

Consultations:

Site and press notices have been posted together with individual notifications to surrounding residents. A re-consultation has also been undertaken on the revised drawings received. The following responses have been received:

Resident comments:

3x representations have been submitted, objecting to the proposal. They raise the following points:

- Little notice given to residents regarding consultation.
- Requiring comments online or by email prohibitive to elderly relatives.
- Overlooking.
 - Exacerbated by land level differences.
- Crime/antisocial behaviour.
 - Previous flats on this site were linked to area crime.
 - Creation of 'jitties' behind properties.
- Query whether any boundaries to existing properties would be affected/fencing replaced.
- Query why they have received notification of the development.

Ashfield District Council Environmental Health:

No objections (does not include comments in relation to contaminated land).

Local Lead Flood Authority:

No objections based on submitted information. Condition requested relating to a detailed scheme of surface water drainage.

Severn Trent Water:

Foul connection into public foul drain would be subject to formal connection agreement. No comments relating to surface water drainage.

Informative advised.

Environment Agency:

The development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site. Additionally there are no other environmental constraints associated with the application site.

Nottinghamshire County Council Planning:

Planning obligations sought for bus stop infrastructure (£24,500) which should be paid prior to occupation.

Nottinghamshire Health Authority:

A contribution for healthcare (£18,423.75) as part of any Section 106 Agreement has been requested.

Nottinghamshire County Council Highways:

1. Proposed development will not have a significant detrimental impact upon the highway network, however the submitted Transport Statement does not discuss the internal site layout.
2. Traffic calming measures should be incorporated to achieve target speeds of 20mph.
3. The site should be permeable for pedestrians and cyclists.
4. Commuted sums would be required for adoption of roads and any additional carriageway/features.
5. Applicant should undertake a review of the desired routes in association with collision data and mitigation.
6. Any new traffic generated from the site is viewed as being new traffic as the site has been vacant for over 12 years.
7. Plan showing total number of on-street parking spaces, such as for visitor use, should be provided. The plan should also show dropped crossings and pedestrian visibility splays.
8. Strongly recommended that all dwellings are fitted with EV charge points.
9. All footways should be 2m wide.

Nottinghamshire County Council Rights of Way:

No objections, no public rights of way are affected by the proposal.

Nottinghamshire Wildlife Trust:

1. Generally satisfied with the conclusions of the Ecology Report and that it has been undertaken according to good practice guidelines.
2. Any grassland creation should include flowering species including white clover. A flowering lawn mix is deemed a suitable replacement.
3. Measures for hedgehogs should be implemented – gaps in fences etc.
4. Any new boundary hedgerows that are created on site should use native species including dogwood, hawthorn, and spindle (species already present on site).
5. Provision for roosting bats and nesting birds should be built into the new structures.

6. All planting should be of native varieties or have known benefits to British wildlife. Species such as cherry laurel, Portuguese laurel, or Leylandii should be avoided.
7. Recommend that a Landscape and Ecological Management Plan (LEMP) be secured as a condition to detail how the recommendations made within the ecological report, as well as the habitats and open spaces on site are to be appropriately managed for biodiversity. The LEMP should also detail the location of the hedgehog highways, bird nesting and bat roosting provisions, and information relating to the tree, hedgerow plants and seed mixes.

The Coal Authority:

The area does not fall within a defined development high risk area.

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 5 – Delivering a sufficient supply of homes.

Part 8 – Promoting healthy and safe communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST2 – Main Urban Area.

EV8 – Trees and Woodland.

HG3 – Housing Density.

HG4 – Affordable Housing.

HG5 – New Residential Development.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Extensions Design Guide (2014).

Residential Car Parking Standards (2014).

Relevant Planning History:

Northern Site:

V/2007/0764 - Demolition of 2 No Two Storey Blocks of Flats Including Outbuildings - Conditional consent.

V/2009/0629 - Prior Notification of Proposed Demolition at Warwick Close - Conditional consent.

Southern Site:

V/2009/0629 - Prior Notification of Proposed Demolition at Warwick Close - Conditional consent.

V/2010/0322 - Prior Notification of Proposed Demolition of 8 Houses - Conditional consent.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Residential Amenity.
- Highway Safety.
- Other.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

Principle of Development:

The development site is located within the main urban area of Kirkby in Ashfield, where the principle of development is considered acceptable, providing no other material planning considerations indicate otherwise.

The Council are presently unable to demonstrate a five year housing land supply, and therefore there is a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 119 of the NPPF 2021 stipulates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes which should be promoted and supported where it would help to meet identified housing need.

The proposal represents a modest, but nevertheless important boost to the districts housing supply, providing 34 new residential units in a sustainable, main urban area location. The scheme would also provide economic benefits that would be generated through the construction of the dwellings and occupation thereafter.

Having regard to the presumption in favour of development, as outlined in paragraph 11 of the NPPF, the principle of the proposed development is considered acceptable provided all other material planning considerations can be appropriately satisfied.

