



Rev. \_\_\_\_\_

Client: **GLEESON HOMES  
& REGENERATION**

Project: **Gilcroft Street  
Skegby**

Title: **Location Plan**

Scales: 1:2500 at A3 Cad ref. \_\_\_\_\_

Drawn: MA Checked: MJ Date: Dec 18

Drawing no: **LP/01** Rev. \_\_\_\_\_

**COMMITTEE DATE**    25<sup>th</sup> November 2020    **WARD**    Stanton Hill and Teversal

**APP REF**                    V/2018/0783

**APPLICANT**                Gleeson Regeneration Ltd

**PROPOSAL**                 206 Dwellings and Associated Infrastructure

**LOCATION**                    Land Off, Gilcroft Street / Vere Avenue, Skegby, Sutton in Ashfield, Nottingham

**WEB LINK**                    <https://www.google.com/maps/place/Gilcroft+St,+Skegby,+Sutton-in-Ashfield/@53.1398295,-1.2680492,17z/data=!4m5!3m4!1s0x4879968c30a32f41:0xf5c11943b14d1e4b!8m2!3d53.1420852!4d-1.2685213>

**BACKGROUND PAPERS**    A B C D E F H I J K L

App Registered 18/12/2018

Expiry Date 19/03/2019

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

***This application has been referred to Planning Committee by Councillor Helen Smith to discuss policy implications***

### **The Application**

This is a Full Application for 206 Dwellings and associated infrastructure. The housing is split into two areas:

- 112 dwellings are proposed to northern part of the site, with two vehicular accesses from the ends of Gilcroft Street and St Andrews's Street.
- 94 dwellings are proposed to the north of Vere Avenue, accessed via a new vehicular road from Stoneyford Road.

The application proposes the following mix of houses:

- 65 x two bed semi detached
- 55 x three bed semi detached
- 72 x three bed detached
- 14 x four bed detached

The site lies between Skegby, Stanton Hill and Sutton-in-Ashfield. The housing developments are set out on individual parcels of agricultural land measuring

approximately 7.4. The wider application site comprises an area of land measuring some 17.9ha.

The northern section lies to the south of Gilcroft Street and St Andrews Street, which contains predominantly two storey dwellings. The eastern boundary adjoins with the curtilage of Skegby Hall Historic Park and Gardens. The land then falls steeply towards the valley bottom and the central area of open space, which contains a stream running through and an overgrown stone quarry.

The southern parcel of development lies immediately adjacent to Vere Avenue with existing bungalows of approximately 1960's construction. Quarrydale school and playing fields lie to the west. The access to the southern housing site would run from Stoneyford Road through an area of open field.

A full list of the plans and key documents considered as part of this application are found in Appendix A.

### **Consultations**

A site notice and press notice have been posted together with individual notification of surrounding residents. There have been a number of revisions and additional information submitted since the original submission. All consultees were re-consulted as considered appropriate by the case officer based on the nature of the changes and information submitted. The following summaries represent the latest comments received from each consultee:

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

Having reviewed all the submitted information relating to land contamination for the access road area/quarry area, the northern housing site off Gilcroft Street and the southern housing site adjacent to Vere Avenue - No objections are raised.

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

No known drainage issues with this site, however there is a history of flooding just downstream from this site, which is within zone 2 & 3 on the Environment Agency flood map. The Local Lead Flood Authority, Severn Trent and Environment Agency should all be consulted.

#### **A.D.C Conservation**

No observations.

#### **A.D.C Tree Officer**

No objections.

## **A.D.C Landscaping**

### Northern Development (Gilcroft Street)

- A Kick-about area should be provided with five a side goal posts.
- Surfacing detail of the footpaths should be provided and the hedgerow along the eastern/northern boundary protected.
- A vehicle maintenance gate should be provided to Skegby Hall Grounds.

### Southern Development (Vere Avenue)

- Additional tree planting is required along the road on the eastern boundary and a hedge provided along the access road.
- The desire line to the east of the site requires upgrading and a footpath/cycle link provided between the development and Vere Avenue.
- A pedestrian link should be created into Skegby Hall Grounds.

### Landscape and Section 106

- The general landscape plans are acceptable, although a management plan should be provided.
- Section 106 monies are also requested for plan area improvements at Healdswood and Stoneyford Road Recreation Grounds, along with a number of other relevant planning conditions.

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

- The development plan includes the Ashfield Local Plan Review 2002, saved policies and the Teversal, Stanton Hill and Skegby Neighbourhood Plan.
- A substantial part of the proposed residential area off Vere Avenue is not within the Neighbourhood Plan Area. Consequently, the policies are only relevant for those parts of the site that falls within the area.
- The proposal would be contrary to Policies ST4 and EV2 of the ALPR (2002).
- The Council does not have a 5-year housing supply.
- Comments were also provided in respect of the relevant local and national planning policies which govern: Ecology, Flooding, Historic Environment, Landscape Character, Housing (density, mix, affordable), Highways and Infrastructure.

## **Nottinghamshire County Council [NCC]**

The County Councils comments set out the policy position in respect of Waste, Minerals, Transport and Education. The county planning context is set out below:

### **NCC Minerals**

The proposed development site does not lie within close proximity to any existing proposed mineral site, although it does lie within the Mineral Safeguarding and

Consultation Area for limestone. The applicant must consider prior extraction of limestone and demonstrate, if not found practical nor viable, the reasoning.

### **NCC Waste**

The site is unlikely to sterilise an active waste management site (Mitchells of Mansfield). The nearest recycling centres are operating close to capacity, particularly at peak times. The housing growth in the area means it will be necessary to build a new split-level Recycling Centre. In order to meet growing demand a financial contribution of £11,672.28 is sought. A waste audit should also be provided.

### **NCC Travel and Transport.**

- The walking distance to bus stops to the centre part of the development site exceeds the guidance of 400m, however the distance is still considered acceptable.
- A diversion would be required for the existing services and contributions are required toward bus stop improvements.
- In light of the Spira Service discontinuing, a bus service contribution is requested to provide additional bus service and/or community transport facilities.

### **NCC Education**

The development is located in the Sutton Town Primary Planning Area and would generate 44 places. Based on the current projections there is insufficient capacity to accommodate the pupils generated by this development. Therefore, the County Council would seek a contribution, based on build cost, of £819,064 (£19,048 x 43). This would be used towards funding a new primary school within the area.

The development is in the secondary catchment of Quarrydale Academy and would generate 33 secondary school places. Based on current projections there is insufficient capacity to accommodate the pupils generated. As a result, the County Council would seek a contribution of £585,849 (33 places x £17,753 per place). This would be used to enhance secondary provision at Quarrydale School.

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

The following is a summary of the latest comments – following submission of revised information:

#### *Traffic Impact on the Local Highway Network*

The applicant has now updated the assessment to include committed development traffic flows for Brand Lane (216 dwellings) V/2016/0208 and Stoneyford Road (50 dwellings V/2013/0647). The junction of St Andrews Street junction with Mansfield

Road has now been included within the traffic modelling and this is considered to be acceptable.

The applicant has agreed to the installation of signal upgrades at the junctions of Mansfield Road/Priestsic Road/Downing Street and Mansfield Road/ Dalestorth Street/Outram Street- in order to mitigate the impact of the development trips.

#### *Sustainable Transport options offsite*

The applicant has agreed to provide 2 improved toucan pedestrian/cyclist facilities at Quarrydale/Stoneyford Rd junction and near Mansfield Rd/Buttery Lane junction.

In addition to the £118,400 paid under the outline planning permission, an additional contribution of £21,600 will be made within a Section 106 contribution. This total of £140,000 will be used to provide additional public transport requirements as appropriate.

#### *Internal layout of Northern and Southern parcel*

There is still too much reliance on tandem parking arrangements, which will lead to a car dominated development where residents will have to park on the street.

