



MAP SCALE 1: 1250
CREATED DATE: 03/03/2025

COMMITTEE DATE 19th March 2025 **WARD** Huthwaite and Brierley

APP REF V/2022/0109

APPLICANT Gleeson

PROPOSAL Residential Development of 61 Dwellings and Ancillary Works

LOCATION Former Quantum Clothing Group Ltd, North Street, Huthwaite,
Notts, NG17 2PE

WEB-LINK

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

App Registered: 23-02-2022

Expiry Date: 25-05-2022

Consideration has been given to The Equality Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Zadrozny to discuss policy and highways implications.

The Application.

This application seeks full planning permission for 61 dwellings to be accessed from High Street, Huthwaite.

The proposal includes a mixture of 2 storey, 2, 3 and 4-bedroomed properties.

The surface water drainage would be discharged to Rooley Brook via an attenuation tank located to the north of the site which is the lowest part of the site. The discharge rate has been calculated to result in a 54% reduction from the existing green field run off rate. Foul drainage is proposed to connect into the public Combined water sewer, via a pumping station which would be subject to a formal section 106 sewer connection approval under Severn Trent Water's control.

An area to the north of the site would be retained in a semi-natural state and enhanced for nature conservation.

The application is accompanied by the following: -

- Location, site, and layout plans
- Topographical Survey
- Design and Access Statement
- Building for a Healthy Life Assessment
- Materials Schedule
- Flood Risk Assessment and Drainage Strategy
- Phase II Site Investigation Report
- Ecological Impact Assessment

- Biodiversity Net Gain Report and Metric
- Transport Assessment
- Travel Plan
- Economic Viability Assessment
- Wall Plan

Site Description.

The application site comprises the former Quantum Clothing factory site, which has been demolished apart from a 4m high brick wall running along High Street and parts of North Street.

There is a marked drop in the ground levels of the site from south to north. It has been partly colonised by open scrub and there are areas of hard surfacing and piles of rubble present. The site area is 2.21 hectares and is bound by High Street to the south, North Street to the East, the rear of properties fronting onto Unwin Street to the west and Brierley Forest Park to the north.

Although there are some non-residential uses in the immediate area (Ashfield Effluent Services, Potters Garden Centre and Victoria Working Men's Club) the predominant land use around the site is residential.

Within 140m of the site entrance is Sutton Road which has a variety of shops and other commercial outlets.

Relevant Planning History.

An application, reference V/2015/0264, seeking outline consent with all matters reserved for a maximum of 90 Dwellings and the demolition of the existing factory and warehouse buildings was granted on appeal on 22 January 2016 and a further application, reference DM/2016/0010, for the demolition of factory was approved in June 2016. The building has subsequently been demolished.

Consultations

The application has been advertised by Site Notices and letters sent to immediate neighbouring properties 3 letters of objection, 2 letters of comment and 2 letters of support have been received stating the following -

Support

The site is unsightly and redevelopment is required.

Comment and Objection

Highways

The footpath/driveway along North Street should be resurfaced.

Parking on High Street for visitors and for residents would be a concern due to the Kerbs being dropped.

There will be an increase in traffic which will lead to more accidents and neighbour conflicts.

Impact on services

Huthwaite does not have the local resources to support more houses.

Character

The boundary treatment to North St needs to be aesthetically pleasing.

Residential Amenity

Overlooking properties fronting onto Unwin Street.

Disruption from building works would greatly affect night shift workers and cause health issues.

Ecology

The site needs to be given back to nature and other derelict homes need to be looked at before more homes are made.

A variety of wildlife use this site.

Miscellaneous Comments

Existing concerns about the maintenance of highway drains.

Consultation Responses

ADC Contaminated Land Officer

No objections subject to conditions.

ADC Ecologist

No objections subject to conditions.

ADC Landscape

General comments made, but no objections subject to contributions secured by Section 106 agreement.

ADC Policy Officer

General comments but no objections made.

ADC Tree Officer

No objections but expresses concerns that the installation of the settlement tank has the potential to destabilise the embankment and cause damage to trees situated within its vicinity. Recommends that a condition is applied that requires a detailed arboricultural method statement and watching brief of these trees to ensure that any damage is effectively controlled during the development process.

The tree protection measures suggested should also be included within the approved plans of any development granted consent.

Coal Authority

No objections subject to an informative placed on any permission granted.

Local Lead Flood Authority

No objections subject to a condition for a detailed drainage scheme.

NHS England

No objections subject to contributions secured by section 106 agreement.

Nottinghamshire County Council Policy

No objections subject to contributions towards education, libraries, transport infrastructure secured through a section 106 agreements and the provision of introductory free bus passes secured by condition.

Nottinghamshire County Council Highways

Expresses concern on the predominance of tandem parking and the internal widths of garages being 3m.

Has no objections regarding the layout, access and impact on the wider highway network subject to subject to conditions and obligations.

The highway authority confirms that the travel plan (TP), is acceptable and recommends a planning condition is attached to secure delivery of the TP.

Nottinghamshire County Council Rights of Way

General comments but no objections offered.

Severn Trent

No objections subject to an informative attached to any permission granted.

Policy Framework

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.

