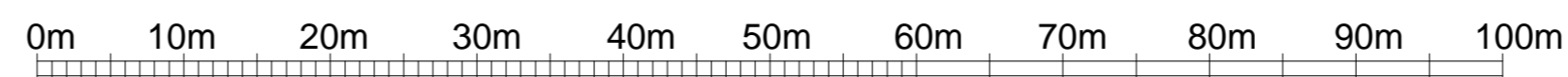




Existing Electricity board compound, the o/h cables from this compound will run under this area and through the center of the site to the northern boundary.

**HOUSE TYPE**

code	type	no
202	2 bed semi det	26
212	2 bed semi det	9
350	3 bed semi det	12
353	3 bed detached	25
355	3 bed semi det	25
357	3 bed semi det	13
358	3 bed semi det	3
359	3 bed detached	24
360	3 bed detached	17
360C	3 bed detached	1
401	4 bed detached	18
403	4 bed detached	6
435	4 bed detached	6
436	4 bed detached	7
436C	4 bed detached	4
<b>TOTAL</b>		<b>196</b>



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**KIRKBY IN ASHFIELD  
 WALESBY DRIVE**

**planning layout  
 GLEESON  
 HOMES & REGENERATION**

Scale  
**1:500**  
 at A0  
 Date No  
**17.03.21**  
**1061-23**  
 Rev-N2

**COMMITTEE DATE** 14/06/2023                      **WARD** Abbey Hill

**APP REF** V/2020/0518

**APPLICANT** Mrs D Marles, Mrs J Alexander, Mr R Holliday, Mr M and Mrs W Rollinson and Gleeson Regeneration Ltd

**PROPOSAL** Residential Development of 196 dwellings and ancillary works

**LOCATION** Coxmoor Lodge Farm, Farm View Road, Kirkby in Ashfield

**WEB-LINK** <https://www.google.co.uk/maps/@53.1047902,-1.2308881,17.75z?entry=ttu>

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

App Registered 13/08/2020

Expiry Date 12/11/2020

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

*This application has been referred to Planning Committee by Councillor Meakin to consider Highway concerns and impact on the street scene.*

### **The Application.**

This is a full planning application, as amended, for 196 dwellings. As originally submitted, the proposal was for 214 dwellings but this has been reduced following negotiations.

### **Background and Relevant Planning History.**

There is no planning history relevant to this application. The site has been occupied by a farm with associated buildings, agricultural land and farm house for a long time and previous planning applications have been restricted to altering existing buildings and the farm's diversification during previous years.

### **Neighbour Consultations.**

Site notices have been posted together with individual notification of neighbouring residents. Two rounds of public consultation were carried out, the second required because of the submission of amended drawings.

Round One.

146 letters were received from local residents which set out the following comments;

### **Amenity.**

- There would be an adverse visual impact of the new houses affecting existing residents.

- The proposal would result in a loss of privacy and overlooking that would affect existing residents.
- There would be a long period of disruption, noise and pollution resulting from building works.
- The pollution from building works would increase poor health and illness in existing residents.
- Bracken Hill School which caters for special needs lies close to the site and the pupils, including those with autism, will suffer.
- The development would result in a loss of amenity for walkers.
- The position of electricity pylons is a health risk.
- The application site is located on land designated as Countryside in the Ashfield Local Plan and is contrary to policy EV2 because the proposal is not appropriate development as defined by this policy. This policy says that new development should not have an adverse impact on the countryside.
- The site is a valued area of open space as defined by the National Planning Policy Framework in paragraph 97.

#### Highways.

- The surrounding road network is not suitable for the extra traffic which will be generated by this proposal.
- The roads are in poor condition and lorries will make this worse.
- The roads around the site are narrow and subject to significant on-street parking which will cause problems with access into the application site.
- Emergency vehicle access into the site will be very restricted.
- The roads are unsafe for children.
- The extra traffic will result in increased accidents.
- There would be an increase in traffic on Walesby Drive and parking here is already a problem.
- On Walesby Road, there is a 'blind' hill which is dangerous and this will become worse with more traffic.

#### Ecology and Landscape.

- The application site is at the edge of the Green Belt and will destroy the character of the area.
- The land is adjacent to woodland and countryside.
- Loss of wildlife including birds and protected species.
- There would be a loss of 30 mature trees, mainly in the farm garden and along the western boundary. This is a wildlife haven.
- Loss of farmland.
- There would be a potential impact on the sources of two rivers.
- Bat detectors located close to the application site have identified two species foraging along Coxmoor Wood plantation.
- Bio-diversity mitigation measures for wildlife should be put in place.

#### Local Infrastructure.

- There is no capacity for extra children in primary or secondary schools.
- There are not enough doctor's surgeries to cater for extra people.

- There is only one large supermarket in the area, which is inadequate.
- Existing houses suffer from low levels of water pressure and this will be worse with extra houses.

#### Other Material Considerations.

- There are problems with the existing water supply in the area which would be made worse by this application.
- The application site is known locally as 'The Pond' because it is prone to flooding and not suitable for housing.
- Brownfield sites should be developed before those in the countryside.
- The site lies within one of the most deprived communities in the UK and this deprivation would be made worse by this application due to extra traffic and pollution. There is relevant case law – R (Harris) v. London Borough of Haringey (2010) EWCA Liv 703.
- Local businesses, including caravan storage on the site, would be lost.

#### Round Two.

253 further letters were received but the vast majority of these were standard letters with a list of comments that all those responding ticked. The list of comments about the amended scheme of 196 houses are set out below:

- This will reinforce shortages in local education.
- There would be further pressure on health care.
- There would be an increased demand on water supply.
- Problems with drainage would increase.
- The new houses would be detrimental to the wildlife corridor.
- There would be a negative impact on the health and well-being of existing residents.

The comments set out in the individual representations largely repeated comments made during Round One, but two additional comments were made;

- Land at Warwick Close would be a better housing site than this.
- Local residents have not been properly consulted.

#### Comments on the Above.

- It is considered that local residents have been properly consulted. Site notices were posted for both rounds and adjoining occupiers were sent letters inviting comments. This approach is over and above what is required as part of the council's statement of community involvement and legislative consultation requirements on planning applications.
- With respect to flooding and drainage on the site, a Sustainable Drainage System would deal with any drainage issues.
- Regarding wildlife on the site, much of the existing site is open land and the proposal would introduce trees and landscaping into gardens and a broad central corridor along with a large area of open space and a balancing pond in the north of the site. This, along with the retention of hedgerows around the exterior, would create a variety of habitats.

- The applicant would be liable to pay financial contributions to meet any shortfall in local health, education and other infrastructure resulting from the additional residents associated with the development.
- It is acknowledged that there will be increases in traffic during building work and when the development is occupied but highways assessments conclude that, with improvements, the existing road network can accommodate the increases. The roads are not considered to be too narrow.
- The distances between existing and proposed houses are such that there would be no unacceptable loss of privacy between existing and future residents.

## **Formal Consultation Responses.**

### **ADC Planning Policy.**

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development 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) (ALPR). The National Planning Policy Framework (NPPF) is also a material consideration.

### Housing Supply.

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

Based on the Housing Land Monitoring Report of 31 March 2021 and applying a 20% buffer, Ashfield District has a 2.25 year housing land supply. There is, therefore, a serious and immediate need for more housing to be delivered in the District.

In accordance with NPPF paragraph 11 (footnote 8), the tilted balance should be engaged. This says that permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits when assessed against NPPF policies.

