



MAP SCALE 1: 750
CREATED DATE: 25/10/2023

COMMITTEE DATE 01/11/2023 **WARD** Huthwaite and Brierley

APP REF V/2021/0793

APPLICANT Bo Khan

PROPOSAL Residential Development to Form 18 Dwellings

LOCATION Land Off, High Hazles Drive, Huthwaite, Notts, NG17 2QR

WEB-LINK <https://www.google.co.uk/maps/@53,-1.2985002,19.25z?entry=ttu>

BACKGROUND PAPERS A, B, C, D, E, F and L

App Registered 12/11/2021 Expiry Date 11/02/2022

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

This application has been referred to Planning Committee by Councillor Tom Hollis on the grounds of highways impact and impact on the street scene.

The Application

This is an application for residential development, as amended, for 18 dwellings on land fronting High Hazles Drive, Huthwaite. The proposal comprises two detached houses and 16 semi-detached houses, all being two storeys in height and each with off-street parking for two vehicles.

When first submitted, the application was for 19 houses but, due to the cramped nature of this original proposal and other related reasons, it was considered to be unacceptable.

The application site is bounded by houses on three sides with the remaining boundary being with High Hazles Drive to the south. Houses to the north and west are all bungalows with further two storey houses to the east and across High Hazles Drive. The site is vacant, overgrown with dense, self-set planting and trees and slopes gently down from north to south. There are several mature trees along the boundaries. A few of the trees within the site have been felled.

The boundaries with existing houses comprises fencing with an open boundary with High Hazles Drive. Across this road, there is a breeze block boundary wall in front of existing houses and there are trees in some of the front gardens.

Consultations

Site Notices have been posted together with individual notification of surrounding residents.

Neighbour Representation.

One letter of representation from a neighbour has been received which sets out the following comments:

- A multi-stemmed sycamore tree shown outside the site boundary is within the site.
- There is potential for a loss of privacy affecting the rear of adjoining houses on Columbia Street.

Statutory Consultee Responses.

Nottinghamshire CC (NCC) Highways.

The original submission for 19 houses was unacceptable because of the resulting cramped nature of the off-street parking, lack of manoeuvring space and compromised visibility splays. These issues will be set out in more detail later in this report but the submission of the revised scheme for 18 houses has freed up the space required to resolve all issues.

The Highway Authority (HA) is satisfied that the scheme will not have an adverse impact on the highways network. The highways will be adopted by the County and in order to create the new junction and spine road serving the site, the applicant will need to enter into a section 278/38 legal agreement with the HA.

The following conditions will be necessary:

- Parking and turning areas to be provided.
- Full technical details of the new roads including sections will be required.
- Details of future management of the streets and drainage to be submitted.

NCC Planning Policy.

NCC have set out comments relating to the impact of this proposal on local services and infrastructure.

With respect to Education, it is anticipated that this development would generate an additional four primary and three secondary school places. There is a surplus of school places for both, so no contribution is required.

Similarly, the additional 18 houses proposed would not impact on Health provision, so no contribution in this respect will be required.

Turning to bus services, it is considered that the maximum distance passengers should expect to walk to a bus stop is 400 metres and, ideally, this should be 250 metres. The nearest bus stop is 160 metres from the site on Columbia Street denoted AS0120 – Springwell Street and this needs to be improved by way of a real time bus stop display being provided. This would attract a financial contribution of £8,800.

NCC Constabulary.

No comments or objections to the application.

NCC Local Lead Flood Team.

No objections to the application but a condition is necessary for a detailed surface water drainage scheme including sustainable drainage (SuDS).

Ashfield District Council (ADC) Arborculturalist.

The whole site is covered in dense scrub planting and there are also some trees, mainly in a line running north to south on the east side of the site and along boundaries. However, there is agreement with the findings of the Tree Report submitted in support of the planning application which concludes that none of the trees or planting have enough merit to warrant retention. Consequently, it is accepted that the whole site would be cleared.

A condition will be necessary to control the submission of a detailed landscape scheme.

ADC Environmental Health.

To the southeast of the site lies a former landfill site, now disused. There is a possibility of this affecting the application site so a condition is required which controls the need for mitigation measures in the event of ground contamination being found during construction works.

Severn Trent Water.

No objections to the application but a condition is necessary to control the submission of a detailed drainage scheme including SuDS.

Environment Agency.

No comments or objections to the application.

Natural England.

No comments or objections to the application.

Responses to Consultations.