- Policy ST1: Development.
- Policy ST2: Main Urban Area.
- Policy EM5: Protection of Existing Employment Sites and Buildings
- Policy EV8: Trees and woodlands.
- Policy HG3: Housing density.
- Policy HG4: Affordable Housing.
- Policy HG5: New residential development.
- Policy HG6: Open space in residential developments.
- Policy TR2: Cycling provisions in new development.
- Policy TR3: Pedestrians and People with limited mobility.
- Policy TR6: Developer contributions to transport improvements.

Material Considerations

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 (LTN 1/20) 2020.
- Manual for Streets 2 2010.
- Nottinghamshire Highway Design Guide 2021.
- Residential Car Parking Standards 2014.

National Planning Policy Framework (NPPF) 2024.

- Part 2 Achieving Sustainable Development and in particular Para. 11 the presumption in favour of sustainable development.
- Part 5: Delivering a sufficient supply of homes.
- Part 6: Building a strong, competitive economy.
- Part 8: Promoting healthy and safe communities.
- Part 9: Promoting sustainable transport.
- Part 11: Making effective use of land.
- Part 12: Achieving well designed places.
- Part 14: Meeting the challenge of climate change, flooding and coastal change.
- Part 15: Conserving and enhancing the natural environment.

Legislation

Natural Environment and Rural Communities Act 2006 section 40 duty “to have regard” to the conservation of biodiversity in England.

Main Material Considerations.

The main material considerations are:

- Principle of the development.
- Highway safety and capacity.
- Residential amenity.
- Character of the area.
- Flood risk and drainage.
- Ground contamination.
- Heritage..
- Biodiversity and wildlife.
- Sustainability and climate change.
- Local services and infrastructure.
- Affordable housing.

- Public open space.
- Developer contributions and viability.
- Other Issues raised by objectors.
- The planning balance.

SUMMARY

Principle of the Development

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

The emerging Ashfield Local Plan (2023-2040) is not at a sufficiently developed stage to be given significant weight such that it would make a material difference to the conclusions set out in the following assessment. The examination in public has also been paused to allow the Council to address matters raised by the Inspectors.

The application site lies within the boundary of the main urban area of Huthwaite, Sutton in Ashfield- and therefore Strategic Policies ST1 (Development), ST2 (Main Urban Areas) of the Ashfield Local Plan Review (2002) (ALPR) are relevant.

Policy ST1 sets out the overall strategy for assessing development proposals and states: -

‘Development will be permitted where: -

- a) It will not conflict with other policies in this Local Plan,
- 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 an area,
- e) It will not conflict with an adjoining or nearby land use’.

Having had regard to the provisions of Policy ST1(a) other policies that go to the principle of the development include Policies ST2 and Policy EM5 (Protection of Existing Employment Sites and Buildings) of the ALPR. Policy ST2 states: -

‘Development will be concentrated within the main urban areas of Hucknall, Kirkby-in-Ashfield and Sutton-in-Ashfield as shown on the Proposals Maps.’

Given the location of the application site the proposal therefore accords with Policy ST2.

In respect to Policy EM5 the industrial buildings that once dominated the site have been demolished, The surrounding residential uses restrict the utility of the site for employment

uses and the use of the site for residential purposes was approved under the planning appeal decision dated 22nd January 2016. Any harm to the aims and objectives of Policy EM5 is therefore negligible.

Having had regard to the provisions of the Development Plan the proposal is considered acceptable in principle. therefore, having due regard to other material considerations should be approved subject to compliance with the other policies in the Local Plan. and the National Planning Policy Framework (NPPF) which has a 'presumption in favour of sustainable development' contained within it.

The NPPF states the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways These include environmental, social and economic objectives. The NPPF goes on to state 'so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development'. This presumption is set in paragraph 11 and for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

Footnote 8 states 'This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'

Paragraph 61 of the NPPF sets out the Government's objective to significantly boost the supply of homes and para 78, states: -

'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies³⁸, or against their local housing need where the strategic policies are more than five years old. ³⁹ The supply

of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 20% where there has been significant under delivery 40 of housing over the previous three years, to improve the prospect of achieving the planned supply; or
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework 41 , and whose annual average housing requirement 42 is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

The 'Housing Land Supply Position Statement' (December 2024), sets out that the Council has a 3.67 years supply, and can therefore not identify a 5-year housing land supply. The proposal therefore engages part (d) of the presumption in favour of sustainable development. This sets out that permission should be granted unless the application of NPPF policies that protect areas or assets of particular importance (Footnote 7) provides a clear reason for refusing the proposal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole etc. The application proposal does not engage any of the policies identified in Footnote 7.

Highway Safety and Capacity

Policy ST1 of the Local Plan states development will be permitted where it will not adversely affect highway safety, or the capacity of the transport system.

Paragraph 116 of the NPPF makes it clear that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.

In support of the application the applicant has submitted proposed layout drawings, a transport assessment and a travel plan.

The Highway Authority has advised that they have some concern on the predominance of tandem parking and the internal widths of garages being 3m. Whilst it is recognised that contemporary planning practice has moved away from tandem parking in favour of parallel parking the question remains as to whether the use of parallel parking in this scheme would have an unacceptable impact on highway safety, or whether the residual cumulative impacts of such parking on the road network would be severe. It is considered that the impacts arising from the incorporation of parallel parking would not result in unacceptable impacts on highway safety to warrant refusal of the application on these grounds and it will assist in reducing the visual impact of car parking along the frontages

Furthermore, garages with an internal width of 3m whilst not ideal and in line with guidance would be able to comfortably accommodate private cars. As such the inclusion of garages of this size would not result in unacceptable impact on the highway.

