



**COMMITTEE DATE**    23<sup>rd</sup> October 2019        **WARD**        Hucknall West

**APP REF**                          V/2019/0129

**APPLICANT**                      Countryside Properties (WPL) Ltd

**PROPOSAL**                      Demolition of Existing Building and Residential Development  
of 50 Dwellings

**LOCATION**                        Land off Watnall Road / Daniels Way, Watnall Road, Hucknall,  
Nottinghamshire, NG15 6EP

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

App Registered 28/02/2019                          Expiry Date 30/05/2019

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

***This application has been referred to Planning Committee, as the developer is not providing the full Section 106 contributions required.***

### **The Application**

This is an application for the demolition of an existing industrial building and a re-development of the site for 50 dwellings. The proposed scheme is for a 100% affordable housing. The tenure split proposed is 50% affordable rent and 50% shared ownership.

The site measures approximately 1.1 hectares. It has been formerly used for employment purposes; however, is currently vacant and overgrown. Within the site is a vacant and derelict employment building, which is proposed to be demolished. To the west of the site lies residential development, with industrial uses surrounding the site to the east. The Hucknall Fire Station lies directly adjacent to the northern boundary.

### **Consultations**

A site notice and press notice have been posted together with individual notification of surrounding residents. The contents of the responses received are summarised below:

#### **A.D.C Environmental Protection**

**Contamination-** No objections, subject to a condition requiring further ground investigations to be carried out.

Noise - The Environmental Protection Team have raised concerns regarding the potential for noise-related complaints by future residents, due to the proximity of the site to and history of complaints from a nearby industrial unit. However, since previous complaints have not resulted in a statutory nuisance, EP would recommend that mitigation strategies based on the Noise Impact Assessment report are taken into consideration as a minimal requirement for noise attenuation.

Air Quality – No objections, subject to a condition requiring the applicant to submit an Air Quality Assessment.

### **A.D.C Drainage**

The Local Lead Flood Authority need to approve the surface water drainage proposals for this development.

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

The principle of development within the Main Urban Area is acceptable, but the detailed aspects of the proposal will need to be considered against the policies of the Local Plan and provisions of the NPPF.

### **A.D.C Localities**

A contribution has been sought of £100,000 towards landscape improvements at Nabbs Lane Recreation Ground.

### **Clinical Commissioning Group**

A contribution of £26,966 has been sought towards enhancing capacity/infrastructure within existing local practices.

### **Nottinghamshire County Council Planning Policy**

The County Councils comments set out the policy position in respect of Waste, Minerals, Transport, Education and Health. They have also identified that a contribution of £20,00 should be sought in respect of improvements to bus stops on Ruffs Drive.

### **Nottinghamshire County Council Highways Authority**

The Highways Authority initially raised concerns surrounding the junction assessment, location of the proposed access and the internal layout. These issues have since been subject to substantial discussion, with the requisite amendments detailed later in the report.

### **Nottinghamshire County Council Education**

### *Primary*

The development is located in the Hucknall Planning Area and would generate 11 places. Based on current projections there is insufficient capacity to accommodate the pupils generated by the development. Therefore, the County Council are seeking a primary school contribution, based on build cost, of £209,528 (11 places x £19,048 per place) to mitigate the impact of this development. At this stage, it is anticipated that this will be used to extend Hillside Primary School.

### *Secondary*

The development is located in the catchment of Holgate Academy and would generate 8 places. Based on current projections there is insufficient capacity to accommodate the pupils generated by the development. Therefore, the County Council are seeking a secondary school contribution of £142,024 (8 places x £17,753 per place) to mitigate the impact of this development.

### **Environment Agency**

No objections to this proposal, subject to appropriate conditions relating to land contamination.

### **Local Lead Flood Authority**

No objections are raised based on the submitted information.

### **Local Community and Business**

Two letters of objection have been received from local residents, their concerns are summarised below:

- Traffic issues along Watnall Road, which is becoming gridlocked especially since the traffic lights were installed;
- Questions over infrastructure provision in Hucknall – doctors, dentists and schools;
- The Transport Assessment is flawed;
- Air quality;
- The land is contaminated;
- The development is not in keeping with the surrounding area.

