protect the NCC interest. Accordingly, subject to the appropriateness of the S106 wording, NCC intend to withdraw their objection to the application.

Nottinghamshire County Council Education

Nottinghamshire County Council has made a combined observation of two potential development sites in light of the cumulative impact of these two planning applications on

school provision in Sutton in Ashfield . The proposed developments of 322 dwellings at Beck Lane, Skegby and 300 dwellings at Newark Road will generate 68 and 63 pupils of primary school age respectively and 55 and 51 pupils of secondary school age respectively, which will be additional to current demographic projections of future school age children and will need to be accommodated in local schools.

Primary pupil forecasts over the next five years indicate 153 projected places, 92 of which are needed from sites with planning permission and which are expected to be built in the next five years , meaning that there are 61 forecast places available in primary schools within the planning area. We have totalled the places generated by both developments (131) and subtracted available forecast places (61). This shows that the two developments will create a shortfall of 70 places.

These places will need to be created by provision of potentially a two classroom extension to a school. The cost of such places is based upon typical build costs for new school provision. The current cost of new build development is £19,048 per pupil place and therefore the County Council will be seeking a total of £1,333,360 (£19,048 x 70) to mitigate the impact of both proposals by provision of the necessary places at a school or schools within the Sutton Town primary school planning area.

Based on the proportionate sizes of both developments, **the Beck Lane application should contribute 52%** and the Newark Road application should contribute 48%. The County Council would therefore **request an obligation of £693,347 from the Beck Lane development**, used to create additional pupil places within the Sutton in Ashfield area to mitigate the impact of both developments.

The County Council will nominate a project for these obligations as part of S106 negotiations in further dialogue with the District Council.

Regarding secondary school places, there is forecast available capacity across these schools in total to accommodate the impact of these developments by virtue of the pupil places likely to be generated, and therefore no planning obligations are necessary.

Community Representations

A total of 37 letters of objection have been received from residents/households in the vicinity, resulting from the initial consultation undertaken in September 2016 and from subsequent consultations undertaken following receipt of amended details. 13 of these responses were made by a single resident. From all of the representations received, the grounds for objections can be summarised as follows :-

Traffic / Highways

- Imposition of 650 or so additional family cars onto a congested road network
- Local access onto the main routes at peak times is impossible, this will be worse.
- Single access onto Beck Lane is dangerous and too close to major junctions..
- Increased congestion on local roads and inadequate junction controls
- No connections to existing community facilities for elderly and infirm.

Drainage

- Local issues with both foul and surface water flooding, known to the authorities and foul water has flooded the village on numerous occasions. No sewer capacity.
- Sustainable Drainage retention is in wrong place to work effectively, shows lack of knowledge.

Infrastructure

- Not viable / sustainable due to inadequate supporting infrastructure.
- No provision for doctors, schools, nurseries, shops and elderly care facilities

Amenity

- Loss of beautiful views
- Increased overlooking
- Loss of open grassland / farmland when plenty of brownfield land available
- Adverse impact upon varied wildlife including protected species [bats, badgers, skylarks.
- 3 storey dwellings are too high against bungalows

General

- Developer seems to have ignored all the objections raised during their public relations exercise and carried on regardless.
- No continuity of case officer or information, inability to meet to discuss.
- Premature, new local plan not yet adopted. Contrary to existing local plan.
- Contrary to new Neighbourhood Plan
- Outline masterplan is misleading in as not to scale, representative or detailed.
- What happened to the sports facilities which is accepted in open countryside.
- Loss of house value, noise, pollution, dust and disruption.
- It will isolate the Penniment Lane community.