The applicant has provided evidence to demonstrate that a refuse vehicle is able to manoeuvre within the site, and relevant private drives are of sufficient width with suitable pedestrian splays and bin collection points.

It is recommended that the informal footpaths should be of a more permanent nature with appropriate surfacing on desire lines.

#### *Recommended Conditions*

A number of conditions are recommended, if the LPA are satisfied with the layout issues. These include (inter alia):

- A pedestrian refuge and ghost turn lane on Stoneyford Road.
- The spine road being constructed with 2m x 2m footpaths.
- Two new pedestrian refuges one for St. Andrews Street/Mansfield Road junction and one for Gilcroft Street/Mansfield Road junction.
- The provision of Toucan crossing facilities and MOVA signal upgrades

#### **Coal Authority**

Part of the site falls within a High Risk Area. The Coal Authority have raised no objections, but recommend a condition is imposed to ensure that the development is undertaken in accordance with the mitigation strategy detailed in the submitted Coal Mining Risk Assessment.

## **Environment Agency**

Having reviewed the submitted information, the EA is satisfied with the conclusions reached regarding risks to controlled waters. A condition is recommended that should any previously unidentified contamination be found, then no further development should take place, unless a remediation strategy is submitted.

## **Nottinghamshire County Council Rights of Way**

There is currently a Modification Order application to add 2 routes to the Definitive Map and Statement. These have been made on behalf of the Neighbourhood Forum. Photos and user evidence have been submitted to suggest the paths have been used for 20 years without challenge. One of these paths will pass through the houses and may require an Order to divert onto the footway, if it is adopted.

## **Natural England**

No objection. Based on the plans submitted, Natural England considers that the proposed development will have no significant impacts on statutorily protected sites or landscapes.

## **Nottinghamshire Wildlife Trust (NWT)**

Object to the application. The proposal will result in unacceptable loss and fragmentation of the Local Wildlife Sites (LWS) contrary to saved policies in the Ashfield Local Plan, National Planning Policy Framework and Planning Practice Guidance. They also dispute whether a Net Biodiversity Gain can be achieved.

## **Independent Ecologist (Delta Simons)**

A survey for water voles should be carried out along with a National Vegetation Classification survey (NVQ). The results of the NVQ should be used to rerun the Biodiversity Calculator, if long-term maintenance of the habitats can be secured through a Section 106 Agreement, then 'Net Gain' can be achieved.

The proposed development would materially affect the LWS and therefore it is recommended that the SuDs be redesigned to minimise land take within the LWS, a hoggin surface should be used for the footpaths, dog waste bins provided and a vegetation buffer with thorny species.

## **Severn Trent**

Have requested a condition relating to the submission of surface and foul water plans. They have identified that no surface water should enter the foul, or combined system and that sustainable methods/soakaways should be used. A hydraulic

modelling study is also required to determine if the sewer to the north east is capable of taking flows from the development, or whether improvements are required.

### **Neighbourhood Forum (TSS)**

(Initial response) – Raise concerns over the consultation period, lack of consultation with the developers and the forum, and loss of open space contrary to the neighbourhood plan policy NP4.

(Full response) Again, concerns are raised over a lack of consultation with residents along Gilcroft Street. They have also raised concerns over the following issues:

- Highways safety and the Transport Assessment being out of date;
- Impact on a listed building and a historic park and garden;
- Loss of footpaths and open space, which is contrary to the Neighbourhood plan.
- Loss of views;
- Impact upon a local wildlife site (LWS) and ecology;
- Potential issues surrounding geological disturbance and the sites coal mining legacy.

An additional response was also received the TSS objecting to the application on the basis that the development would be contrary to the Neighbourhood plan (pgs. 48, 50, 53 and 54) and paragraph 184 which seeks to protect a green corridor between Skegby and Stanton Hill.

The forum have confirmed their comments remain the same based on the latest submissions.

### **Historic England**

Originally raised concerns regarding the application on Heritage grounds and advised that further information needs to be supplied to meet the requirements of paragraphs 189 and 190 of the NPPF.

The applicant subsequently submitted a Heritage Statement and Historic England have raised no further objections. However, they have identified that information needs to be sourced regarding below ground archaeological remains.

*The Archaeological information has since been submitted by the applicant.*

### **Local Lead Flood Authority**

Nottinghamshire County Council, as the Lead Local Flood Authority (LLFA), has reviewed the application which was received on the 23 Oct 2020 and raises no



objections. A condition is recommended for details of the drainage strategy to be submitted.

### **Clinical Commissioning Group**

A development of this nature would result in increased service demand, which could not be accommodated within existing primary care resources. The proposal would trigger the need to provide health related section 106 funding. The contribution would be invested in enhancing capacity/infrastructure with existing local practices, or potentially the provision of a new building facility. Options are being explored as to where the contributions would be best spent.

### **Councillor Melanie Darrington**

This land has been refused planning permission many times. The environmental impact will be devastating for wildlife. A barn owl and badger are known to be in the area, not to mention the plant life there. The impact on the watercourse will lead to further flooding. Indeed, any major change to it will flood several nearby properties. The area acts as a sewage overflow - extra houses in this area will add to the strain. The roads are inadequate and the local schools full.

### ***Local Community***

128 individual households have written a total of 137 letters of objection, their comments have been summarised below:

#### *Highways Safety and Access*

- Traffic already a problem and the introduction of over 400 cars to the area would leave the roads gridlocked; especially given that Brand Lane and other developments are already adding traffic
- Stoneyford road is a busy dangerous road, where accidents have already taken place.
- A number of articulated lorries already drive around the area and there would be danger during the construction phase from larger vehicles.
- The site is close to Quarrydale school and there could be a danger to children.
- Vere Avenue is narrow with poor visibility onto Stoneyford Road and cars are parked on either side.
- The roads on Gilcroft Street, St Andrews and Hall Street are already in bad condition and access through Gilcroft Street is difficult in bad weather.
- The queues at Stoneyford Road and Preisetie road junction are lengthy and junction improvements should be looked at.
- The transport assessment was based on outdated statistics from a previous assessment.

### *Impact of the development on infrastructure and services*

- Local residents struggle to get doctors' and dentist appointments, with junior and secondary schools already full.
- Long waiting lists at the Hospital.
- Lack of a regular bus service.

### *Impact on the character and appearance of the area*

- Loss of countryside and views from the footpath/trail.
- The application would involve destroying green land on a popular trail for walkers, dog walkers, nature lovers, runners, children playing etc.
- The boundaries of Skegby and Sutton will be merged.
- Lack of provision through the estate for dog walkers to Skegby Bottoms.
- The site should be turned into a country park, linked to the Brierley and Teversal trails.
- Concerns over the amount of trees being removed.
- Further development could join the sites together.
- Loss of local identity.

### *Impact on footpaths*

- Footpaths within the area, which are not shown on the NCC definitive map have been used for a number of years and are important to the heritage of the area.
- Two footpaths are under review by the NCC to be formally adopted. These pass through the northern site of the planning application area.

### *Impact on Ecology and Pollution*

- Impact on wildlife including Barn Owls, Herons, Kingfisher, Sparrow Hawk, Kestrel, Badgers, Bats etc.
- Loss of flora/fauna and biodiversity
- Impact on 'Skegby Quarry' and 'Stanton Hill' Local Wildlife Sites, which would not be off-set by the mitigation measures.
- A question was raised surrounding reliability of the Ecological survey. However, once the objector had read the survey in greater depth, they considered the survey work and recommended mitigation measures to be acceptable.
- Noise and air pollution with this being worsened by increased vehicular traffic and lack of regular bus service.

### The Sites Sustainability

- There is a lack of public transport running through the area and the proposal would be contrary to the objectives to promote sustainable travel.
- The large access road to the Vere Avenue site will increase car trips, as residents will not wish to carry shopping.

