



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 2000
CREATED DATE: 13/02/2020

COMMITTEE DATE 26/02/2020 **WARD** Ashfields

APP REF V/2019/0491

APPLICANT Ashfield Ltd

PROPOSAL Outline Application With Some Matters Reserved For a Maximum of 100 Dwellings and Associated Access. Including demolition of 211 Alfreton Road.

LOCATION Land to the rear of 211, Alfreton Road, Sutton in Ashfield, Nottinghamshire, NG17 1JP.

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

WEB LINK <https://www.google.co.uk/maps/place/Alfreton+Rd/@53.1174332,-1.2890987,630m/data=!3m1!1e3!4m5!3m4!1s0x4879940fb92be711:0x18b28579e9f44067!8m2!3d53.1115216!4d-1.2975423>

App Registered 01/08/2019

Expiry Date 31/10/2019

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

This application has been referred to Planning Committee by Cllr D Walters to discuss highways and education issues.

The Application

This is an outline planning application for 100 dwellings. All matters are reserved for future consideration, except for the proposed access, for which full details are provided. The proposed access is to be formed by demolishing 211 Alfreton Road.

The Site

The application site is located on the edge of the urban fringe of Sutton in Ashfield and currently comprises open agricultural fields, with mature hedgerow boundaries. The terrain slopes westwards, with a sharp bank midway down the field. It measures a total of approximately 4.1 ha in size.

To the east of the site lies residential properties along Alfreton Road, to the west is Rookery Park and to the north of the site sit residential dwellings, open fields, along with a public footpath leading onto to Henning Lane. To the south of the site, the land has an extant planning approval for 118 homes, with construction currently underway.

Consultations

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

A.D.C Tree Officer

The tree survey and plan do not match the proposed property layout. Further to this, no arboricultural impact assessment, or arboricultural method statement has been supplied.

A.D.C Environmental Health

The Geo—Environmental Report has been assessed. The applicant has undertaken some soil testing and gas monitoring, however further details are required. It is therefore recommended that the full four-stage contamination condition is applied to the decision.

A.D.C Landscaping

Agree with the submitted Landscape and Visual Scoping Report. The development is likely to have a negligible effect on local landscape character in isolation and have a low impact on the open space break between the development site and Huthwaite. Landscaping softening should also be provided and recommendations are made for the submission of future details.

Based upon the proposed 100 dwellings, the developer will be required to enter into a Section 106 agreement for offsite public open space contributions. The contribution required will be £200,000 and be used towards the Ashfield Estate green space and/or Huthwaite Welfare Park.

NHS Mansfield and Ashfield Clinical Commissioning Group

All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective a contribution of £54,187 is sought towards enhancing capacity/infrastructure in local practices.

Environment Agency

The Sutton Tip lies adjacent to the north eastern boundary and consideration should be given to the potential risk to the development from landfill gas.

Natural England

No comments.

Nottinghamshire County Council Minerals

The Eastern part of the proposed site at 211 Alfreton Road lies within the Minerals Safeguarding and Consultation Areas for limestone. Consideration must be given to NPPF paragraph 204 and Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). The County Council would not consider the development to be inappropriate in this location, however it should be demonstrated there is a sound argument that identifies a clear and demonstrable need for the non-mineral development and the practicality of prior extraction has been fully considered.

Nottinghamshire County Council Education

Primary

The development is located in the Sutton Town Primary Planning Area and would generate 21 additional primary school places. Based on current projections there is insufficient capacity to accommodate the additional pupils generated by this proposal. The proposed development is one of a number in this planning area, the cumulative effect of which would require a new school. As a result the County Council would seek a primary education contribution of £432,432 (21 x £20,592 per place). In addition, a contribution towards the land cost would be sought and this is subject to final confirmation.

Secondary

The County Council has revised its projections methodology and produced new projections for 2019-20. These have been submitted to, and accepted by, the Department for Education. These latest projections show a surplus of secondary places in the Kirkby / Sutton planning area. As a result NCC will not be seeking a secondary contribution from the developer.

Nottinghamshire Wildlife Trust (NWT)

NWT content with the additional bat surveys and advise that trees and hedgerows should be retained. In particular, the tree subject to the bat survey should be retained. If any hedgerows are removed, then a full suite of Bats surveys will be required and suitable replacements provided. They have acknowledged these issues can be resolved by condition at the reserved matters stage.

Nottinghamshire County Council Libraries

A contribution of £3,524.00 is sought for additional stock based on 100 dwellings.

Nottinghamshire County Council Waste

As the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be covered by a waste audit.