In all other respects the Highway Authority has no objections to the layout subject to conditions to control the design of the internal road layout of the proposed estate, improvements to the local highway network and the implementation of the travel plan.

Therefore, subject to the attached conditions and obligations it is considered that the proposal would not result in an unacceptable impact on the highway safety and that where practicable sustainable transport modes have been prioritised..

Residential Amenity

Policy HG5 of the Ashfield Local Plan Review states 'residential development will be permitted where (a) the amenity of neighbouring properties is protected and (b) the design and layout of dwellings minimises potential over-looking and provides a reasonable degree of privacy and security'.

Furthermore, paragraph 135(f) of the NPPF states decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The Ashfield Residential Design Supplementary Planning Document (2014) provides guidance in respect to space about dwellings and outdoor amenity space. Between elevations which contain windows facing habitable rooms (such as Living rooms; Dining Rooms; Kitchens; and Bedrooms) the minimum distance is 21m when such elevations face directly one another. However, this minimum distance reduces with the angle of view.

It is considered, having had regard to the proposed layout plans and design of individual properties, that the minimum distances are met or exceeded. This takes into account some properties face each other across a street and that oblique angles of view between properties will exist.

The Design generally meets and, in many cases exceed the guidance for outdoor amenity space. Six dwellings however are marginally below the guidance but the deficit would be insufficient to warrant refusal.

The distance between elevations of the proposed dwellings and those of existing dwellings along North Street and Unwin Street meet and often exceed the Council's guidance. Furthermore, where proposed new dwellings would back on to each other these would meet the 21m set out in the guide.

It is therefore considered that the layout of the proposal is acceptable in respect to the Councils Design Guide and residential amenity.

In respect of light pollution, noise and air quality there is nothing within the proposal that would suggest that the levels would be unusual or so severe to warrant mitigation and any issues

during the construction phase could be readily addressed through the construction environmental management plan which is required to be approved through a condition.

Character of the Area

Policy ST1 of the Ashfield Local Plan Review sets out the overall strategy for assessing development proposals and policy HG5 states 'residential development will be permitted where (g) its design is acceptable in terms of appearance, scale and siting and (h) landscaping complements and enhances its appearance.

Furthermore, paragraphs 131,135 and 187 of the NPPF discusses high quality, beautiful and sustainable buildings and places being fundamental to what the planning and development process should achieve. The two main considerations in respect to above policy framework are therefore

- i. The impact on the character of the area by loss of open land; and
- ii. Whether the proposed development would reflect the character of the existing adjacent urban areas.

The site is currently in a derelict state and presents a poor image which detracts from the character of the surrounding area. The proposed redevelopment of the site would in principle revitalise the site so that it makes a positive impact on the character of the surrounding area.

The urban form around the application site is somewhat varied. Along the southern side of North Street, dwellings take the form of short terrace blocks or pairs of semi-detached houses with small gardens to the front. Although these are late C19th/ earlyC20th in date they have subject to high degree of personalisation and now display a wide range of materials including cream, grey and white render, pebbledash and stone cladding. Towards the northern end of North Street, the character changes with dwellings being detached houses or bungalows and set in generous gardens and being set back from the road.

Dwellings on High Street again comprise rows of terrace housing interspersed with a detached property and business premises. Again, the dwellings have very small gardens to the front. Unwin Street also has a mix of late C20th villa style semi-detached properties and mid C20th detached house. The main unifying characteristic is traditional design, gable roofs and two storey height with a tight grain. The proposed dwellings would sit well within this overall context. As such its design would be in keeping with the established form of the immediate urban area.

The site contains trees and in support of the application the applicant has submitted a tree Survey. This sets out that

- All trees surveyed lie within the northern part of the site.
- The principal tree species on or adjacent to the site are Ash, Sycamore, Norway Maple, Field Maple, and Goat Willow either as isolated specimens and groups along the northern boundary and the northern parts of the eastern and western boundaries.

- A short row of trees extends south from the main tree group midway along the northern boundary.
- Other tree species present are Lime, Cherry, Rowan, Poplar, and Birch (Silver and Downy) all of which are found within the tree groups along the site boundary.
- Conifers (Leyland's Cypress) are found within a well-established hedge along part of the western boundary.

The Council's Tree Officer has advised that there is a potential impact on trees on an embankment near to the proposed attenuation tank but that the risk can be mitigated and controlled through a detailed arboricultural method statement for that area and the standard condition to protect trees during the construction period.

Flood Risk and Drainage

In support of the application the applicant has submitted a Flood Risk Statement which concludes: -

- Due to potential flood risk from surface water, flood risk management measures will be required.
- The development will not increase flooding adjacent to or downstream of the site for the lifetime of the development.
- The development will be safe, without increasing flood risk elsewhere.

