

Planning Application for Development of up to 300 dwellings, open space and drainage and green infrastructure.

Land at Newark Road, Sutton in Ashfield.

Planning Statement

On behalf of Hallam Land Management.

Date: August 2022 | Pegasus Ref: EMS.2254

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Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
1	07/04/22	GLO	GLO	
2	17/06/22	GLO	GLO	Revisions and updates of supporting document references
3	23/06/22	GLO	GLO	Further amends following client review
4	07/07/22	GLO	GLO	Amends to reflect Updated Transport Assessment
5	12/08/22	CC	GLO	Amended to reflect the submission of a new application



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1. Introduction

- 1.1. This Planning Statement has been prepared on behalf of Hallam Land Management to support an outline planning application with all matters reserved except for access for residential development of up to 300 dwellings, open space, drainage and green infrastructure.
- 1.2. The application follows on from a previous undetermined application for residential development on this site submitted in September 2017 (V/2017/0565). The majority of statutory consultee responses had been received and the only substantial issue raised was in relation to highways. Discussions were held with Nottinghamshire County Council Highways in relation to their original response, culminating in confirmation of no objection, subject to conditions, in July 2021. Due to the time that had elapsed while the highways matters were being resolved, several updates were undertaken to refresh the supporting evidence for the application and the Council responded to these updates with a requirement for a new application. This application positively responds to that request.
- 1.3. Alongside this Planning Statement, a number of other supporting Technical Reports have been prepared by the client team in support of this application. These are listed below:
 - Application Form
 - Site Location Plan
 - Illustrative Masterplan
 - Design and Access Statement
 - Consultation Statement
 - Landscape and Visual Impact Assessment
 - Flood Risk and Drainage Assessment
 - Transport Assessment
 - Travel Plan
 - Transport Assessment Consolidated Report
 - Preliminary Utilities Assessment
 - Phase 1 Geo-environmental Desk Study
 - Ecological Impact Appraisal
 - Biodiversity Net Gain Assessment
 - Archaeological and Built Heritage Desk Based Assessment
 - Geophysical Survey Report
 - Arboricultural Assessment

- Noise Assessment
- Air Quality Assessment
- Agricultural Land Quality Assessment
- Lighting Assessment
- Independent Lighting Assessment (Peer Review)

- 1.4. The purpose of this Planning Statement and supporting documents is to demonstrate that the proposed development is acceptable in planning terms, taking account of the development plan and material planning considerations and that there are no technical reasons why the development should not be permitted.
- 1.5. This statement begins with a description of the site and the surrounding area in Section 2, before providing a more detailed description of development in Section 3. Section 4 provides a review of the relevant national and local planning policy context. Section 5 assesses the proposed development having regard to the development plan and other material considerations. Particular attention is paid to the need to achieve sustainable development as set out in the National Planning Policy Framework (the Framework). Section 6 provides the Section 106 Heads of Terms with Section 7 setting out the summary and conclusions.
- 1.6. The conclusion reached is that, given the acknowledged shortfall in housing supply in Ashfield District, the tilted balance as set out in paragraph 11 of the Framework applies and accordingly, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposals. This Statement demonstrates that there are no adverse impacts from the proposals that would outweigh the significant benefits of the proposals in delivering much need housing and affordable housing.

2. Site and Surrounding Area

- 2.1. The site consists of an area of agricultural land extending to some 21.4 hectares between Newark Road and the B6139 Coxmoor Road. Existing residential development off Sotheby Avenue lies to the south-west of the site, with industrial estates to the south and west of the site on Lowmoor Road. To the east of the site, a ribbon of larger residential properties extends along Coxmoor Road. To the east of Coxmoor Road there is Coxmoor Golf Club. The Sherwood Observatory lies to the north of the golf club, east of Coxmoor Road.
- 2.2. The topography of the proposed development site slopes down from Coxmoor Road and from the south-east of the site to the north-west.