Nottinghamshire County Council Nature Conservation and Green Space

The County Council have no objection in principle to accommodating an access onto Rookery Park; however various things will need to be factored into this – including bridging and upgrades to a footpath. A contribution of £60,832 is sought for the upgrades to section of footpath in Rookery Park.

Nottinghamshire County Council Local Lead Flood Authority

No objections, based on the submitted information.

Nottinghamshire County Council Strategic Highways

No specific observations are made in respect of the application; however advise that contributions should be sought on all major developments towards transport infrastructure.

Nottinghamshire County Council Travel and Transport

A planning condition is recommended for upgrades to two bus stops. These are AS0167 and AS0168 – Henning Lane. The improvements will involve the installation of real time bus stop pole & displays, including associated electrical connections and raised board kerbs.

Nottinghamshire County Council Highways Authority

Several queries relating to the Transport Statement and Safety Audit have been answered satisfactorily. The capacity assessments have been reviewed by the Highway Authority's signal engineers who are content with the results.

The latest access plans are considered to be acceptable and have addressed the issues of path widths and visibility. The sustainable link from the development to Henning Lane is welcomed and will assist parents and children accessing the school. A Travel Plan condition is also required and a monitoring fee of £7,500 should be secured for the costs of monitoring the plan for the standard 5 year period.

Severn Trent

Foul waster sewage is proposed to connect into the public combined sewer. There is a critical sewer overflow (CSO) connected to this system, this CSO surcharges, therefore a hydraulic modelling study will be required to determine the impact of

flows from the development on the system and to identify any improvements are required. Surface water is proposed to discharge to a watercourse, which we have no comments.

Community Representations

16 Letters of objection have been received from 9 households, on the following grounds:

Environmental Concerns

- Adverse impact upon ecology and biodiversity. The site is home to an array of species.
- There are errors in the Ecological Report and additional surveys should be undertaken for reptile, water vole and other protected species.
- The impact of the development on the Fulwood Grasslands has not been assessed.
- Mature trees will be affected, with three recently being cut down, which do not appear on the survey – despite being felled after the survey.
- Removal of hedgerow.
- The development will have an adverse impact on the character and appearance of the area. Particularly views from Rookery Park.
- The Flood Risk Assessment and Drainage Strategy identify issues with sewer capacity.
- Noise disturbance and light pollution.
- The drainage strategy will result in additional flow onto Rookery Park and potentially alter an historic waterway.
- Pollutants and contaminants into the stream affecting wildlife (Great Crested Newts)
- Severn Trent note that more modelling will need to be carried out for sewage capacity.
- There is potential for landfill gas to impact properties as noted by the Environment Agency. This is a significant cause for concern.

Highways Safety

- The transport Assessment is insufficient.
- Highways safety concerns of a development close to the school. Parking problems in the area already, including along Henning Lane.
- The A38 snipe junction is shown to be close to the maximum degree of saturation.
- The gradient of the site unsuitable for development and may not be able to achieve gradients required for the road.
- Alfreton Road is to become double yellow lined, this will cause further parking issues for visitors to neighbouring dwellings
- Alfreton Road is extremely congested at rush hour due to the school. The traffic in the area will worsen with more cars.
- The construction traffic will make the road muddy.

- The junction design is different from the Gleeson's development.
- Alfreton Road is in a poor condition.

Residential Amenity and Layout

- Loss of privacy and overlooking concerns.
- The development would be overbearing.
- Insufficient Open Space on the site.
- The plot layout and pattern of development is out of keeping with the area.

Other Issues

- The infrastructure to support the development is insufficient. Maplewells and other schools in the area are oversubscribed.
- Loss of residential dwelling to form the access;
- The proposal would not meet the definition of sustainable development within the means of the NPPF
- The development should take place on a brownfield site – the Pretty Polly site is still not developed.
- Questions over plans for the power lines running through the site.
- Questions over who will carry out maintenance of the drainage feature and open space.
- Area already impacted by the Gleeson's development and until the Gleeson's site is developed and impacts known, no further development should be permitted.
- Loss of views.
- No gradient information has been provided.
- The site should be left for future mineral extractions.

Policy

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

Ashfield Local Plan Review 2002 as amended by "saved policies" 2007. (ALPR)

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

- Policy ST1: Development.
- Policy ST4: Remainder of the District
- Policy RC2: Open Areas
- Policy EV6: Local Nature Reserves and Sites of Importance for Nature Conservation and Geological Significance (Now known as Local Wildlife Sites).
- Policy EV8: Trees and woodlands.
- Policy HG3: Housing density.
- Policy HG4: Affordable Housing.
- Policy HG5: New residential development.
- Policy HG6: Open space in residential developments.
- Policy TR2: Cycling provision in new developments.
- Policy TR3: Pedestrians and People with limited mobility.