A letter of objection also been received from an adjacent business on the following grounds

- The surrounding industrial uses – some of which operate 24 hours – are not compatible with the use of the site for residential purpose – due to noise disturbances;
- A noise impact survey has been taken for this site, but this is not a true representation of their operations;
- They are a long standing local employer for the area and do not want a residential development being granted, which could affect their business or expansions and jobs;
- The acoustic barriers may not be effective enough.

Following a change in the position of the access, a second round of consultation was undertaken with surrounding residents and businesses. However, no further correspondence has been received.

### **Policy**

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

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

- ST1: Development.
- ST2: Main Urban Areas.
- ST4: Remainder of the District.
- TR6: Developer contributions to transport improvements.
- HG3: Housing density.
- HG4: Affordable Housing.
- HG5: New residential development.
- HG6: Open space in residential developments.

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

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

### **Guidance**

- Ashfield Affordable housing SPD 2009.

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

### **Relevant Planning History**

#### **SO/2008/0001 (Screening Opinion)**

Proposal: Screening & Scoping Opinion for Proposed Residential Developments of 115 Dwellings.

Decision: Not EIA development

Decision Date: 13/11/2008

#### **V/2009/0009**

Proposal: Outline Planning Permission for a Maximum of 109 Dwellings

Decision: Refuse

Decision Date: 07/04/2009

Appeal Decision: DISMISSED

An earlier appeal was dismissed on the site for residential development. The Inspector concluded the density of development was too high, which in effect would result in the scale of development being inappropriate to the area. There was also a lack of evidence submitted with the application to fully understand the compatibility of the proposed and existing uses.

#### **V/2014/0590**

Proposal: Outline Planning Permission

Decision: Approve

Decision Date: 17/07/2015

A revised application for 50 dwellings was granted outline approval. This significantly reduced the density of the previous refusal, with appropriate information also submitted to satisfy the concerns surrounding the compatibility of adjacent land uses with residential development.

#### **V/2019/0202**

Proposal: Application for prior notification of proposed demolition of former industrial building/shed

Decision – Consent

Decision Date: 17/04/2019

This was a Prior Notification application relating to the demolition of the former industrial building on the site. Consent was granted on the proviso that the demolition must be carried out within 5 years.

### **Comment:**

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

- The Principle of Development,
- Residential Amenity,
- Visual Amenity,
- Housing – Density and Mix
- Highways Safety,
- Ecology and Trees,
- Land Contamination,
- Flooding,
- Developer Contributions and ‘CIL’ Compliance,
- Viability,
- Planning Balance and Conclusions.

### **Principal of Development**

The proposal site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas and, therefore, the principle of the proposed development is appropriate. The application is on a former industrial site to which ALPR Policy EM5 would apply. This policy gives protection to employment sites. However, the site has had a previous planning permission (V/2014/0590) for residential development and therefore the principle of residential development has already been established.

### **Residential Amenity**

#### *Existing Residents*

The criteria for assessing residential development is set out in Residential Design Guide SPD adopted November 2014. The SPD sets out the minimum space standards for private amenity areas and separation distances between principle and secondary elevations. The layout demonstrates an appropriate standard of development in terms of siting, which also maintains the living conditions of existing occupiers in neighbouring properties.

#### *Future Residents*

A key constraint of developing this land for residential purposes, is the potential for noise disturbance arising from nearby industrial units. The NPPF (paragraph 182) identifies that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the application should be required to provide suitable mitigation before the development has been completed.

The applicant originally submitted a Noise Impact Assessment, which was assessed by the Council's Environmental Health Officer [EHO]. The EHO, having regards to the assessment, considered that the development should not give rise to noise issues, provided that they implement the remediation measures outlined within the report.

