



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 04/02/2022

COMMITTEE DATE 23/02/2022 **WARD** Sutton Junction and Harlow Wood

APP REF V/2021/0776

APPLICANT Ashfield District Council

PROPOSAL 20no Dwellings Comprising of 4no 1 Bed Flats, 4no 2 Bed Flats, 6no 2 Bed Semi's & 6no 3 Bed Semi's

LOCATION Land North of, Midland Road, Sutton in Ashfield, Notts

WEB-LINK <https://www.google.com/maps/@53.1225613,-1.2398834,17.73z>

BACKGROUND PAPERS A, B, C, D, K

App Registered: 27/10/2021

Expiry Date: 26/01/2022

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

This application has been referred to Planning Committee because the Council is the applicant.

The Application

This is an application that seeks full planning consent for the construction of 20 residential units with associated access, parking and landscaping on land to the north of Midland Road, Sutton in Ashfield. The scheme is proposed to comprise of four no. one bedroom flats, four no. two bedroom flats, six no. two bedroom dwellings and six no. three bedroom dwellings. All 20 units are to be affordable homes, contributing to the Council's social housing stock.

Consultations

A site notice has been posted together with individual notification to surrounding residents and businesses. The proposal has also been advertised in the local press. The comments received are summarised below:

Local Representation:

7x Letters of objection/concern have been received from four local residents/businesses in respect of the following:

- Loss of privacy
- Loss of light
- Loss of trees/vegetation
 - o Some trees already removed from site before arboricultural report undertaken
 - o Loss of carbon storage

- Site is not scrub
- Site is not underused or a grot spot and brownfield sites should be prioritised
- Existing residents not informed about Japanese Knotweed on the site
- Noise and disruption during construction works
- Future residents will be subject to noise and pollution from neighbouring uses – suitable mitigation should be provided
- Erection of boundary fence will reduce the turning circle for articulated lorries at the adjacent industrial unit
- Reports and plans submitted are biased and discrepancies made
- Site advertised for a housing development in the Ashfield newsletter in February 2021
- Loss in house values/neighbours should be compensated
- Details regarding the application, including all survey details should have been provided to the public before the application was submitted

ADC Environmental Health (Contamination):

As this site is adjacent to a machine tool factory to the eastern boundary and there is a landfill site to the south (infilled railway cutting), a full contaminated land condition will be required for this application.

ADC Planning Policy:

The planning application is for a proposed development of 20 dwellings with 100% affordable provision. The site forms an allocated employment site within the development plan, which is protected by virtue of policy EM4. This policy is however not entirely consistent with the NPPF and this should be seen in the context of a lack in five year housing land supply. The site lies adjacent to existing commercial uses so the onus to mitigate any harm falls to the applicant.

There are no identified designated, local or priority habit sites located on or adjacent to the site, and whilst there are trees on site, the Arboricultural Report identifies these to be of low value which are best to be replaced. While the site is adjacent to the River Maun, the Environment Agency Flood Map identify that the site is in Flood Zone 1. It is also noted that a site specific flood risk assessment has been submitted with the planning application which does not highlight any specific flood risks.

NCC Highway Authority:

Following the submission of additional information pertaining to proposed longitudinal gradients, and amended swept path analyses, the Highway Authority offer no objections to the principle of this development subject to conditions and informatives.

Local Lead Flood Authority:

The site is currently shown as having what appear to be deliberately formed bunds and a pond of some description on it. It also has a surface water pipe crossing close to the pond and across the site. Whilst we as LLFA do not hold any records of these assets we will need to see further evidence as to whether or not they form part of a

previously built flood alleviation / attenuation system or whether there is any interaction with surrounding developments. Details of surface water flow paths for the area surrounding the site, both pre and post development, should be provided as well to allow a full and considered assessment of the suitability of this site for development from a surface water flood risk perspective.

NB: Further information from the applicant has been received to address these concerns but no further comment have been received to date from the LLFA.

Nottinghamshire Clinical Commissioning Group:

Confirm that there will be no request for Health contributions through S106 as the proposal falls below their threshold for applying contributions (i.e. above 24 dwellings).