### Development.

ALPR policy ST1 sets out the provisions for when development is acceptable. These are:

- a) It will not conflict with other local plan policies.
- b) It will not adversely affect the character, quality, amenity or safety of the environment.
- c) It will not adversely affect highway safety or the capacity of the transport system.
- d) It will not prejudice the comprehensive development of the area.
- e) It will not conflict with adjoining or nearby land use.

Policy ST1 is consistent with the provisions of the NPPF.

### Countryside.

The ALPR proposals map shows that the application site lies adjacent to the Main Urban Area of Kirkby in Ashfield but is designated as Countryside. A key policy, therefore, is ALPR policy EV2 which seeks to protect such areas from inappropriate development, saying that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness.

None of the forms of 'appropriate' development, which are all small scale and/or appropriate in a countryside setting apply to this application so the proposal is contrary to policy EV2,

The NPPF, however, sets out a more flexible approach to rural housing in paragraphs 77 and 78. Policy EV2 does allow some development and does not impose a blanket ban in the countryside. Paragraph 170(b) also recognises the intrinsic character and beauty of the countryside. EV2 does, therefore, have some consistency with the NPPF and some weight can be attributed to this.

#### Environment.

The Council is under a duty under section 40 of the Natural Environment and Rural Communities Act (NERCA) 2006 to have regard to the conservation of biodiversity in England. This duty is to protect all nature, not just specific protected sites and species, and the Council must consider how a development might affect habitats and species on or near the development site when assessing a planning application.

There are no identified nature conservation sites within or adjacent to the application site boundary. Part of the adjacent Coxmoor Plantation is identified as Priority Habitat Deciduous Woodland under section 41 of the NERCA.

An ecological assessment has been submitted in support of this application which will be assessed later in this report.

#### Agricultural Land.

NPPF paragraph 170(b) says that consideration should be given to the benefits of the best and most versatile agricultural land (grades 1, 2 and 3a). Based on the Post 1988 Agricultural Land Classification (England) Maps, a substantial part of this site is identified as being grades 2 and 3b.

#### Brownfield Land.

The applicant, in the Planning Statement in support of this application, has asserted that a significant part of the site should be classified as brownfield land. However, it is understood that the site is agricultural and a farm and the NPPF, in Appendix 2, makes it clear that previously developed land does not include agricultural buildings.

#### Flooding.

Flooding was not an ALPR saved policy so any application needs to be set against NPPF Part 14 which seeks to meet the challenge of climate change and flooding. The site is identified as being in Flood Zone 1. This is a major development and Sustainable Drainage Systems (SuDS) should be used.

#### Sustainability.

The creation of sustainable communities is a cornerstone of government planning policy as set out in the NPPF and there is a need for the site to be comprehensively master planned to both allow for the prospect of future adjoining development and for the creation of a sustainable scheme within the site.

### Design, Housing Density and Housing Mix.

Any development scheme for this site should aim to achieve a permeable, safe and accessible environment with clear pedestrian and cycle routes and high quality public space. Relevant ALPR and NPPF policies emphasise the importance of good design along with the creation of high quality buildings and places and effective use of land.

Housing density requirements are set out in ALPR policy HG3 and, in this location, a net minimum density of 34 dwellings per hectare (dph) is required. The NPPF emphasises the need to make effective use of land in meeting the need for homes.

### Affordable Housing.

The current affordable housing requirement is set out in ALPR policy HG4 and the size and location of this proposal would require 6% affordable housing, preferably provided on-site. However, this is not consistent with NPPF paragraph 64 which says that for major development housing proposals, a minimum of 10% affordable housing is required.

Consequently, for Kirkby in Ashfield, 10% should be provided.

### Highways and Transport.

ALPR policies ST1, TR2, TR3 and TR6 all seek to improve and enhance highways safety for all highways users. New development should not adversely affect highways safety. Cycling provision in new development should meet current requirements. There should be good provision for pedestrians and people with disabilities. Contributions towards highways improvements should be sought where the need is directly related to the development.

The NPPF has a comprehensive approach to transport, promoting sustainable transport and seeking to ensure that it contributes towards sustainability and health objectives. There is particular emphasis on opportunities to promote walking, cycling and the use of public transport.

### Climate Change.

Addressing climate change is one of the core land use planning principles which the NPPF seeks to underpin in both plan making and decision taking. Opportunities to reduce climate change impacts should be reflected in development proposals.

### Infrastructure.

A significant amount of local infrastructure is the responsibility of the County Council and this is set out in their Planning Obligations Strategy 2019. This includes education and it is important that new development contributes to new school places, health care and other infrastructure where necessary. NPPF paragraph 94 emphasises this requirement.

### **ADC Landscaping.**

To the west of the site is public open space linking to play facilities on Holidays Hill and access footpaths towards Lowmoor Road industrial park. On the east side is Coxmoor Plantation which forms a development break and buffer between the Coxmoor estate and Derby Road. To the north is open farmland which forms a break between the urban fringes of Kirkby and Sutton in Ashfield.

There are a number of pedestrian desire lines across the application site and these should be formalised into green corridors for pedestrians and cyclists including from south-east to north-west.

From the south of the site, it is noted that the development would change the character by increasing the built environment into existing countryside views. From the east, the site is screened by Coxmoor Plantation and there would be a limited impact. Similarly, from the west, the landform would partially screen the development, thus reducing the impact.

From the north, the site is visible from a Public Right of Way (PRW) and the northern hedge boundary should be enhanced to limit the impact and create a transition between the site and the open countryside.

A detailed landscape plan should be submitted, including hard and soft elements and boundary treatments to dwellings and amenity spaces. Key boundaries to the north, east and west will need to be preserved.

In the event of the development being acceptable, the developer will be required to enter into a section 106 legal agreement for the improvement of off-site public open space and access contributions at Holidays Hill and footpath routes across Kirkby in Ashfield. The sum will be £428,000 which will include a sum for maintenance of 2.5% for 15 years.

### **ADC Urban Design.**

An archaeological desk based assessment of the site and buildings has been submitted in support of the application but this does not provide a compelling justification for complete demolition of the farmstead. This is contrary to NPPF paragraph 189.

The group of buildings are a mix of older and more modern structures. The applicant has said, in their assessment, that the older buildings are worthy of consideration as non-designated heritage buildings but it is not agreed that they are of low significance. The barn, farmhouse and stables should be given further consideration regarding their retention. In addition, there are trees close to the farmstead that provide a high amenity value.

### **ADC Environmental Health – Land Contamination.**

There are no records indicating previous land contamination. However, given the size of the proposal, and the possibility of past fly tipping, a condition is required which covers the possibility of contamination and any remedial measures which may be necessary.

### **ADC Place and Wellbeing.**

This development includes the retention of a stone barn which is noted as an important heritage asset worthy of retention. Place and Wellbeing consider that the barn, subject to further due-diligence, should be included within the scheme as a community asset, aiding the integration of the new development with the surrounding residential area, contributing towards a coherent, place-making strategy.

This new asset would need to be included within a section 106 legal agreement.

### **Nottinghamshire County Council (NCC) Highway Authority.**

The Highways Authority (HA) initially raised a number of concerns about the layout and impact on the surrounding highways network. These can be summarised as follows:



- Mitigation measures within the application site to create a safe highways layout.
- The possibility of any extra dwellings at this site will mean major improvements to the Low Moor Road/Alexandra Street junction and, potentially, the Low Moor Road/Southwell Lane roundabout.
- The amount of queueing space available on Low Moor Road between Alexandra Street and the mini roundabout. The predicted queue would extend beyond the roundabout.
- The lane length on Low Moor Road south approach is already at its maximum extent. Lengthening this further would involve third party land and the possibility of signalling this junction would be onerous.