The comments set out by the local resident are noted and the potential for a loss of privacy will be considered later in this report.

The financial contribution for the bus stop improvements will be controlled by a section 106 legal agreement and conditions will be attached in line with the above consultee responses.

Policy

Applications for planning permission must be determined in accordance with national planning policy guidance and the local development plan unless material considerations indicate otherwise.

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

Ashfield Local Plan Review (ALPR) (2002).

- ST1 - Development.
- ST2 - Main Urban Areas.
- EV8 - Trees and Woodland.
- HG3 - Housing Density.
- HG4 - Affordable Housing.
- HG5 - New Residential Development.
- HG6 - Open Space in Residential Development.
- TR2 - Cycling Provision in New Development.
- TR3 - Pedestrians and People with Limited Mobility.
- TR6 - Developer Contributions to Transport Improvements.

National Planning Policy Framework (NPPF) 2021.

- Part 2 - Presumption in favour of sustainable development.
- Part 5 - Delivering a sufficient supply of homes.
- Part 8 - Promoting healthy and safe communities.
- Part 9 - Promoting sustainable transport.

Part 11 – Making effective use of land.
Part 12 - Achieving well designed places.
Part 15 - Conserving and enhancing the natural environment.
Part 14 – Meeting the challenge of climate change.

Supplementary Planning Documents (SPD) 2014.

- Residential Car Parking Standards.
- Residential Design Guide.

Relevant Planning History

V/2014/0175. Outline planning permission for residential development granted on 4 August 2014 which has now expired.

Material Considerations.

- Principle of Development.
- Affordable Housing.
- Layout and Design.
- Residents' Amenity.
- Sustainability.
- Highways Safety.
- Contamination, Noise Impact and Air Quality.
- Landscape and Public Open Space.
- Ecology and Biodiversity.
- Drainage and Flood Risk Assessment.
- Developer Contributions.
- Planning Balance.

Principle of Development.

The application site lies within the urban area of Huthwaite which, in itself, is part of the larger Sutton in Ashfield urban area. ALPR policy ST2 says that development will be concentrated in these areas. The application site is not specifically allocated for a particular use but is contained within a residential area.

A previous outline planning application for housing was granted permission in 2014 and weight will be attached to this in establishing the principle of housing development.

Housing Supply.

Paragraph 60 of the NPPF sets out the Governments objective to significantly boost the supply of homes. Paragraph 74 requires Local Planning Authorities (LPA) to identify a minimum of five year's supply of housing against the local housing

requirement allowing for a buffer varying between 5% and 20%, dependent on the LPAs circumstances.

Based on the Housing Land Monitoring Report April 2023 and applying a 20% buffer, Ashfield Council has a 2.93 year housing land supply which is well below the 5 year requirement. There is, therefore, a serious and immediate need for more housing to be delivered in the District.

In accordance with NPPF paragraph 11, the tilted balance is engaged. Consequently, planning permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits of the scheme as a whole.

Tilted Balance.

The application site which is vacant land, lies within a sustainable main urban area and is surrounded by existing housing. The NPPF confirms that planning policies and decisions should give substantial weight to the use of sustainable sites for homes.

The site represents an opportunity to deliver 18 new houses in a sustainable and accessible location. Whilst this is a modest amount, the proposal will help to address the significant under-provision of housing within the District. The principle of developing this site for housing is acceptable but this needs to be set against all other material considerations to ensure that the development delivers an acceptable, sustainable scheme.

Affordable Housing.

The provision of adequate levels of Affordable Housing is an important requirement for new housing schemes and, at this location, 10% of the total provision should be affordable. As an alternative to on-site provision, it is possible to provide a financial contribution towards a location where there is an identified need for affordable housing.

The applicant provided a Financial Viability Assessment (FVA) in support of the application which concluded that Affordable Housing would not be possible because it would render the scheme financially unviable.

The applicants FVA was tested by an independent Financial Assessment which concluded that this proposal could support three Affordable Houses and the applicant has agreed to this. However, the relevant policy criteria requires 10% of the units to be affordable so two are required.

As part of the continuing consideration of the application, the applicant requested a further independent Financial Assessment because the applicant was concerned that deteriorating house prices would affect those within the proposal. A further

assessment was carried out which agreed with the applicants' assertions on house values in that the affordable housing requirement was reduced to a single unit along with the financial contributions which have been set out at the end of this report.

The intention is that one house would be given over to a registered provider and the process would be controlled by way of a legal agreement under section 106 of the Planning Act.