### *Flooding and Drainage*

- Inadequate drainage and impact on flooding further downstream.
- The area is a natural floodplain and there are existing problems with the watercourse, especially during heavy rain.
- Impact upon the sewage overflow at Skegby Brook, which is a problem when it rains, with sewage is deposited into the brook. This has been ongoing for a number of years with STW unwilling to spend money on the issue.

### *Land Contamination and Stability*

- Land is contaminated from the former Pit and the area is defined as high risk by the Coal Board.
- Geological disturbance, fissures affecting the access road and plots being underlain by fissures.

### *Other Comments*

- Overlooking and loss of privacy, especially to a nearby school.
- The development would adversely affect the setting of Skegby Hall gardens.
- Adverse impact upon community spirit.
- Plenty of properties already available in the area
- Problems with utilities reaching the properties.
- Potential for affordable homes to devalue properties.
- The proposal would be contrary to policy.
- Strong local opposition to the development.
- Questions over future maintenance of the footpaths.
- The development should take place elsewhere in the district.
- The area is less affluent and an easy target for housing development.
- The residents feel that whatever is decided at planning committee will be overturned anyway.

### **2<sup>nd</sup> Round of Consultation**

Over the course of the application, the scheme was amended with the number of dwellings reduced from 208 to 206. Information surrounding viability was also submitted over the course of the application and published on the website. It was considered prudent to re-consult residents again with this information. 47

letters/emails were received from 47 individual households/residents. The contents of these are summarised below:

### *Highways Safety Issues*

- Increased traffic from extra residents adding to the parked cars and congestion creating safety issues for residents including children from the nearby school.
- Surrounding roads already impassable in snow and ice and vehicles get abandoned, extra vehicles from extra residents will add to this.
- Access roads to the site already lined with parked cars.
- Damage to the road surface caused by construction vehicles and increased traffic from extra residents.

### *Residential Amenity*

- Loss of greenspace for dog walkers and other recreational purposes.
- Excess noise and air pollution caused by construction vehicles and the vehicles of extra residents.
- Possible increase in anti-social behaviour.

### *Environment and Wildlife*

- Loss of habitat and displacement of wildlife including foxes, hedgehogs, badgers and birds.
- Flood risk as the site is prone to becoming waterlogged/flooded. Specific mention of a culvert adjacent to Mansfield Road.

### *Other Issues*

- Infrastructure. Extra demands upon schools and healthcare services.
- Concerns footpaths surrounding the development will be got rid of.
- Insufficient sewerage and drainage network servicing the area.
- Lack of consultation for Gilcroft Street residents.
- Affect the setting of Skegby Hall which is a listed building.
- One letter of support received for the employment opportunities and new homes being created.

## **Policy**

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

## **Policy Context**

## **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 ST2: Main Urban Areas.
- Policy ST4: Remainder of the District.
- Policy EV2: Countryside.
- Policy EV5: Sites of Special Scientific Interest (SSSI)
- 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 RC8: Recreational routes.

## **Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP)**

- NP1: Sustainable Development.
- NP2: Design Principles for Residential Development.
- NP3: Housing Type.
- NP4: Protecting the Landscape Character.
- NP5: Protecting and Enhancing Heritage Assets.
- NP6: Improving Access to the Countryside.
- NP8: Improving Digital Connectivity

National Planning Policy Framework, paragraph 30 identifies the relationship between the neighbourhood Plan and the ALPR.

### **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.
- Part 16: Conserving and enhancing the historic environment.

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

### **Supplementary Planning Documents**

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

### **Legislation**

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development.

### **Relevant Planning History**

- **V/1975/0839** – Site for residential development. Refused. 15/01/1976
- **V/1992/0366** – Site for residential development. Refused. 16/07/1992
- **V/1994/0720** – Site for residential development. Refused. 05/01/1995
- **V/2011/0503** – Outline application for residential development for a maximum of 230 dwellings including access and associated development. Planning Appeal Allowed.

The Council gave 7 separate reasons for refusing the application, these are summarised below:

- The proposal being inappropriate development and contrary to the Local Plan.
- The development having an adverse impact on the character and appearance of the area.
- The proposal failing to provide good quality housing, a good mix of housing, the site being unsuitable for housing and an inefficient use of land.
- The development being detrimental to the setting of the Heritage Asset Skegby Hall Historic Park and Garden.
- Insufficient information being supplied to demonstrate that an appropriate design can be accommodated on the site at the density proposed.
- Insufficient information to satisfy the Local Planning Authority in relation to drainage, flooding and the impact on Nightjars and Woodlarks.

The application was considered by the Planning Inspector, at a public inquiry, and recommended that the appeal should be allowed. The appeal was recovered by the

Secretary of State for Communities; with the Secretary of State agreeing with the Inspector's conclusions and recommendations. The appeal was allowed on the 7<sup>th</sup> March 2013.

As the relevant LP policies are out of date, the Secretary of State gave significant weight to the fact that the Framework indicates that, in the absence of a 5-year housing land supply - in an up-to-date, adopted development plan - planning permission should be granted for the proposal.

He was satisfied that the appeal site is in a sustainable location for housing development and that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Therefore, he did not consider that there are any material considerations of sufficient weight to justify refusing planning permission.

- **V/2015/0511** – Application to vary conditions attached to planning approval V/2011/0503. Withdrawn.
- **V/2016/0169** – Reserved matters application of planning permission V/2011/0503 for 177 dwellings including access and associated development. Reserved Matters Consent.

### ***Condition Discharge Applications***

The following applications have been submitted to discharge conditions:

- **V/2019/0025** - Application for Approval of Details Reserved by Condition 2- Construction Management and 4 - Landscape Details of Planning Permission V/2016/0169.
- **V/2019/0027** - Application for Approval of Details Reserved by Conditions 6 - Speed/Traffic Management Scheme, 10 -Nesting Boxes, 11 - Access for Bats, 13 - Phase 1Habitat Survey, 14 - Protected Species Survey, 18 - Boundary Treatment, 22 - Materials and Finishes, 23 - Coal Mining Risk Assessment, 24 - Air Quality Assessment, 25 - Environmental Studies of Planning Permission V/2011/0503 Approved by Appeal Reference APP/W3005/A/12/2179635.
- **V/2019/0078** - Application for Approval of Details Reserved by Conditions 8 - SINC Quarry Protection, 12 – Tree Removal, 19 - Parking, Turning, Access, Drainage and Associated Highway Works and 20 - Drainage of Surface Water of Planning Permission V/2011/0503.

Duplicate applications have been submitted in respect of the above three applications, with the reference numbers: V/2018/0164, V/2018/0165 and V/2018/0166.

## **Environmental Assessment**

On the previous appeal decision, in 2013, it was directed by the Secretary of State that the development is not Environmental Impact Assessment (EIA) development. As part of this application a new screening exercise has been undertaken, and it is considered the proposals remain to be seen as non EIA development.

## **The Site**

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

1. Principle of Development
2. Impact upon the Landscape Character
3. Design – Layout, Appearance and Scale
4. Housing Density and Mix
5. Residential Amenity
6. Residential Amenity
7. Highways Safety
8. Historic Environment and Archaeology
9. Drainage and Flooding
10. Land Contamination and Stability
11. Biodiversity and Ecology
12. Footpath
13. Other Issues
14. Planning Obligations and CIL Compliance
15. Viability
16. Planning Balance and Conclusions.

### **1. Principle of Development**

#### *The Previous Application*

The site received Outline Consent, on appeal. The applicant has submitted applications to discharge the relevant pre-commencement conditions and made a start on the site. However, Condition Discharge Application V/2019/0078 was called-in to Planning Committee and the relevant pre-commencement conditions are yet to be fully discharged.