Policy

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

National Planning Policy Framework (NPPF) 2021:

- Part 2 Achieving Sustainable Development
- Part 5: Delivering a Sufficient Supply of Homes
- Part 6: Building a Strong, Competitive Economy
- 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

Ashfield Local Plan Review (ALPR) 2002:

- Policy ST1: Development
- Policy ST2: Main Urban Area
- Policy EM1: Employment Land Allocations
- Policy EM4: Protection of Employment Land Allocations
- 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 Provisions in New Development
- Policy TR3: Pedestrians and People with Limited Mobility
- Policy TR6: Developer Contributions to Transport Improvements

Supplementary Planning Documents

- Residential Design Guide 2014
- Residential Car Parking Standards 2014

Relevant Planning History

V/2010/0537

Details: Construction of Two Industrial Units B1 and B8
Decision: Conditional Consent

V/2006/0406

Details: Industrial Units B1, B2 and B8
Decision: Conditional Consent

V/1996/0629

Details: Erection of B1 Unit
Decision: Conditional Consent

V/1996/0364

Details: Site for Single Storey B1 Workshop Units and Small Office Space
Decision: Conditional Consent

V/1985/0068

Details: Twelve Industrial Units
Decision: Conditional Consent

V/1983/0386

Details: Erection of Six Factory Units
Decision: Conditional Consent

V/1980/0229

Details: Erection of Nursery Factory
Decision: Conditional Consent

Comment:

The Site

The application site measures approximately 0.48 hectares and comprises of a series of artificial mounds which have had a natural regrowth of unmanaged trees and scrub. The site is located to the north of Midland Close and is accessed via the adopted highway.

Immediately to the east and west is existing commercial development on the established Maun Valley Industrial Estate. To the west of the site is existing

residential development on Midland Road, and to the north beyond the river Maun is further residential development on Mowlands Close.

Main Considerations

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

- The Principle of Development
- Housing Density
- Layout, Appearance and Scale
- Residential Amenity
- Highways Safety
- Ecology and Trees
- Flood Risk and Drainage
- Other Issues
- Developer Contributions
- Planning Balance and Conclusions

The Principle of Development

Employment Land

The application site is located within the main urban area of Sutton in Ashfield, where under the provision of Policy ST2 of the ALPR, the principle of residential development is considered acceptable, provided all other material planning considerations can be satisfied.

Paragraph 2.46 of the development plan does however stipulate that proposals should not conflict with specific land use designations or with development control criteria set out within the Plan. The site in question is identified as an employment land allocation under Policy EM1 (EM1Sj - Midland Road/Station Road) and is therefore protected under Policy EM4 of the development plan.

Both the ALPR and the NPPF give a substantial emphasis to economic growth and meeting local economic needs. The Local Plan aims to continue to promote economic development through the allocation of land suitable for a range of employment uses and to protect employment land and buildings.

Policy EM4 identifies that '*proposals for alternative uses of allocated employment sites will not be permitted*' and paragraph 4.55 identifies that the loss of these allocations would undermine the objectives of encouraging economic development and regeneration of the District and diversification of the local economy. However, the Policy is not entirely consistent with the provisions of the NPPF.

Part 11 – Making Effective Use of Land of the NPPF sets out that planning policies and decisions need to reflect changes in demand for land and should be informed by regular reviews of both land allocated for development in plans and of land

availability. Under paragraph 122 of the Framework, alternative uses for sites should be supported *'where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan'*.

It is clear from the site history that numerous applications have been considered and approved for commercial development since the 1980's at the application site but have never been implemented and developed. A feasibility study for the site was undertaken by the applicants in 2018 which looked to extend the Maun Valley Industrial Estate into the site, however the costs associated with the development were unviable and the demand for industrial units wasn't met, with a series of vacant buildings being available elsewhere across the District. A combination of a lack of viability and demand means the prospect for the site to be developed for commercial purposes is unrealistic and alternative uses for the site should be considered.

In accordance with Paragraph 122 of the NPPF and Policy EM5 (part b) of the ALPR, evidence is provided which justifies the loss of the allocated employment land in favour of residential use.