The Flood Risk Assessment (FRA) goes on to recommend: -

- Floor levels of the proposed dwellings should be set a minimum of 150mm above the surrounding external levels.
- The preliminary drainage strategy indicates the inclusion of an above ground attenuation basin as the site control SuDS feature
- Permeable paving should be used where viable within the development area.
- The proposed surface water drainage system should be designed to accommodate the 1 in 30-year rainfall event without any surface water flooding and should be capable of retaining the 1 in 100-year plus climate change (40%) storm event on site without flooding any buildings.
- It is proposed to restrict surface water runoff to 10.6l/s for all storms up to and including 100-year (1% AEP) plus 40% climate change return periods.
- In order to achieve this discharge rate, an attenuation volume in the order of 538.4m³ will need to be provided.
- Foul water should discharge to the public Severn Trent Water combined sewers located in Unwin Street, High Street or North Street.

The Lead Local Flood Authority and Severn Trent having considered the FRA have no objections on flood risk and drainage grounds subject to a condition attached to any permission granted for the submission of a full drainage scheme for the disposal of foul and surface water. This accords with the requirements of the NPPF and therefore there are no issues from a flood risk and drainage perspective.

Ground Contamination

The site has formerly been used as a textile mill and therefore has the potential to be affected by ground contamination. The NPPF requires mitigation and remediation to resolve any issues and states the responsibility for securing safe development rests with the developer and/or landowner'.

In support of the application the applicant has submitted a Phase 2 Geotechnical and Geo-environmental Site Investigation report by GeoMatters Consulting Engineers. This sets out that there are contamination hotspots and other issues that would require some level of remediation

The Council's Contaminated Land officer having considered the report has no objections subject to a contaminated land condition outlining remediation and validation being attached to any permission granted and it is considered that this would be an acceptable resolution.

Heritage and Archaeology

Section 16 of the NPPF sets out policy in respect to the conservation of the historic environment.

The site does not contain any designated heritage assets (scheduled ancient monuments, listed buildings or conservation areas) nor does it lie within the setting of a designated heritage asset. However, the site is surrounded by the remains of the wall of the mill. The mill was considered to constitute a non-designated heritage asset at the previous application. The demolition of the mill has meant that what remains has very limited local value. However, large parts of the wall are proposed to be retained as shown in the 'Wall Elevation Plans, and this being the case it is considered that there would be no significant harm to heritage interests.

Biodiversity and Wildlife

Section 40(1) of the Natural Environment and Rural Communities Act 2006 (duty to conserve biodiversity) as amended by Section 102 of the Environment Act 2021 places a duty such that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhance biodiversity.

The NPPF states when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Alternatively development should aim to minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.'

In support the application the applicant has submitted the following documents: -

- Ecological Impact Assessment
- Biodiversity Net Gain Metric and Report
- Ecological Mitigation Management and Monitoring Plan

These assess the ecological significance of the site, or parts of the site, identify potential harms and set out the measures required to avoid harm, mitigate harm or compensate harm to acknowledged interests on the site such as priority habitats), and protected species.

The Council's Ecologist has confirmed that the proposals in respect to priority and protected species are acceptable and concurs with the report in respect of its impacts on breeding priority habitats and priority and protected species. Therefore, subject to the attached conditions the proposal is acceptable in respect to its impact on nature conservation interests in accordance with the NPPF.

Biodiversity Net Gain

Given that the application was validated before January 2024 mandatory 10% Biodiversity Net Gain (BNG) does not apply to the proposal but there is a requirement for a net gain to be achieved. The development enables other types of ecological enhancements to take place such as the incorporation of swift bricks and bee bricks to encourage these species and new tree planting across the site, as well as retaining and enhancing areas of open mosaic habitat therefore subject to the attached conditions it is considered that there would be no significant harm to nature conservation interests.

Climate Change

The Council recognises the scale and urgency of the global challenge from climate change and has committed to a robust climate change strategy.

It should be noted that issues such as renewable energy, sustainable design and construction methods and energy efficiency fall within the remit of the Building Control. Notwithstanding this the Planning System does have a role to play, especially in respect to promoting sustainable travel, encouraging biodiversity through sensitive landscaping and ensuring resilience to the impacts of climate change through avoidance of areas prone to flooding.

Issues pertinent to this full application such as impacts on biodiversity, flood risk & drainage and the promotion of sustainable modes of travel are dealt with under the respective sections of this report and are found to be acceptable as they ensure that the development will not only be resilient to climate change and its effects but will also ensure that it will contribute to fighting the causes of climate change.

As such, where appropriate the proposal is in line with the general thrust of the Council's guidance on Climate Change, and paragraphs 161, 162 and 163 of the NPPF.

Local Services and Infrastructure

The NPPF requires where appropriate social, recreational and cultural facilities and services to be provided to meet the needs of the development.

Nottinghamshire Health Authority has stated that it is unlikely that NHS England or Nottingham and Nottinghamshire ICB would support a single-handed GP development as the solution to sustainably meet the needs of the housing development and that the health

contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too are:

- Brierley Park Medical Centre
- Willowbrook Medical Practice
- Woodlands Medical Practice

The Authority has also advised that all practices in the area are working at capacity and therefore to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. To provide adequate primary care health facilities in the area the Authority has requested a contribution of £64,812.5.

The education authority has advised that a contribution of £211,792.00 would be needed to fund the projected deficit in places in Secondary Education.