Layout and Design.

The site is served by a single residential access road taken from High Hazles Drive to the south. A gateway into the site is established by way of plots 2 and 3 and plots 17 and 18 built in semi-detached pairs either side of the entrance. Plots 3 and 17 lie either side of the entrance into the site and plots 2 and 18 are set back 3 metres behind the building line next to these which creates an interesting, symmetrical and identifiable built form at the entrance. Plot 1 is located to the west of plot 2 set back behind plot 2 which allows the four plots at the entrance to dominate.

The remaining 13 houses are arranged around the internal road and two short private drives. The whole development comprises 16 semi-detached and 2 detached houses. There would be 9 two bedroomed dwellings and 9 with three bedrooms. External materials would be the same throughout the scheme.

The application, as submitted, proposed 19 houses but this resulted in an unacceptable, cramped layout with the street scenes dominated by cars parked in front of the houses. The scheme, as amended, has been reduced to 18 and this reduction, although modest, allows the layout to breathe more, creating more space between dwellings, breaking up car parking and allowing more planting to be introduced.

The design approach proposes modest, two storey brick houses with pitched, tiled roofs with a simple built form. Detailing is limited to porches on six houses and an entrance canopy on others. The scale of the proposed individual houses is smaller than that of surrounding housing but is acceptable because the eight pairs of semi-detached houses are similar in scale to surrounding houses.

The applicant has confirmed that the exterior would be of brick with tiled roofs. A specific palette of materials has not been identified but the drawings and plans submitted in support of the application indicate that a pale beige or light orange exterior is anticipated. Although this would be paler than existing houses to the west and south, it would closely reflect the appearance of the bungalows to the north.

All control and submission of all external materials would be the subject of an appropriate condition.

Residents' Amenity.

A neighbour has raised a concern that houses along Columbia Street to the west of the site will suffer a loss of privacy. The minimum acceptable distance between habitable room windows is 21 metres and the distances between existing and proposed houses here would be between 29.8 and 39.5 metres which is well over the minimum requirement. Of more concern, in this respect, is the relationship of the proposal with the existing bungalows to the north where the distances between habitable room windows are slightly over 21 metres which are nearer but acceptable.

The minimum acceptable distance between a blank wall with no windows and habitable room windows is 12 metres. In this respect, the closest proposed house to an existing house is plot 9 which is 15 metres away from a bungalow to the north.

There is enough space between proposed houses to ensure that there is no loss of privacy. It is noted that the privacy distances across the public domain along the roads are reduced but this is acceptable because there is unrestricted public access.

The relationships between plots 2 and 3 and 17 and 18 give rise to concern because plots 2 and 18 are set 3 metres behind the building lines of the adjoining semi-detached houses. Application of the 45 degree rule, whereby if a line is taken from the nearest rear corner at 45 degrees to the affected, adjoining house, then the line should not enclose a window of a habitable room. In this instance, the patio doors at the rear of plots 3 and 17 would be affected, a situation which is often unacceptable. However, the room at the rear of the two affected plots is a kitchen/diner, served by both the patio doors and a further window which is not compromised by the 45 degree rule. Also, the grouping of the four houses around the entrance creates an attractive feature whereas amending the layout here to a consistent building line would give the impression of a barrier at the entrance, rather than an attractive feature. It is considered that this provides sufficient mitigation to render the layout affected by the 45 degree rule to be acceptable, on balance.

Each house is provided with a private rear garden and these vary in size. The minimum depth of garden should, ideally, be 10 metres but on plots 6 and 7, this is reduced to 8 metres. However, these are both 2 bedroomed houses and Council standards for garden sizes indicate that a minimum area of 50 square metres should be provided. The smallest garden is plot 7 which has 48 m² which is slightly below the minimum but considered to be acceptable. This garden is west facing and will receive much light and sun from midday. All other gardens are in excess of the recommended minimum areas.

Sustainability.

The application site is highly sustainable as it is located within an existing urban area and surrounded by housing. It is located close to shops, services and amenities and

has good transport links. The nearest bus stop is 160 metres away located on Columbia Street.

Construction methods will include cavity walls which will allow high insulation levels to be achieved. A minimum of 10% reduction in carbon emissions will be achieved by using low u-values for external elements, thus reducing energy demand. Provision of highly efficient boilers with effective heating controls, low carbon electricity from solar panels and the provision of electric car charging points on properties will contribute to a sustainable proposal.

Highways Safety.