Housing Land Supply

Details provided with the application indicate that 100% of the homes proposed would be affordable units and would be built to add to the Council's social housing stock, which would assist in addressing the shortfall of affordable housing within the district with some 3750 individuals and families currently on the waiting list.

The NPPF in paragraph 60 sets out that it is the Government's objective to significantly boost the supply of homes. Paragraph 74 requires local planning authorities to identify a minimum of five years worth of housing against the local housing requirement allowing for a buffer varying between 5% and 20% dependent on the local planning authorities circumstances.

Notwithstanding the loss of employment land in favour of residential development, there is a serious and immediate need for more housing to be delivered in the District. Based on the 2020-21 Housing Monitoring Report, the Council are unable to identify a 5-year housing land supply.

In accordance with paragraph 11 (footnote 8) of the NPPF, the tilted balance is therefore engaged. Accordingly, 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 taken as a whole.

Tilted Balance

Sutton in Ashfield is identified as a key area for accommodating new development under Policies ST1 and ST2 of the development plan. Policy EM1 confirms the site is allocated for employment development, however it has been demonstrated that

the prospect of the site being delivered for commercial development is unrealistic due to a lack of demand and viability constraints.

Given the adequate supply of available employment land across the district, there is no requirement to retain the employment land as detailed above. The loss of the employment land in favour of residential is therefore considered to accord with Paragraph 122 of the NPPF and Policy EM5 (b) of the ALPR.

In summary, the principle of residential development in this location and the loss employment land is considered acceptable, however this is required to be balanced against all other material considerations to ensure the proposal provides a sustainable form of development.

Housing Density

The developable area equates to approximately 0.48ha, resulting in a housing density of approximately 42 dwellings per hectare. This achieves the density requirement as set out in Policy HG3 of the Local Plan.

Layout, Appearance and Scale

As previously mentioned, residential development lies to the north and west of the site. Properties within the vicinity of the site vary in terms of size, type and design, but are predominantly two storey in height and comprise of detached and semi-detached properties.

The proposed development will comprise of twelve, two-storey semi-detached properties (House Types A and B) and two, two-storey blocks of flats (House Type C) each comprising of four units. Although the proposed development scheme does not follow the linear pattern of development along Leander Close Leander Close to the west, the layout of the scheme has been designed to respond to the abnormal shape of the site and the requirement to provide a sustainable urban drainage feature and leave an area of Japanese Knotweed undeveloped whilst it is treated and eradicated.

The dwellings are to be constructed from red facing brick and grey roof tiles, and will incorporate stone cills and brick headers into the design. Dwellings to the west of the site have been constructed from comparable materials and incorporate similar design features, such as brick headers. In this respect, it is considered that the proposed development would assimilate well into the street scene and the area.

Areas of private amenity space to the rear of the semi-detached dwellings are proposed to be enclosed through the installation of 1.8m high timber fencing panels, gravel boards and concrete posts. Such boundary treatments are typical of the area. An area of shared amenity space is proposed to be provided to the rear of the blocks of flats. The applicant has confirmed that the amenity space is required to remain open, rather than sub-divided, as maintenance of the site will fall under the jurisdiction of Ashfield District Council. This approach taken to other recently

approved development for Council owned flats. The area forward of the dwellings and flats is proposed to consist of low level planting to further improve the appearance of the development. A 1.2m high post and rail timber fence is proposed to be erected along the sites northern boundary, adjacent to the River Maun.

The layout, appearance, design and scale is considered to be in keeping with the surrounding vicinity. Accordingly, there are no concerns surrounding the development affecting the character and appearance of the area.

Residential Amenity

Concerns have been raised by local residents on Mowlands Close in respect of the overshadowing and overlooking impact arising from the proposed development. Concerns have also been raised in regards to noise and disturbance during construction works.

In regard to existing residential occupiers to the north and east of the site, it is considered that due to the siting of the proposed dwellings, the scheme will not give rise to any undue impact upon the amenity of nearby residents by virtue of massing or overshadowing. Additionally, all minimum separation distances between main aspect windows, as outlined within the Council's Residential Design Guide SPD 2014, are adhered to, ensuring an appropriate level of privacy is retained for neighbouring residents.