However, following consultation, a local business raised concerns that the monitoring within the report was undertaken at a time when their machines were shut for maintenance. Amongst other matters, they also raised they have a 24-hour operation and that the mitigation proposed may not be sufficient. The applicant was advised to undertake further testing and an updated Noise Impact Assessment was submitted. The EHO was consulted again and raised concerns over potential noise complaints by future residents, due to the proximity of the site and past history of complaints from a nearby industrial unit.

There have been complaints raised from two households, relating to a neighbouring industrial unit, within the past four years. Both of these are located farther away than the proposed development, however these are to the north and no statutory nuisance has been found to be occurring following investigations. The EHO has advised that since these complaints have not resulted in a statutory nuisance, they would recommend that mitigation strategies based on the Noise Impact Assessment report are taken into consideration as a minimum requirement for noise attenuation.

The applicant has been made aware of these concerns and strengthened the mitigation outlined within the Noise Impact Assessment. This includes increased 2.5m high acoustic fencing along the northern boundary and enhanced ventilation measures within some of the dwellings. The applicant has stated this would reduce the noise levels in both gardens and homes and will take the schemes noise mitigation levels above and beyond that required by guidance. A condition is recommended to ensure the development is undertaken in accordance with the submitted Noise Impact Assessment.

Subject to appropriate noise mitigation measures, it is considered that there would not be unreasonable expectations put upon local businesses within the area. The Council's EHO has raised concerns, but ultimately not objected to the application. On the basis of the above, it is considered the site could be developed for residential purposes, whilst not adversely affecting the quality of life of future residents.

### **Visual Amenity**

Part 12 of the NPPF sets out that the Government attaches great importance to achieving well-designed places. Paragraph 124 identifies that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.



The site was formerly used for employment purposes; however, is currently vacant and overgrown. Towards the east of the site is a vacant and derelict employment building, which is proposed to be demolished. The site currently features on the Councils Dilapidated and Empty Property List (DELP), which is a list of properties and land the Council is actively seeking to improve. It has suffered from a history of anti-social behaviour, including fly-tipping and in its present state, the site is considered to detract from the character and appearance of the area.

The proposal would re-develop the land with a modern new housing development, which includes a block of two-storey flats on the corner of Daniels Way and Watnall Road. The dwellings are of typical red-brick modern design and are considered to be in keeping with the wider vernacular of the area.

In terms of layout, the vehicular access to the site would be taken from Daniels Way, with an additional pedestrian link provided onto Watnall Road. There is an area of rear car parking to the flats and plots 39 – 41; however, the proposed development would need to front onto Watnall Road and with vehicular access unachievable from a highways safety perspective, the creation of a rear parking area court is considered to be acceptable.

Overall, the scheme would significantly improve the character and appearance of the area and would comply with part 12 of the NPPF, which seeks to secure a high quality design.

### **Housing - Density and Mix**

The application represents a density of 44 (1.12HA/50) dwellings per hectares (Dpha). The proposed density is relatively high when compared to plot sizes within the immediate locality, however it represents effective use of brownfield land, within an accessible location. It would also comply with the minimum requirements set out in the ALPR of 30Dpha and the NPPF desire to make the most effective use of land.

The Strategic Housing Market Assessment (HMA) 2015 indicates there is a need for more 2 and 3 bed dwellings to cater for the predicted increase in smaller family units and older people in the Nottingham Outer HMA. The application proposes the following housing mix, which is considered to be acceptable for meeting the housing needs within the area:

- 8 Flats
- 24 x 2-bed
- 18 x 3-bed

### **Highways Safety**

The application originally proposed an access from Watnall Road, however this was considered to be unacceptable to the Highways Authority. A single point of access is

now proposed off Daniels Way, which is considered to be safe from a highways safety standpoint.

There is an existing capacity issue at the Nabbs Lane/Watnall junction, which sees large queues during both peak periods. Initially, the Highways Authority advised that a right turn lane maybe required from Watnall Road onto Daniels Way. The applicant has undertaken additional testing, with the initial results outlining that a right turn lane will provide no substantive benefit to the highway network. The assessment did, however, outline that a 'keep clear' box on Watnall Road, would be beneficial to enable right turners from Daniels Way to enter Watnall Road and that soft mitigation measures on the Nabbs Lane/Watnall junction could improve the situation. These appear to be a reasonable solution, but the Highway Authority are assessing the safety aspects. The exact wording of the condition (10) will be confirmed at committee.