- Policy TR6 Developer contributions to transport improvements.
- Policy RC2 Open Areas
- Policy RC8: Recreational routes.

Material considerations

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

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

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

Supplementary Planning Documents

- National Design Guide 2019
- Residential Design Guide SPD 2014
- Residential Car Parking Standards 2014
- Nottinghamshire Highways Design Guide

EIA Development

A screening exercise has been undertaken and it is considered that the proposed development does not represent EIA development

Relevant Planning History

The site

- **V/1988/0802** – Site for residential. Refused 1st December 1988.
- **V/2019/0589** - Construction of 84 dwellings and associated infrastructure including the demolition of an existing dwelling and a replacement garage. Ongoing.

Land Adjacent:

- **V/2013/0550** - Outline application for the demolition of 251 Alfreton road & the construction of 102 dwellings and associated access. This site was allowed on appeal.

- **V/2016/0487** - Residential development of 118 dwellings and associated works including the demolition of existing dwelling to create access. Approved 26th October 2017.

Comment :

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

1. The principle of development,
2. Impact upon landscape character,
3. Ecology and trees,
4. Impact upon residential amenity,
5. Drainage and flooding,
6. Highways,
7. Land Contamination,
8. Locational Accessibility,
9. Developer Contributions,
10. Other Issues,
11. The Planning Balance,

1. The Principle of Development.

Legislation requires that the application be determined in accordance with the statutory development plan, unless material planning considerations indicate otherwise. In this case, the most relevant policies from the Ashfield Local Plan Review ALPR (2002) are ST1, ST2 and RC2. Policy ST1 seeks, amongst other things, to ensure development will not conflict with other policies in the plan. Policy ST2 seeks to concentrate development within the main urban areas shown on the proposals maps. Policy RC2 seeks to prevent the development of open areas in main areas, except for recreational uses, which maintain the open character of the area.

It is acknowledged that the development would be contrary to Policy RC2 of the ALPR; however this policy is highly restrictive of development and lacks the balancing exercise required by the NPPF. It is therefore considered inconsistent with the NPPF. Also, the ALPR plan period ran until 2011 and is therefore now time expired. These factors significantly diminish the weight, which can be afforded to Policy RC2.

The Council cannot demonstrate a 5-year housing land supply (2.6 years). The tilted balance of paragraph 11 is therefore engaged. This is a case where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

2. Impact upon landscape character

Paragraph 170 the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognizing the intrinsic character and beauty of the countryside. Policy RC2Sa of the ALPR seeks to prevent development of open areas in main urban areas. It relates to a considerable area of land between Mill Lane and Alfreton Road, which contains Rookery Park and the former Sutton Landfill site.

The development site consists of farmland with hedgerows and hedgerow trees. It is partially flat next to existing housing, with a slope to the west towards Rookery Park. To the east of the site are established residential dwellings on Alfreton Road. Reclaimed colliery spoil heap Rookery Park forms the landscape to the west, with Farmland and a mixed small holding to the north. To the south lies the proposed Gleeson homes development.

Development would fundamentally change the nature of the green field site and would be seen from various vantage points including, but not limited to, the rear of houses along Alfreton Road, Henning Lane and also Rookery Park. Although the views from the park are screened in the most part by the dome of the restored tip. The land has an urban fringe character, with a prominent roofline of modern housing visible on the settlement edge. Industrial development is also prominent in views from adjacent slopes. As a result of the above, it is considered that residential development would not appear unduly prominent, out of place in the landscape, or poorly related to the existing settlement.

The applicant has provided a Landscape and Visual Scoping report, which assesses the impacts of the development on the landscape. This has been assessed by the Councils Landscape architect, who agrees with the findings and states that although the change to the landscape will be moderate, the effect on the landscape character will be negligible given its currently considered as having weak landscape characteristics. It is therefore not a valued landscape for the purposes of paragraph 170 of the NPPF. A landscaping plan will be required at Reserved Matters stage, which will seek to blend the boundary of the development site with Rookery Park.

An Outline Application, for the adjacent site, was refused by the Council in 2014 (Ref: V/2013/0550) on the basis of an adverse impact upon Open Space and contrary to Policy RC2. However, this was allowed on appeal. The Inspector found the proposal would have only a limited effect on the character and appearance of the area around the site. The fact the adjacent land has planning permission, with development having a lawful start, adds credence to the fact the development of this site would relate well to its surroundings.