Visual Amenity:

As previously mentioned, the area surrounding the application site is residential in nature, with the properties within the vicinity of the site being mainly two storey semi-detached dwellings.

The properties are proposed to be constructed from red rustic bricks and slate grey roof tiles, incorporating buff coloured stone cills. The design and finish of the neighbouring properties is consistent, with brown, buff and red bricks used. As a result, it is considered that the proposed development would assimilate well into the street scene and cause no detrimental harm to the visual amenities of the area.

The sites are generally 'open' when viewed from Warwick close, with low level bollards in place around the highway edge. Beyond this the outer perimeters of the sites are generally bound by high level forms of boundary treatments (fences, walls etc) which currently form the boundaries of surrounding properties. To ensure a satisfactory standard of amenity is secured for existing and future occupiers new 1.2m and 1.8m fencing is proposed consisting of timber panels with concrete posts and gravel boards to the front and rear gardens respectively.

Amenity planting is proposed to the front and side of the properties. A limited number of trees will need to be removed from the site to facilitate the development. The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan indicates that the trees to be removed are generally considered to be of poor quality, with higher quality trees retained. A significant number of new trees are to be planted to

the front/side of the new dwellings to further enhance the street scene and associated biodiversity benefits. The exact species to make the tree and amenity planting is proposed to be secured via the use of a condition. Additionally, it is proposed to erect protective fencing around the remaining trees during any construction works to avoid any undue damage.

Residential Amenity:

The topography of the area is mixed, with the site generally sloping northwards to the end of Warwick Close before gradually rising again. It has been identified that there is an approximate level difference of 6m between the southern and northern portions of the site. Existing properties within the area are 'stepped' to account for this, and the design of the proposed dwellings seeks to reflect this approach.

The Council's adopted Supplementary Planning Document on Residential Design sets out minimum separation distances between properties. These standards seek to achieve 12m separation where a front/rear elevation would face a side elevation, and where a front/rear elevation would face another front/rear elevation, 21m separation should be sought.

The majority of the proposed properties exceed these requirements and whilst some do fall slightly below the standard given the varied topography of the site, and also taking into account the siting, orientation and sun path, it is considered that there will not be any significant detrimental impact upon the residential amenity of existing and future occupiers.

In respect of future occupiers, all of the proposed dwellings have adequate levels of private outdoor amenity space, and the minimum space standards within the properties also meets the Council's requirements, as outlined in the adopted Supplementary Planning Document on Residential Design.

A construction management plan has been submitted with the application which details that construction works (including deliveries) would take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturdays, which are considered typical working hours. No work on Sundays or bank holidays is proposed. In the event that noise is causing a nuisance either during or after construction, such matters can be dealt with under other legislative powers.

Highway Safety:

The proposed development seeks to utilise the existing highway infrastructure of Warwick Close and create new private drives and off-street parking areas.

Parking areas and private drives are proposed to be constructed from block paving allowing surface water to drain sustainably.

Each property has been provided with two off-street parking spaces, which meets the Council's requirements for 2 and 3 bed properties, as set out in the adopted Supplementary Planning Document on Residential Car Parking Standards.

The Highway Authority have requested that a plan is submitted showing the areas available for on-street parking for use by visitors, for example. They also request that the plan should also show any dropped kerb crossing and pedestrian visibility splays. Pending this plan, further traffic calming measures may be required if identified to be necessary.

Vehicle tracking has been provided for some of the spaces within the private drives to show how vehicles can manoeuvre into and out of those spaces to ensure they are leaving the site in a forward gear.

Although three footpath routes are proposed to be stopped up, a number of key footpath links and accesses have been retained through the proposal, seeking to ensure the development is still permeable and provides access to the park and bus stops etc to encourage the use of other forms of sustainable travel. Properties on neighbouring sites, such as those on Abbey Road, have garage buildings and/or rear accesses which must remain accessible. Therefore the proposed development has been designed to take account of these and it has been identified that access to these will remain unobstructed during any construction works.

The construction management plan identifies that wheel washing facilities will be available onsite during construction works to ensure there is no undue deposit of debris/materials onto the public highway.

Although the Highway Authority strongly recommend that full Electric Vehicle (EV) charge points are installed on each property, it is considered that a more pragmatic approach is to ensure that the necessary infrastructure is installed during construction so that all dwellings are capable of utilising EV charge points in the future, providing occupiers with the option to install the charging apparatus should they wish to do so.

Other:

The submitted ecology report identifies that the site is dominated by short mown amenity grassland with some areas of scrub which were frequently disturbed by human activity such as residents and dog walkers. Also none of the trees on site offered scope for roosting bats and there were no buildings on site.

The site comprises previously developed land, with the proposal providing the opportunity to improve local ecology. Recommendations and enhancement measures have been identified within the ecology report, and these are proposed to be secured via the use of conditions, such as the landscaping detail (including new tree planting), provision of bird nesting boxes, bee bricks and hedgehog friendly fencing.