Policy ST1 of the ALP says that development will be permitted where it does not adversely affect highway safety or the capacity of the transport system. NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the impacts on surrounding roads would be severe.

The single access into the site is taken from High Hazles Drive to the south and this will have an acceptable visibility splay of 2.4 x 47 m, which would not impact on gardens of future houses. The existing footway along High Hazles Drive would turn the corners into the site and extend along the whole of the new road. The two private drives would serve three houses each.

This new access is considered to be safe with good visibility in both directions. The existing road layout with junctions and bends in the roads will restrict vehicle speeds to 30mph.

With respect to car parking provision, each house has two on-plot spaces in accordance with the Nottinghamshire Highway Design Guide and these are all either in front or at the side of houses. Tandem parking is generally discouraged because this can lead to on-street parking but the Highways Authority accept, in this instance, that 14 houses would be served by tandem parking. This is because of the modest size of the proposal and many of the houses will appeal to lower income occupiers who will often own only one car. Consequently, on-street parking would be reduced, there will be space on drives for visitors to park and there is no need to provide specified on-street visitor parking.

No separate pedestrian or cycle routes are proposed because the site is too small to justify these and there are no linkages to an existing network.

The highways and parking layout is considered to be acceptable subject to conditions requiring details of parking and turning areas, full details of road specifications including longitudinal sections and the future management of streets and drainage.

Contamination, Noise Impact and Air Quality.

With respect to potential land contamination, a condition would be attached which, in the event of contamination being discovered during construction, a programme of remediation measures would be required to mitigate against the impact of the contamination.

A Noise Assessment has not been submitted in support of the application as the site is located in a quiet residential area. However, because of this and the potential for noise and dust affecting existing residents who live next to the site, a condition would be attached which restricts construction hours to 08.00 to 18.00 hours Monday to Friday, 08.30 to 13.00 hours Saturday with no working on Sundays or Bank Holidays.

Landscape and Public Open Space.

The applicant has submitted a Tree Survey in support of the application which describes the site as being vacant and almost completely overgrown with shrubs, self-set trees and brambles. The topographic survey also submitted in support of the application supports this, describing the site as 'densely overgrown'. There is also evidence of fly tipping on the site.

There are a number of trees on the site, being individual specimens and in groups and none of these are protected by a Tree Preservation Order. These are all a mix of multi stemmed sycamore, willow, hawthorn and ash. The presence of Knotweed is also noted within the site.

The proposed layout would involve the removal of all vegetation on the site except for the privet hedge along part of the western boundary. The report justifies this removal by stating that there is no significant planting, apart from the privet, worth retaining. The Council Arborculturalist agrees with this assessment.

As part of this proposal, a detailed landscape scheme will be required which will be controlled by a condition along with tree protection measures to ensure the retention of the privet hedge during construction works. It is expected that the landscape scheme will include a variety native species to encourage wildlife as well as providing an attractive setting for the houses.

With respect to open space improvements, two financial contributions will be required to improve local open space which will serve future occupants.

For public open space, a sum of £2,000 per dwelling is required. This will total £36,000 and, of this, £10,800 would be for maintenance to cover a period of 15 years.

Regarding public realm, a sum of £1,000 for each dwelling is necessary, totalling £18,000 and this will be spent on improvements to Sutton in Ashfield town centre.

The submission of these two payments will be controlled by a legal agreement under section 106 of the Planning Act.

Ecology and Biodiversity.

It is a requirement of the NPPF (2019) that new development provides a measurable net gain for post development biodiversity.

A Phase 1 Habitat Survey has been submitted in support of the application and this points out that the site is disused land supporting scattered trees, continuous scrub and other planting.

The site is dominated by continuous scrub which covers nearly all the site, the exception being the centre which has a patch of bare ground.

The site was surveyed for the presence of protected species and there was no evidence of either habitat or activity on the site. The site comprises suitable habitat for nesting birds so the site would need to be cleared outside of the nesting season.

There are invasive species present on the site, namely Japanese Knotweed and the removal of this would require the submission of a Method Statement which would be controlled by a condition.

The Habitat Report confirms that all plants on the site are common in the UK and development for housing creates a number of opportunities to enhance the biodiversity of the site. The current on-site biodiversity is low. Native and non-native flowering plants and trees can be introduced to provide better pollen and nectar sources. Bird, bat and bee boxes along with hedgehog gaps/tunnels can also be introduced.

Drainage and Flood Risk.