Whilst it is inevitable there would be some degree of harm to the landscape - from the construction of built form on an open field. This falls far short of being considered

a ground to refuse planning permission given the current landscape characteristics of the site. It would therefore not undermine the role of the wider Open Area defined under Policy RC2 of the ALPR.

3. Ecology and Trees

The NPPF at paragraphs 170 (d), 171, 174 and 175 sets out protection for biodiversity. Policy EV6 of the Local Plan, amongst other matters, seeks to protect local nature reserves and sites of importance for nature conservation. Policy EV8 sets out protection for trees worthy of retention and states that where trees are lost, mitigation will be required.

The application is supported by an Ecological Report. This identifies that the site has a relatively low naturalness, species diversity and that the proposed works would not result in the loss of any significant areas of nature conservation.

The Fulwood Grassland Local Wildlife Site (LWS) 5/3363 lies immediately to the south western-section of the site. The LWS is not within the site boundary and there is no proposed construction in this area. A condition will be applied to ensure this area is fenced off and protected from construction works.

Additional Bat Surveys were carried out at the request of NWT and these are now considered to be satisfactory. There are concerns raised by the NWT over the loss of hedgerows and trees. It is acknowledged, there may be some loss of hedgerows, which are a Biodiversity Action Plan (BAP) habitat, however the extent is unknown at this stage, as a layout has not been formulated.

Conditions are proposed to be appended to ensure all retained hedgerows are protected during construction and that a scheme of ecological enhancement measures are provided. These enhancements will take into account NCC Nature Conservation comments for the provision of wildlife grassland and the bird and bat boxes.

A resident has raised concerns that additional protected species surveys should be undertaken for reptile and water vole. The submitted field survey identifies that particular attention was paid to features suitable for water vole. It also identifies that the potential for reptiles to be in the site was low – however precautionary measures are to be employed. No additional surveys have been requested by the NWT on the basis of the information provided. As a result, the submitted Ecological Assessments are considered to be sufficient to assess the impacts.

A local objector has also raised concerns surrounding the potential for pollutants to the adjacent stream and for this to impact on Great Crested Newts downstream. A surface water management plan is to be devised with the use of SuDs, these can be designed to minimise any pollutants. A Construction Environmental Management plan will also be in place to ensure potential pollutants are controlled during the

construction stage of the development. In addition, nothing has been raised by the NWT in regards to this potential issue.

Trees

A local resident has voiced concern about trees being cut down. The hedgerows on site are protected, however the Trees are not. The detailed plans will require assessment and need to identify all trees to be retained and removed. Any layout design should look to protect and retain trees, where possible. An arboricultural impact assessment and method statement will be conditioned. These relate to how trees/hedgerows are to be protected during construction and can be secured via planning condition. Additional tree planting will also be secured by a landscaping scheme and accordingly the development is considered to accord with Policy EV8 of the ALPR in that respect.

4. Impact upon residential amenity

This is an outline application, with all matters reserved, except access. As a result, no details as to the final road hierarchy, dwelling types or position has been provided. The applicant has, however, submitted an indicative master plan, which shows that sufficient separation distance could be provided so the development would not adversely impact upon existing resident's privacy and light.

Details of the design, layout and appearance will form part of a future reserved matters application. These will be carefully assessed, in accordance with policy and supplementary guidance, to ensure there would be no harm to the living conditions of neighbouring occupiers.

There would be the creation of a new access between the existing residential dwellings of 209 and 213 Alfreton Road. As such, there is the likelihood of increased disturbances through additional vehicular and pedestrian coming and goings adjacent to these properties and their gardens. The applicant has submitted a noise impact assessment, which concludes that the an acceptable level of noise can be achieved in the existing external amenity areas by way of 2m acoustic barriers. It is considered that a wall would be the most suitable treatment for this boundary and a condition is recommended to this end.

A condition is also recommended for Construction Environmental Management Plan to be provided. This will be used to assist in limiting the impact on residents during the construction phase.

5. Drainage and Flooding

Drainage and surface water flooding have been raised as issues by some local residents. The application is supported by a Flood Risk Assessment and Drainage Strategy. This identifies the site lies in Flood Zone 1 (lowest risk of flooding) and that

sustainable urban drainage techniques (SuDs) will be utilised. SuDs would be used to limit the discharge rate to the Greenfield run-off rate for the area, to mimic the natural drainage of the land. A possible location for the attenuation basin can be seen on the indicative masterplan. Maintenance for any SuDs would be secured via a planning condition. The Local Lead Flood Authority have assessed the submitted information and raised no objections; as a result it is considered that flooding does not pose a risk and that a suitable surface water drainage strategy can be devised.