Surface water drainage is proposed to utilise ground infiltration (with soakaway tests yielding reasonable infiltration rates) and foul sewage proposed to be connected into the existing foul water drain running through/within the vicinity of the development site.

No recorded landfill sites, historic landfill sites, Waste Management Facilities, Waste Transfer Sites or Registered Waste Treatment or Disposal Sites are located within

500m of the site. As such it is considered that no specific remedial measures with regard to soil contamination will be required at the site with respect to either the construction phase groundworkers or the protection of future occupiers of the site.

Conclusion:

The Council is presently unable to demonstrate a five year housing land supply, and as such, the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposed development site offers the opportunity for the construction of 34 new residential properties in a sustainable, main urban area location, which will also contribute to the districts social housing stock providing social benefits, as well as economic benefits during the construction of the dwellings and occupation thereafter.

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is provided with a suitable level of off-street parking provision.

The scheme provides an opportunity to improve local ecology via the use of conditions to secure enhancement measures relating to new landscaping (including new tree planting), provision of bird nesting boxes, bee bricks and hedgehog friendly fencing.

The proposal is a Council scheme providing 100% affordable housing across the site. Planning contributions for bus stop infrastructure and health have been sought and a unilateral undertaken should be entered into to secure these infrastructure improvements in the locality.

It is therefore recommended following receipt of the legal undertaking that this application be granted planning permission, subject to the following conditions:

Recommendation: Grant Conditional Consent following receipt of a legal undertaking requiring contributions to bus stop improvements and health provision.

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. This permission shall be read in accordance with the following plans:

- i. Site Location Plan, Drawing No. 31468 520 01 Rev.C, Received 25/04/2022.
- ii. Proposed Site Layout Plans, Drawing No's.31468 520 02 Rev.K, 31468 520 03 Rev.K, and 31468 520 04 Rev.F, All Received 25/07/2022.
- iii. Proposed Elevations and Floor Plans, Drawing No's. 31468 520 06 Rev.B, 31468 520 07 Rev.C, 31468 520 08 Rev.A and 31468 520 07 Rev.B, All Received 13/05/2022.
- iv. Proposed Boundary Treatments, Drawing No. 31468 520 10 Rev.C, Received 25/07/2022.
- v. Proposed Landscaping Layout, Drawing No. 31468 520 11 Rev.C, Received 25/07/2022.

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

4. There hereby approved dwellings shall not be occupied until any rear garden fence/wall has been provided with a small hole (130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. The boundary treatments shall thereafter be implemented in accordance with the agreed details and maintained as such in perpetuity.
5. Prior to the occupation of the hereby approved dwellings, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird boxes which are to be installed within/on the new dwellings. The boxes shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
6. At least one bee brick shall be included in the design of each property, and this detail shall be provided in the constructed dwellings prior to their occupation.
7. No development shall take place past slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme for soft landscaping shall also take account of the recommendations contained within the submitted Ecology Report and the comments made by Nottinghamshire Wildlife Trust.

8. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (received 25/04/2022).
9. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan (received 22/04/2022).
10. The necessary infrastructure shall be installed during construction so that all dwellings are capable of providing Electric Vehicle charge points in the future.
11. Prior to the occupation of the hereby approved dwellings a plan shall be submitted to and approved in writing by the Local Planning Authority in relation to the available space on-street for visitor parking, which should avoid obstructions to driveways and turning facilities, and should also detail all vehicle access dropped crossings and pedestrian visibility splays. Following the submission/approval of this detail further traffic calming measures may be required if identified as being necessary.
12. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Humber Civils Flood Risk Assessment (FRA) ref P22004-SsFRA_A dated April 2022, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term.

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 that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. To ensure the satisfactory appearance of the completed development, an adequate level of amenity, and to enhance biodiversity.
5. To reduce the impact of the development on habitats and species.
6. In the interest of enhancing local ecology.
7. To ensure the satisfactory overall appearance of the completed development to help it assimilate into its surroundings, and to provide enhancements to biodiversity.
8. To safeguard the visual amenity of the area.
9. In order to minimise disturbance to surrounding properties.
10. To help reduce the carbon footprint of future occupiers.
11. In the interest of general highway safety.

12. To ensure that the development has sufficient surface water management and does not increase the risk of flooding and do not increase flood risk off-site.

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. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
3. There is a 3in water main in the application site. No build over is permitted. The applicant, Developer or site agent will need to submit a Diversion Application (S185) along with the proposed plans for STW to assess as detailed below
To request a water map please follow the link,
<https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:
Please visit www.digdat.co.uk(opens in a new window).
You will need to register on the website and then be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide (opens in a new window).
Please look at the district area supply plan (PDF) (opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.
Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf Scroll down the New Connections Charging document - 1 April 2020 to 31 March 2021 go to Page 24 Diversion of a Water Asset.

4. This decision should be read in conjunction with the S106 legal undertaking provided by the applicant associated with this development.