The County Council has further advised that as the proposal would fall within the library catchment area for Sutton in Ashfield Library, and this library is currently below the optimum stock level a developer contribution to provide the additional stock of £2,717.00 would be required.

In respect of waste facilities, the County Council is seeking contributions towards the delivery of a new or expanded facility that would cater for both the additional waste generated and the additional site users, which is subject to a feasibility review. The requested contribution for this development is £5,868.21.

The carryout of the development is also likely to generate significant volumes of waste, and it is considered appropriate that any permission granted is subject to a condition requiring the submission of a waste audit in accordance with government guidance.

There is therefore a demonstrable demand on public services and infrastructure and unless there are mitigating circumstances appropriate contributions should be secured through a Section 106 agreement.

Affordable Housing

Policy HG4 of the Local Plan sets out: -

‘On housing development sites of one hectare or more, or 25 dwellings or more, the Council will negotiate the provision of a proportion of affordable dwellings on the site to contribute towards the overall target for the areas specified below

In Hucknall (South Notts. Sub Area) 18.5% of dwellings.

In the Rest of the District (West Notts. Sub Area) 6% of dwellings of dwellings

Affordable housing will consist of the following in order of preference:

- (a) Development of dwellings in conjunction with a registered social landlord or the Council.
- (b) Shared ownership schemes.
- (c) Properties of sale or rental at an agreed size measured by floor space.

(d) A financial contribution negotiated and secured by a planning obligation towards off-site provision of affordable housing at an agreed location.'

However, Policy HG4 is now significantly out of date being adopted well before the introduction of the NPPF and its subsequent revisions.

Notwithstanding the above the Council has produced an Affordable Housing Delivery Strategy 2019-2021 which states that the affordable housing requirement for Sutton and Kirkby is 10% on sites of 15 dwellings or more and a Housing Strategy 2021-2023 (which was reviewed May 2023).

Affordable Housing Delivery Strategy - 2021-23 identifies priorities including: -

- Deliver 100 new affordable homes by 2025.
- Continue to form partnerships with registered providers as required to deliver new affordable homes.
- Explore all available opportunities to acquire properties and sites, including [amongst other things], s.106 properties.

The applicant following a viability assessment has offered to provide 4 units equating to 6.6% affordable housing which meets the requirement of Policy HG4 but is well below the figure of 25% identified as the objectively assessed need in the evidence base that supports the emerging Local Plan. However, given the assessment in the 'Developer Contributions and Viability' section of this report, it is considered, on balance, that the 4 units or a commuted sum in lieu of on-site provision would be acceptable in principle.

The applicant has requested that all 4 of the affordable units be provided on the basis of shared ownership rather than 2 No affordable rent and 2 No shared ownership due to the lack of interest from registered providers for the rented tenure. Given the low numbers of houses concerned this is considered acceptable. If the provision is via a commuted sum this should equate to 40% of the open market value of the properties identified to be affordable units and these units should represent the average size of properties across the development.

Public Open Space

The application site has an area of 2.21 hectares and therefore engages Policy HG6 (a) which requires 10% of the gross housing area to be provided as open space. Although the Site Layout Plan shows open areas on the northern part of the site this area has been set aside in the interest of nature conservation and would not constitute useable public open space.

The applicant would therefore normally be required to provide a contribution of £3000 per dwelling towards the provision of off-site sport and recreation facilities and public realm improvements.

Developer Contributions and Viability

Paragraph 59 of the NPPF sets out the broad approach to the issue of viability and states

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability

assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.'

In total the developer would be required to provide the following contributions: -

£183,000.00	towards the provision of off-site sport and recreation facilities and public realm improvements.
£64,812.50	towards primary health care facilities.
£211,792.00	to fund the projected deficit in places in Secondary Education.
£2,717.00	to fund library stock levels.
£24,500.00	Bus Stop Infrastructure

Notwithstanding the above, the applicant has provided a Financial Viability Assessment Report. The report concludes: -

1. The appraisal demonstrates the scheme is not currently considered to be viable, and therefore it is assumed that the scheme will not be brought forward by the market, without intervention or a reduction in planning gain requirements.
2. The site is inhibited by being situated in a relatively low value area and is burdened by abnormal costs relating to site remediation and abnormal foundation, amongst other abnormal costs.
3. The result of the sensitivity analysis has determined that the scheme cannot deliver any S106 costs or any on-site Affordable Housing provision

The viability assessment provided by the applicant has been subject to an independent assessment by CP Viability Ltd who has been employed by the Council to assist it in its deliberations. The Council's independent consultant has concluded that 'the scheme is viable with 4 (6.56%) on site affordable units, but nil S106 payments'. This has been accepted by the applicant.

As such it is concluded that the above contributions would render the proposal unviable. This would need to be taken into consideration in the overall planning balance.

Other Issues Raised by Objectors

One objector has raised an issue of a blocked drain. This issue is not material to the determination of this application.

Conclusion:

As stated at the beginning of this assessment the application should be determined on the basis that it should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. This requires the identification of any harms arising from the proposal as well as the environmental, economic and environmental benefits and determining whether the harms are outweighed by the benefits.

In this respect 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.

With respect to the three over-arching NPPF objectives for sustainable development, the proposal will bring the following benefits.

