



COMMITTEE DATE 26th June 2019 **WARD** Annesley and Kirkby
Woodhouse

APP REF V/2018/0393

APPLICANT BOYCE BROS

PROPOSAL Residential Development for 44 houses and 1 flat including
Associated Access, Parking, Infrastructure, Drainage,
Landscaping and a Sports Pitch..

LOCATION Annesley Miners Welfare Institute, Derby Road, Annesley
Woodhouse, Nottinghamshire. NG15 0AP

BACKGROUND PAPERS A; B; C; D; E; F; G; H; I; K

WEBLINK [https://www.google.co.uk/maps/@53.0784863,-
1.2430126,21z](https://www.google.co.uk/maps/@53.0784863,-1.2430126,21z)

App Registered 29/06/2018

Expiry Date 23/11/2018

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

This application has been referred to Planning Committee by Councillor Rachael Madden for reasons of highway safety; impact upon the street scene; impact upon neighbouring properties; & disregard for the Local Plan.

THE APPLICATION

The original scheme proposed a development consisting of 33 dwelling houses and 37 retirement apartments. Following concerns raised by residents, further discussions were held with the developer and the scheme amended.

This is now a Full Application for a residential development consisting of 44 houses, 1 flat, associated access, parking infrastructure, drainage, landscaping and a sports pitch. The proposal also includes the demolition of the existing building known as the Annesley Miners Welfare.

CONSULTATIONS

The application has been advertised in the local newspaper; a site notice displayed and individual letters issued to local households on The Grove; Derby Road; Forest

Road; and Little Oak Avenue. Following the scheme being amended, the application was re-advertised and consultation letters sent out. Below is a summary of comments received:

A.D.C Drainage – The guidance from the Local Lead Flood Authority should be followed and Severn Trent Water needs to be consulted on the foul water proposals.

A.D.C Housing Policy – Require 10% of units on-site being affordable – in accordance with policy, with these split between rented and shared ownership - 75% and 25% respectively.

Local Lead Flood Authority – Originally objected to the application as it did not contain sufficient detail in relation to surface water flood risk. Updated information was received to satisfy the concerns of the LLFA. No objections are now raised, subject to a satisfactory sustainable drainage system being provided.

Clinical Commissioning Group – A development of this nature would result in increased service demand which would not be accommodated within existing primary care resources. The proposal would trigger the need to provide health related section 106 finding amounting to £24,492.75, which is proportionate to a housing development of this size

The contribution would be invested in enhancing capacity/infrastructure within existing local practices. In order to ensure that work can be commenced in advance of the population growth and ensure that the health infrastructure is in place to meet the increased demand on health services we anticipate that the funding is payable on commencement of building.

A.D.C Environmental Protection – Having reviewed the Air Quality assessment submitted by Air Quality Consultants RefJ3335A/1/F2 which concludes that the effects of the development on local air quality are ‘not significant’; there are no objections to the granting of Planning Permission.

Natural England – Offer no comments, but suggest consideration is given to standing advice.

A.D.C Place and Wellbeing – Have provided comments in respect of the following:

Sports field/Green Space

- There is no requirement for formal green space, or pitch provision in this area, from the Council’s adopted standards (Public Open Space Strategy/ Playing Pitch Strategy).
- The Councils playing Pitch Strategy priority is to invest in hub sites. It would therefore be preferred if off-site provision is provided for other open spaces in the area.

- Surface water 'attenuation area 2' should be located on part of the open space.

Pedestrian access to woodland

- The applicant should confirm that an access point will be available from the proposed pathway adjacent to the football pitch into the woodland.

Boundary Treatment and Landscaping

- Details of landscaping and boundaries should be indicated on a plan.

Section 106

- Contributions should be sought for either Oak Wood fields and/or Kingsway Park Sports facilities.

Nottinghamshire County Council Highways Authority – The HA, on the basis of the latest information submitted, conclude that the benefits of providing additional public highway on the A611 corridor outweigh the residual cumulative impact of the development on the highway network. No objections are therefore raised and a list of conditions are recommended.

Nottinghamshire County Council Policy – Have provided comments in respect of their position on Waste, Minerals and Transport. The response from strategic highway identifies there is joint study with Ashfield District Council, Mansfield District Council and Nottinghamshire Council on the A611 corridor between Mansfield and Junction 27 of the M1. As there is no defined Highway improvement scheme, they have recommended a strip 4m wide around the perimeter of the site is safeguarded, should this need to be dedicated as public highway. It is also advised that the bus stops along Forest Road cannot be re-located.