PLANNING POLICY CONSIDERATIONS

National Planning Policy Framework [NPPF] 2018

- **Part 5** - Delivering a sufficient supply of homes.
- **Part 8** - Promoting healthy and safe communities.
- **Part 9** - Promoting sustainable transport
- **Part 11** - Making effective use of land
- **Part 12** - Achieving well-designed places.
- **Part 14** - Meeting the challenge of climate change, flooding and coastal change
- **Part 15** - Conserving and enhancing the natural environment
- **Part 16** - Conserving and enhancing the historic environment

Ashfield LP Review 2002 – Saved Policies

- **EV2** - Countryside
- **HG3** - Housing Density
- **HG4** - Affordable Housing.
- **HG5** - New Residential Development
- **HG6** - POS in New Residential Developments
- **RC2** - Open Areas
- **ST1** - Development

Teversal, Stanton Hill & Skegby Neighbourhood Plan 2016 – 2031

- **NP1** - Sustainable Development
- **NP2** - Residential Design Principles
- **NP3** - Housing Type
- **NP4** - Protecting the Landscape Character
- **NP6** - Improving Access to the Countryside
- **NP8** - Improve Digital Broadband
- **Appendix C** - Design Guide

As the ALPR dates from 2002, the Neighbourhood Plan Policies take precedence over existing non-strategy policies in the local plan covering the neighbourhood area, where they are in conflict.

Ashfield Residential Design Brief [SKA3h] July 2016
Ashfield Affordable Housing SPD 2009
Ashfield Residential Design SPD 2014
Ashfield Residential Car Parking Standards SPD 2014.
Nottinghamshire County Council - The 6 C's Design Guide

PLANNING HISTORY

- **V/2001/0094** - Sporting Centre of Excellence & pitches. Conditionally Approved 16/7/07
- **SCR/2014/0001** - EIA Screening Opinion for up to 395 dwellings. Determined not to be EIA development 5/3/14.
- **PEQ/2015/0021** - Residential development for up to 430 dwellings. Response issued 2/6/15.

ASSESSMENT

The main considerations in assessing the application are the principle of development; highway safety and the layout and design of the means of access; landscape impact; drainage and residential amenity. These are discussed below.

Principle

The application is an outline submission, reserving all matters except means of access for subsequent consideration. It proposes a development of up to 322 dwellings.

The application is considered under the Ashfield Local Plan Review 2002 which identifies the land for Open Countyside where Policy EV2 is applicable and states :-

“In the Countryside, permission will only be given for appropriate development. Development must be located and designed so as not to adversely affect the character of the countryside, in particular it's openness.”

The use of land for residential purposes is not considered appropriate development under Policy EV2, however, the NPPF is less restrictive in relation to the countryside than the Policy, which is not fully consistent with the provisions of the NPPF.

The NPPF identifies that the Government's objective is to significantly boost the supply of homes. The Council is required to identify a 5 years supply of deliverable housing sites but currently has only 3.92 years supply. In the absence of relevant up to date development plan policies, the NPPF stipulates that the balance is tilted in favour of sustainable development and granting planning permission, except where the benefits of the development are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise.

In terms of sustainability, the NPPF confirms that sustainable development, “***....meets the needs of the present without compromising the ability of future generations to meet their own needs.***” It also highlights that development must meet three overarching objectives :-

- economic objectives
- social objectives
- environmental objectives

An assessment as to how this application addresses, or not, these three sustainability objectives can be seen from the following table.

OBJECTIVES	DISADVANTAGES	BENEFITS
<p>ECONOMIC [by ensuring that sufficient land of the right type in the right place is available to support growth and providing infrastructure]</p>	<ul style="list-style-type: none"> • Future residents unlikely to avail themselves of local services / facilities as trips will potentially be car borne. • Increase in local congestion and pollution. • 	<ul style="list-style-type: none"> • Accords with government push for new homes. • Enhances the Council’s ability to provide a 5 year housing supply. • Opportunity to create a mixed & balanced community. • The site is imminently deliverable. • Development of larger sites allows for delivery of greater community benefits.
<p>SOCIAL [by supporting strong, vibrant and healthy communities by ensuring that sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment with accessible services and open spaces.]</p>	<ul style="list-style-type: none"> • Remote from existing facilities / services such as local shops; public transport; health services; and social care. • Inability for such services to cope with extra demand • Outside existing settlement, lack of integration. 	<ul style="list-style-type: none"> • Community benefits derived from S106 obligations, including highway safety measures; educational improvements; health improvements; Public Realm improvements and provision of rental and low market cost affordable housing. • Aspirational housing for residents wishing to upgrade within the district. • Opportunity to design out crime.
<p>ENVIRONMENTAL [by protecting and enhancing our natural environment; making effective use of land]</p>	<ul style="list-style-type: none"> • Countryside location • Loss of Grade 2 agricultural land in part. • Impacts upon local flora / fauna 	<ul style="list-style-type: none"> • Modern dwellings incorporate energy efficiencies, low carbon materials. • Provision of high quality public space; play areas; footpath & cycle way links into wider network. • Opportunity to create new habitats.