Environmental Benefits

The main environmental benefits associated with this proposal is the remediation of 2.21ha of derelict and degraded land which substantially detracts from the character of the area. Given the Government's emphasis on the need to prioritise the use of such 'previously developed' or 'brownfield land' this is a benefit which should be given substantial weight.

Other environmental benefits include the provision of 61 new homes provided in a sustainable location, close to bus stops with regular services, local amenities, and facilities, thereby reducing the need to travel and promoting the use of sustainable forms of transport. This is an issue which attracts significant weight in favour of the proposal.

The proposal would provide a mechanism for increasing the number of swift nesting sites and breeding sites for solitary bees and wasps and enhancing habitats

Economic

The economic benefits of the scheme include: -

- the creation of 'direct' and 'indirect' jobs during the construction phase.
- direct financial assistance to purchasers from the developer.
- increased spend based on anticipated construction costs with the potential for contracts for goods and services at a local level.
- Increased economic activity due to increased households.

Social

In social terms, the scheme would deliver 61 high quality homes which would provide long term, sustainable accommodation. The provision of these new houses or a commuted sum to the Council (in lieu of on-site provision of affordable homes), would make a significant contribution to meeting the objectively assessed housing need of the District. Given the lack of a five-year housing land supply, it is considered that substantial weight should be afforded to this social benefit of the proposal.

Harms to Acknowledged Interests

In the first instance there would be significant harms resulting from the loss of contributions towards sport and recreation facilities and public realm improvements, health care facilities, secondary education, libraries and bus stop infrastructure which would result in an increase pressure on those services and undermine the promotion of travel by public transport. These are significant deficiencies within the application to which substantial weight should be attached.

Any other impacts on acknowledged interests identified within this report, such as highway safety, archaeology, drainage, climate change, ecological interests either, because of good design or following mitigation would not be significant.

Whilst it is recognised that harms to acknowledged interest would arise to which significant weight should be attached it is considered that these would be clearly outweighed by the remediation of a derelict and degraded site, the bringing of that site into positive use and the provision of 61 new homes in a highly sustainable location.

It is therefore considered that the adverse impacts of approving the application would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Accordingly, the application should be approved.

Recommendation: - **Subject to no objections being received from the highways authority to grant Conditional Consent subject to a section 106 Agreement and the schedule of conditions set out below.**

Heads of Terms of section 106 Agreement.

1. Four affordable housing all for shared ownership.
2. A Management Plan setting out details of the responsibility for maintaining and managing the landscaped areas of public open space through a management company which shall include a planting schedule and timetable of works.
3. Provision of a management company with responsibility for the future maintenance of the private road. Provision of legal covenants on properties served by the private road to prevent any future action by the residents against the Highway Authority. The indemnity shall be a legal covenant placed on the properties to prevent petitioning.
4. Payment of £7,500 for monitoring of the Travel Plan with a further £900 per annum for subsequent years beyond year 5 up to and including the year after the end of construction.
5. A commitment for the developer to fund the processing and implementation of the necessary traffic management and pedestrian measures on High Street, North Street, and Unwin Street.

CONDITIONS

General Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

Reason

To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

48185-ECE-XX-XX-RP-C-0001 - North Street, Huthwaite - Letter Report on Trial Pits
NSHN-BSP-ZZ-XX-RP-C-0001_P03_Flood_Risk_Assessment [Combined]
NSH-DCE-XX-XX-DR-C-6000 S278 General Arrangement & Drainage Sheet 1 of 2.
NSH-DCE-XX-XX-D
NSH-DCE-XX-XX-DR-C-6008 S278 Kerbs, Footways, Paved Areas, & Pavements
Sheet 2 of 2.
NSH-DCE-XX-XX-DR-C-9000 P02 Vehicle Tracking.
Planning Layout Huthwaite rev F - 30-10-24.
2021-10-17 GML21181 - Gleasons, Huthwaite - Phase II Report - ML Rev 1
3843-3C-dlp-A0-250.
3843-ts+dwg-14aug24.
48185-ECE-XX-XX-DR-S-0007 Proposed Factory Wall Key Plan.pdf
48185-ECE-XX-XX-DR-S-0015 Factory Wall Proposed - Wall Details.
48185-ECE-XX-XX-DR-S-0016 Factory Wall Proposed - Piers -6 - 9.
48185-ECE-XX-XX-DR-S-0017 Factory Wall Proposed - Piers 10 - 20.
48185-ECE-XX-XX-DR-S-0018 Factory Wall Proposed - Piers 20 - 36.
3843/3 Rev D Detailed Landscape Proposals Plan
21-201-U-0001
21-202-U-0001
21-254-U-0001
21-301-U-0001
21-304-U-0001
21-311-U-0001
21-314-U-0001
21-337-U-0001
21-340-U-0001
21-360-U-0001
21-401-U-0001
21-436-U-0001

Conditions Requiring Discharge Before Commencement of Development

3. No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A preliminary risk assessment which identifies:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors;
and
 - Potentially unacceptable risks arising from contamination at the Site.

- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii. The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iv. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.