Nottinghamshire County Council Education – The development is located in the Annesley Primary Planning Area and a scheme of 45 dwellings would generate 10 places. Based on 2018 projections there is insufficient capacity in the area to accommodate these places. Therefore, the County Council will require a contribution of £136,560 (10 places x £13,656 per place) to mitigate the impact of this development.

There is capacity at Kirkby College and as such a contribution toward secondary school education is not required.

A.D.C Tree Officer – Has passed comment on the submitted Arboricultural Report and noted that the tree protection measures and special engineering works contained within the report, should be carried out in accordance with the supplied information. This will be proposed as a condition.

Sports England - The site is considered to constitute a playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

Sports England first response - in respect of the original scheme - was a holding objection, requiring further information to be submitted. They also advised that the Football Federation, had objected, requiring further information.

Additional information was provided to Sport England. However, they are concerned that the proposed single pitch would not deliver a sustainable sports facility. In their view, the existing playing field should either be retained, or the whole site developed and appropriate mitigation be provided. Both the Football Foundation (on behalf of the FA) and the County Council Football Association support these options.

The retention of a single pitch in the centre of a residential area is not supported. Accordingly, they object to the application, on the basis the proposals do not accord with any of the exception to Sport England's Playing Fields Policy, or para 97 of the NPPF.

OTHER REPRESENTATIONS

Annesley & Felley Parish Council

The Planning Application for Annesley Miners Welfare Institute was discussed at the Parish Council meeting on 2nd July 2018 and the Parish Council, at the time, were in full support of the application.

However, following a meeting held on 13th May 2019, the newly elected Parish Council now object to the application. Their objections are on the basis that the proposal could lead to the creation of a dual carriageway and air pollution. They have also requested Councils Annual Air monitoring report should be published and given scrutiny.

Community Representations

The following representations were received in respect of the original scheme:

28 responses from 18 households / groups, including the Labour South Kirkby Branch; ACCESS [Annesley Community Committed to Ensuring Sustainable Settlements]; Ashfield House Surgery and STAG [A611 Safety & Traffic Action Group]. All communications received raise objections to the development on the following grounds: -

- **Traffic** - increase in vehicle numbers adding to severely congested Badger Box junction / school site and on Derby Road in particular. Junction considered to be 'accident hotspot'. Whole area needs traffic relief, not additional vehicles and the ADC / NCC are failing to address this. Peak hour congestion is especially bad around school entrance. Need parking

restrictions on forest Rd. Traffic Assessment submitted is wrong stating it will have no material impact. Road & pedestrian safety is at serious risk. Safety & health of school children is paramount. 6 principle junctions and 2 bus stops within a few metres plus individual drive accesses.

- **Pollution** - increased noise and air pollution resulting from the additional traffic and congestion
- **Design** - Excessive height and footprint of the proposed apartments will dominate the street frontage. Three-four storeys not in keeping with local area and will be dominant, oppressive and cause loss of privacy and light. New dwellings too close to surrounding properties affecting privacy levels. No outside amenity space for apartment residents
- **Sports Pitch** - This will only benefit a few and these will not be local if a club runs it. No public access, no community benefit.
- **Ecology** – Impact on species including bats, nightjars and hedgehogs.
- **Landscaping** - southern boundary adjoins local wildlife site / ancient woodland & historic hedgerows that all need protection.
- **Section 106 Monies** – A question was received from a Local Surgery regarding Section 106 monies.
- **Drainage / Flooding** - Effect on existing sewers crossing the site; known flooding of the site and surrounding properties after heavy rain; infiltration testing insufficient; use of flood protection measures show it could be an issue
- **General** - Too many new houses, retain the whole site for open space / sports facilities, make an attractive entrance into Kirkby. Poor consultation process. Loss of property values. Contrary to NPPF regarding sustainable development; reducing pollution; & road safety. Potential for sink holes with former mining activities and flood issues. Inadequate protection for site ecology and protected species, EU regulations flaunted. Contrary to ADC Policy which states it's a Green Space & Recreational Facility and ADC Sports Pitch Strategy recommends no loss of sports facilities.

Following a period of re-consultation, a further 4 letters have been received from residents, with additional correspondence also received from ACCESS and the A611 Safety & Traffic Action Group, these are summarised below:

- Pleased to see the developers have amended their plans and abandoned the large block of flats.
- The application is a massive positive for the area and the current Annesley Miners Welfare is a blot on the landscape. Demolishing the building and providing much needed housing would be well received.
- Some of the dwellings are higher than those on the Grove. This is not reflected in the street scene drawing.
- There is insufficient infrastructure in place to support the development (schools and doctors).
- There remains concerns over ecology, emissions, noise pollution, and flooding.