Negotiations with the developer and the submission of additional, supporting highways statements and plans has resolved the outstanding issues.

Mitigation measures have been proposed and these, along with benefits set out in the supporting Travel Plan and those secured by way of financial contributions create an acceptable balance rendering the increase in traffic on the surrounding highways network acceptable. However, the situation regarding potential increases in house numbers on adjoining sites served by this proposal remains a concern and, in the event of this happening, major road improvements would be required.

With respect to queueing along Low Moor Road, additional modelling and traffic surveys have been submitted and it is acknowledged that the impact in this respect will be minimal and mitigated by Travel Plan proposals and conditions controlling highways. The HA also acknowledged that trip generation rates would result in a minimal increase in car trips generated by the proposal.

An amended Travel Plan has been submitted, the principles of which are acceptable. However, the Plan requires more detail and a condition would be attached requiring the submission of a full, detailed Travel Plan.

With respect to pedestrian routes, an audit has been carried out to establish the best routes between the site and key destinations, the two most important being Morrison's supermarket and the bus stops on Glenside. The footpath improvements would be funded by a £50,000 financial contribution controlled by a section 106 legal agreement.

Concern had been expressed during negotiations about the dimensions of the Walesby Drive/Woodland Walk junction and whether it could accommodate the turning manoeuvres of a refuse vehicle. However, a swept path analysis has been submitted which demonstrates that a refuse vehicle will be able to navigate this junction.

The applicant has agreed to provide the following financial contributions for highways and travel improvements:

- Upgrade the traffic signals to MOVA control at Low Moor Road/Sherwood Street - £25,000.
- Enhancement of bus stop infrastructure - £19,000.
- Sustainable Travel Plan contribution - £21,400.
- Provision of cycle parking at Kirkby in Ashfield railway station - £1,500.
- Upgrade pedestrian crossing points on key routes - £50,000.

- Provision of 'Keep Clear' road markings on Alexandra Street/Low Moor Road junction - £2,500.

In addition to the above financial contributions, the HA recommend that the following issues be controlled by conditions that would be attached to a planning consent:

- Pedestrian crossing facilities shown on plan ref. 18/355/SKH/015. The facilities will be located at:
  1. Dropped crossing and tactile paving at the junction of Coniston Road and beacon drive.
  2. Tactile paving at the junction of Glenside and Beacon Drive on east side of crossroads.
  3. Dropped crossing and tactile paving at the junction of Farm View Road and Coniston Road.
  4. Dropped crossing and tactile paving on Farm View Road.
  5. Dropped crossing and tactile paving at site entrance at the north end of Walesby Drive.
  6. Tactile paving at junction of Glenside and Beacon Drive on south side of crossroads.
  7. Dropped crossing and tactile paving at the junction of Laurel Grove and Clumber Street.
  8. Tactile paving at the junction of Clumber Street and Wellbeck Street.
  9. Tactile paving on School Street opposite the entrance to Morrison's store.
- A 'KEEP CLEAR' road marking on Low Moor Road at Alexander Street shown on plan ref. 18/355SKH/016. The road markings would be located on Low Moor Road opposite the end of Alexandra Street.
- A widening of the access arrangement at the junction of Walesby Drive and Woodland Walk shown on drawing ref. 18/355/ATR/002.
- Details of proposed new, proposed highways including long sections, road dimensions, lighting, street furniture, cycle/footway facilities and electric charging points.
- Detailed Travel Plan which promotes sustainable travel modes and a timetable for implementation.
- Measures to prevent deposits on the highways during construction.

### **NCC Area Health Authority.**

The Area Health Authority has carried out an assessment of the impact of the extra houses on health provision in the local area. The three nearest medical practises are Kirkby Health Centre, the Family Medical Centre and the Healthcare Complex. The proposed development does not justify a new medical practise but investment in enhancing the capacity/infrastructure of existing practises will be required. The additional 196 houses would require a financial contribution of £108,375.

### **NCC Policy and Strategy.**

The County Council have reviewed the amended proposal for 196 houses and require a number of financial contributions to improve local services.

With respect to education, there is a surplus of school spaces at both primary and secondary level so no contribution would be sought.

The increase in numbers of local people using the library will put pressure on stock levels so a financial contribution of £6,909 would be required to address this.

For improvements to local bus service infrastructure, a sum of £23,000 will be required and a sum of £19,600 would be required for sustainable travel.

Regarding waste management, Kirkby recycling centre is under increasing demand and the centre needs improvements to continue working efficiently. Consequently, a sum of £10,999 is required as a contribution to improvements.

#### **NCC Constabulary.**

The application has been reviewed by the local police who say that resistance to crime and disorder has a positive effect on community cohesion and sustainability. Advice and comments focus on secure parking and surveillance which should not be impeded by planting, accessibility and the principles of 'secure by design.'

#### **NCC Heritage.**

Coxmoor Lodge Farm is recorded as a group of buildings of local interest. The Heritage desk based assessment has identified the original stone barn and western range of the farmstead as being of local interest but incorrectly states that the site has not been included on the ADC list.

The identified heritage interest of the farmstead has not been recognised by the proposal and, consequently, the layout does not meet the requirements of section 16 of the NPPF. Substantial harm to the heritage buildings would result so this application is not supported.

#### **Local Lead Flood Authority (LLFA).**

The whole site lies within flood zone 1 so the site is subject to the minimum level of flood risk; 1 in 1,000 years. All major developments, require a Flood Risk Assessment and this has been submitted but no mitigation measures are required given the zone 1 designation.

The initial response from the LLFA raised an objection to the application due to insufficient information about surface water drainage having been submitted. The initial recommendation was for refusal on these grounds.

NPPF paragraph 165 says that all major applications should incorporate sustainable drainage systems which have appropriate operational standards, maintenance arrangements in place and, where possible, provide multifunctional benefits.

Additional information about surface water drainage including a storage pond has been submitted by the applicant which addresses outstanding matters. Consequently, all drainage matters are resolved subject to conditions relating to details.

#### **Environment Agency.**

The EA confirm that the site lies within Flood Zone 1 so have no fluvial concerns. It is noted that the site lies within a Source Protection Zone and all foul sewage will be disposed of via the main sewer. If the method of sewage disposal changes, then the EA requested that they be re-consulted.

#### **Nottinghamshire Wildlife Trust.**

A number of issues have been raised by Nottinghamshire Wildlife Trust (NWT).

With respect to bats, surveys have been carried out and bats were detected on the site. It is likely that two of the buildings on site could contain roosting bats so additional bat surveys will be required to confirm this. In addition, it is very likely that bats will forage along the edge of Coxmoor Plantation so a sensitive lighting scheme should be located here.

The Ecology Survey submitted in support of the application says that some bird species such as meadow pipit or skylark which favour open habitats might be adversely affected. Mitigation measures are offered by NWT in the form of providing, via landowners, breeding areas on adjoining land.

Vegetation clearance and building demolition should be carried out outside the bird breeding season (March to August).

On site mitigation measures in the form of new landscaping and trees, existing hedgerow enhancement, additional hedgerows and bird boxes can be controlled by conditions. The submission of a Landscape and Ecological Management Plan is also recommended.