The development proposes additional Highway safety improvement measures, which are to be subject to a planning condition. These include

- A pedestrian refuge along Watnall Road to enable residents to safely cross over to the adjacent retail units and recreation ground;
- An upgraded pedestrian footpath linking Daniels Way to Watnall Road and;
- A means of preventing people from parking on the Highway Verge along Watnall Road.

The highways improvement measures, as set out above, will ensure that the development, as much as practically and viably possible, mitigates any potential adverse impacts on highways safety. As a result, it is considered that the proposal is acceptable in terms of highway access, capacity and safety and sustainability.

### **Ecology and Trees**

The application is supported by a Preliminary Ecological Assessment dated January 2019. This indicates that the habitats on site were generally of limited botanical interest and poor species diversity. The report identifies that it's unlikely that there are any protected species on the site. It also includes a number of recommendations for ecological enhancements and identifies the presence of Japanese Knotweed in the north east corner of the site. A condition can be applied to ensure that the recommendations made within the report – including those in relation to invasive species – are complied with.

The application is supported by an Arboricultural Impact Assessment and Tree Removal Plan. This sets out the trees on the site to be removed to facilitate the development. However, none of these are considered to be worthy of retention and a landscaping plan will ensure that appropriate mitigation is provided.

### **Land Contamination.**

The applicant has submitted a Phase 2 Site Appraisal and remediation method statement. These assessed by the Environment Agency and the Councils Environmental Health Team, who have both raised no objections, subject to the use of planning conditions. It is considered that through the appropriate use of a planning conditions, the site can be developed free from contamination.

### **Flooding**

The application is supported by a Flood Risk Assessment. This identifies that the site is within Flood Zone 1 and at low risk from overland flows, with the exception of a small area, that is of medium risk towards the western side of the site. The Local Lead Flood Authority have assessed the submitted information and raised no objections. Accordingly, it is considered that an appropriate drainage strategy can be devised to ensure that flooding is not an issue on the site.

### **Developer Contributions and 'CIL' Compliance**

#### **Affordable Housing**

The proposal would provide 100% affordable housing and would comply with the NPPF.

#### **Education**

Nottinghamshire County Council have identified that there is insufficient capacity to accommodate pupils generated from the development. A contribution of £209,528 towards primary places and £124,024 towards secondary has been requested. Paragraph 94 of the National Planning Policy Framework ("NPPF") demonstrates the importance of education provision. The justification for the level of figure is set out within the County Councils Planning Obligation Strategy and is considered reasonable in kind and scale to the development.

#### **Public Open Space**

Saved Policy HG6 sets out that on sites of two hectares and more than five dwellings the amount of open space require will be assessed. Where it is not appropriate to provide open space within a site boundary, a planning obligation will be negotiated. The Councils Localities team have identified that £100,000 towards landscape improvements at Nabbs Lane Recreation Ground (opposite). The site layout provides no public open space and users of the development are likely to utilize the adjacent recreation ground placing additional pressure on its facilities. Accordingly, a contribution, which equates to £2,000 per plot – which is commensurate with other developments across the district – is considered reasonable in kind and scale to the development.

## Health

The Clinical Commissioning Group have identified that all the practices in the area are working at capacity and therefore in order to make this development acceptable an infrastructure payment is required. The CCG has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects. This amounts to £26,966.

## Bus Stop Improvements

NCC have identified that a contribution of £20,000 should be sought in respect of improvements to bus stops on Ruffs Drive. This is to encourage future occupiers to utilise public transport and would be compatible with the sustainability objectives of the NPPF.

All the contributions requested are necessary to make the proposed development acceptable in planning terms and are in accordance with the Community Infrastructure Levy Regulations.