Case law provides that works undertaken prior to a formal approval may lawfully commence a development, where an application is made before the expiry of the relevant planning permission. Therefore, should the relevant conditions be successfully be discharged, then the permission is extant. This is a material consideration. However, this is a separate full planning application and therefore must be assessed on its own individual planning merits and on the basis of the information provided.



### *The Development Plan and NPPF*

Legislation requires that the application be determined in accordance with the statutory development plan, unless material planning considerations indicate otherwise. The statutory development plan comprises the Ashfield Local Plan Review (ALPR) adopted in 2002.

The NPPF sets out the governments planning policies and is a material consideration in planning decisions. The NPPF does not change the statutory status of the development plan for decision-making, but provides guidance for decision takers in determining planning applications. The NPPF stresses, in paragraph 213, that due weight should be attached to development plan policies dependent upon their alignment with the NPPF.

The application site is located outside the development boundary of Skegby/Sutton in Ashfield. The most relevant policies are ST4 and EV2 of the Ashfield Local Plan Review (2002) (ALPR). Policy ST4 is restrictive of development outside the main urban areas and named settlements. In this regard it lacks the balancing exercise required by the NPPF.

The application site is located on land designated as Countryside under Policy EV2. This policy sets out the types of development considered appropriate in the countryside. None of the criteria apply to the proposal. However, Policy EV2, when read as a whole, is not fully consistent with the NPPF as it arbitrarily restricts proposals to various forms of development that meet certain specific criteria. This is contrary to the more balanced approach within the NPPF. As a result, limited weight must be given to any conflict with Policy EV2 of the Development Plan.

The Teversal, Stanton Hill and Skegby Neighbourhood Plan (NP) 2016 – 2031 boundary runs through the site. A substantial part of the proposed residential area off Vere Avenue is not within the NP Area. Policy NP1 seeks to ensure that development is sustainable by reference to economic, social and environmental matters, high quality design and housing meeting identified local need. The text of the NP suggests that development on the edge of settlement is anticipated and the aspiration is that such development be well integrated with that existing. Though, it is noted that the NP was adopted after the appeal decision on the outline application.

### *Housing Land Supply and Delivery Test*

The NPPF identifies that the Government's objective is to significantly boost the supply of homes. The Council is required to identify a 5 years supply of deliverable housing sites, but currently has only 2.53 years.

The titled balance of paragraph 11 of the NPPF is therefore engaged. In this case, 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. The position on the 5-year housing supply will also apply to policies within the Neighbourhood Plan.

## **2. Impact upon the 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 EV2 of the Ashfield Local Plan Review sets out protection for the character of the countryside and its openness. The application site is located in a mature landscape area set out in ALPR Policy EV4. The land forming the application site also falls within Zone NC08 River Meden Valley in the Greater Nottingham Landscape Character Assessment (LCA) 2009. The land is not subject to any national landscape designation.

The proposal is located within the Countryside and forms part a Mature Landscape Area – albeit described as having a moderate strength within the LCA. In terms of broad landscape characteristics, the site comprises undeveloped agricultural fields, divided by hedges, with the central area of open space containing a stream running through the middle. From the representations received, it is clear that local residents attach value to the landscape. However it is heavily influenced by the urban fringe, especially where the areas of housing are to be positioned. For this reason, the site is considered to be a medium landscape value and not a valued landscape for the purposes of the NPPF.

The impact of development on the character and appearance of the area was assessed as part of the planning appeal in 2013. The Inspector concluded that the development would not have a significant impact on the character of the landscape generally and that neither the impact of lighting, nor vehicular and pedestrian movement be significant as to be harmful to the character of the area.

The Inspector did, however, identify that the development shown on the illustrative plans would result in significant harm and accordingly chose not to specify the number of dwellings. This was due to the indicative layout plan showing a harsh boundary on the southern development section adjacent to the stream. The submitted plans now show an open strip, which will require landscaping. The Inspector also had concerns surrounding a hard boundary on the northern development section. To overcome this, the latest housing layout provides variation to its orientation– with some housing now fronting onto the open space.

Clearly, however, the development would result in some harm to the landscape, through the provision of built form on currently open Greenfields. Particularly, there would still be harmful impacts on views from the public footpath to the east and from the central area of public open space. There would be further harmful impacts from where the southern section abruptly abuts the central area of open space, however the hedgerow being retained softens the impact. The new access road does result

in harm to the landscape – however given the previous decision by the Inspectorate and Secretary of State on this aspect, it is considered that it would be difficult to refuse the application on this basis.

The NP in Policy NP4 and the supporting text emphasises the importance of the green corridor between Stanton Hill and Sutton in Ashfield. The development proposal would erode the edges of the two settlements. However, the housing would be located adjacent to the settlement boundary. There would be a significant area of open space between the two areas of housing, retaining the separation between Skegby and Sutton-in-Ashfield. Moreover, the map, shown on page 50 of the NP, identifies the areas of housing as being granted on appeal. The proposal would therefore not result in undue erosion of the green corridor.

Overall, there would be some harmful effects on the character appearance of the landscape. In this respect there would be a degree of conflict with Policies EV2 and EV4Rn of the ALPR and Policy NP4 of the NP, in so much as they seek to protect landscape character. Lastly, there would be conflict with the framework which recognises the intrinsic character and beauty of the countryside and to ensure decisions contribution to and enhance the natural environment.

### **3. Design – Layout, Appearance and Scale**

The Local Plan sets out policies on design aspect in Policies ST1 and HG5. The TSSNP sets out in Policy NP2 Design Principles for residential development which includes specific design characteristics related to Skegby and emphasizes the need for creating and improving connections and to maintain visual openness to the countryside. The policies within the development plan are supported by the provisions of the NPPF part 12. A National Design Guide has also been published since the submission of the application. The application is supported by a building for life assessment in accordance with the guidance in the NP.

The scheme includes a mix of 2, 3 and 4 bedrooms, two storey dwellings. The development site to the north is of a higher density than the southern section. The general road layout, of the southern section, is similar to that which received reserved matters consent in 2017 (Ref: V/2016/0169). The road layout consists of two main branches heading from north to south and a small cul de sac serving the cluster of houses in the north east. The two main branches are linked in the centre by a band of greenspace. There are no significant concerns regarding the layout of the southern section.

In terms of the layout of the northern section, a loop connects the two access points, with a series of cul de sacs branching from a road running east to west. However, there are concerns that the proposed layout no longer includes the wider looped road system, with a central green walk leading to a kick-about area. This has been replaced with the series of four cul-de-sacs and the kick-about area has been

removed. Though, it is noted that one significant benefit of the currently proposed northern layout, is the provision for a future access to the land to the west.

The kick-about area's inclusion within this scheme has been specifically requested by the Council Localities Team. However, the applicant considers this to be unnecessary, as the proposed development is located within the catchment of two other recreation grounds - Healdswood Park to the north and Stoneyford Road/Stamper Crescent to the south. The applicant has also stated the development involves leaving a substantial area of policy compliant open space, which will be managed and maintained. In addition, that the previous location of the kick-about area would also entail fairly significant retaining wall along the southern boundary of the development parcel off Gilcroft Street.

However, the Councils Places and Localities team maintain that a flat area of usable public open space is essential for amenity. The existing POS provision is on a very steep slope and therefore of limited value for everyday use. Although, the two proposed housing areas are covered by the catchment of Healdswood and Stoneyford Recreation Grounds, children living in the new development need safe access to usable space close to home. Accessing Healdswood Recreation ground also requires navigating the busy Mansfield Road.

The kick-about area was something considered specifically by the Inspector in approving the previous outline scheme. The lack of kick-about area and central green walk therefore result in a less attractive form of development than previously approved. It is also noted their removal from the scheme has resulted in a higher density of development being achieved on the northern parcel.