The applicant has submitted a Surface and Foul Water Drainage Strategy which includes correspondence between the applicant and Severn Trent Water. The supporting information says that a Sustainable Drainage Strategy (SuDS) will be incorporated into the scheme.

Consultee responses from both Severn Trent Water and the County Local Lead Flood Team have raised no objections or issues other than a condition required by both bodies to control a scheme for surface water drainage.

The site is part of an area contained within Flood Risk Zone 1 which has a low probability of flooding (less than 1 in 1,000 annual probability). The risk of flooding is negligible.

Developer Contributions.

The requirements of the CIL Regulations state that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably related to the scale of the development.

The following developer contributions are required which would be controlled by a legal agreement under section 106 of the Planning Act.

Affordable Housing.

One house would be required. This is below the normal requirement of 10% of the development but this is in line with the revised Financial Viability assessment which has been submitted in support of the application and verified by an independent assessor. The intention is that this house would be taken over by a Housing Association.

Public Open Space.

A sum of £36,000 is required for improvements to existing public open space in Huthwaite which includes a sum of £10,800 to cover maintenance for a period of 15 years.

Public Realm.

A sum of £18,000 is required for improvements to Sutton in Ashfield town centre.

Bus Stop Improvements.

A sum of £8,800 is required to provide a real time bus display panel at bus stop no. AS0120 – Springwell Street close to the site on Columbia Street.

Monitoring Contribution.

The updated CIL legislation allows for a section 106 monitoring fee to be charged. This will amount to £1,000 and will cover the Council's fees for monitoring payment.

Planning Balance and Conclusion.

The NPPF says that proposals should be considered in the context of a presumption in favour of sustainable development which is defined by economic, social and environmental aspects and the interrelated roles they perform.

The application site is contained within a sustainable, main urban area but does not have a designation on the Development Plan.

With respect to the three objectives of sustainable development which are set out in the NPPF (2021), the proposal would have the following benefits:

Economic.

This is a modest housing development but it would still, by way of new residents, boost the local economy by way of increased expenditure. There would also be benefits arising from builders being employed and the need to purchase building materials and supplies.

Social.

The Council cannot currently demonstrate a 5 year housing land supply and the provision of new homes, including affordable units, although modest in this instance, carries significant weight in the determination of this application.

Environmental.

The proposal will regenerate a vacant, overgrown and unused site by providing new homes bringing benefits in terms of visual and residential amenity. The scheme is in a sustainable location and will include a number of sustainable features to reduce the reliance on fossil fuels.

The design, layout, scale and appearance of the development is considered to be acceptable. The impact on highways safety, amenity of local and future residents, biodiversity, drainage and landscape have all been assessed and are considered to be acceptable subject to the inclusion of planning conditions where necessary.

This planning application complies with the policy criteria set out in the development plan and the NPPF. Consequently, the application is recommended for approval subject to the requirements of a section 106 Legal Agreement and the conditions listed below.

Recommendation: Conditional Planning Consent subject to a section 106 Agreement.

Section 106 Heads of Terms.

1. One property within the development to be Affordable Housing. With an amount of £1760, which is the remaining amount in the verified financial assessment taking into account the contributions below, to be provided towards the provision of Council housing in the district.
2. A sum of £8,800 to be provided for improvements to a bus stop.
3. A sum of £36,000 to be provided for public open space improvements in Huthwaite including a sum of £10,800 for maintenance costs over a 15 year period.
4. A sum of £18,000 to be provided for public realm improvements to Sutton in Ashfield town centre.
5. A sum of £1,000 to be provided to cover the cost of monitoring the Section 106 Legal Agreement in accordance with CIL legislation.

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:
 - Proposed Site Block Plan: DB/BK/21/33/02 Rev. F
 - Floor Plans and Elevations Plots 2, 3, 17 and 18: DB/BK/21/33/08 Rev. A
 - Floor Plans and Elevations Plot 10: DB/BK/21/33/07 Rev. A
 - Floor Plans and Elevations Plots 4 to 7, 11 to 14: DB/BK/21/33/05 Rev. A
 - Floor Plans and Elevations Plots 8, 9, 15 and 16: DB/BK/21/33/04 Rev. A
 - Floor Plans and Elevations Plot 1: DB/BK/21/33/03
 - Site Location Plan
3. No dwelling hereby permitted shall be occupied until the parking and turning areas are provided in accordance with the approved plan drawing number DB/BK/21/33/02 Rev.D. The parking and turning areas shall not be used for any other purpose than parking, turning, loading and unloading of vehicles.
4. No part of the development hereby permitted shall take place until full technical details of the new roads have been submitted to and agreed in writing by the Local Planning Authority. Such details shall include longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. The development shall be implemented prior to the occupation of any dwelling and retained thereafter.
5. No part of the development shall commence until details of the proposed arrangements and plan for future the management and maintenance of the proposed streets including associated drainage have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall thereafter be maintained in accordance with the approved management

and maintenance plan until such time as an agreement has been entered under section 38 of the Highways Act 1980.