## Viability

The applicant has submitted a viability appraisal to support the application produced by Devvia and dated March 2019. This appraisal shows that a 100% affordable housing scheme, without any Section 106 Contributions, would have a deficit of just over £400,000. This is based on a Gross Development Value (Revenue) of £7,352,453 and a Gross Development Cost (Outgoings) of £7,765,467 – with a developer's profit included of around 6%. This level of profit is considered reasonable for a 100% affordable housing scheme. On this basis, the applicant's appraisal concludes that the scheme is unviable even before any contributions are required. Although it does state that the proposal is capable of being delivered, albeit at the margins of viability.

The appraisal has been independently assessed by an expert. In summary, the expert agrees that the scheme is unable to support the full policy provision. However, their appraisal shows that a significant contribution can be supported (totaling £263,000). The independent appraisal has concurred with the Gross Development Value (Revenue) set out within the applicant's assessment. However, the Gross Development Cost (outgoings) is purported to be much lower at £6,911,306. The independent analysis is also run on the basis of a profit of around 6%.

The applicant has submitted additional information to support their original appraisal and this has been rebutted by the Independent expert, who maintains that the scheme can support contributions of £263,000. The main differences between the appraisals are essentially build costs and the benchmark land value. This discussion is summarised below:

### *Build Costs*

The report by the applicant adopts construction costs benchmarked against the BCIS average price data for Ashfield. The independent expert notes that, whilst the BCIS data base is a useful comparison, the vast majority of data used for analysis when determining the various BCIS rate was derived from small schemes - implemented by either local, or relatively small contractors. Regional volume house builders tend not to contribute. It is generally accepted that volume housebuilders are able to construct houses at a cheaper rate than smaller building firms (owing to their ability to bulk buy materials and negotiate cheaper contracts). The independent analysis therefore applies the BCIS lower quartile rate, which is more appropriate for a scheme of this size. The applicant has attempted to refute this approach, but the independent expert has used other schemes in the region to show the approach is merited.

### *Benchmark Land Value*

For the purposes of a viability assessment it is necessary to establish the "benchmark land value" (BLV). This can be described as being the minimum land price deemed suitable for an average, hypothetical land owner to release the land for development. If the appraisal returns a residual land value above the BLV, the site is deemed to be viable. Planning Practice Guidance (PPG) is clear that the approach that should be used when identifying a benchmark land value (BLV) is the 'existing use value + premium' method. In following this guidance, the independent analysis has stated the benchmark land value to be £725,000; however, the applicant disputes this and states this should be in the region of £1,100,000. The applicant's assessment points to an existing implementable Outline Permission to justify their value; however, this has since expired and in any event is considered as an alternative use value. The 'existing use value' here is therefore the industrial land value, not residential.

The applicant has further pointed to evidence from land transactions to justify their figure. However, 3 of the 4 sales date back to 2015 / 16 prior to the introduction of the PPG and contrary to the PPG, no attempt is made by the applicant to consider what the abnormal costs and planning obligations were for each of the sites. Finally, the PPG clearly states that land transactions should not be used in place of benchmark land value.

As identified above, the site had a previous Planning Permission (V/2014/0560) for market housing. The application was accompanied by a Section 106 Agreement. This contained an 18.5% affordable housing share, alongside contributions totaling £308,883. The independent expert has run the viability of the previous scheme, this shows residual land value of £725,000, with a developer profit of 17.09%. Therefore, in following the PPG approach to determining a benchmark land value the figure of £725,000 is considered to be reasonable.

Planning Practice Guidance (PPG) is clear that the Council should not subsidise (through a loss of planning policy contributions) any overbid made when acquiring the site. Any overbid (or indeed underbid) for a site should therefore be disregarded when considering the BLV. There is a clear disparity between the applicant and the independent consultant over the land value. Given the independent expert advice, it is considered that Council would, in effect, be subsidising through a loss of contributions - an overbid from the developer for the land.