NPPF Paragraph 170 says that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. A biodiversity metric should be used to assist in the creation of a wildlife corridor and ecological network within the site.

### **Natural England.**

Natural England have confirmed that they wish to make no comments or objections.

### **Severn Trent Water Authority.**

Severn Trent (ST) do not object to this application. However, they note that there are no public sewers within the site and sewage disposal will require a formal request to ST. A satisfactory drainage scheme should be submitted and it is also noted that a 15 inch water main lies within the site and no build over is permitted.

### **Coal Authority.**

The application site does not fall within the defined Development High Risk Area. Consequently, there is no requirement to submit a Coal Mining Risk Assessment to be submitted or any further consultation with the Coal Authority (CA).

### **Comments on the Above.**

- The hedgerows around the site will be retained, strengthened and maintained as part of the landscaping proposals for the development.
- Habitats for wildlife, including bats have been included in the development proposals.
- Highways improvements will be carried out to allow the surrounding road network to accommodate the extra traffic generated by the scheme. Also, financial contributions will be required for the same reason.
- Financial contributions will be required for improvements to health and other facilities so that new residents will be served by community infrastructure.
- A condition would ensure that a SuDS drainage scheme would deal with surface water disposal.

- The retention of farm buildings will be assessed later in this report and the stone barn has been retained as part of the proposal.

### **Policy.**

With respect to Section 38 of the Planning and Compulsory Purchase Act 2004, the main policy considerations are as follows:

#### **National Planning Policy Framework (NPPF).**

Part 2: Achieving Sustainable Development.

Part 5: Delivering a Sufficient Supply of Homes including paragraph 65, Affordable Housing.

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 Areas.

Policy ST4: Remainder of the District.

Policy HG3: Housing Density.

Policy HG4: Affordable housing.

Policy HG5: New Residential Development.

Policy HG6: Public Open Space in New Residential Development.

Policy EV2: The Countryside.

Policy EV8: Trees and Woodlands.

Policy TR2: Cycling Provision in New Developments.

Policy TR6: Developer Contributions to Transport Improvements.

#### **Design Guidance.**

Ashfield Residential Design Guide (2014).

Ashfield Residential Car Parking Standards (2014).

The National Design Guide (2020).

National Model Design Code (2021).

Building for a Healthy Life (2020).

Gear Change: a bold vision for cycling and walking (2020).

Cycle Infrastructure Design (LYN 1/20) (2020).

Manual for Streets 2 (2010).

Nottinghamshire Highway Design Guide (2021).

### **ODPM Circular 06/2002 Biodiversity and Geological Conservation.**

- The presence of protected species that might be affected by the proposal is a material consideration.
- If potential harm cannot be ruled out in relation to this, then surveys shall be undertaken before planning consent is granted.
- The Circular identifies that the Biodiversity Action plan (BAP) is capable of being a material consideration.

### **Summary.**

#### **Site Description.**

The application site lies at the edge of Kirkby in Ashfield, is broadly rectangular in shape, extending over 7.3 hectares. The land slopes gradually from east to west ending at the lowest point of the site in the middle of the northern boundary. The highest point is along the eastern boundary. The south-western part of the site is relatively flat and contains the existing farm yard and buildings. The difference between the highest and lowest points is about 11 metres.

Most of the site comprises a large area of grassland and scrub planting bordered by hedgerows. A collection of relatively recent and older farm buildings, farmyard, a house and associated gardens is located in the southwest of the site. Access to this building cluster is taken from Farm View Road. There are a number of trees within the site with most of these concentrated in the garden associated with the farm and house. There are also mature trees and hedgerow along the western edge. As well as the residential use within the group of buildings, this part of the site is part used for caravan storage and, in one building, vehicle repair.

The application site does not appear to be in any agricultural use as it is subject to well established scrub rather than controlled or grazed grassland.

There are no designated public rights of way through the site but there are several informal paths used by walkers and those exercising dogs, access to these being taken from various points around the site. There is a well-established path outside the site along the western boundary which leads from the formal path along the southwest boundary which separates the application site from six houses on Coniston Road.

The northern boundary comprises trees and hedgerow, more dense to the west with reduced planting to the east. Beyond this is agricultural land, open in character. The western boundary is trees and hedgerow with an area of open space beyond. To the south is existing housing. This comprises the rear and sides of houses that are served by Coniston Road, Harris Road, Springfield Way, Walesby Drive and Woodland Walk. There is a mix of treatment along the boundaries and some remain largely open. Also on the southern boundary is an electricity sub-station located next to the application site and overhead cables run from this across the middle of the south to the north.

The southern boundary also provides the access point into the site which is a private drive from Farm View Road. To the east of the site is Coxmoor Plantation which is mature woodland. Here, deciduous trees lie along the boundary with the application site with conifers further into the plantation.

### **The Application.**

The application, as originally submitted, proposed a total of 214 houses comprising a mix of 2, 3 and 4 bedroomed detached and semi-detached houses. Vehicle access was taken from the existing access on Farm View Road and a new access point from Walesby Drive. In the north of the site, an area of open space including a balancing pond was proposed.

The road layout comprised a central loop system with feeder roads taken from the loop.

The application, as amended, proposes a reduction in the number of dwellings from 214 down to 196. The main change in the layout is in the central area. A broad, landscaped corridor with footpath links has been introduced linking the southern part of the site with the open space and balancing pond and this has resulted in a reduction in dwelling numbers. The purpose of the landscaped corridor is to allow for the overhead electricity cables to be placed underground as well as providing additional open space and planting. A new electricity sub-station would be introduced along the southern boundary just outside the application site.

The amended layout retains a similar balance and variety of dwellings, the two access points and the internal loop system and road layout. The footpath links within the site provide access into the surrounding countryside to the north and west. The open space and balancing pond, as amended, has reduced in size from the original submission.

To mitigate against increases in traffic in the immediate area, off-site road improvements would be required to the Lowmoor Road/Alexandra Street junction. Improvements to the local footpath network improving links to key locations would also be required.

### **Principle of Development.**

Countryside.

The application site is designated as Countryside in the Local Plan and ADC policy EV2 seeks to protect such areas from inappropriate development, saying that development must be located and designed so as not to adversely affect the character of the countryside, in particular, it's openness.

Housing Supply.

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

Based on the Housing Land Monitoring Report of 31 March 2021 and applying a 20% buffer, Ashfield has a 2.25 year housing land supply. There is, therefore, a serious and immediate need for more housing to be delivered in the District.

In accordance with NPPF paragraph 11 (footnote 8), the tilted balance should be engaged. This says that permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits when assessed against NPPF policies.

## **Community Involvement.**

As part of this planning application, there has been no pre-application prior engagement with the local community by the applicant, extensive consultation on the application has however taken place.

## **Layout, Appearance and Scale.**

National and local planning policy and guidance require the design and layout and the external appearance of buildings to be of high quality.

Two points of access into the site are proposed, one of which make use of an existing access point from Farm View Road and a new one from Walesby Drive which will facilitate two way traffic with footways either side to access the site from two points. A single point of access would not be acceptable. These accesses serve an internal loop system which, in turn, have residential feeder roads and private drives with dwellings arranged around them.

The scale of housing development on the site would be two storey houses with a variety of dwelling types, exteriors and footprints.