- The Councils Annual Air monitor report should be published and given scrutiny.
- Highways Safety concerns with the creation of the new access, traffic congestion especially at peak hours (the school run) and larger vehicles using the highway during the construction phase.
- Any road widening scheme would encourage more traffic into the area and the NCC highways comments appear to play down congestion on the area.
- The site should be secured and left as open space until adequate infrastructure is in place and a bypass has been provided.

PLANNING POLICY CONSIDERATIONS

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

National Planning Policy Framework [NPPF] 2018

- **Part 2** - Achieving sustainable Development
- **Part 4** - Decision Making.
- **Part 5** - Delivering a Sufficient Supply of Homes.
- **Part 8** - Promoting Healthy & 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 & Coastal Change

Ashfield LP Review 2002 – Saved Policies

- **EV8** - Trees and Woodland
 - **HG3** - Housing Density
 - **HG4** - Affordable Housing.
 - **HG5** - New Residential Development
 - **HG6** - POS in New Residential Developments
 - **RC3** - Formal Open Space
 - **ST1** - Development
 - **ST2** - Main Urban Areas
 - **TR6** - Developer Contributions to Transport Improvements
- **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/2015/0696 - Outline application for the erection of 58 dwellings with retail, doctor

surgery and associated works. Refused 2/8/2016

The above application was refused on the basis of the loss of open space and no other suitable alternative being provided. There were also concerns regarding an impact upon the highway network, with the Transport Assessment considered to be inadequate. A third reason for refusal was on the basis of the development failing to provide adequate contributions and thus being unsustainable.

ASSESSMENT

The main planning considerations with this application are as follows.

1. Principal of development – including impact on Open Space and Recreation;
2. Impact on Visual Amenity;
3. Impact on Residential Amenity;
4. Impact on Non-Designated Heritage;
5. Highways Safety;
6. Ecology;
7. Flooding;
8. Air Pollution;
9. Viability and Developer Contributions;
10. Any other issues;

1. Principle

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration and may provide reasons why an application for planning permission should be granted notwithstanding the development plan.

The proposal accords with saved ALPR Policy ST2, which seeks to concentrate development within the main urban areas in Ashfield. However, the site is allocated as a formal open space under Policy RC3Ka. Policy RC3 sets out that development which would lead to the loss of formal open space will only be permitted in certain circumstances. This includes, amongst other things, where

- It would assist in the retention and enhancement of the recreational use of the site, or
- where adequate replacement provision of new formal open space is provided, or
- it is proposed to make a significant improvement to the overall quality of recreation.

The NPPF, at Paragraph 97, sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current, or former use.

The playing fields have been out of use for a number of years and are currently overgrown with vegetation. Although, Sport England have objected to the proposals - stating they would prefer to see the entirety of the playing field retained, or the whole site developed and appropriate mitigation negotiated. This is due to the proposed single pitch having no facilities and it potentially becoming unsustainable. The Council's Place and Wellbeing Team have similarly advised, that they would prefer to see off-site provision for other spaces in the area.

The site was previously used as a football pitch and the Council's adopted Playing Pitch Strategy 2017 – 2020 shows there to be a surplus of both Adult and Youth football pitches, in Kirkby, in 2016 and projected through to 2026. Although, this document does identify a shortfall of cricket, hockey and rugby pitches.

The development would involve the loss of some of the playing field; however, the proposal would still provide a single full-sized grass pitch, dedicated parking and space for a future changing room facility. Concerns have been raised over maintenance of the pitch, however this will be secured through a maintenance company, as part of the Section 106 agreement.

The provision of the recreation space assists in securing a high quality, mixed use, sustainable development. It would be overlooked from a number of neighbouring properties, providing a high degree of natural surveillance - making it an attractive open space. The single proposed pitch would also represent a significant improvement on the current recreation space given its overgrown state and lack of use.

The site is in private ownership and whilst an historic recreation use was present, there is no guarantee that a future owner would make this available for recreation purpose. It also seems unlikely that a facility to match the previous scale of pitch provision, prior to the dereliction of the site, would be deliverable without financial backing. Indeed, the submitted viability assessment identifies a cost of £60,000 for the levelling of the sports field. The playing fields have been derelict and overgrown for approximately 9 years and given the above, this may continue into the future leaving no viable recreation space.

A financial contribution of £88,000 has also been secured towards Open Space provision within the district. This will go toward enhancing provision at Oakwood fields Sports Park, or Kingsway Park - in accordance with the Councils Adopted Playing Pitch Strategy.