A Construction Management Plan has been submitted with the application which details that construction works would take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturdays, which are typical working hours. The Construction Management Plan also sets out methods to control dust, dirt and mud during construction. Any noise emitted from the dwellings once occupied will likely be domestic in nature and therefore will not be at odds with noise emitted from surrounding residential properties. In any event, should the proposal cause any noise nuisance during or after construction, such matters can be dealt with under other legislative powers.

The proposed development would provide an acceptable standard of living for future residents. The dwellings are laid out to ensure they each receive sufficient light and privacy. Internally, the development would meet the National Minimum Space Standards; whilst externally all properties are afforded adequate amenity space, accordance with the Council's Residential Design Guide 2014.

Commercial development lies to the east and south of the application site. Having reviewed the previous planning history associated with these premises, it is understood that the use of the premises sited approximately 20m to the east of the nearest dwelling is used for industrial purposes however comments received indicate that the use of the site typically generates limited noise, whilst units to the south of the site are used for light industrial and storage purposes. As such, the neighbouring premises are unlikely to give rise to significant noise. Nevertheless, given the

proximity of the site to commercial development, the applicant proposes to erect a 2.5m high acoustic fence along the eastern and southern boundaries to ensure an adequate level of amenity can be obtained for future occupiers of the development.

Highways

Policy ST1 of the ALPR 2002 sets out that, amongst other matters, development will be permitted where it does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, Paragraph 109 of the NPPF 2019 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.

Access to the site will be taken via an extension to Midland Road where the road currently culminates adjacent to the site. Swept path analysis demonstrates that all vehicles requiring access to the site, including large service vehicles, can be accommodated safely with appropriate turning and manoeuvring space provided.

All two and three bedroom properties will be afforded two off-street parking spaces, whilst one bedroom properties will be afforded one off-street parking space, in accordance with the Council's Residential Car Parking Standards SPD 2014.

Following receipt of amended plans which demonstrates appropriate swept path analysis, turning provision and the longitudinal gradients of the site, the Highway Authority have advised that they have no objections to the proposed development, subject to conditions.

Ecology and Trees

The application is supported by an Ecology Report and Arboricultural Report. The Ecology Report does not identify the presence of any protected species on the site, although it has made a number of recommendations in relation to mitigation and enhancement measures. These are to be subject to planning conditions and includes, amongst others the provision of a buffer between the development and the River Maun to the north, checking for badgers and nesting birds prior to the clearance of the site, and the installation of bat and bird boxes on site.

The site contains a number of trees and therefore tree loss is an inevitability to accommodate the proposed development. Although, in terms of tree cover there will be a significant reduction, the Arboricultural Report identifies that the trees on site were considered to be of low value and due to their low quality and long-term viability in terms of presenting arboricultural value on the site, it is considered that the trees would be best replaced with landscape planting on the site where feasible, rather than to retain individual trees of such low quality.

Details provided with the application indicate that an area of the west of the application site is affected by Japanese Knotweed, which is an invasive species. Clarification has been sought from the applicant on this matter, who has confirmed

that the knotweed is undergoing a three year treatment plan to eradicate the species however, should this not be fully effective, or the knotweed reoccurs at this or a nearby location, Ashfield District Council will continue to manage the infestation following the initial three years put in place by the developer. Until such time that the knotweed has been fully eradicated, the area will remain fenced off through the provision of a post and rail fence to prevent access to the parcel of land and subsequent spread of the invasive species. Once the knotweed has been eradicated, the area in question will be allowed to grow as a wildflower meadow, with appropriate maintenance to encourage biodiversity.

Whilst concerns have been raised by local residents advising that they were not notified of the presence of knotweed on the site, there is no legal requirement to notify nearby property or landowners of its existence.