The massing and appearance of the development will reflect the existing, nearby houses to the south but would be more spacious as the existing houses are modest in size with limited off-street parking. The external treatment would be a mix of red and buff brick with roof tiles to complement this. Elevations of the larger houses fronting the street will have gable features to create interest. The smaller houses will be plainer in appearance although some will have front porches that will break the elevations. Consistent ridge and eaves lines would create a balanced and well-proportioned built form.

Full details of the external treatment of houses have yet to be submitted so this will be the subject of a condition requiring full details to be submitted prior to commencement of development.

The development of 196 houses would be split between 3 and 4 bedroomed detached and 2 and 3 bedroomed semi-detached houses, 112 and 84 dwellings of each, respectively. The existing houses to the south are predominantly semi-detached but the massing and scale of the proposal will reflect existing houses.

Off-street car parking is provided for each dwelling, two spaces for 2 and 3 bedroomed houses and 3 spaces for those with 4 bedrooms. Each house has a garage included measuring 6 x 3 metres so there is ample space for a car to be parked inside. A small number of the houses have tandem parking spaces, which the Highways Authority generally do not support because of the resulting awkward manoeuvring that can result but, in this case, there are so few of these instances that there would be no impact on highways safety.

Double parking spaces in front of houses have been avoided apart from a few instances so the street scenes would not be subject to lines of cars dominating the streetscape. Instead, front gardens would soften the impact of the built form throughout the development.

The layout shows that the ends of cul-de-sacs being next to the edges of the site which allows for landscaping to be introduced here and create a planted buffer linking the development with the countryside.



Green space has been provided within the site in the form of garden spaces, the central landscaped corridor and the open space and balancing pond to the north. There is also a smaller area of open space either side of the entrance from Farm View Road which is currently hard surfacing.

At present, the bulk of the site is open, featureless grassland although there is a group of trees in the south west corner. This tree group would be lost to development but the development will allow many more trees to be planted that will, in time, allow a more diverse planted environment to emerge including the balancing pond, diverse plants, hedgerows and trees.

The application site is located next to the main urban area of Kirkby in Ashfield within countryside and the site borders a mix of woodland to the east and open fields to the north and east. The design and layout has taken advantage of the rural views and semi-rural character and ensured that, where possible, houses face onto the countryside and open space areas to improve outlook and enhance security overlooking the footpaths that run along the site perimeter. The land to the north falls away from the application site and this allows for long views out of the site from houses located here.

At present, there are overhead power lines that run across the site but, as part of the proposals, these will be replaced by cables that run beneath the ground.

### **Affordable Housing.**

Policy HG4 of the Ashfield Local Plan review says that affordable housing will be provided on schemes of more than 25 dwellings or of one or more hectares in area. NPPF policy supports this. 10% of the total number of units on site would be affordable in the form of low cost housing as defined in the Glossary at Annex 2 of the NPPF. The 10% shall be split with 75% being for social rent and 25% being shared ownership.

### **Sustainability.**

At the heart of the NPPF is a presumption in favour of sustainable development. The new houses would be built to current sustainable standards including solar gain, the use of photovoltaic panels, high level thermal efficiency, minimising energy and water use and a sustainable drainage system throughout the site.

The site is located at the edge of the main urban area of Kirkby in Ashfield where there are good links to bus and train services, local shops and facilities and schools. The Travel Plan submitted in support of the application sets out details of connections to the urban area and this is set out later in this report.

### **Residential Amenity.**

As part of the two public consultation exercises, concerns were raised by local people about the potential impact of the proposal on the privacy of existing houses and the possibility of overlooking. This issue is confined to the southern edge of the development site where there are existing houses facing Coniston Road, Harris Road and Walesby Drive.

The minimum distance between the rear of dwellings to ensure the retention of privacy is 21 metres. Existing houses along Harris Road face the rear of proposed houses and the layout demonstrates that the 21 metre distance is adhered to throughout this part of the site.

There are houses on Coniston Road which have flank walls of proposed houses facing rear gardens and the minimum 12 metre distance between flank walls without windows and rear elevations is respected. On Walesby Drive, the flanks of proposed and existing houses are close to each other but there would be no loss of privacy.

The six houses on Coniston Drive are at a significantly lower level than the application site and shielded by an embankment and trees so there would be no overlooking here.

The applicant has demonstrated that there would not be any unacceptable impact on the privacy of existing residents.

With respect to the privacy of future residents, the layout demonstrates that the 21 and 12 metre minimum distances between houses will be respected and that there would be no overlooking or loss of privacy. The application site has a shallow fall from west to east of 11 metres but no sudden changes in level. This means that there are no pronounced changes in level where a building would over-dominate a neighbour.

Every house has a private rear garden which would provide an acceptable level of meaningful amenity space for each property. A schedule of garden sizes has been submitted in support of the application. These would all be enclosed by a mix of fencing, walls and planting to ensure privacy is retained. All fences and walls would be 1.8 metres high. All waste and recycling facilities will be contained within private gardens in the interests of security and the avoidance of street clutter.

A garden would also be provided at the front of each house although these would be of varying sizes, depending on the size of the house. The defensible space created by gardens will establish a clear definition between private and public space.

The proposal meets the requirements set out in National and local planning policy and guidance in terms of amenity standards for residents.

## **Highways.**

The Highways Authority have been consulted throughout the application process and their detailed recommendations are set out earlier in this report.

To summarise the highways proposals, there would be two access points into the site. One of these currently exists, currently serving existing buildings on site and the second would be a new access from the end of Walesby Drive. Both accesses would be subject to improvements, allowing them to adequately serve the proposal and the amount of traffic it would generate. Because of the additional vehicle numbers, some road improvements would be required, namely at the junction of Walesby Drive and Woodland Walk where the junction would have to be widened to allow a refuse vehicle to pass safely. A swept path analysis has been provided to demonstrate this.

Highway improvements to Low Moor Road and Alexandra Street will be necessary to prevent queueing. Both of these roads are remote from the application site but the Highways Authority conclude that the extra traffic generated by the new development will require improvements.

The Highways Authority took into consideration the possibility of further development happening on land to the north of the application site. The proposed layout would allow for two further access points to be taken into the land to the north and it was concluded that, in the event of this happening, major improvements to the Low Moor Road/Alexandra Street junction and to the Low Moor Road/Southwell Lane roundabout would be required. However, such improvements would not be justified for the current application.

The two access roads would both connect to an internal loop road that would distribute vehicles evenly around the site and onto the five residential feeder roads and shorter private drives around the site. Measures set out in the Travel Plan will mitigate against the reliance of the private car. These include home electric vehicle charging points, encouraging 'car clubs', information about alternative travel modes and routes and the provision of free bus passes for a limited period.

The NPPF encourages reducing the reliance on travel by private car as this is part of the key objective of providing sustainable development. The Travel Plan lists the frequent bus connections to key destinations such as shops, schools and services which is supported by the availability of two railway stations.

Details of private, off street car parking has already been set out the earlier in this report. There is also provision for visitors and this is distributed around the site on the road network. The visitor spaces are all allocated on the streets in locations that would not be a hazard to other road users.

The main cycle/footpath link within the site is part of the landscaped corridor that runs north to south linking the southern part of the site with the open space and balancing pond to the north. There are also two separate footpath links from the eastern part of the site that are both continuations of a cul-de-sac.

With respect to footpath links with the surrounding area, it is noted that there are desire lines across the site where people currently walk and these have been incorporated into the scheme by two links each along the east and west edges of the site and one to the north which will link into the existing footpath network.