The delivery of these objectives should take local circumstances into account, to reflect the character, needs and opportunities of an area. Securing the community benefits listed under S106 Obligations below would ensure that the benefits detailed can be delivered and in this respect, it is worth noting that the applicant has agreed in principle to the inclusion of these within the agreement. Accordingly, whilst some adverse impacts are identified, on balance, these are not considered to be so significant as to outweigh the benefits accruing from the development of the site in terms of compliance with the NPPF and contribution to the Council’s housing land supply and availability of homes for the locality.

Highway Safety and the Layout & Design of the Means of Access

Negotiations by the Highway Authority have resulted in a signalised access junction which will cater for an overall site development of up to 450 dwellings; enhance highway safety for both vehicles and pedestrians alike; reduce speeds along the site frontage by 33% and ease traffic flows by lane segregation; and provide shared cycle/pedestrian pathways Through the heads of terms for the S106 agreement, there will be provision for off-site improvements to highway assets and infrastructure and the refurbishment of

pedestrian crossing facilities at the A617 Kings Mill Rd / Beck Lane / Skegby Lane junction and the A38 Kings mill Road / A38 Sutton Rd junction.

The application is in outline form and whilst the accompanying Illustrative Masterplan does indicate a potential on-site road hierarchy, the detailed layout will be received as part of the subsequent reserved matter application and no consideration of this has therefore been made at this stage.

The HA has however, on 6th November 2018, raised issues of road safety which have recently occurred at the point where the new access is to be taken. Accidents have occurred around an existing access on the opposite side of the road, serving Ashlands Farm which has promoted the intervention of the road Safety Section seeking remedial works in the highway to resolve the problems. Such works would conflict with the traffic signalled junction proposed and further design work with both issues in mind needs to take place imminently.

The applicant has agreed to re-open negotiations with the HA on this matter and a status update will be made as a late item to this report.

Landscape Impact

The submitted Landscape and Visual Impact Appraisal, Revision B dated 15th December 2016, has been considered. The visual envelope stretches further than described in the document, the location of the proposed mitigation as indicated in the masterplan does respond to the effect of the development on wider views within the layout and planting provision.

The layout of the development as illustrated on the Masterplan is not ideal and the park/recreation ground provision is perhaps better located towards the western boundary of the site. However, this opinion may change according to the final site layout presented as part of the reserved matter application to follow. The amount of land dedicated will be conditioned to ensure a minimum of 10% of the developable site area is provided and that this contains provision for neighbourhood play and young people's facilities as detailed in the Council's Public Open Space Strategy. The reserved matter design solution must also ensure that dwellings overlook the park / recreation ground to encourage safe use and the open space should be integral to the design of the scheme.

In terms of on-site landscaping, the peripheries and field boundaries are well served by mature hedgerows and trees and, in the absence of a detailed landscaping scheme, it would be proposed to impose appropriate conditions to any approval of this application to ensure retention of all until such detailed scheme is received and agreed.

Drainage

Drainage / surface water flooding issues have been raised as issues by some local residents. As part of the application process, both foul and surface water are considerations but as this is only an outline proposal, full details are not available and will be dependent upon the reserved matter submissions.