Flood Risk and Drainage

The application site is located within Flood Zone 1 (Low Risk of Flooding, 1 in 1000 years). Due to the site area, a Flood Risk Assessment (FRA) has been submitted along with a Drainage Strategy. The FRA notes that the site will drain its surface water to a new balancing pond located to the north-east corner of the site. The applicant has advised that the future management and maintenance of the SuDs feature will be carried out by the Local Authority given that the land is within their ownership.

Concerns have been raised by the Local Lead Flood Authority (LLFA) in respect of the proposed development and the subsequent removal of an earth bund presently on site, as shown on the submitted topographical survey, to accommodate the development scheme, and whether this bund has been provided deliberately in the past as part of surrounding development to alleviate flood risk to nearby uses.

Further clarification has been sought on this matter and it is confirmed that the existing earth mound on site is an isolated spoil heap which has been left on the site following the construction of the surrounding housing estates. As demonstrated within the borehole logs of the submitted Ground Investigation report, this spoil heap is comprised of loose granular material and not compacted as would be apparent with any deliberate bund or flood alleviation scheme. Further analysis of the topographical survey shows that the elevated ground levels are isolated to this site and do not continue along the rear gardens of Leander Close to the west or the Industrial units to the east, so does not constitute a flood alleviation or attenuation scheme.

The LLFA have also raised concerns regarding the existence of a pond feature within the application site. It is confirmed that there is no pond on site and the submitted topographical survey demonstrates that the spoil heap falls away on all four sides to the existing "natural" boundary levels. This has also been demonstrated on the overland flood routing plans and drainage strategy drawings. On the basis of

the information received, it is considered that the site would not be at risk of, or result in an increased risk of flooding to the surrounding area

A surface water drain currently dissects the site which is a Severn Trent asset, which facilitates highway drainage from Midland Road and Junction Road. The surface water drain is proposed to be diverted as part of the proposed scheme, subject to agreement between the applicant and Severn Trent Water.

Other Issues

Climate Change

In terms of sustainability, the properties are to be constructed in exceedance of current building regulations with attention paid to the external thermal envelope with properties being predicted to offer a high B rating on the SAP calculations, a measure of the energy usage of the dwellings. The sustainability of the development is further through the installation of boilers which are certified to work with 20% Hydrogen to futureproof the installation of the dwelling in line with the UK's gas grid's drive to introduce a blend of natural gas and hydrogen. To further futureproof the development, 3-phase electricity infrastructure will be provided up to each property to allow for the future installation of electric vehicle charging points as required on a plot by plot basis.

Land Ownership

Local representation has been received in respect of the red line boundary of site, which is believed to include a strip of land currently used in association with a neighbouring commercial premises. The inclusion of this strip of land within the application site is understood to likely give rise to large articulated lorries being unable to adequately manoeuvre within an adjacent site.

The title deed for the site had been provided by the applicant, which demonstrates that the red line boundary of site lies to the east of the existing sewer easement, as shown on the submitted site location plan.

Developer Contributions

No developer contributions have been requested from consultees as part of the proposed development.

Policy HG4 of the ALPR requires housing developments on sites of one hectare or more or 10 dwellings to provide a minimum of 10% affordable housing. This is consistent with paragraph 65 of the NPPF which also requires major developments involving the provision of housing to expect at least 10% of the total number of homes to be available for affordable home ownership.

As previously mentioned, the proposed scheme comprises 100% affordable housing which will be added to the Council's own housing stock, which far exceeds the minimum policy requirements.

Planning Balance and Conclusion

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, the scheme would deliver 20 new homes, 100% of which will be for affordable home ownership as part of the Council's housing stock, providing social benefits. 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.

While the proposed development would be in conflict with Policy EM1, in so far that the scheme proposes residential development on a site allocated for employment purposes, the loss of employment land is justified and is seen to be in accordance with Paragraph 120 on the NPPF and Policy EM5 (b) of the ALPR.

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 and New Homes Bonus (NHB). These are generic benefits that would occur with any major development, however given the current economic climate – these are considered to carry medium weight.

The layout, appearance and scale of the development is considered to be acceptable. The impact upon highways safety, the amenity of existing and future residents, biodiversity, flooding and landscape have all been assessed and considered acceptable – subject to planning conditions in certain cases.