The benefits of bringing a single pitch back into use and a financial contribution to other recreation space, is considered to outweigh the loss of a larger, currently unused, recreation ground protected under saved ALPR policy RC3. The proposal is therefore considered not to be in substantive conflict with development plan policy RC3, nor the provisions of the NPPF (paragraph 97).

2. Impact upon Visual Amenity

The site extends to approx. 2.74ha and comprises of the disused Annesley Miners Welfare building, associated car parking and an area of grassland formally used as a sports field. The site is partly bounded by hedgerows, with residential properties on Little Oak Avenue and Forest Road to the west and north. Derby Road lies along the eastern boundary with residential properties on the opposite side of the road, which feature on the Local Heritage List. To the south of the site is a Local Wildlife Site (Little Oak Plantation).

The existing disused building on the site features boarded windows and appears highly unsightly at a gateway point into the Ashfield. The grassed area, surrounding much of the remainder of the site, is also overgrown and unkempt. The building is considered to hold fairly little in the way of architectural merit and there are no concerns regarding its removal. Indeed, its removal holds potential to enhance the appearance of this gateway.

The existing access off Derby Road would also be removed and replaced with a newly created access from Forest Road. The dwellings fronting onto Derby Road would contain vehicular access to the rear, with pedestrian access from the front. They would be set back from the Highway by a highway improvement strip and swale, thereby creating an attractive green frontage to the development.

An area of landscaping is proposed directly adjacent to the new access from Forest Road, creating an attractive entrance into the development. The newly created football pitch lies to the west of the development, with an associated parking area and avenue of trees in front. A number of dwellings would overlook the newly created recreation space. Running along the southern boundary are surface water drainage attenuation areas and swales, which create a buffer to the Local Wildlife Site lying to the south.

The appearance, layout and design of the development is considered to be acceptable. The proposal would involve the removal of an undesirable building, replacing it with a high quality mixed use development, comprising of residential and recreation space. The proposal would therefore enhance a key gateway site into the

district and comply with Part 12 of the Framework, which places an emphasis on good design and place making.

3. Impact upon Residential Amenity

Existing Residents

Policies ST1 and HG5 of the Ashfield Local Plan Review (2002) seek, amongst other matters, to ensure the neighbouring amenities of properties is protected

Plots 1 – 10, which run along Derby Road, would be three storeys in height. The submitted section plan shows that the ground levels will be raised slightly towards the southern part of the site. It is acknowledged that dwellings opposite (The Grove) are set slightly lower than the highway; however, with an average separation distance of over 30m to the dwellings opposite - which includes the swale, highway improvement strip, and highway itself - there would be no overlooking, or overshadowing concerns. This intervening distance is in excess of the Councils minimum standard of 21m.

The dwellings at plots 16 – 22 would be set lower than properties along Forest Garden, with an average back-to-back separation distance of approx. 25m. Although the dwelling at 5 Forest Garden features a conservatory located approx. 20m from plot 19; this is located on higher ground and its separation distance is considered sufficient to ensure there would be no loss of privacy, or overshadowing impact.

The remainder of the properties along Little Oak Avenue and Forest Road would back onto the recreation ground. To the south lies Birchwood House, however its angle and separation distance in relation to plots 25 – 28 ensure there would be detriment to the living conditions of the occupiers.

Proposed Residents

The houses and gardens are proposed to be laid out to ensure sufficient privacy and outlook, with the separation distances and garden sizes complying with the Councils Residential Design Guide SPD (2014). The properties would therefore provide a high standard of living for future residents.

4. Impact on a Non-Designated Heritage Asset

Opposite the east of the site sits two-storey former miner cottages, of stone construction. Some of the dwellings along this frontage are three storeys in height; however, are set back from the road and been designed to feature an extended front gable feature to mirror the miner's cottages. This sympathetic design, set-back from the highway, coupled with the loss an undesirable building, ensures there would be no harm to the setting of the non-designated heritage assets in accordance with paragraph 197 of the NPPF.

5. Highway Safety

The internal street layout is satisfactory and this has been confirmed by the Highways Authority (HA).

The HA have acknowledged the entire A611 link in the area experiences significant problems with peak-hour capacity congestion. Concerns have also been raised with some of the findings with the applicant's evidence and that a more sophisticated traffic simulation tool may be required. However, the HA realises this would be at significant cost and would only serve to identify that the proposal will reduce capacity at the Badger Box junction. Moreover, the cost of developing such a reliable traffic model and mitigation would be significantly disproportionate to the scale of this particular development.