The Proposal

- 2.3. This application seeks outline planning permission with all matters reserved except for access for a residential development of up to 300 dwellings, drainage, open space and green infrastructure. The development will be accessed via a new traffic signal controlled T-junction on Newark Road.
- 2.4. The development proposals have evolved as a result of the completion of detailed technical studies, pre-application discussions with officers at Ashfield District Council and also as a result of a public consultation exercise undertaken with the local community. Details of the consultation exercise are set out in the accompanying Consultation Statement. This Planning Statement also considers the responses to the previous undetermined application from statutory consultees and local residents.
- 2.5. The planning application is accompanied by an illustrative masterplan. This has evolved to address consultee responses on the original application (reference V/2017/0565), including comments from the Council's Landscape Officer. Up to 300 new dwellings are proposed and will incorporate a mix of house types from 2 to 5 bed properties. The scheme provides for high quality residential development incorporating a mix of types, styles and sizes of houses. The amount and tenure of onsite affordable housing provision (including starter homes) will be discussed with the District Council. The overall net density achieved is approximately 32 dwellings per hectare.

3. Planning Policy and Guidance

- 3.1. This section of the Planning Statement considers the key aspects of the Development Plan of relevance to the proposals and national planning policy guidance set out in the Framework.

The Development Plan

- 3.2. The development plan for the area consists of the Saved Policies of the Ashfield District Local Plan Review (2002) covering the period to 2011.
- 3.3. Policy ST1 sets out that development will be permitted where it will not conflict with other Policies in the Local Plan, and it will not adversely affect the character, quality, amenity or safety of the environment.
- 3.4. Policy ST2 advises that development will be concentrated within the main urban areas of Hucknall, Kirkby-in-Ashfield and Sutton-in-Ashfield.
- 3.5. Policy ST4 sets out that outside the main urban areas and named settlements, permission will only be given for development appropriate to the countryside as set out in Policy EV2 of the Local Plan.
- 3.6. Policy EV2 seeks to restrict the type and location of development in the countryside outside the Main Urban Area and Named Settlements.
- 3.7. Policy HG1 confirms the locations for allocations for housing within the District to meet the balance of the housing requirement of 8,550 dwellings 1991–2011 as set out in the Nottinghamshire County Council Structure Plan Review. As at November 2000 the plan identified a balance of 743 dwellings to be found against this requirement.
- 3.8. Policy HG3 sets out acceptable densities for new developments based on site location and distance from district centres, Robin Hood Line Stations or Nottingham Express Transit Rail stops with minimum density requirements of 40 dwellings per hectare within 400 metres, 34 dwellings per hectare within 1km and 30 dwellings per hectare elsewhere.
- 3.9. Policy HG4 sets out the Council's requirement for affordable housing. The target for the rest of the District (outside of Hucknall) is 6%.
- 3.10. Policy HG5 sets out that residential development will be permitted where schemes fulfil a number of design criteria. It specifies that for sites of 2 hectares and above, a minimum of 10% of the gross site area should be provided as open space.
- 3.11. Policy HG6 deals with the provision of public open space within new residential developments.
- 3.12. Policy TR6 sets out that where new developments place additional demands on highway infrastructure, contributions will be secured via planning obligations to mitigate these impacts.

Emerging Local Plan

- 3.13. The Council has been preparing a Local Plan to replace the 2002 plan. A new Local Plan was published in 2016 and was subject to an independent examination in October 2017. The Submission version of the Plan proposed the allocation of the majority of the site for residential development under Policy SKA3 to provide some 266 dwellings. The Council resolved to withdraw the plan at a Special Council meeting on the 6 September 2018.
- 3.14. A new Draft Local Plan was published for Regulation 18 consultation between October and November 2021. The Draft Plan does not propose the allocation of the site for housing. Significant levels of objection were received by the Council in relation to the proposed release of a strategic Green Belt site at Whyburn Farm, Hucknall and to a further proposed strategic housing allocation Cauldwell Road, Sutton in Ashfield. Following the consultation, on 25 January 2022, the Council announced that it was pausing preparation of the plan following this first round of consultation. The current pause in the preparation of the new Local Plan was confirmed in a report to the Ashfield Local Plan Development Panel on 5 July 2022. Given the early stage reached in the preparation of the emerging Local Plan it can only be afforded limited weight in the determination of the application.

Ashfield Affordable Housing Delivery Strategy 2019–2021

- 3.15. The Ashfield Affordable Housing Strategy 2019–2021 considers the actions the Council can take to increase the supply of affordable homes for rent or for sale in Ashfield district. It sets out that on average, 57 new affordable homes are delivered in the district each year (2010–2017) and identifies that this leaves a supply shortfall of 223 affordable homes each year based on the latest evidence from the Strategic Housing Market Assessment 2015.
- 3.16. The delivery strategy states that the affordable housing requirement for Sutton and Kirkby is 10% on sites of 15 or more. This is higher than the requirement set out in the saved Local Plan Policy HG4 and is understood to reflect the NPPF which states that at least 10% of the homes on major housing developments should be expected to be affordable home ownership (para 64).