In terms of foul drainage, the current proposals suggest a pump solution will be required, linking into the combined sewer along Alfreton Road. A response from Severn Trent to a developer enquiry, attached as Appendix B in the Flood Risk Assessment, does note that the sewers are running at capacity. Severn Trent have responded to the application, noting that there is a critical combined sewer overflow (CSO) connected to this system. This CSO surcharges, therefore a hydraulic modelling study will be required to determine the impact of the proposed flows from the development on the system, and to identify any improvements that may be required. Crucially, Sever Trent have not objected to the proposals on this basis and a bespoke foul drainage condition is to be applied. This condition will ensure the modelling studies are carried out and any improvements made prior to development being occupied.

6. Highways

The Transport Assessment has been refined to ensure the impact of the development is comprehensively assessed. This assessment now includes traffic generated from the nearby Gleeson site, along with recently collated traffic flows. The results of the Transport Assessment indicate that off-site junctions will operate within capacity in the year 2024. The capacity assessments have been reviewed by the Highway Authority's signal engineers who are content with the results, when compared with the County's own models. No objections have been raised by the Highways Authority on this basis and as such it is considered that the capacity of the network will not be unduly affected by the development.

In order facilitate the development, a new vehicular access would be created off Alfreton Road. Full details of this access have been provided with this application. The proposed access junction is to be formed of a ghost-island "Give Way" junction with right turn lane facilities, to ensure the free flow of traffic along Alfreton Road. The access includes a 6.0m wide carriageway and 2.0m wide footways running along either side. Speed surveys have been undertaken and the visibility splays from the access are considered to meet with the required standard (2.4m by 43m). A stage 1 Road Safety Audit has also been submitted. The Highways Authority are content with the revised plans and it is considered that safe access can be achieved to the site.

A number of residents have raised concerns surrounding parking around the local primary school. The development would provide an adoptable standard 3-metre-wide

footpath linking onto Henning Lane, meaning that future residents from the development could walk through to the school, without having to travel onto Alfreton Road. The Highways Authority have welcomed the sustainable link through to the school. A pedestrian link would also be provided into the adjacent Gleeson's development, meaning future residents from that development would be potentially provided a shorter pedestrian route through to the school.

Local objectors have raised concerns about the gradient of the site and roads. However this is an Outline Application and full details of road gradients are not required at this stage. Once a detailed layout has been formulated, then the roads will need to be designed at a gradient, which does not prohibit their adoption.

In view of the above, it is considered that the development does not have a severe residual cumulative impact on the road network, and would not give rise to highway safety concerns. As a result the development would not conflict with Policy ST1 of the Local Plan, or Part 9 of the NPPF.

7. Land Contamination

The applicant has submitted a Geo-Environmental Investigation Report. This has been assessed by the Councils Environmental Health Team. The submitted soil samples identify elevated levels of arsenic and lead, however further testing is required to characterise the extent of the problem. It is therefore recommended a condition is applied for additional targeted soil testing, along with a risk assessment and remediation strategy.

The Environment Agency have raised no objections to this application, but have advised that consideration should be given to the potential risk from landfill gas. On the full planning application for the site, V/2019/0589, the Environment Agency have provided additional advice in relation to the risk posed by landfill gas. This includes:

- There is a significant degree of methane adjacent to the development;
- Additional monitoring is required;
- Any risk assessment should take into account of the possibility of the gas collection system on the landfill site failing for a length of time;
- Development of the land could result in gas impacting on existing houses as the land will be capped;
- Should the development proceed any gas protection measures need to be robust.

The Councils four stage contamination condition is considered to be robust enough to ensure the sites are developed free from contamination. This includes the requirement for further gas monitoring and a risk assessment. It is also noted, that this is an outline application and as such the precise layout is not yet known, in terms of proximity to the tip. This is something that may need to be reviewed at

subsequent detailed planning phase. It is also noted the applicant is currently preparing an addendum to the Geo-Environmental Investigation Report.