The proposed dwellings would be all two storeys and of brick construction. They are part of Gleasons standard house type range. They would be of an typical modern design and would not appear as unduly out of character with other residential dwellings nearby. The proposed dwellings do not foster a sense of place, sustaining a refusal on this reason may be difficult to substantiate or evidence.

Finally, it is accepted, that the development features a high level of pedestrian connectivity into the wider settlement. The northern section features footpaths into Skegby Hall Historic Park and Gardens, the open space to the south and fields to the west; with the southern section also containing paths linking into the adjacent public footpath to the east. Footbridges have also been included over stream to enhance connectivity and its desirability for leisure use.

In summary, although the development provides a high level of connectivity and future linkages – there are concerns over the loss of the kick-about area and a central green walk previously seen on the reserved matters approval. Accordingly, there is some degree of conflict with the relevant policies contained with the NP, ALPR and the NPPF.

#### **4. Housing Density and Mix**

Saved Policy HG3 sets out a minimum density requirement of 30 dwellings per hectare for a site in this location. The developable area – excluding the wider area of open space – amounts to circa 28 dwellings per hectare. This marginally lower level of density is considered acceptable in this location, having due regard to the countryside characteristics of the site. Such allowance for a lower density is set out within the supporting text accompanying Policy HG3 of the ALPR (paragraph 5.56). The proposed mix of dwellings as set out in the opening section of the report is considered to be acceptable.

#### **5. Residential Amenity**

Saved Policy HG5 of the Local Plan is a criteria based policy which seeks to ensure that new residential development is acceptable. This includes, inter alia, protecting the amenity of neighbouring properties, minimising overlooking, provision of adequate amenity space, adequate boundary treatment, suitable access and parking. Policy HG5 is backed up by the Ashfield Residential Design Guide SPD 2014, which contains guidance on matters such as minimum separation distances and garden sizes.

##### *Existing Residents*

The proposed development would retain adequate separation distances to all neighboring properties, which comply with the Councils Residential Design Guide (2014). This would ensure there would be no harm to nearby residents through any loss of privacy, or loss of light. Details of finished floor levels would need to be secured through an appropriately worded condition to ensure an adequate relationship to surrounding properties.

##### *Future Residents*

The Councils Residential Design Guide SPD (2014) sets out minimum garden size standards. All of the proposed dwellings would meet the minimum requirement.

The national Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings. However, Planning Practice Guidance is clear in stating that if an LPA "wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.". In the case of ADC, we have not adopted the national space standards; however, there is a Residential Design SPD, which contains the relevant local standards.

The Councils Residential Design SPD sets out that order to protect the amenity and well-being of the future occupants, each dwelling should be adequate for the family or household which is likely to occupy it. New housing is expected to be big enough

to meet the needs of the occupants for living, cooking, dining, sleeping, washing and storage of household goods with convenient access to adequate amenity space.

The relevant floor space standards are each based on the number of bedrooms and bed spaces (persons). No furniture is shown on the submitted layout – so it is unclear on bedspaces proposed in each dwelling. For the purposes of the assessment below, the housetypes have been assessed against the lower amount of bedspaces. Although, this in reality maybe higher, it gives a clear indication of the schemes shortfall.

House Type	No. of Beds	Floor Space (M2)	National Standard (M2)	Local Standard (M2)
201	2	60.48	70	62
212	2	62.37	70	62
301	3	70.56	84	77
304	3	71.71	84	77
307	3	75.00	84	77
309	3	73.24	84	77
310	3	73.24	84	77
311	3	70.56	84	77
313	3	75.31	84	77
314	3	75.31	84	77
401	4	99.00	97	93
403	4	97.36	97	93
405	4	108.89	97	93

Apart from the four bedroom dwellings, which even then have been assessed against the lowest bedspace threshold, all of the others fail to meet the National Space Standards. Likewise, with the standards contained within the Councils Residential design SPD, apart from one two bedroom house type and the four bed properties. all of them also fail to meet the standards. The overall scheme therefore shows a significant shortfall when assessed against both the national and local housing space standards.

Officers are mindful that these are product types which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more affordable, even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales. This must be weighted in the overall planning balance and with emerging guidance.

There is a growing body of evidence to support the case that new build housing should meet minimum required standards. The Building Better, Building Beautiful Commission is clear that 'we believe that all homes – new build or conversions - should meet minimum standards for space, amenity and comfort, as well as the

safety of the people that live there.' A recent government announcement also set out that all new housing delivered under permitted development rights must meet the national space standard. It is clear there is push towards building a better quality and standard of housing in Britain.

## **6. Locational Accessibility**

Paragraph 103 of the NPPF, states that the planning system should actively manage patterns of growth, with significant development focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a choice of transport modes. A number of residents have voiced concerns regarding the locational sustainability of the site and lack of public transport.

The areas of housing are located on the edge of, and well connected to, the nearby settlements. Nottinghamshire Travel and Transport have advised that although the walking distances to the centre part of the development site exceeds the guidance of 400m to a bus stop, it is still considered acceptable. The Secretary of State also concluded, on the 2013 appeal, that he is satisfied that the appeal site is in a sustainable location for housing development.

However, it is noted that the Spira Service recently discontinued; this was service running to Chesterfield and was found to not be commercially viable. However, there are still bus services, within a reasonable walking distance, that connect the development into larger settlements.

The Highways Authority have noted that in addition to the £118,400 paid under the extant outline planning permission an additional contribution of £21,600 will be made. This will be used towards public transport enhancements. The applicant has also agreed to provide 2 improved toucan pedestrian/cyclist facilities at Quarrydale/Stoneyford Rd junction and near Mansfield Rd/Buttery Lane junction. This helps enhance the sites overall accessibility.

## **7. Highways Safety**

The Ashfield Local Plan Review (2002) Policy ST1, set out that, amongst other matters, development will be permitted where it (c) does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF (paragraph 109) states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

The impact of the development on the surrounding road network has been assessed through the relevant Transport Assessment work. This includes assessment of other committed development in the vicinity (Brand Lane and Stoneyford Road). Along with modelling of relevant junctions. The applicant has agreed upgrades at the junctions of Mansfield Road/Priestsic Road/Downing Street and Mansfield Road/

Dalestorth Street/Outram Street to mitigate the impact of the development trips. The Highways Authority have not objected to the development and therefore a refusal of planning permission would be difficult to sustain as regards to impact on network capacity.

The southern development parcel would be accessed via a new vehicular road onto Stoneyford Road. This has been designed to meet with the requirements of the geometric requirements of the Highways Authority and will incorporate pedestrian refuges and a dedicated right turn lane on Stoneyford Road. The northern development parcel is to be accessed from the ends of Gilcroft Street and St Andrews Street. Where the ends of these streets meet Mansfield Road, new pedestrian refuges are proposed. The Highways Authority have not raised any objections regarding access to the site.

In terms of the internal layout and parking, the Highways Authority have raised an issue of an over reliance on tandem parking arrangements. However, generally, the site proposes a good mix of frontage and tandem parking and it is considered this would not lead to undue safety concerns. The properties are also each provided with sufficient parking spaces in accordance with the Councils Residential Parking SPD (2014).

In accordance with the advice received from the Highways Authority, it is considered that the development, subject to appropriate planning conditions, would not lead to an adverse impact on highways safety.

## **8. Historic Environment and Archaeology**

Skegby Hall Historic Park and Garden is located adjacent to the northern part of the application site. ALPR Policy EV14 identifies that development will not be permitted where it would adversely affect historic parks and gardens and includes Skegby Hall Park and Gardens. Similarly, Policy NP5 of the TSSNP sets out the desirability of preserving the setting of the Gardens. Skegby Hall Gardens are not designated gardens under the Register of Historic Park and Gardens.