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

- i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

Or

- ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

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

4. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following:
 - a) Details of noise, dust and vibration suppression;
 - b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting;
 - c) Details of on-site materials storage areas;
 - d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials;
 - e) Details of any crusher to be used on site;
 - f) Details of any piling which is required;

- g) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) Details of wheel washing facilities during construction;
- i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- j) Details of the routing of deliveries and construction vehicles to site and any temporary access points;
- k) Details of any hoarding to be erected.
- l) Proposed hours and days of working and delivery of materials;
- m) The parking of vehicles of site personnel, operatives and visitors;
- n) site contact details in case of complaints.

The development shall be carried out in accordance with the approved details for its entire construction phase.

5. 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 Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

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 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year.
- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g. Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.
6. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
 7. The development hereby permitted, including any works of demolition, shall not commence until a waste audit is submitted to and approved in writing by the Local Planning Authority. The waste audit shall be in accordance with the guidance set out in paragraph 049 of the Planning Practice Guidance. Thereafter, the development shall be carried out in accordance with the waste audit.
 8. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

9. No development shall take place (including ground works and vegetation clearance) until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management, including the aim to provide a 10% net increase in biodiversity.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

10. No development shall commence until an arboricultural method statement to protect trees on the embankment adjacent to the proposed attenuation tank has been submitted to and approved in writing by the Local Planning Authority. The works to install the attenuation tank shall be carried out in accordance with the approved scheme.
11. No development shall commence until a scheme for tree protection measures has been submitted to and approved in writing by the Local planning Authority. Thereafter no development shall commence until the works comprising that scheme have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
12. No development shall commence until details of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
13. No development shall take place (including groundworks and vegetation clearance) until the results of up-to-date surveys for reptiles and invertebrates together with details of any required mitigation have been completed and submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with any mitigation measures identified by the surveys.
14. No development shall take place (including groundworks and vegetation clearance) until a method statement for the translocation and creation of Open Mosaic Priority Habitat, both on-site and off-site, has been submitted to and approved in writing by the

Local Authority. The approved method statement shall be adhered to and implemented strictly in accordance with the approved details.

15. No part of the development hereby permitted shall commence until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction, and forward visibilities), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utility services, and any proposed structural/retaining works. All details submitted to the Local Planning Authority shall seek to comply with the Highway Authority's current Highway Design Guide and parking standards and the Local Planning Authority's car parking standards, shall be implemented as approved, and shall thereafter be maintained for the life of the development.
16. No part of the development hereby permitted shall commence until details of a scheme of pedestrian improvements, including provision of dropped kerbs with tactile paving at road junctions, has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to any part of the development hereby approved being brought into use.
17. No part of the development hereby permitted shall commence until a detailed scheme for the introduction and/or modification of waiting restrictions on High Street, North Street, and Unwin Street has been first submitted to and approved in writing by the Local Planning Authority. An application for the implementation of the approved traffic management measures shall be made to the Highway Authority prior to any works taking place above foundation level. Works which accord with the approved application shall be implemented within 6 months of approval of that application.

Other Conditions

18. No development past slab level shall take place until details of the materials and finishes to be used for the external elevations and roof of the proposed dwellings and the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
19. Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features within the new buildings for roosting bats, bees and nesting swifts and the provision of hedgehog gaps in garden boundary fences.

In accordance with the Ashfield District Council Biodiversity Guidance document the scheme shall comprise a minimum of three swift bricks (or integral swift boxes), three bat boxes, and one bee brick per dwelling. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.

20. All planting, seeding or turfing comprised in the approved Detailed Landscape Proposals Plan, Drawing no 3843/3 Rev D, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
21. Before occupation of the development hereby approved details of the external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the Guidance Notes for the Reduction of Obtrusive Light GN01:2011 produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used and shall be retained thereafter.
22. No dwelling shall be occupied until the driveways and any parking or turning areas serving that dwelling have been surfaced in a hard bound material (not loose gravel) in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
23. No part of the development hereby permitted shall be brought into use unless or until the details of a scheme for provision of free bus passes to residents of the development upon occupation, are submitted and approved by the Local Planning Authority. The scheme shall include details of the bus pass(es) including period of validity or equivalent, the area of coverage, arrangements for promoting the passes, application and monitoring arrangements.
24. No part of the development shall be occupied until details of the proposed arrangements and plan for future management and maintenance of the proposed streets including associated drainage of the development have been submitted to and approved by the Local Planning authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered under Section 38 of the Highways Act 1980.
25. The integral garages to the dwellings shall always be kept available for the parking of cars. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
26. No part of the development hereby permitted shall be occupied until the Travel Plan has been approved 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 progress of the proposals. The

Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

27. No part of the development hereby permitted shall be brought into use until the site access roads and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number 21-576-10 Rev F). The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.
28. The development hereby approved shall be implemented strictly in accordance with the mitigation measures stated in the confidential badger report dated February 2022 by SLR Consulting, or as modified by a relevant European Protected Species Licence.
29. No dwelling shall be occupied until visibility splays measuring 2.4m x 43m have been provided along North Street on both sides of the privately maintained highway access. The visibility splays shall be kept clear of obstructions above a height of 0.6m over adjacent carriageway level. Such splays shall be maintained for the life of the development.
30. No dwelling shall be occupied until visibility splays of 2.4m x 47m shall be provided along High Street on both sides of the site access road. The visibility splays shall be kept clear of obstructions above a height of 0.6m above adjacent carriageway level. Such splays shall be maintained for the life of the development.
31. No part of the development hereby permitted shall be brought into use until the footway and footpath improvement works along High Street and North Street have been implemented in accordance with the schemes illustrated on drawing numbers NSH-DCE-XX-XX-DR-C-6000 Rev P03 and NSH-DCE-XX-XX-DR-C-6008 Rev P01.
32. No part of the development hereby permitted shall be brought into use until the driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
33. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary. Any proposed septic tank shall be located at least 10.0m to the rear of the highway boundary.
34. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure, covered parking of cycles, secure cycle equipment storage facilities, and electric vehicle charging facilities in accordance with details to be first submitted to and approved in writing by the Local

Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

35. Notwithstanding the submitted Travel Plan, no part of the development hereby permitted shall be occupied until the Travel Plan has been approved 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 progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt.
3. To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 196 & 197. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health
4. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration the National Planning Policy Framework and which protects the residential amenity of the occupiers of neighbouring dwellings.
5. A detailed surface water management plan is required to ensure that the development is in accordance with 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.
6. 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.
7. In the interests of terms of minimising the creation of waste, maximising the use of recycled materials and assisting the collection, separation, sorting, recycling and recovery of waste arising from the development in accordance with Policy WCS10 of the Nottinghamshire Waste Core Strategy.
8. In the interests of biodiversity protection and enhancement in accordance with paragraph 187 of the National Planning Policy Framework and the Ashfield District Council Biodiversity Guide.

9. In the interests of biodiversity enhancement in accordance with paragraph 187 of the National Planning Policy Framework and the Ashfield District Council Biodiversity Guide.
10. In the interests of protecting trees and the contribution they make to the amenity of the area in accordance with Policy EV8 of the Ashfield Local Plan Review.
11. In the interests of protecting trees and the contribution they make to the amenity of the area in accordance with Policy EV8 of the Ashfield Local Plan Review.
12. In the interests of protecting the amenity of the occupiers of the surrounding residential properties.
13. In the interests of biodiversity protection and enhancement in accordance with paragraph 187 of the National Planning Policy Framework and the Ashfield District Council Biodiversity Guide.
14. In the interests of biodiversity protection and enhancement in accordance with paragraph 187 of the National Planning Policy Framework and the Ashfield District Council Biodiversity Guide.
15. To ensure the development is constructed to a satisfactory standard for use by the public and in the interest of safety for all highway users.
16. In the interest of pedestrian safety and to promote sustainable travel.
17. To protect driver visibility in the interest of highway safety.
18. To ensure the satisfactory appearance of the development.
19. In the interests of biodiversity enhancement in accordance with paragraph 187 of the National Planning Policy Framework and the Ashfield District Council Biodiversity Guide.
20. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
21. To protect against obtrusive light causing adverse impacts for nearby dwellings and bats.
22. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in the interest of highway safety.
23. To promote sustainable travel.
24. In the interest of highway safety.
25. In the interest of highway safety.
26. To promote sustainable travel.

27. In the interest of highway safety.
28. In the interests of biodiversity protection in accordance with paragraph 187 of the National Planning Policy Framework and the Ashfield District Council Biodiversity Guide.
29. In the interest of highway safety.
30. In the interest of highway safety.
31. In the interest of pedestrian safety and to encourage sustainable travel.
32. To ensure that surface water is not deposited on the public highway causing danger to road users.
33. To protect the structural integrity of the highway and to allow for future maintenance.
34. In the interest of furthering travel by sustainable modes.
35. To promote sustainable travel.

Informatives

1. This permission is subject to a S106 legal agreement, which is required to be signed and executed before such time a decision is issued.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. In order to avoid impacts to nesting birds, all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area.
4. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control

of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.

ADC Environmental Health

The Environmental Protection Officer advises that: -

- During the period of construction there should be no burning of vegetation other materials on site at any time.

The Mining Remediation Authority

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further

information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Nottinghamshire County Council Highway Authority advises: -

The highway authority recommends that the following informatives should be appended to the decision notice if planning permission is granted:

The highway works shall be constructed to the satisfaction of the Highway Authority at the developer's cost. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed/approved and implemented.

The applicant should note that, notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highway Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's highway design guidance and specification for roadworks.

- a) 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.
- b) 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) in writing before any work commences on site.

To carry out the 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 Nottinghamshire County Council's 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 Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.

Any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38/278 Agreement is issued.

Contact hdc.north@nottscc.co.uk 0115 804 0022

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

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

Works to existing street furniture, road markings, and signage shall be at the developer's expense.

The deposit of mud or other items and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant/developer, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the relevant party/parties.

Planning consent does not confer consent to work on or adjacent to the public highway.

Prior to any works commencing on site, including demolition works, the developer must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.

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 technical approval of the Section 278-38 Agreement is issued.

Drainage

A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently 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 seek to assist you obtaining a solution which protects both the public sewer and the building.

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit www.digdat.co.uk

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can [view Digdat's user guide\(opens in a new window\)](#).

Please look at the [district area supply plan \(PDF\)\(opens in a new window\)](#) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at

https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf Scroll down the

New Connections Charging document - 1 April 2022 to 31 March 2023 go to Page 24 Diversion of a Water Asset.