8. Locational Accessibility

The site is close to a range of shops, schools, other facilities and bus services can be accessed nearby on Alfreton Road. Future residents would not, therefore, be heavily dependent on the use of private motor vehicles, and a considerable number of daily trips would be likely to require travel over a short distance. The use of public transport would be encouraged by the proposed improvements to infrastructure nearby and through the implementation of the Travel Plan. The indicative Master Plan shows the potential for linkages onto Henning Lane, Rookery Park and the adjacent Gleasons development providing linkages into the wider area. It is considered that the site is within a sustainable location for development. The adjacent site was also found, on appeal, to be a sustainable location for development.

9. Developer Contributions

CIL Regulation 122 sets out that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. In this case, a number of contributions have been requested by various parties. These are set out below:

Education

NCC have requested a primary education contribution of £432,432 (21 x £20,592 per place). The calculation has been made based on the planning area of a cluster of primary schools and seeks a contribution towards a new school. This contribution is considered to meet the CIL tests.

The response from NCC education advised that a contribution for the land required for the new school would be sought. However, no figure, or calculation, has been provided, in the 6 months following the consultation. It has therefore not been possible to request this from the applicant.

Public Open Space

Since there is no proposed on site formal Public Open Space, a contribution has been sought from the Councils localities team comprising of £200,000. This would be used towards Ashfield Estate green space and/or Huthwaite Welfare Park. Given the scale of the proposed development, and the fact that future residents would be likely to use the facilities to be improved, this contribution is considered to be justified.

Healthcare

The proposal would generate a requirement for healthcare provision for residents of the development. It is therefore directly related. The Clinical Commissioning Group have set out the calculation of contributions towards improving or enhancing facilities in the locality. This amounts to £54,187 and is considered to be necessary to make the development acceptable in planning terms.

Libraries

NCC have sought contribution of £3,524.00 is sought for additional stock based on 100 dwellings. This will be used at the Sutton in Ashfield Library. A formula has been provided to show how this figure is derived based on the need stemming from the development and items required. This figure is considered to be reasonable and justified.

Rookery Park

NCC have sought a contribution of £60,832 for the upgrades to sections of footpath in Rookery Park. Given the potential increase in amount of persons using the park from the proposed development, the contribution is considered to meet the CIL tests.

Bus Stops

NCC have also advised that all major developments should contribute towards highways infrastructure improvements. A planning condition is recommended for upgrades to two bus stops. This will need to include installation of real time bus stop pole, real-time displays and raised boarding kerbs.

Monitoring Fees

A Travel Plan monitoring fee is sought amounting to £7500 as well as the Councils own standard monitoring fee of £1,600. The updated CIL legislation allows for monitoring fees to be charged.

Affordable Housing

In accordance with the NPPF paragraph 64 at least 10% of the homes should be available for affordable housing.

The applicant has confirmed acceptance to all of the Section 106 requirements. It is therefore considered that the development will be supported by the necessary infrastructure.

10. Other Issues

Air Quality

An Air Quality Assessment has been submitted with the application. This includes an assessment of exhaust emissions created by the development and concludes these are below the Air Quality Objectives. An assessment was also undertaken on the impact of road traffic emissions during construction and these were considered not to be significant.

Light Pollution

A lighting strategy is to be included as a planning condition. This is to ensure that light pollution is minimised in the interests of protecting both landscape character and ecology.

Minerals

NCC have advised that the Eastern part of the proposed site lies within the Minerals Safeguarding and Consultation Areas for limestone. NCC do not consider the development to be inappropriate in this location, however a sound argument needs to be made. In response, the applicant has advised that prior extraction of limestone would conflict with the existing residential homes in the area. It would require heavy machinery resulting in potentially significant vibrations, noise, along with a large number of heavy vehicle trips. In light of the location of the development - adjacent to residential dwellings – it is considered that the prior extraction of minerals would give rise to potentially significant residential amenity issues.

Development of Greenfield

Local objectors have suggested that brownfield sites in the District should be exhausted prior to the release and allocation of greenfield sites. A substantial area of brownfield land (33.22ha since 2001) has already been developed in the district for housing. However, the availability of brownfield land in the district falls far short of being able to accommodate the districts housing need, therefore it is inevitable that some greenfields will be required for development.

Housing Density

Policy HG3 of the ALPR sets out that a minimum of 30 dwellings per hectare should be provided on the site. The application seeks approval for the erection of up to 100 dwellings, with a site area measuring 4.1ha equating to a gross density of approximately 24ha. Though this falls short of the requirement of the ALPR, it is recognised that it may not always be possible or appropriate to achieve minimum

requirements, for example, where higher densities are not compatible with the site or its surroundings (ALPR paragraph 5.65). The proposed density is considered to be acceptable given the existing topography of the land and is commensurate with the adjacent sites appeal decision.