Under the NPPF the Gardens are classified as a non-designated heritage asset. The NPPF paragraph 197 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Skegby Hall Gardens are an 18<sup>th</sup> century garden, which once served the adjoining Skegby Hall (Grade II listed). This is from where their significance derives. The housing would be visible in the same vista as the Historic Park and Garden when viewed from the high point on Public Footpath 142. However, the northern development site is well screened with trees along its eastern boundary. Greater



legibility would also be provided, with the provision of pedestrian links, footbridges and an access gate for maintenance vehicles. There would be no direct loss of the heritage asset, rather the development would effect the setting when viewed from certain vantage points. This harm is considered to be fairly limited and in terms of the balanced judgement required by the NPPF would not warrant a reason a refusal of planning permission.

The application is supported by a Heritage Statement, which assesses the impacts of the development on designated heritage assets. The report identifies that the development would be unlikely to affect the heritage significance of the assets and would not be considered harmful within the means of the NPPF. The application and accompanying information have been assessed by Historic England and the Council's Conservation Officer, both of whom have raised no objections.

An Archaeological Desk Based Assessment has been submitted with the application. This concludes that based on the archaeological evidence and the potential for unknown remains to survive buried within the site - little impact is likely to occur from the proposed residential housing scheme.

## **9. Drainage and Flooding**

A number of concerns have been received, through local representation, about flooding issues in the area. The application is supported by a site specific flood risk assessment. This sets out that the application site is located in flood zone 1 and there is no evidence of the site having been affected by flooding in the past. The Local Lead Flood Authority have assessed the submitted information and raised no objections. As a result, it is considered that refusing the application on the grounds of flooding and flood risk would be difficult to substantiate.

Concerns have been raised in regards to sewage overflow at Skegby Brook. Severn Trent Water have been consulted and raised no specific objections, subject to a condition requiring details of the surface and foul water system. Likewise, the Environment Agency have raised no objections. To mitigate against this issue a condition is recommended to include the requirement for a hydraulic modelling study on the combined sewer overflow to the north east of the site. This is in order to determine if the proposed flows can be accommodated in the existing system, or if improvements are required.

## **10. Land Contamination and Stability**

The Coal Authority highlight that within the site, and surrounding area, there are coal mining features and hazards, which need to be considered. The applicant has submitted site investigation reports, which have been assessed by the Coal Authority, whom have raised no objections, subject to the imposition of a condition ensuring mitigation measures are undertaken.

In terms of land contamination, site investigations have been submitted for the central quarry area, northern and southern development site. These reports have been assessed by the Councils Environmental, whom have raised no objections to the development of the site from a land contamination perspective.

## **11. Biodiversity and Ecology**

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 site of importance for nature conservation. National Planning Policy Guidance on the natural environment was also updated in July 2019 and now includes new guidance on biodiversity net gain, Nature Recovery Networks and mapping Local Sites.

Land relevant to this application contains the Skegby Disused Quarry II and the Stanton Hill Grasslands. These are non-statutory local designated nature conservation sites. An access road would be formed through these Local Wildlife Sites (LWS). To the north east of the development site lies the Skegby Riparian Woodland LWS.

It is noted that the site lies within the buffer zone for the possible Sherwood Forests potential Special Protection Area (pSPA). However, Natural England have assessed the application and advised there would be no significant impact on statutorily protected sites. Please note that Local Wildlife Sites are not protected by law, and Natural England's comments do not apply to them.

### **Impact on Local Wildlife Site and Habitats.**

The formation of the access road and creation of SuDs would result in direct habitat loss within the Local Wildlife Sites (Skegby Disused Quarry II and the Stanton Hill Grasslands), with their also being potential for indirect habitat damage during construction and inadvertent pollution events into the adjacent streams. The NWT have also identified further potential impacts upon the LWS through increased visitor pressures, especially where there are paths formed to connect the developments.

The proposal would also involve the loss of some trees and hedgerow. These are identified in the submitted Ecological Impact Assessment and Tree Survey. It would therefore involve the loss of 'BAP Habitat' (Biodiversity Action Plan).

The applicant has set out a compensation and mitigation strategy. They advise that the mitigation includes routing the access road through the areas of lower ecological value, strict construction protocols and a lighting strategy. This also includes the SuDs area being located within an area of low grassland value. The compensation and enhancement includes habitat management and creation- through additional hedgerow and tree planting, wildflower seeding and habitat woodpiles. The habitat

creation and management measures shall be implemented through an over-arching management plan.

An objection has been received from the Nottinghamshire Wildlife Trust (NWT) as they consider that the proposal will result in unacceptable loss and fragmentation of the Local Wildlife Sites (LWS) contrary to saved policies in the Ashfield Local Plan, National Planning Policy Framework and Planning Practice Guidance. They also dispute the biodiversity Metric data and whether a Net Biodiversity Gain can be achieved

As there are competing views from NWT and the applicants ecologist over the impact, the Council felt it prudent to gain an independent review of the ecological information. The comments of these are summarised earlier in the report. Amongst other matters, the independent advice recommended that a National Vegetation Classification survey be carried out to ensure that the correct value is being assigned to the grassland habitats.

The applicant has since carried out an NVC Survey and the biodiversity metric calculator (Warwickshire pilot metric model) has been updated with the results. The result indicates a post development increase of 10.54 units, or a net gain of 11.9%. Though the model differs from that recommended by the independent consultant, the results of the metric clearly indicate a net-gain being achieved. This gain is consistent with the 10% muted in the new Environment Bill. Furthermore, the applicant has noted a commitment to long term maintenance of the habitats – through a Section 106 – and this will help to ensure a net-gain can be achieved.

Nottinghamshire Wildlife Trust have objected to the application on the grounds of the harm to the LWS; however, the issue of the road through this area was considered by the Inspector as part of the previous planning approval. Though, it is noted this current scheme now features the proposed SUDs area in the LWS – this is located on an area of low grassland value. The evidence, submitted by the applicant, currently shows a biodiversity net-gain of 11.9% and longer term management of the LWS and relevant habitats will be secured through a Section 106.

### Impact on Protect Species

A suite of ecological surveys was undertaken between April and September 2018, comprising an extended phase 1 habitat survey, breeding bird survey, bat activity survey, reptile presence/absence survey and badger survey. A great crested newt survey was undertaken between March and May 2019, and a water vole survey in June and July 2020. Additionally, a general update walkover survey of the site was completed in July 2020. The applicants Ecologist has confirmed that all the survey information is considered to be valid.

The results of the protected species have indicated an outlier badger sett with low level of badger use. The sett is located outside development site and will not be

directly affected. However, given that new sets can be dug at any time of the year, a re-survey for badgers will need to be carried out prior to construction. There will also need to be measures in place to ensure that the construction phase of the development does not affect badgers.

In terms of water vole, the results of the surveys indicate that water vole may occur with two streams on a sporadic basis, but that a stable water vole population is not present. The applicant's ecologist recommends that a repeat water vole survey is undertaken prior to the carrying out of works that may affect either stream.

No great crested newt were recorded during the surveys undertaken in Spring 2019. The ponds surveyed were assessed as being of poor suitability for GCN and given the lack of GCN recorded within ponds within dispersal distances of the Site - it is concluded that GCN are extremely unlikely to occur.

In terms of birds, a number of Red and Amber Listed Birds of Conservation Concern were recorded, although the bird assemblage overall was considered to represent a reasonably typical, rather than an exceptional, urban-fringe assemblage. In particular, the presence of the Willow Tit is notable and encouraging the species is desirable. The habitat along the stream and the areas of woodland at either end provide good quality habitat for this species. The applicant's ecologist therefore recommends provision of five willow tit nest boxes along the stream corridor.