Conditions would be attached to any planning consent for this application controlling a pedestrian crossing, access improvements, internal highways details and the submission of a more detailed Travel Plan. In addition, the applicant has agreed to provide a number of financial contributions for highway and travel improvements and these have been set out earlier in this report. The financial contributions will be controlled by way of a section 106 legal agreement.

The highways and travel proposals for this application satisfy all national and local planning guidance and policy criteria.

### **Historic Environment.**

No designated heritage assets in the form of Conservation Areas, Listed Buildings or Scheduled monuments are located within the site. However, part of the group of existing buildings located in the south-east corner of the site have been identified as being of local importance. As originally submitted, the developer proposed demolishing all the farm buildings but, after negotiations, the plans, as amended, now include the retention of the existing, centrally located stone barn.

Concerns have been raised during consultations about the loss of the farm buildings because they are considered to be of local historic importance. The two most important buildings are the original barn which is mainly stone built and the adjoining brick building to the west. Some of the group of buildings are modern, utilitarian sheds and are not worthy of retention. It is noted that none of the buildings are Listed so the weight that can be attributed to ensuring their retention is limited.

The amended proposal now includes the stone barn and the applicant has confirmed that the initial intention would be to convert this into two dwellings but the applicant is discussing at officers request the potential for a future community centre ( this requires further consideration as to future viability but can be considered more widely as the S106 progresses) . The principle of retaining the barn for a future appropriate use is an acceptable compromise that meets the Heritage guidance set out in the NPPF and local plan policies.

The applicant has shown an indicative layout for use as two dwellings with off street car parking and gardens. However, the barn is not included in this planning application because details of the work required to make the building watertight and managed prior to an acceptable lawful use being established need to be identified.

Your officers have given consideration to the use of the barn and conclude that there is a potential opportunity to use the barn for community use should it be viable. The initial proposal for residential use within the housing proposal is acceptable but community use also meets appropriate policy criteria within housing areas.

Developing the barn for community use would enhance social cohesion and place making in this part of Kirkby and is part of a larger initiative to enhance communities throughout Ashfield District Council. The barn is located at the southern edge of the application site which is an ideal location as it is broadly central between the existing housing and the proposed development and will join the existing community with the new one.

The applicant has agreed, in principle, to hand over the barn to the Council for community use and your officers will pursue a variety of funding options to progress this initiative.

The use of the barn as a community asset would bring benefits to the existing and future communities and this will be included in the section 106 legal agreement that is required for this application (subject to wider viability).

### **Landscaping and Open Space.**

The landscaping on the existing site largely comprises open grassland with Coxmoor Plantation to the east and hedgerows along boundaries, although the hedgerows are sporadic with numerous gaps. The hedgerow along the east boundary has significantly more planting, including trees, than other hedgerows around the site. There is also a stand of trees associated with the farmstead in the southwest corner of the site but these would be lost as part of the development proposals.

The application, as amended, shows hedgerows along the west and north boundaries and also along the southwest boundary with Coniston Road. Planting, including trees, will strengthen the existing hedgerows.

Internal planting comprises private gardens and also a broad, central, landscaped corridor leading from the lower, southern part of the internal loop road to the area of open space which

includes the balancing pond. Trees would be introduced into these areas as well as lower level planting. The open space and balancing pond provide a transition between the development and the open grassland to the north.

It is acknowledged that trees in the southwest of the site would be lost to development but new trees would compensate for this loss and there would be more trees and planting within and around the site than at present.

The planting in public areas and along boundaries will soften and complement the built form which would be safe, secure and attractive, encouraging physical activity and social interaction.

The landscape proposals are considered to be acceptable but the details, maintenance and management would be the subject of conditions.

### **Flooding and Drainage.**

A Flood Risk Assessment (FRA) was submitted in support of this application which confirms that the site is located within Flood Zone 1. The likelihood of flooding is 1 : 1000 years so no mitigation measures are required.

The FRA stipulated that a balancing pond be included within the scheme and this has been sited next to the northern boundary in a central location being part of a larger area of public open space. The SuDS surface water drainage scheme would discharge into the balancing pond and a condition would be required to provide details of the drainage scheme.

### **Ecology, Natural Environment and Biodiversity.**

Paragraph 180 of the NPPF recommends that development should aim to provide measurable net gain for biodiversity in and around the development. The Environment Act 2021 outlined a legal requirement of 10% measured against a DEFRA metric although this Act has yet to be implemented.

The applicant has submitted an Ecological Assessment in support of this application which provides a comprehensive survey of fauna and flora on and around the site. This confirms that most of the site is open grassland with sporadic hedgerows along boundaries. Although birds do nest in the site, there would not be a significant impact on ground nesting birds. There are no records of nightjar or wood lark on the site. However, no clearance or demolition works should take place during the bird breeding season and a condition would be attached controlling this.

Surveys for bats have been carried out and these confirm that bats forage within the site and also roost in the stone barn and the adjoining outbuilding. The barn will be retained as part of this proposal but the outbuilding will be demolished. A condition would require the submission of a mitigation package so that no harm to the roosting bats would result.

A condition would require the provision of bird and bat boxes, bee bricks and hedgehog gaps in fences. There is a good opportunity here to encourage wildlife inhabiting Coxmoor Plantation, boundary hedgerows and the farmland to the north to use the gardens and open space within the site.

There is a similar opportunity to develop the balancing pond and surrounding open space which would be next to the open farmland to the north to encourage wildlife by way of native species landscaping around and within the water.

### **Archaeology.**

The applicant has submitted a desk based archaeological study in support of the application and this concludes that the potential for buried archaeological remains is low. There is no evidence of prehistoric, Roman or medieval remains. The first buildings were built on the site in 1854 and these are of local historic interest but the later buildings in the north of the group are of recent, utilitarian construction and of no interest.

A condition will be attached to cover the possibility of archaeological remains being found during construction works and ensuring that this issue is dealt with in a proper manner with appropriate mitigation measures, where necessary.

### **Land Stability and Ground Contamination.**

There are no identified issues with ground contamination or land stability but it is necessary to include a condition which would require remediation measures to be put in place in the event of ground contamination being discovered during construction.

### **Developer Contributions.**

The following developer contributions are required:

- 10% of the housing to be affordable of which at least 75% should be social rent and 25% shared ownership.
- £428,000 to be provided for off site POS improvements.
- Upgrade the traffic signals at Low Moor Road and Sherwood Street - £25,000.
- Improvements to bus stop infrastructure - £19,000.
- Sustainable Travel Plan contribution - £19,000.
- Cycle parking at Kirkby in Ashfield railway station - £1,500.
- Upgrade pedestrian crossing points on key routes - £50,000.
- 'Keep Clear' road markings on Low Moor Road and Alexandra Street - £2,500.
- Improvements to local health care facilities - £108,375.
- Improvements to the local bus infrastructure - £23,000.
- Sustainable travel contribution - £19,600.
- Increase in library stock - £6,909.
- Improvements to waste disposal and recycling centre - £10,999.
- The updated CIL legislation allows for a Section 106 monitoring fee to be charged to cover the Council's monitoring costs - £1,000.
- Potential transfer of barn

### **Conclusion.**

The NPPF states that proposals should be considered in the context of sustainable development, which is defined by economic, social and environmental matters and the roles they perform.

The application site lies next to the main urban area of Kirkby in Ashfield and is able to benefit from the good public transport links, shops, schools and leisure and employment opportunities that lie close by. The site is considered to be in a sustainable location.