Loss of views

A number of local objectors have raised concerns surrounding a loss of a view. However, this is not a material planning consideration. An assessment of the development on the landscape is undertaken earlier in the report.

Climate Change

A condition is to be included requiring the applicant to submit a Sustainability Statement. This will show how the detailed application would include measures such as solar panels, electric charging rainwater collection, waste reduction, ground source heat pumps and energy efficiency etc. This will be with the aim of minimising the carbon footprint of the development.

Cumulative Impact of Development

A resident has raised concerns surrounding the cumulative impact of the development, with the adjacent Gleeson site, and that no permission should be granted until the adjacent development is complete. It is considered that the cumulative impacts of the development have been explained through the supporting technical documentation and that withholding a consent on this basis would be unreasonable.

Maintenance of Public Open Space

A resident has raised concerns surrounding the future maintenance of the Public Open Space and drainage features. Any maintenance will be undertaken by a management company and as such the responsibility would not fall upon the Council.

Power Lines

There are currently overhead power lines, which run through the eastern part of the development site. The indicative Masterplan shows these are to be buried. The requirement to bury the lines will ultimately be determined at detailed planning stage. The National Grid have design guidelines for development near high voltage overhead lines and the applicant will be informed of this via an advisory note.

11. The Planning Balance

The NPPF states that proposals should be considered in the context of the presumption of sustainable development, which is defined by economic, social and environmental dimensions and the interrelated roles they perform. Whilst the proposal is contrary to the Ashfield Local Plan Review 2002; particularly policies ST1 and RC2, it is in accordance with the National Planning Policy Framework (i.e. Part 6 – Delivering a sufficient supply of homes) that places substantial emphasis to the delivery of new and sustainable housing development.

In social terms, the scheme would deliver up to 100 dwellings, 10% of which would be affordable units and be secured by a planning obligation. The Council cannot currently demonstrate a 5-year housing land supply and the provision of new homes, including affordable homes, carries significant weight in the determination of this planning application.

In economic terms, the Government has made clear its view that house building plays an important role in promoting economic growth. The scheme would provide economic benefits during the construction phase and in the longer term it would result in increased expenditure in the local economy. There would also be further benefits arising from increased Council Tax receipts, New Homes Bonus (NHB) and support for local business. These carry modest weight in favour of granting planning permission.

In terms of other benefits, the proposal would provide a contribution towards upgrading a footpath within Rookery Park, there would also be improvements to bus stops. The site is also in a sustainable location for development and pedestrian links would be provided into the wider local area, including to the local primary school. The negative side of the balance is relatively limited in this case. There would be an inevitable impact on the landscape and visual impacts, however these would be towards the lower end of the scale. This harm carries limited weight. There would also be the loss of agricultural land. Lastly, the development site is adjacent to a former landfill site, however additional tests will be carried out to ensure the site is developed in a safe manor.

As set out above, there would be no unacceptable harm arising from traffic impact or highways safety concerns. Similarly, there are no other significant harms in relation to the other matters raised by residents, which cannot be explained in the technical documentation and dealt with by way of planning condition.

Overall, the development is considered to represent a sustainable form of development. Conflict with the development plan is considered to carry limited weight for the reasons set out above and the adverse impact of the proposal fall far short of significantly and demonstrably outweighing the considerable benefits of granting planning permission.

Recommendation: - Approve, subject to the conditions set out below and a Section 106 agreement securing the following:

- Primary Education - £432,432
- Public Open Space - £200,000.
- Healthcare - £54,187
- Libraries - £3,524.00
- Rookery Park Improvements - £60,832
- Monitoring Fees - £9,100
- Affordable Housing 10%

CONDITIONS

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - a) Layout
 - b) Scale
 - c) Appearance
 - d) Landscaping
2. Details of appearance, landscaping and layout required to be submitted and approved under Condition 1 shall include details of:
 - i. The design, layout and form of the dwellings, including details of the external surfaces and materials to be used;
 - ii. fencing, walling, boundary treatments and means of enclosure; this shall include a wall adjacent to the newly created vehicular access.
 - iii. a scheme of hard and soft landscaping, including the specification of trees, hedges and shrub planting and details of species, density and size of stock;
 - iv. existing and proposed ground levels and those of surrounding buildings;
 - v. refuse/recycling storage and collection points;
 - vi. measures to minimise the risk of crime;
3. The Reserved Matters required by condition 1 shall include a Sustainability Statement. This statement shall include details of measures such as solar

panels, rainwater collection, waste reduction, ground source heat pumps and energy efficiency. It must also include a scheme for the provision of electric charging points. The agreed details shall thereafter be installed and within an agreed timeframe.

4. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
5. The development to which this approval relates shall be begun not later than whichever is the later of the following dates :
 - a) The expiration of 3 years from the date of the outline planning permission;
 - b) The expiration of 1 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
6. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Preliminary Site Access Design Drg No. P18-090-510 dated 21/01/2020.
 - PROPOSED PEDESTRIAN ACCESS Drg No. P18-090-511 dated 21/01/2019
7. The Reserved Matters required by condition 1 shall include details for the provision of pedestrian accesses onto Henning Lane, Rookery Park and the neighbouring residential development to the south.
8. Prior to the commencement of development, a detailed Landscape and Ecological Management Plan (LEMP) for the site shall be submitted to and approved in writing based on the recommendations set out within the Ecological Assessment by Arc Ecology dated October 2019. The plan shall include full details of landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. The plan shall also include the following details:
 - details of new habitat created on site;
 - details of maintenance regimes and management responsibilities;

The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.

9. No site clearance, preparatory work or development shall take place in any phase until a scheme for the protection of the retained trees and hedgerows

(the tree and hedgerow protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows in the phase shall be carried out as approved for that phase and retained throughout the construction period for that phase.

10. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 18090-RLL-19-XX-RP-C001 dated June 2019, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical storm 5l/s for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term.

11. 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;
- Pollution control measures to the adjacent stream;
- Site contact detail in case of complaints;
- Waste Audit.

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

12. No development shall commence until foul water drainage plans have been submitted to and approved by the Local Planning Authority. These details shall include the results of further mitigation hydraulic modelling testing and details of any improvement measures that maybe required. Any improvements shall be carried out prior to occupation of the first dwelling house and the foul drainage strategy shall thereafter be implemented in accordance with the approved details.
13. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority:
 - i. A desktop study/Phase I report documenting the previous history of the site and its immediate environs.
 - ii. A site investigation/Phase II report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - iii. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas

and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the Local Planning Authority, in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must submit in writing, details of the contingency plan for the written approval by the Local Planning Authority.

On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the Local Planning Authority:

- iv. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the Local Planning Authority prior to the development being put to its intended use.

14. No part of the development shall be brought into use until details showing enhancements to bus stops AS0167 and AS0168 Henning Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include the installation of real time bus stop pole & displays including associated electrical connections and raised board kerbs. The approved enhancement measures shall be implemented and within an agreed timeframe.

15. No part of the development hereby permitted shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the local planning authority. The revised Travel Plan shall:-

- a) Name, and provide the contact details of the site wide Travel Plan Coordinator;
- b) State that the Travel Plan targets will not be revised without prior approval of Nottinghamshire County Council, as local Highway Authority; and,
- c) The impact of a 10% reduction in Single Occupancy Trips should be shown within a table (i.e. similar to Table 7 but with the 10% reduction applied).

Thereafter, the revised Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

16. Prior to the development hereby approved first being occupied, all noise mitigation measures shown to be necessary within the submitted Noise Impact Assessment by REC dated 11th December 2019 should be installed and a validation report submitted to and approved in writing by the Local planning Authority.

17. Prior to the commencement of any works, the applicant shall submitted a demolition method statement detailing how 211 Alfreton Road is to be demolished. The demolition shall thereafter be carried out in accordance with the approved statement.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To ensure the details provided at Reserved Matters stage are satisfactory.
3. In the interests of sustainability.
4. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
5. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
6. To ensure the development takes the form envisaged by the Local Planning Authority and in the interests of highways safety.
7. In the interests of ecology and ensuring the landscaping is maintained.
8. To ensure the site is drained sustainably.
9. To ensure retained trees are protected.
10. To protect residents and the environment during construction.
11. In the interests of ensuring a sustainable development.

12. To ensure that foul sewage is drained properly.
13. To ensure the site is developed free from contamination.
14. In the interests of promoting sustainable travel.
15. In the interests of promoting sustainable travel.
16. In the interests of residential amenity.
17. In the interests of residential amenity.

INFORMATIVE

1. This permission shall be read in connection with a Section 106 Agreement.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. 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 0845 762 6848. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
4. Design guidance for electricity pylons can be found at the following link:

<https://www.nationalgrid.com/sites/default/files/documents/Sense%20of%20Place%20-%20National%20Grid%20Guidance.pdf>
5. 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.

6. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the 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. 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.
 - 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.
 - c) Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk
7. 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.