### *Comment*

A number of contributions have been requested by various consultees. Although the independent analysis shows the full quantum of contributions requested could not be viably supported. A significant contribution could still be supported by the development and case law has established that a reduced contribution can still serve a planning purpose (*Mansfield DC v SSHCLG & Mr. JA Clark* 2019 EWHC 1794 Admin).

The applicant has offered to pay the healthcare contribution of some £26,966, however they would provide no monies towards other infrastructure including education, open space or public transport facilities. Most pertinently, the NPPF attaches a great weight to education (paragraph 94), which is backed up by substantial PPG guidance. The response from the County Council shows that the primary schools at the area are over capacity and this development could reasonably provide some contribution towards education provision.

### **Planning Balance and Conclusions**

The NPPF states that proposals should be considered in the context of the presumption of sustainable development, which is defined by economic, social and environmental dimensions and the interrelated roles they perform. The matter before members is therefore whether there is sufficient evidence to demonstrate the proposal amounts to sustainable development.

In social terms, the development would provide 50 affordable properties. The Council cannot currently demonstrate a 5-year housing land supply, which sits at 2.67 years. This is a significant shortfall. In this case, the tilted balance in paragraph 11 (d) of the NPPF is engaged and planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits when assessed against the policies in the framework as a whole. The provision of new affordable homes therefore carries significant weight in the determination of this planning application.

In economic terms, there would be benefit throughout the construction phase and from increased Council Tax receipts and New Homes Bonus (NHB). These carry modest weight in favour of granting planning permission.

In environmental terms, the site has been derelict for a number of years, is overgrown and has suffered from instances of fly-tipping. It currently features on the Councils Dilapidated and Empty Property List. The re-development of this brownfield site for housing, would therefore bring about substantive environmental benefits, which are considered to carry significant positive weight in granting planning permission.

The applicant has offered a contribution of £26,966 towards healthcare facilities. However, this falls far short of the £263,000, which the Independent analysis shows the scheme could viably provide. There would be no S106 monies towards education, open space or public transport facilities. In particular, there is a lack of primary school capacity within the area, as demonstrated by the County Council. Although, it is noted that a new school has recently been opened within the immediate facility. Nonetheless, the level of contribution offered carries significant adverse weight against the development.

As can be seen from the above, this is a very finely balanced recommendation. The independent expert has demonstrated the scheme could provide substantively more in Section 106 contributions and ordinarily this would warrant a recommendation to refuse planning permission. However, this must be considered within the context of this particular site and whether or not the proposals amount to sustainable development when taken as a whole. This is a derelict, brownfield site, in a sustainable location, which features on the Councils Dilapidated and Empty Property list. The Council cannot currently demonstrate a 5-year housing land supply and the scheme would provide 50 new affordable dwellings. In this case, although the lack of contributions is considered to amount to a significant adverse weight against granting permission, this does not demonstrably outweigh the benefits. Accordingly, the proposal would amount to sustainable development within the means of the NPPF when read as a whole.

**Recommendation:** - Officer recommendation is therefore to **APPROVE** planning permission, subject to a Section 106 agreement and the planning conditions set out below. The Section 106 agreement will secure £26,966 towards healthcare and 100% affordable housing.

## **Conditions**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
  
2. This permission shall be read in accordance the following plans:
  - Layout 40999/020N
  - Boundary plan 40999/018K
  - Location Plan 40999/021
  - H75 2b4p SE + H68 2b4p KR 40999/024A (Plots 39-40)
  - H75 2b4p SE + H82 3b5p KR 40999/025A (Plots 1-2)
  - H68 2b4p KR 40999/026B (Plots 41-42)
  - H68 H68 H75 40999/007A (Plots 36-38)
  - H82 3b5p KR Three 40999/009A (Plots 15-17)
  - H82 3b5p KR Pair 40999/008A (Plots 3-4, 7-8, 13-14, 18-19, 20-21)
  - H68 2b4p KR Pair 40999/014A (Plots 5-6, 11-12, 24-25)
  - H68 2b4p KR Three 40999/015A (Plots 28-29, 30-31)
  - H75 2b4p SE + H82 3b5p KR 40999/010B (Plots 26-27)
  - H75 2b4p SE + H68 2b4p KR 40999/012C (Plots 34-35)
  - H75 2b4p SE + H68 2b4p KR Handed 40999/013B (Plots 9-10, 32-33)
  - H82 3b5pKR + H68 2b4p KR 40999/027 (Plots 22-23)
  - Flats 40999/016 (Plots 43-50)
  - External Materials 40999/022A
  - Street Scenes 40999/017G
  