With respect to the three NPPF objectives of sustainable development, the development would have the following benefits:

#### Economic.

The scheme would provide accommodation for up to 196 families and a large number of these would have jobs serving the local community, bringing in revenue to the local area. Jobs would be created and be diverse in terms of hours worked and skill levels.

In addition to this, there would be indirect benefits by way of jobs during construction of the houses and the supply of materials by local businesses. There would be direct economic benefits to the immediate locality and the wider area.

#### Social.

In social terms, the scheme would deliver 196 high quality houses which would provide sustainable accommodation. The Council cannot currently demonstrate a five year housing land supply and the provision of new homes including at least 20 affordable homes, will make a significant contribution to much needed housing in the District.

The development of the stone barn as a community centre will bring significant benefits to the local community and enhance social cohesion in the area.

#### Environmental.

The proposal includes landscaping and a large pond which can incorporate a greater variety of native species and enhance the adjoining hedgerows and countryside. Currently, most of the site is grassland and the introduction of gardens and landscaping with more intensive planting will encourage a greater variety of garden birds and animals.

The development would be an attractive residential area which would reflect the scale and density of existing, nearby housing. The incorporation of a variety of sustainable features which would reduce reliance on fossil fuels will reduce the carbon footprint of the proposal.

The layout, appearance and scale of the development is acceptable. The impact on the surrounding highways network is also acceptable and any harm would be mitigated by improvements and financial contributions that will benefit the site. The internal highways layout including cycle and pedestrian provision is acceptable.

The amenity of existing and future residents, biodiversity, flood risk, landscape and all other material considerations are acceptable subject to conditions, where necessary.

The application site lies next to the main urban area of Kirkby in Ashfield but lies within an area allocated as Countryside. ADC policy EV2 is clear in that housing development of this scale is contrary to the terms of this policy. However, Ashfield Council cannot demonstrate a five-year land supply and there is a pressing need for additional housing in the district and the benefits of this outweigh the potential harm to the character of the countryside. NPPF policy clearly states that there should be a presumption in favour of development where the benefits of the proposal are greater, on balance, than the harm to the site, in this case, the countryside, that would accrue due to the application.

The application site is largely scrub and grassland that is not actively farmed and the proposal will introduce a greater variety and intensity of planting, improving bio-diversity in the area.

The layout, scale and appearance is acceptable. The impact on the surrounding highways network is also acceptable and any potential harm will be mitigated by improvements and financial contributions.

The amenity of existing and future residents, biodiversity, flood risk, landscape and other material considerations have been assessed and are acceptable subject to planning conditions, where necessary.

Overall, the balance is in favour of the proposed development and it is in line with both the NPPF and the development plan. Consequently, the application is recommended for approval subject to conditions and section 106 requirements set out below.

**Recommendation. – Conditional Consent subject to a section 106 Agreement.**

**Heads of Terms of Section 106 Agreement.**

1. A minimum of 10% of the houses shall be affordable of which at least 75% should be social rent and 25% shared ownership.
2. A sum of £428,000 to be provided for offsite POS improvements.
3. A sum of £25,000 to be provided to upgrade the traffic lights to MOVA control at the junction of Low Moor Road and Alexandra Street.
4. A sum of £19,000 to be provided to improve bus stop infrastructure.
5. A sum of £21,400 to be provided to improve sustainable travel.
6. A sum of £1,500 to be provide cycle parking at Kirkby in Ashfield railway station.
7. A sum of £50,000 to upgrade pedestrian crossing points along key routes.
8. A sum of £2,500 to be provided for 'Keep Clear' road markings at Low Moor Road and Alexandra Street.
9. A sum of £108,375 to improve the medical centre and health care facilities.
10. A sum of £23,000 to be provided to improve local bus infrastructure.
11. A sum of £19,600 to contribute to improvements to sustainable travel.
12. A sum of £6,909 to increase the stock at the local library.
13. A sum of £10,999 to be provided to improve waste disposal and recycling facilities.
14. A timetable to be provided which sets out the programme of building works and necessary application(s) to ensure the inclusion of the retained stone barn as an acceptable use within the development.
15. A programme to be provided which manages and controls the transfer of the stone barn building into the ownership of Ashfield District Council for use a community centre.
16. A Management Plan setting out details of the responsibility for maintaining and managing the landscaped areas of public open space which shall include a planting schedule and timetable of works.

**CONDITIONS**



1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
  - Planning Layout. 1061-2/3 Rev. X2.
  - Site Location Plan. 1061/5-
  - Forward Visibility based on 20 mph speed. 18/355/SKH/008 Rev F.
  - Swept Path Analysis of Turning Heads. 18/355/ATR/001 Rev B.
  - Internal Junction Visibility based on 20mph speed. 18/355/SKH/007 Rev A.
  - Detailed Landscape Proposals (1 of 3). 3631/5 Rev H.
  - Detailed Landscape Proposals (2 of 3). 3631/6 Rev H.
  - Detailed Landscape Proposals (3 of 3). 3631/7 Rev H.
  - Tree Protection Plan. 3631/8.
  - Flood Routing Plan. D206 Rev 2.
  - Drainage plan 1 of 3. Y20018-D201 Rev 2.
  - Drainage Plan 2 of 3. Y20018-D202 Rev 2.
  - Drainage Plan 3 of 3. Y20018-D203 Rev 2.
  - House type 358/9 Urban. 21-358/9-U-0001 Rev CO1.
  - House type 350 Urban. 21-350-U-0001 Rev CO1.
  - House type 353 Urban. 21-353-U-0001 Rev CO1.
  - House type 360 Urban. 21-360-U-0001 Rev CO1.
  - House type 436 Urban. 21-436-U-0001 Rev CO2.
  - House type 355 Urban. 21-436-U-0001 Rev CO1.
  - House type 357 Urban. 21-357-U-0001 Rev CO1.
  - House type 212 Urban. 21-212-U-0001 Rev CO1.
  - House type 401 Urban. 21-401-U-0001 Rev CO2.
  - House type 403 Urban. 21-403-U-0001 Rev CO2.
  - House type 435 Urban. 21-435-U-0001 Rev CO2.
  - House type 360C. 1061/100 Rev A.
  - House type 436C. 1061/101.
  - Detached Single Garage. 0282/SD700 Rev c.
  - Detached Double Garage. 0282/SD701 Rev D.
  - Sales Garage. 0282/SD704.
  - 1800mm Close Boarded Fence. 0282/SD-100 Rev F.
3. No development shall take place until details or samples of the materials and finishes to be used for external elevations and roofs of the development have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out with those materials unless the Local Planning Authority gives written approval to any variation.
4. Prior to the commencement of development, details shall have been submitted to and agreed in writing by the Local Planning Authority of facilities around and within the drainage attenuation basin that contribute to the natural environment and biodiversity net gain. Such facilities shall be provided prior to the occupation of the first house and retained thereafter.
5. Prior to the commencement of development, details shall have been submitted to and agreed in writing by the Local Planning Authority of pedestrian crossing facilities shown indicatively on plan ref. 18/355/SKH/015. Such crossing facilities shall be provided prior to the occupation of any dwelling and retained thereafter.