Overall, the proposed development is considered to accord with both the development plan and the NPPF. Accordingly, approval is recommended, subject to the conditions outlined below.

Recommendation: Grant Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.

3. No part of the development hereby permitted shall take place (save for above ground demolition works, site clearance and preparation, erection of fencing, laying of, or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until details of all the finished floor levels, surrounding ground levels and levels of existing dwellings have been submitted to and agreed in writing by the Local Planning Authority. The dwellings shall thereafter be built in accordance with the agreed details.
4. No part of the development hereby permitted shall take place (save for above ground demolition works, site clearance and preparation, erection of fencing, laying of, or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
5. No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
6. The site access shall be constructed and surfaced in a bound material in accordance with the Proposed Site Plan on drawing number 31468 539 03 revision F and no other part of the development shall be commenced until the access has been completed in accordance with those plans.
7. No part of the development hereby permitted shall be occupied until the parking and turning areas are provided in accordance with the approved plan 31468 539 03 revision F. The parking and turning areas shall not be used for any purpose other than parking, turning of vehicles.
8. No works shall take place (save for above ground demolition works, site clearance and preparation, erection of fencing, laying of, or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A preliminary risk assessment which identifies:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors; and
 - Potentially unacceptable risks arising from contamination at the Site.
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii. The results of the site investigation and detailed risk assessment referred to in (ii) and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iv. A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and
- v. A monitoring and maintenance plan, if required, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:

- i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority; or
- ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority. Any additional land contamination shall be fully remedied prior to the first occupation of the development.

The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

9. The hereby permitted development shall be carried out in accordance with the recommendations and enhancement measures outlined in Sections 5 and 6 of the submitted Ecological Impact Appraisal prepared by RammSanderson (dated October 2021).
10. The close boarded fencing, shown on drawing no. 31468 539 11 Rev A, shall be installed with the provision of 'Hedgehog Highways' as recommended on pages 43-44 of the Ecological Impact Appraisal prepared by RammSanderson (dated October 2021).
11. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Removal Plan prepared by RammSanderson (dated October 2021).
12. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan prepared by Lindum (received 22/10/21).
13. The hereby permitted development shall be carried out in accordance with the recommendations contained within Section 3 of the Japanese Knotweed Report prepared by Oliver Brown Ltd (dated January 2021).
14. This permission shall be read in accordance with the following plans:
 - Site Location Plan, Drawing No. 31468 539 01 Rev A;
 - Proposed Site Layout Plan, Drawing No. 31468 539 03 Rev F;
 - Proposed Floor Plans and Elevations - Type A, Drawing No. 31468 539 04;
 - Proposed Floor Plans and Elevations - Type B, Drawing No. 31468 539 05;
 - Proposed Floor Plans and Elevations – Type C, Drawing No. 31468 539 06;
 - Proposed Landscape Plan, Drawing No. 2122-PL1-02;
 - Proposed Boundary Treatment Plan, Drawing No. 31468 539 11 Rev A;
 - Proposed Drainage Strategy, Drawing No. 0401 Rev P2.

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure the satisfactory appearance of the development, in the interests of residential amenity.
4. To ensure the development is constructed to adoptable standards.
5. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
6. To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.
7. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction all in the interests of Highway safety.
8. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF, paragraph 178. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan even the early stages of the development process (other than as specified) could result in the spread of contamination and a risk to public health.
9. In the interests of local ecology.
10. In the interests of local ecology.
11. In the interests of visual amenity.
12. In order to minimise disturbance to surrounding properties.
13. To prevent the spread of an invasive species, in the interests of local amenity.
14. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVES

1. 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).
2. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance¹ and specification for roadworks.

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

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

iii) Correspondence with the Highway Authority should be addressed to: -

Highways Development Control North,
Nottinghamshire County Council,
Welbeck House
Sherwood Energy Village
Ollerton
Nottinghamshire
NG22 9FF
(E) hdc.north@nottscc.gov.uk

3. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
4. In order to avoid impacts to nesting birds, 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.