A resident has raised concerns that a barn owl has been spotted on the site. NWT have therefore identified that specific measures should be included within the mitigation/compensation strategy. A barn owl was observed flying over the site during the 2018 survey. The applicant's ecologist has noted that Skegby Disused Quarry LWS does have suitable hunting habitat for this species, but does not contain suitable breeding habitat and that the long-term management of the grasslands and scrub would favour suitable hunting conditions.

## **12. Footpath**

The NP forum has written in raising concerns over the loss of well used footpaths. There is currently a Modification Order Application to add 2 routes to the Definitive Map, submitted by the NP forum. Should the Order be successful, then the applicant will be required to submit an application – either under the Town and Country Planning Act (1990), or Highways Act (1980) to modify the line of the path. An informative note needs adding to the decision so this is made clear to the applicant.

## **13. Other Issues**

### *Air Quality*

An Air Quality Assessment has been submitted with the application, this concludes that the additional traffic flows associated with the operation of the development are

considered to result insignificant effect on air quality when assessed against the guidance. It is however identified that mitigation measures should be used during the construction phase to reduce the potential for dust particles.

### *Light Pollution*

Given the extent of development an increase in light pollution is inevitable. However, a condition requiring the submission of a lighting strategy could ensure the impacts are minimized. This would be in the interests of protecting both landscape character and ecology.

### *Lack of Consultation*

A concern has been raised by the NP forum over a lack of consultation undertaken with residents. A site notice and press notice have been posted, together with individual notification of adjacent residents. The consultation has therefore been carried out in accordance relevant legislation and the Councils Statement of Community Involvement.

### *Minerals*

NCC have noted that the site lies within the Mineral Safeguarding and Consultation Area for limestone. The applicant must therefore consider prior extraction of limestone. In response, the applicant notes that any extraction works would inevitably cause harm to biodiversity, the cost of the extraction would be prohibitive and that the principle of residential development has been previously established. These are considered to be reasonable arguments and that a refusal on the grounds of stifling future mineral extraction would be difficult to substantiate.

## **14. Planning Obligations and CIL Compliance**

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 £819,064 (£19,048 x 43), The calculation has been made based on the planning area of a cluster of primary schools and seeks a contribution of facilities directly stemming from the likely school age children living at the development site. This would meet the tests set out above.

A contribution of £585,849 (33 places x £17,753 per place) has been requested towards secondary education. The data also shows that there is a predicted deficit in

the number of secondary places within the secondary planning area, when factoring in proposed developments. Particularly, there is a significant shortfall at Quarrydale Academy. Accordingly, a contribution is required to make up the shortfall.

### ***Public Open Space***

A Public Open Space contribution has been sought from the Councils localities team comprising of £217,000. This would be broken down as follows:

- Tarmac scooter/ skate track for Healdswood Rec - £73k
- Additional play equipment at Healdswood Rec - £48k
- Additional play equipment at Stoneyford Road Rec - £48k
- Additional activity equipment for young people at Stoneyford Road Rec - £48k
- These figures include an allowance to maintain the equipment for a period of 15 years.

Saved Policy HG6 of the ALPR sets out that residential development will only be permitted where 10% open space is provided on sites of two hectares. Although where this is not appropriate a planning obligation can be negotiated. The wider site would provide some 28 acres of general open space. However, no formal space would be provided. The residents are highly likely to utilise these nearby formal recreation grounds. The requested contribution therefore meets the tests.

### ***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. Based on 206 dwellings this amounts to £111,625. This is considered to be necessary to make the development acceptable, and is fairly related in scale and kind.

### ***Waste***

The housing growth in the area means it will be necessary to build a new split-level Recycling Centre. In order to meet growing demand a financial contribution of £11,672.28 is sought. The contribution is directly related to the development and the submitted formula by NCC shows this to be of a proportionate level.

### ***Travel and Transport***

In light of the withdrawal of the Spira Service, and the additional demand arising from this development, a Bus Service Contribution of £100,000 has been requested from NCC to provide additional bus service and/or community transport facilities to serve

the development. The rationale and formula behind the request is set out within the response from NCC. This contribution meets the tests.

A contribution of £40,000 has also been sought for bus stop improvements nearest the site (located on St. Andrews Street and Stoneyford Road). The current level of facilities at the closest bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel. This contribution meets the tests.

### ***Affordable Housing***

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

## **15. Viability**

As per Planning Practice Guidance all Viability information pursuant to this application has been published on the Council's website and is contained in the background papers to this agenda report.

The application has been supported by a Viability Appraisal, which has been assessed by an Independent Expert. The Independent Appraisal has agreed that the scheme is unable to support the full contribution requirements as detailed in the section above. This equates to £1,885,210 along with 10% affordable housing.

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 landowner to release the land for development. If the appraisal returns a residual land value above the BLV, the site is deemed to be viable, if it falls below the BLV the site is considered to be unviable.

It is considered that a benchmark land value of £1,588,300 - of just over 9 times the existing use value - is considered to be acceptable for the site. A policy complaint scheme incorporating 10% on-site affordable dwellings and S106 costs totaling £1.9m returns a land value of just over £200,000 (significantly below the benchmark value). On this basis, the level of contribution requested is deemed to be unviable.

To ensure the scheme is viable, the Section 106 'pot' of contributions would need to be reduced. In this regard, Gleeson's have made two offers: Option 1 is a contribution of £838,112 and 10% Affordable Housing, with Option 2 being a contribution of £1,423,961, with no affordable housing. Both of these offers includes a contribution of £118,400, which has been paid for as part of a Transport Contribution pursuant to the previous approval.

These offers have been checked by an Independent Expert. Option 1 would equate to a developer profit of 18.4% on revenue, with Option 2 equating to 16.91% profit on revenue. Both therefore fall within an acceptable range of developer profit in

accordance with Planning Practice Guidance for making Local Plans. The County Council have been consulted with the updated information and have advised that their preference would be for Option 2.

Although, the Viability information has been assessed and demonstrated the scheme cannot viably support the full policy requirements. Without the scheme substantially meeting these requirements, there are significant reservations about the schemes sustainability. Option 1 from Gleeson would comprise a primary education contribution of £719,712, which does not meet the minimum required –nor provide any secondary education, healthcare, or public open space contributions.

In terms of the Option 2 offer, this would meet the full primary education contribution required – but would only provide £467,449 towards secondary education. In this case, no affordable homes would be provided, nor any contribution towards healthcare, or public open space. Given the shortfall of affordable homes in the district, this is considered to raise significant concern.

Particularly, in terms of viability, there is need to take into account the previous planning appeal at the site – where the applicant stated the scheme was viable. The final scheme included a development of 177 dwellings, significantly below the 206 homes proposed here. As part of this permission, there was a signed Unilateral Undertaking with Section 106 receipts totaling £672,034 along with 10% affordable homes. These receipts are adjusted for inflation.

Notwithstanding the viability evidence, the Council are being asked to accept a scheme with an increase of 29 dwellings with a very minimal increase in overall Section 106 receipts. This is also on the basis of them not providing a kick-about area, albeit management of the open space area would fall onto the applicant. It is also noted that the previous Section 106 does not include any contributions towards healthcare, or school places.

At the previous appeal, the applicant assured the Inspector that the scheme was viable and subsequently submitted a detailed scheme – where the issue of viability was again not raised. It is also understood Gleeson wish to utilise the scheme as a fall-back position; however, it is clear they do not necessarily want to implement the scheme given this current application.

Many of the local residents have voiced concerns over the ability of services and infrastructure to cope with the development. The NP also sets out in paragraph 125 that the existing capacity of doctors and schools was raised throughout the process. It is clear therefore there is significant concern amongst the local community.

The evidence and correspondence received also supports this position, setting out a clear a requirement for school places (secondary and primary), healthcare provision, transport as well as affordable housing. The proposed development does not appear capable of meeting its full requirements and would therefore place undue pressure on existing services.