6. Prior to the commencement of development, details shall have been submitted to and agreed in writing by the Local Planning Authority of the 'KEEP CLEAR' road markings shown indicatively on plan ref. 18/355/SKH/016. Such road markings shall be provided prior to the occupation of any dwelling and retained thereafter.
7. Prior to the commencement of development, details of the access arrangement at the junction of Walesby Drive and Woodland Walk shown indicatively on plan ref. 18/355/ATR/002 shall have been submitted to and agreed in writing by the LPA. Such access arrangement shall be implemented prior to the occupation of any dwelling and retained thereafter.
8. Prior to the commencement of development, details of any development with regard to the internal street layout, including longitudinal (maximum 1 in 15) and cross sectional gradients, footpath/road key dimensions, parking and turning facilities (private and public), surfacing, street lighting, highway structures, junction/pedestrian/forward visibility splays, cycleway/pedestrian facilities, VPA/tracking, electric vehicle charging points, drainage/outfall proposals, visitor parking on the street i.e. 5 metre lengths available not obstructing the highway, construction specification and provision of and/or diversion of utility services shall have been submitted to and agreed in writing by the Local Planning Authority. Such details shall be implemented prior to the occupation of any dwelling and retained thereafter.
9. Prior to the commencement of development, a detailed Travel Plan shall have been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring the progress of the proposals. Such agreed measures within the Travel Plan shall be implemented within a timetable to be agreed by the Local Planning Authority.
10. Prior to the commencement of development, a detailed hard and soft landscape scheme shall have been submitted to and agreed in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building(s) 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 or species, unless the Local Planning Authority gives written consent for any variation.
11. No development shall take place until full details of the proposed treatment of the site's boundaries and a phasing scheme for the implementation of the agreed boundary treatment have been submitted to and agreed in writing by the Local Planning Authority. Such boundary treatment shall be implemented in accordance with the agreed phasing scheme and retained thereafter.
12. Due to the possibility of potential ground contamination;
  - a) If during the construction works any potential land contamination or unusual odour is encountered, all construction works 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) the 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.

- b) If potential contamination is identified pursuant to part (a) of this condition, the development shall not be occupied until land contamination is fully remedied in accordance with a remediation scheme submitted to and approved in writing by the Local Planning Authority and a post completion verification report, including results of sampling and monitoring carried out, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been met.

13. Prior to the commencement of development, details shall have been submitted to and agreed in writing by the Local Planning Authority of a Sustainable Drainage System. Such drainage system shall be in accordance with CIRIA C753 and include the following information:

- An assessment of the nature of SuDS to be used.
- Details of a proven outfall from the site in accordance with the following drainage hierarchy, in order of preference; infiltration, discharge to watercourse, discharge to surface water sewer or discharge to a combined sewer.
- Justification for use or not of infiltration, including results of soakaway testing, in accordance with BRE 365.
- Evidence that the maximum discharge is set to the QBar Greenfield run-off rate for the positively drained area of development.
- Demonstrate the site drainage system will cater for all rainfall events up to and including the 1 in a 100 year event including a 40% allowance for climate change.
- Provide details of exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100 year +CC storm.
- Details of approval from any water authority that may be required to accept surface water discharge.
- Show that SuDS systems will be incorporated into the surface water management scheme for the site, preference should be given to above ground SuDS which provide multi-functional benefits.
- Details of who will manage and maintain all drainage features for the lifetime of the development to be submitted prior to construction.

14. Prior to the commencement of development, a construction management plan shall be submitted to and agreed in writing by the Local Planning Authority and this shall include;

- How construction traffic will access the site.
- Proposed hours and days of working.
- The parking of vehicles of site personnel, operatives and visitors.
- Location of site storage areas and compounds.
- Wheel washing facilities.
- A strategy for the minimisation of noise, vibration and dust.
- Site contact detail in case of complaints.

Such agreed construction management plan shall be adhered to throughout the construction period.

15. Prior to the commencement of development, details of an Ecological Management Strategy shall have been submitted to and agreed in writing by the Local Planning Authority. The Strategy shall include: details of objectives to achieve ecological enhancement of the site; any required updated protected species surveys; details of measures for encouraging biodiversity within the site; review of site potential and

constraints; details of works to achieve objectives; details of the body or organisation responsible for implementation; the timetable for implementation; details of aftercare and long term maintenance; details of monitoring and remedial measures; details of a legal and funding mechanism by which the implementation of the Strategy will be secured. The Strategy shall be carried out as approved.

16. Prior to the commencement of development, details of bird, bat and bee boxes and hedgehog corridors, including gaps in boundary treatment, incorporated into the construction of dwellings and gardens shall have been submitted to and agreed in writing by the Local Planning Authority. Such boxes and corridors shall be implemented prior to the occupation of each dwelling and thereafter retained.

## **REASONS.**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. To define the terms of this permission and for the avoidance of doubt.
3. To ensure the satisfactory appearance of the development.
4. To preserve and enhance the natural environment and biodiversity of the area.
5. In the interests of highways safety.
6. In the interests of highways safety.
7. In the interests of highway safety and to ensure users have access to improved access and sustainable facilities that encourage active travel.
8. To ensure the development is constructed to a satisfactory standard for use by the public and in the interest of highways safety.
9. To promote sustainable travel.
10. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
11. To safeguard the amenities of residents.
12. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of future occupiers in accordance with NPPF paragraph 178.
13. To ensure that satisfactory and sustainable drainage is provided.
14. To ensure the impact of construction works on residents' amenities is controlled to a minimum.
15. In the interests of promoting and encouraging biodiversity within the site.
16. In the interests of promoting and encouraging biodiversity within the site.

## **INFORMATIVES.**

1. The developer is strongly advised to ensure compliance with all planning conditions attached to the decision. Failure to do so could result in LEGAL action being taken by Ashfield District Council at any 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 and Building Control Section of the Authority on 01623 450000. For further details on the decision, please see the application report by contacting the Development Section on 01623 457388.
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 HA, the new roads

and any highway drainage will be required to comply with the NCC's current highway design guidance and specification for roadworks.

3. Section 278 Agreement (Highways Act 1980).

To carry out off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. To undertake the works, which must comply with NCC's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the HA as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Contact [hdc.north@nottsc.co.uk](mailto:hdc.north@nottsc.co.uk) 0115 804 0022.

4. Section 38 Agreement (Highways Act 1980).

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act, payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA about 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.

Please note, any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the HA until a technical approval of the Section 278-38 Agreement is issued.

It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the NCC in writing before any work commences on site. Contact [hdc.north@nottsc.co.uk](mailto:hdc.north@nottsc.co.uk) 0115804 0022.

5. Commuted Sums.

The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e. additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage Systems, retaining walls, bollards and materials outside usual specification). The applicant is strongly advised to hold discussions with the HA as soon as possible to agree sums, ownership and responsibility for perpetuity.

6. Adoption of Roads/Streets.

The HA only seeks to adopt streets where the new street network is acceptable in all highways and transportation terms. Accordingly, the HA may refuse to accept future

maintenance liability of roads that do not meet the required standards and specification.

Planning consent is not an agreement to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [licenses@viaem.co.uk](mailto:licenses@viaem.co.uk) to ensure all necessary licenses and permissions are in place.

7. Prevention of Mud.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud and detritus on the public highway and, as such, you should take every effort to prevent it occurring.

8. Severn Trent Water advise that, although their statutory sewer records do not show any public sewers within the application site, there may be sewers that have recently been adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will assist you in obtaining a solution which protects both the public sewer and the development.

9. Sustainable Drainage Systems are a requirement for all major development schemes as set out in paragraphs 163 and 165 of the NPPF.

10. The Local Lead Flood Team does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at this site, alternative sustainable drainage should be used with a preference for above ground solutions.

11. Surface water run-off should be controlled as near its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.