The Badger Box junction is already fitted with all modern vehicle actuation modes to maximise capacity and optimize responsiveness to traffic conditions. In addition, the existing constraints of the public highway reduce the number of potential mitigation measures that can be implemented

General principles require that developments mitigate against the impact of the additional traffic they generate only and are not obliged to address existing issues. The HA also acknowledges the traffic generated by the development represents an almost indiscernible increase in traffic when considering the existing congestion in this area and when taking into account the current permitted use as a public house and playing field.

In light of the fact that improvements would be disproportionate and make no difference to the current congestion experienced, the HA has instead requested that the applicant transfers land along its site frontage to become public highway. This means that whilst the development itself will not offset the impact of the additional traffic it will generate – which is considered to be minimal - the additional land made available as highway will enable meaningful improvements to the junction to be made in the future to the benefit of the wider road network.

Furthermore, the HA have required that the applicant safeguards the wider A611 corridor by providing a wide cycleway/footway, which will in the short term promote measures to encourage sustainable transport options. The application is also supported by a Framework Travel Plan, with measures aimed at reducing private car journeys. A contribution of £38,000 has been requested for extra demand on highway assets and infrastructure. This contribution will be secured through the Section 106 Agreement.

Local residents have raised concerns surrounding the creation of a new access off Forest Road in the proximity to a local school and bus stops. It has also been suggested that the access should be provided from Derby Road. The HA, have

raised no issues with the creation of a new access. Indeed, the provision of an access off Derby Road would be likely to lead to increased congestion problems at peak hours. The applicant has demonstrated that visibility would comply with standards and a condition is to be applied, ensuring this is not obstructed. There is no evidence to suggest that the creation of an access at this point would lead to unacceptable highways safety concerns.

Summary

In conclusion, it is acknowledged that the surrounding road network experiences congestion at peak periods, however the additional impact of traffic from the development would be indiscernible – as noted by the HA. The applicant will transfer land along the frontage for future improvements, as well as a financial contribution. The new access has sufficient visibility and raises no highway safety concerns. As a result of the above, the proposal would not result in any highway safety concerns, nor would the residual cumulative impact on the Highway Network be severe. The proposal is therefore considered to be in accordance with Part 9 of the NPPF and Policy ST1 of the Local Plan.

6. Ecology

The NPPF in paragraph 170 includes a requirement that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. The site is largely dominated by grassland, with the little Oak Plantation Local Wildlife Site to the south. The application is supported by a Preliminary Ecological Appraisal dated June 2018 and a further protected species surveys.

Bats

The building on site is classified as a roost due to the presence of droppings within the internal roof void. Three Nocturnal bat surveys have been carried out on the building. The results of which identified a single bat emerging. The submitted report sets out a number of mitigation and compensation measures, including the use of bat lofts and bat boxes.

Prior to demolition of the building, a European Protected Species Licence will be required. As a licence is required, due consideration has been given to the Habitat Regulations (2017) and Natural England's three tests in the processing of this application.

Trees

The Councils Tree Officer has assessed the submitted Arboricultural Report and noted that the tree protection measures and special engineering works contained

within the report, should be carried out in accordance with the supplied information. This is proposed to be subject to a planning condition.

Mitigation and Enhancement

An ancient woodland is present immediately adjacent to the southern site boundary, this is a locally rare priority habitat and a buffer will be provided. The submitted Ecology Report also includes further enhancement including the incorporation of bat, bird and hedgehog boxes. A species rich wildflower meadow is also proposed for the southern buffer.

The recommendations of the report are to form a planning condition, with a validation report required, containing a method statement of how the mitigation/enhancement measures are to be carried out and a timetable for their implementation. The proposal would therefore accord with the requirements of paragraph 170 of the NPPF.

7. Flooding

Concerns have been raised by local residents surrounding flooding on the site. The applicant has submitted a Flood Risk Assessment and accompanying addendum report in support of the application. This shows the site lies entirely within Flood Zone 1 and as such is not affected by fluvial flooding, although surface water flooding risk ranges from very low to high. It is also acknowledged that the development is also likely to alter the permeability of the ground.

The proposal incorporates the use of a sustainable urban drainage system. The layout indicates the use of two attenuation areas along the south and south eastern boundary of the site and also two swales. The volume of the attenuation areas has been increased following discussions between the Local Lead Flood Authority and the developer. Although residents' have raised concerns regarding infiltration testing at the site and the mitigation measures proposed; all the submitted information regarding flooding has been checked by the Local Lead Flood Authority, whom have confirmed its acceptability and raised no objections. A condition is recommended to ensure the development is carried out in accordance with the submitted reports and mitigation measures.