6. Prior to the commencement of development, details of all external materials and finishes shall 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 give written approval for any variation.
7. No development shall take place until a detailed hard and soft landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority. All planting, seeding and turfing indicated on the approved landscaping scheme shall be carried out in the first planting season following the occupation of the dwellings 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.
8. Prior to the commencement of development, details shall have been submitted to and approved in writing by the Local Planning Authority of measures to protect the retained privet hedge along the western boundary. Such approved protection measures shall remain in place until the construction works are complete.
9. A. No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of or provision of any services, laying of temporary services and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with potential ground contamination has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
 - (i) A preliminary risk assessment which identifies all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination from the site.
 - (ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off the site.
 - (iii) The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken.
 - (iv) A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard.
 - (v) If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

B. If during the works, any additional contamination is encountered, all works in the relevant parts of the site shall cease immediately and not resume until either;

- The potential contamination has been assessed and a remediation scheme has been submitted to and agreed in writing by the Local Planning Authority, or
- Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

Any additional land contamination shall be fully remedied prior to the first occupation of the development.

C. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and agreed in writing by the Local Planning Authority demonstrating that the site remediation criteria has been met.

10. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.

Planning practise guidance and section H of the Building Regulations 2010 detail surface water hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should be explored. If these are found to be unsuitable, satisfactory evidence will need to be submitted before discharge to the public sewerage system is considered.

11 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 Michael Evans Associates Ltd. Surface and Foul Water Drainage Strategy ref. 21-381 dated 30 September 2021, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority. The detailed design must comply with the points listed below:

1. It is unacceptable to assume infiltration is unsuitable and testing to BRE365 standards must be provided should the application progress any further.
2. The use of SuDS is not evident in the submission and this should be clarified (as below) in any further submissions.

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 rain events up to the 100 year plus 40% (for climate change) critical rain storm 5l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO 30219 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 of the 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 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 100 year plus 40% storm.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of how the on-site water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the long term drainage.
12. Prior to the commencement of development, details of bird boxes, bat boxes, swift bricks and hedgehog runs and tunnels/holes shall have been submitted to and agreed in writing by the Local Planning Authority. Such boxes, bricks and runs shall be implemented prior to the occupation of any dwelling and retained thereafter.

REASONS

1. To comply with the requirements of section 91 of the Town and Country Planning Act as amended.
2. To define the terms of the permission.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the development leading to on-street parking in the area and in the interests of highways safety.
4. To ensure that the development is constructed to safe and adoptable standards.

5. To ensure that the road infrastructure is maintained to an appropriate standard.
6. To ensure the satisfactory appearance of the development.
7. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
8. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
9. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with the NPPF, paragraph 178. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan, even the early stages of the development process (other than specified) could result in the spread of contamination and a risk to public health.
10. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
11. A detailed water surface management plan is required to ensure that the development is in accordance with the NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
12. In the interests of bio-diversity and the enhancement of the natural environment.

INFORMATIVES

1. Planning consent is not permission to work on or adjacent to a public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at licenses@viaem.co.uk to ensure all necessary licenses and permissions are in place.
2. It is an offence under section 148 and section 151 of the Highways Act 1980 to deposit mud on the public highway and as such, you should undertake every effort to prevent it occurring.
3. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guidance and specification for road works.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act, payment will be required from the owner of the land

fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority 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 contacts the Highway Authority as early as possible.

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

All correspondence with the Highway Authority should be addressed to hdc.north@nottscc.gov.uk.

4. Please note that any relevant details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.
5. Severn Trent Water advise that although our statutory sewer records do not show any public sewer within the area you have specified, there may be sewers that have recently been adopted under the Transfer of Sewers 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 seek to assist you obtaining a solution which protects both the public sewer and the buildings.
6. The Local Lead Flood Team ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.
7. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to so could result in legal action being taken by 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 contact the Development and Building Control Section of the Authority on Mansfield (01623) 450000.