Notwithstanding, The Environment Agency confirm that the proposal is within Flood Zone 1 [less than 1 in 1000 annual probability of river flooding] and therefore have no comments to make; Severn Trent Water Authority have no objections, subject to the imposition of a condition requiring full surface and foul water drainage systems to be submitted & approved by the Local Planning Authority; and the NCC Lead Local Flood Team in consideration of the Flood Risk Assessment & Drainage Strategy submitted, confirmed that the information contained is appropriate to drain the site.

Suitable conditions can therefore be imposed to ensure all drainage matters are fully considered at the reserved matter stage.

Residential Amenity

Community responses have highlighted concerns by the existing householders over the impact the proposed development will have upon the amenity they rightly expect within the curtilage of their dwellings and the wider locality.

Given the application is in outline form only with no details as to the final road hierarchy and dwelling positions or types, it is difficult to make any meaningful comment in response. However, officers are mindful that some of the properties bordering the application site to the south are single storey and that 2 storey dwellings, if proposed close to the mutual boundary, could have significant effects upon those residents. This element will form part of the reserved matter considerations and the NPPF; ALPR Policies; together with Council's Supplementary Planning Documents on residential design and car parking etc will inform any determination that may be made at that point, in order to protect local amenity.

Section 106 Obligations

Affordable Housing

At least **10%** of the homes must be affordable.

The range, type, size and tenure mix of affordable housing required either on or off-site will be determined in negotiation with the Council based upon identified affordable housing needs and characteristics of the site.

Financial Contributions

- **Public Realm - £644,000** contribution for public realm improvements [subject to final dwelling numbers] for one of the following projects ;
 1. Portland Square
 2. Sutton Old Market Place & Albert Squareor
 3. Any public realm improvement project such as Stanton Hill Regeneration as identified by Ashfield District Council.
- **Education - £693,347** contribution for the provision of additional primary school classrooms. *[but a specific project [s] is not yet identified]*
- **Health - £174,484** contribution for the additional demands on health provision locally. *[but a specific project [s] is not yet identified]*
- **Highways - £197,333** contribution to provide for the extra demand on highway assets, infrastructure and improvements.

Other

- Nottinghamshire County Council to be party to the S106 Agreement pursuant to their discussions and agreement with the applicant in respect of the safeguarding of internal access to the NCC land from the development site

Conclusions

This application is for outline approval for a development of up to 322 dwellings, served by a new single signalised junction with Beck Lane. All other matters are reserved for subsequent approval. The application has been held in abeyance for a significant period pending the outcome of discussions between the Council, the applicant and the Nottinghamshire County Council over the requirements for educational provision; the NHS Clinical Commissioning Group over the proposed health requirements. Neither element has finally been resolved but the issues relate merely to the confirmation of the specific projects to which the funds can be allocated and with this in place, the application could be viewed favourably.

Aside from the principle, the only issue for consideration is the access and we have been advised by the Highway Authority that, in accordance with the revisions achieved and the contributions proposed, the HA have no objections to the application being approved. That position was however changed on 6th November with the belated notification from the HA of the road safety issues relating to an existing access opposite the site which to be resolved would require revisions to the agreed junction scheme. The applicant is now in contact with the HA to discuss what is required to achieve a mutually acceptable scheme and the status of this will be advised to Members as a late item.

The application has not been determined principally due to the outstanding issues of education and health obligations and, latterly, of the recent highway safety concerns. All can be resolved and there is will on all sides to achieve this. Accordingly, the Council would be able to secure the community benefits required to outweigh any adverse impacts of the development.

It is therefore suggested that the Planning Inspector be informed that the planning application would have been approved planning permission by the Council, subject to the resolution of the highway concerns; imposition of planning conditions and the satisfactory completion of a Section 106 Agreement.

OFFICER STEER : The Planning Inspector be informed that the Council would have granted planning permission, subject to resolution of the highways, education and health concerns and following from this appropriate conditions and a Section 106 Agreement relating to planning obligations.