In light of the submitted technical information, recommended mitigation measures and no objections being raised by the Local Lead Flood Authority, the development is considered not to result in a significant risk of flooding to the site itself, or adjacent land. The application would accord with part 14 of NPPF in this regard.

8. Air Pollution

Paragraph 170 of the NPPF seeks to prevent new and existing development from contributing to, or being put at unacceptable levels of air, water or noise pollution.

Local residents and community group have raised concerns regarding the development having an adverse impact on air pollution.

The application is supported by an Air Quality Assessment dated June 2018. The report identifies that the impacts of emissions from road traffic will be insignificant. The Air Quality conditions for future residents have also been considered. Taking into account background concentrations in the local area, monitored concentrations close to the development – the air quality for future residents will be acceptable, with pollutant concentrations below the air quality objectives.

The veracity of the report has been confirmed by the Councils Environmental Health team. As a result of the submitted technical information, it is considered the impact of the development on air quality would not be significant and not give grounds to refuse planning permission.

9. Viability and Developer Contributions

The following contributions have been requested by various consultees:

- Education:
£136,560 – For primary education provision in the Annesley Primary Planning Area.
- Public Open Space
£88,000 for a) Oak Wood Fields general improvements and/ or b) Kingsway Park sports facilities.
- Health
£24,492.75 for enhancing capacity/infrastructure within existing local practices.
- Highways
£38,500 for highway assets and infrastructure.
- Affordable Housing 10%

The applicant has submitted a viability report, which has been verified independent expert, whom confirmed that the site could support all the contributions requested. The applicant has agreed to provide all the requested contributions, which accord with the requirements of the Community Infrastructure Levy Regulations (2010). These contributions would ensure that the requisite level of infrastructure required to support the development is provided.

Other Matters

Japanese Knotweed

A small strand of Japanese Knotweed was identified in the Phase 1 Ecology Report. The strand was monitored over the growing season, with no new re-growth identified during the growing season of 2018 and as a result is considered to be dormant or dead. A 7m buffer is to be erected with fencing to prevent any spread across the site. This is detailed within the submitted Ecology Report.

Housing Density and Mix

The Housing mix consists of 16 X 4 bed houses, 28 X 3 bed houses and 1 X 2 Bed flat. The Councils Strategic Housing Market Assessment indicates that there is a need for more 2 and 3 bed dwellings. Although the proposal would provide a number of four bed properties, the largest proportion would be 2/3 bed units accounting for 64%. This level of mix is therefore considered to be acceptable in this location.

The proposed housing density is approximately 16.4 dwellings per hectare. This sits below the requirement of 30 dwellings per hectare set out in LP Policy HG3. However, the proposal is providing a playing field along with SUDS. This reduces the area of developable land and as a result the density provided is considered to be acceptable.

Maintenance

The future maintenance of the SUDs, playing field and landscaping areas would not fall upon the Council. These will be need the formation of a management company, which will be written into the Section 106 agreement.

Publication of Air Quality Report

The Annesley & Felley Parish Council a Community Group have requested that the Councils Annual Air Monitoring Report should be published and given scrutiny prior to a decision being made. The data has still to be verified by Defra, however it is understood that the readings do not exceed the Air Local Air Quality Management Objectives and the readings are now appearing to show a downward trend in levels of air pollution.

The applicant has submitted a report identifying the impact on air quality would be acceptable, which has been checked by the Council Environmental Health Team. In light of the above, it would therefore be unreasonable to delay the application further by awaiting publication of the report.

Planning Balance and Conclusion

The benefits of bringing a single pitch back into use, a financial contribution to other recreation space, is considered to outweigh the loss of a larger, currently unused, recreation ground protected under saved ALPR policy RC3. The proposal is

therefore considered not to be in substantive conflict with this Policy, nor paragraph 97 of the NPPF.

There would be significant benefits accruing from the development. In terms of social benefits, the Council currently has an identified housing shortfall and the provision of 45 new homes would carry significant weight in approving the application. There would also be environmental benefits from the demolition of the existing building, and ecological enhancement measures. It would also bring about economic benefits through the creation of new jobs during the construction phase, increased spending in the local economy from new residents and Council tax receipts. All these factors weigh in favour of granting planning permission.

Residents have raised concerns over a number of issues including highways safety, air quality, flooding and the impact on ecology. The appropriate technical reports have been submitted on these matters and assessed by the relevant experts. No substantive issues have been raised that could not be overcome, or be dealt with by way of a planning condition.

The local community have also raised concerns over the impact of the development on infrastructure. Contributions will be secured towards enhanced education, healthcare and public open space provisions. There would also be contributions towards improved highways assets, and the provision of land for additional public highway. A management company is also to take over maintenance responsibilities on site, helping to minimise any further drain on the public purse.