Accordingly, it is considered that the proposals do not represent a sustainable form of development. In this regard, there is conflict with Policy NP1 and community objective 3 of the NP. The proposal would also fail to meet the criteria for sustainable development set out with the National Planning Policy Framework.

## **16. Planning Balance and Conclusions**

Legislation dictates that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council cannot currently demonstrate a 5-year housing land supply with a significant shortfall of 2.53 years. Accordingly, the titled balance is 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.

Firstly, the application site is located outside the development boundary of Skegby/Sutton in Ashfield. The proposal would therefore be contrary to Policies ST4 and EV2 of the ALPR. However, these policies are considered to be not entirely consistent with the NPPF. In addition, the application site has been subject to planning appeal – where outline consent was granted. A refusal on the grounds of the principle of development could therefore not be sustained.

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.

In Social terms, there would be benefit from the provision of 206 new homes, these would be an appropriate mix of 2, 3 and 4 bed properties. This holds significant weight in favour of granting planning permission. The proposal also features a high level of pedestrian connectivity into the wider settlement. However, there are concerns over the proposed design, layout and erosion of the benefits from the original outline approval, particularly the lack of kick-about area being provided. The majority of the proposed dwellings also fail to meet both the national and local space standards. It is also unclear as to the contribution this scheme will make to improving place, where there are standard house types within a highly visible location on the urban fringe.

Furthermore, it is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. However, the development would result in a shortfall of the required contributions towards healthcare, education, public open space and affordable housing. Albeit, it is recognised that the viability information has shown that the development cannot viably support the full level of contributions required.

In economic terms, construction works would create employment opportunities and the provision of housing would increase local spending and tax receipts, all of which would contribute towards the local economy. This is of moderate weight. However, there would be implications on the local authority to meet the gap in funding for the relevant services required by the proposals.

In environmental terms, the proposal would the formation of the access road and creation of SuDs would result in direct habitat loss within the Skegby Disused Quarry II and the Stanton Hill Grasslands Local Wildlife Sites. There would also be the loss of habitats in the form of trees and hedgerows. However, the applicant has set out a comprehensive compensation and mitigation strategy. With the biodiversity metric showing a net-gain of 11.9%.

There would be harm to the landscape, as detailed within the body of the report. However, based on the previous appeal decision at the site, which was subject to a call-in by the Secretary of State, a refusal on the basis would be difficult to justify. A number of residents have also voiced concerns over flooding and drainage. Particularly, around a sewage overflow at Skegby Brook. However, Severn Trent, The Local Lead Flood Authority and the Environment Agency have all been consulted – without any raising objections. Again, a reason for refusal would be difficult to substantiate on this basis.

Overall, however, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It is therefore recommended that, on balance, the application be refused, for the reasons set out below:

## **Recommendation: Refuse Planning Permission**

It is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The proposals therefore do not represent a sustainable form of development, namely where:

1. The design and layout of the development is considered to be unacceptable, particularly where no kick-about area is being provided. The proposals also do not contribute sufficiently to improving place. This is contrary Part 12 of the National Planning Policy Framework, Policies ST1 and HG5 of the Ashfield Local Plan Review and Policy NP2 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP)
2. The gross internal floor area of the majority of the proposed dwellings fails to meet both National Described Space Standard and local space standards contained within the Councils Residential Design SPD. The housing would therefore be of an insufficient standard for future occupiers.
3. The proposal does not constitute sustainable development as it does not provide the detailed infrastructure needs arising from the development. The proposal fails to provide an appropriate level of contributions towards education, healthcare, public open space as well as sufficient affordable housing. This is contrary to the National Planning Policy Framework, as well as Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP) Policy NP1.

## Appendix A – Final Plans and Document List

The **final plans** for consideration are as follows:

### Layout

- 428-5 2W 3R Combined
- 428-5 2W
- 428-5 3R

### Housing Type

- 201 Type drawing 201/1G
- 202 Type drawing 202/1F
- 212 Type drawing 212/1-
- 301 Type drawing 301/1H
- 304 Type drawing 304/1E
- 307 Type drawing 307/1B
- 309 Type drawing 309/1E
- 310 Type drawing 310/1D
- 311 Type drawing 311/1B
- 313 Type drawing 313/1-
- 314 Type drawing 314/1-
- 315 Type drawing 315/1A
- 401 Type drawing 401/1G
- 403 Type drawing 403/1J
- 405 Type drawing 405/1E
- SD700C – Detached single garage (standard)
- SD701D – Detached double garage (standard)
- SD1700 – Detached single garage (parking compliant)
- SD1701 – Detached double garage (parking compliant)

### Other

- Topo Sheet 1 – MJG/SK/15 Sheet 1 of 3 rev A
- Topo Sheet 2 – MJG/SK/15 Sheet 2 of 3 rev A
- Topo Sheet 3 – MJG/SK/15 Sheet 3 of 3 rev A
- Location Plan – LP/01

The **final documents** key for consideration are as follows:

- Building for Life Assessment Report sent 08.09.2020
- Design and Access Statement Dec 2018
- Planning Statement Dec 2018
- Limestone Extraction statement 20<sup>th</sup> Jan 2020
- Air Quality Assessment – 410.03044.00103 Sept 2018
- Heritage Statement – 406.03044.00118 Jan 2019

- Archaeological Desk Based Assessment 406.03044.00118 June 2019
- Flood Risk Assessment – 15/031.01 rev 00 July 2018

#### Viability

- EVA Report 15 March 2019
- S106 Offer Statement – issued by Helen Randerson 29/07/2019

#### Ecology Reports

- Land off Gilcroft Street, Skegby: Ecological Impact Assessment (EclA) v3, SLR Consulting, December 2018 (SLR ref 424.03044.00096);
- Land off Gilcroft Street, Skegby: Update Ecological Baseline Report v1, SLR Consulting, February 2019 (SLR ref 424.03044.00096);
- Land off Gilcroft Street, Skegby: Great Crested Newts Presence/Absence Survey Report, July 2020 (SLR REF: 424.03044.001117)
- Land off Stoneyford Road, Skegby: Results of NVC Classification and Water Vole Surveys v2, SLR Consulting, September 2020 (SLR ref 424.03044.00170); and
- Skegby - Information on Age of Ecological Survey Data and Update to Biodiversity Metric Calculator, SLR Consulting, 6<sup>th</sup> October 2020 (SLR ref 424.03044.00170).

#### Ground Investigation Reports

- Geotechnical and Geo-environmental Site Investigation: Land off Vere Avenue, Skegby Issue 2 – 42462-001(I2) October 2018
- Geotechnical and Geo-environmental Site Investigation: Land off Gilcroft Street, Skegby – 38949-001 Nov 2015
- Gas Risk Assessment: Land off Gilcroft Street, Skegby – 38949-002 April 2016

#### Drainage

- Skegby Drainage Summary document sent by Steve Gamble 26.08.2020
- Flood Risk Assessment – 15/031.01 rev 00 July 2018

#### Highways Reports

- Highway Response 18-279-005.01 April 2020
- Highway Response with Appendices 18-279-006.02 August 2020
- 18-279-ATR-009 Rev A Northern Visibility Splays
- 18-279-ATR-010 Rev A Southern Visibility Splays
- 18-279-ATR-011 Rev A Northern Refuse Vehicle Tracking
- 18-279-ATR-012 Rev A Southern Refuse Vehicle Tracking
- Transport Assessment Addendum – ref. 18-279-001.02 – Jan 2020
- Travel Plan P0404ZG – September 2018

#### Tree surveys:

- Arboricultural Impact Assessment 2583 Feb 2019

- Arboricultural Method Statement 2583 Feb 2019
- Tree Survey 2583 March 2018
- Existing trees on site drawing 2583-1 rev B
- Existing trees on site drawing 2583-2 rev B