3. Prior to the development hereby approved first being occupied, all noise mitigation measures contained within the submitted Noise Impact Assessment by REC dated 10<sup>th</sup> October 2019 shall be carried out and a validation report submitted to and approved in writing by the Local Planning Authority.
  
4. No development shall take place, excluding demolition and remedial works, until an Ecological Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the mitigation and enhancement measures contained within in the Preliminary Ecological Appraisal dated January 2019 (RSE\_2055-01-V1) are to be carried out and shall contain a detailed mitigation strategy in respect of invasive species at the site.
  
5. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
  1. A preliminary risk assessment which has identified:



- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

6. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
7. 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 last 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.
8. The sites boundary treatments shall be implemented in accordance with the details shown on drawing numbered 40999/018 Revision k.

9. Prior to the commencement of development, excluding demolition and remedial works, 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. Prior to the commencement of development, excluding demolition and remedial works, the applicant shall submit to and have approved, in writing, a programme of works which covers the following:

- A pedestrian refuge on Watnall Road, as shown for indicative purposes on Drawing No. 40999/02 Rev N
- Upgrades to the footpath along Daniels Way linking into Watnall Road. as shown for indicative purposes on Drawing No. 40999/02 Rev N
- A means of preventing parking on the highway verge along Watnall Road.
- A 'keep clear' box on the junction with Daniels Way and Watnall Road.
- Details of 'soft mitigation' measures at the Watnall Road/Nabbs Lane signal junction.

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

12. Prior to the commencement of any works on site, excluding demolition and remedial works, full details of the new roads shall be submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross sectional gradients, street lighting, parking & turning facilities, access widths, gradients, surfacing, visibility splays, drainage & outfall proposals, construction specification, provision of and diversion of utilities services, materials and any proposed structural works. Drawings must indicate key dimensions. All details submitted for approval shall comply with the Nottinghamshire County Council's current Highway Design Guide and shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
13. Prior to the commencement of development, excluding demolition and remedial works, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. This submitted detail shall also include a management and maintenance plan for the lifetime of the development. The drainage plans shall be implemented before the development is first brought into use and maintained in accordance with the management and maintenance plan for the lifetime of the development.
14. Prior to the commencement of development, excluding demolition and remedial works, a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.

### **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 protect future occupiers from undue noise disturbance.
4. In the interests of ecology and the eradication of Japanese Knotweed.
5. To ensure the site is developed free from contamination.

6. To ensure the site is developed free from contamination.
7. In the interests of visual amenity.
8. In the interests of visual and residential amenity.
9. In the interests of residential amenity.
10. In the interests of highways safety.
11. In the interests of highways safety.
12. In the interests of highways safety.
13. To ensure adequate drainage.
14. In the interests of residential and visual amenity.

### **Informative**

- The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions, then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
- This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated XXXXXX.
- The site is underlain by solid geology of the Cadeby Formation (Magnesian Limestone) classified by the Environment Agency as a Principal aquifer. It is proposed to use a soakaway to dispose of clean surface water. The further investigations must target the previously inaccessible areas of the site and in particular, ground water to provide confirmatory sampling that the ground water has not been impacted by previous activity at the site.
- Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives.

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

- In order to avoid impacts to nesting birds we also request that all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time, then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area
- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible.

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

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

Highways Development Control  
Nottinghamshire County Council,  
Highways North,  
Welbeck House,  
Darwin Drive,  
Sherwood Energy Village,  
Ollerton,  
Nottinghamshire,  
NG22 9FF.

2/ Any relevant details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.