Overall, benefits arising from the development are considered to be far outweigh any harms identified. The proposal is therefore considered to amount to sustainable development, when considering the Framework read as a whole. The proposal would also be substantially compliant with the Local Plan.

RECOMMENDATION: Approve subject to the satisfactory completion of a Section 106 agreement.

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:
 - 2586 P_01_1A House Type 1 rev A Received 14 Feb 2019
 - 2586 P_01_2 House Type 2, received 26 June 2018
 - 2586 P_01_3A House Type 3 rev A, received 14 Feb 2019
 - 2586 P_01_4 House Type 4, received 26 June 2018
 - 2586 P_01_5 House Type 5, received 26 June 2018

- 2586 P_01_7A House Type 7 rev A, received 22 March 2019
- 2586 P_05R Site Layout Rev R, received 23 Apr 2019
- 2586 P_08B Proposed Site Sections AA - FF rev B
- 2586 P_09B Garage and Carport Types Rev B,
- 2586 P_10 Location Plan, received 26 June 2018
- 2586 P_11 Existing Site Plan, received 26 June 2018.
- Supporting Technical Note on Highways dated Jan 2019 – Including Appendices

3. No development shall take place above slab level until details showing the provision of electrical vehicle charging points have been submitted to and approved in writing by the Local Planning Authority.
4. No dwelling shall be occupied until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall ensure adequate illumination of roads and paths and avoid any unnecessary light pollution. The strategy shall: (i) identify areas and features on site that are particularly sensitive for bats, and (ii) provide details of how and where external lighting will be installed so that lit areas will not disturb and prevent bats using their territory, including breeding sites and resting places. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
5. The development shall be undertaken in accordance with the recommendations made within the Preliminary Ecological Appraisal dated June 2018 (RSE_1471-01-V1) and Protected Species Report dated October 2018 (RSE_1471_03_V1). A validation report shall be submitted prior to occupation of the first dwelling, containing a method statement of how the mitigation/enhancement measures are to be carried out and a timetable for their implementation.
6. The development shall be undertaken in accordance with the recommendations and mitigation measures made within the Flood Risk Assessment dated May 2018 (RSE_1471_03_V1) as amended by the Addendum Letter dated August 2018 (RSE_1471_03_L1). This shall include:
 - The finished floor levels set at least 150mm above external levels;
 - Flood resistant design measures shall be included on any buildings which remain at risk of surface water flooding.
7. Prior to the commencement of development, details of the finished floor levels and surrounding ground levels shall be submitted to and agreed in writing by the Local Planning Authority.

8. The development shall be undertaken in accordance with the Arboricultural Report dated June 2018 (RSE_1471_02_v2). The recommendations and mitigation measures contained within section 6 and 7 shall be fully adhered to.
9. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
 - How construction traffic will access the site;
 - Proposed hours and days of working;
 - Management of parking by persons involved in the construction of the development, including operatives & visitors;
 - Proposed temporary traffic restrictions and arrangement for loading/unloading & turning of vehicles;
 - Location of the site storage areas and compounds;
 - The segregation of construction vehicle and pedestrian movements on site and the adjacent public highway;
 - Wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue;
 - A strategy for the minimisation of noise, vibration and dust;
 - Site contact detail in case of complaints;

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

10. The dwellings shall not be occupied until a travel plan to promote and encourage the use of alternative modes of transport to the car has been submitted to and approved in writing by the local planning authority. The travel plan shall include raising awareness in respect of cycling, walking, car share initiatives and providing details of a nominated travel plan coordinator. The scheme shall include, for the first occupier of each dwellings, the provision of a travel information welcome pack to raise awareness in respect of sustainable transport modes.
11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall include sustainable drainage principles and be implemented in accordance with the approved details before the development is first brought into use.
12. The applicant shall provide a pedestrian link to the woodland located to the south of the site. The link shall be provided from the land adjacent to the sports pitch and prior to the occupation of the first dwellinghouse.

13. The dwellings shall not be occupied until full details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling. 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 other of a similar size and species.
14. The dwellings shall not be occupied until full details of the sites boundaries treatments have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the agreed details and within an agreed time frame.
15. No part of the development shall commence until details of the new roads have been submitted to and approved in writing by the LPA including road/footway/cycleway longitudinal and cross sectional gradients/levels, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward visibilities), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, TRO's/road markings, signage/street name plates, and any proposed structural works. All details submitted to the LPA shall comply with the County Council's current Highway Design & Parking Guides and shall be implemented as approved. Any visibility splays/sightlines shall be kept clear of any obstructions over 600 mm high for the life of the development. Please see S38 note.
16. Prior to the first occupation of the dwellinghouse, details showing the provision of a highway improvement strip – with a 3m wide footway and 1m wide verge on Derby Road and Forest Road – shall be submitted to and agreed in writing by the Local Planning Authority. The strip shall thereafter be implanted in accordance with the agreed details.
17. Prior to the occupation of the first dwellinghouse, the existing site access on the A611 that has been made redundant as a consequence of this permission shall be permanently closed and the vehicle access crossing reinstated as footway - in accordance with details to be first submitted to, and approved in writing by, the LPA.
18. Prior to the occupation of the first dwellinghouse, the "Keep Clear" road markings, as shown for indicative purposes only on the drawing reference 1811 02 Rev B shall be provided.
19. No part of the development hereby permitted shall be brought into use until the 2.4 x 43 metres visibility splays shown for indicative purposes on the access drawing no 1811 02 Rev B are provided. The area within the visibility

splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

20. No part of the development shall be occupied until details of the proposed arrangements and plan for future management and maintenance of the proposed streets including associated drainage of the development have been submitted to and approved by the LPA. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980.
21. No dwelling shall be occupied until their respective driveways and any communal parking/turning areas are surfaced in a hard bound material (*not loose gravel*), for a minimum distance of 5.0 metres behind the highway boundary. Any communal parking bays shall be clearly delineated. These areas shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
22. The integral garages to the dwellings shall be kept available for the parking of cars at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
23. Any garage door(s) shall be set back from the highway boundary a minimum distance of 5.0 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6.0 metres for doors opening outwards.
24. Pedestrian visibility splays of 2 x 2 metres shall be provided on each side of the vehicle access. These measurements shall be taken from and along the rear of the highway boundary into each dwelling curtilage. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times
25. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary, unless otherwise approved in writing by the Local Planning Authority.
26. All gates to properties or driveways shall open inwards only and be set back from the highway boundary/edge.

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 future proof the development and in the interests of air quality.
4. In the interests of protecting bats.
5. In the interests of conserving, protecting and enhancing ecology on the site.
6. In the interests of protecting dwellings from flood risk.
7. In the interests of residential and visual amenity.
8. In the interests of protecting retained trees.
9. In the interests of residential amenity and highways safety.
10. To promote sustainable transport.
11. To ensure the development has provision for adequate facilities to dispose surface and foul water.
12. In the interests of amenity.
13. In the interests of visual amenity.
14. In the interests of visual amenity.
15. To ensure the development is constructed to a satisfactory/adoptable standard for use by the public and in the interest of safety for all highway users.
16. To ensure any future junction improvement schemes can be carried out and to provide improved sustainable movement options and in the interests of highway safety.
17. To ensure any future junction improvement schemes can be carried out and to provide improved sustainable movement options and in the interests of highway safety.
18. To ensure that drivers can exit the site without compromising the capacity of the Derby Road/Forest Road signalised junction, in the general interest of highway safety.
19. To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

20. To ensure that the road infrastructure is maintained to an appropriate standard.
21. To reduce the possibility of deleterious material/water being deposited on the public highway (loose stones etc) and in the interest of the safety of users of the highway.
22. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
23. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
24. In the interest of highway & pedestrian safety.
25. To protect the structural integrity of the highway and to allow for future maintenance.
26. To ensure open gates do not cause danger or obstruction to highway users

INFORMATIVE

1. This permission shall be read in accordance with an agreement made under Section 106 of the Town and Country Planning Act 1990.

2. Highway Licences/Permissions

Planning consent is not consent 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.

3. Land required for visibility splays

All required access and forward visibility splays must be adopted and constructed using low maintenance engineered specification. The HA will not accept free hold title deeds' incorporating positive/restrictive maintenance covenants, as this invariably generates difficulties for successive owners.

4. Works shall not project over the highway

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

5. Prevention of Mud on the Highway

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such the applicant should undertake every effort to prevent it occurring.

6. 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 relevant parties as soon as possible to agree sums, ownership and responsibility for perpetuity.

7. Adoption of roads/streets

The HA only seek to adopt roads where the new road 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.

8. Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Contact hdc.north@nottscc.co.uk 011580-40022

9. 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 Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38 Agreement is issued.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular 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 in writing before any work commences on site.

Contact hdc.north@nottscc.co.uk 0115 804 00 22

P M Evans
Principal Highways Management/DC Officer (North)
Ashfield & Mansfield Area
Nottinghamshire County Council
Place (Investment & Growth) - Planning Group