Ashfield Residential Design Supplementary Planning Document 2014

- 3.17. This Supplementary Planning Document (SPD) has been prepared by Ashfield District Council to help ensure high quality residential developments are achieved in the District. The SPD sets out how the Council expects the location, form and type of residential development in Ashfield will be considered through the design process.

National Planning Policy Framework (the Framework)

- 3.18. The National Planning Policy Framework (the Framework) was published on the 27 March 2012 and replaced previous national planning guidance set out in Planning Policy Guidance and Planning Policy Statements. The Ministry of Housing, Communities and Local Government (MHCG) published the Revised National Planning Policy Framework (the Framework (2018)) on 24th July 2018. This was the first revision of the Framework since 2012. There were subsequently further updates to the Framework in February 2019 and July 2021.

- 3.19. There are three dimensions to sustainable development: economic, social and environmental, as set out at Section 2. The presumption in favour of sustainable remains at the 'heart' of the Framework. Paragraph 11 states that, for decision-taking, this means approving development proposals that accord with the development plan without delay.
- 3.20. Where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, planning permission should be granted unless the application of Framework policies that protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
- 3.21. Footnote 7 confirms those policies that protect areas or assets of particularly importance – now providing a 'closed' list. Footnote 8 confirms that the meaning of out-of-date includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing land.
- 3.22. An important feature of the Framework is the culture change it requires from local planning authorities. It requires local planning authorities to approach decision-taking in a positive and creative way, using the full range of planning tools available, and working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible (paragraph 38).
- 3.23. Paragraph 48 states the local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the Framework.
- 3.24. Section 5 of the Framework deals with housing issues and sets out the key objective for local planning authorities to deliver a sufficient supply of housing. Paragraph 60 confirms that to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where it is needed.
- 3.25. Local planning authorities are required to meet the objectively assessed needs for housing. Paragraph 74 requires authorities to 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 policies, or against their local housing need where the strategic policies are more than five years old.
- 3.26. The supply should include a buffer of 5% to ensure choice and competition in the market for land, 10% where the local planning authority wishes to demonstrate supply through an annual position statement or recently adopted plan, to account for fluctuations in the market, and 20% where there has been significant under delivery over the previous three years, to improve the prospect of achieving the planned supply.
- 3.27. Section 6 of the Framework deals with building a strong and competitive economy, with significant weight being placed on the need to support economic growth and productivity, taking account of local business needs and wider opportunities for development.
- 3.28. The Framework promotes healthy communities (Section 8), advising that planning decisions should aim to achieve places which promote:

- opportunities for meetings between members of the community through mixed-use developments, strong neighbourhood centres and active street frontages; and
- safe and accessible environments with attractive, well-designed, clear and legible pedestrian routes and high-quality public spaces.

3.29. Paragraph 98 of the Framework notes that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities, and deliver wider benefits for nature and support efforts to address climate change.

3.30. Section 9 of the Framework focuses upon the promotion of sustainable transport. It makes clear at paragraph 110 that plans and decisions should take account of whether:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas and other transport elements, reflect current national guidance including the National Design Guide and the National Model Design Guide; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

3.31. Paragraph 124 deals with making efficient use of land, and paragraph 125 confirms that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that developments make optimal use of the potential of each site.

3.32. The requirement to ensure good design in new development is set out in Section 12 of the Framework. Planning decisions should aim to ensure that developments:

- function well and add to the overall quality of the area;
- are visually attractive, as a result of good architecture, layout and landscaping;
- are sympathetic to local character and history;
- establish a strong sense of place; and
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.

3.33. Paragraph 131 confirms the important contributions trees make to the character and quality of urban environments, noting they can also help mitigate and adapt to climate change – new streets should be tree lined, and opportunities should be taken to incorporate trees within developments.

3.34. Paragraph 159 seeks to avoid development in areas at risk of flooding by directing development away from areas at highest risk.

- 3.35. Paragraph 180 deals with issues relating to biodiversity. In determining applications, local planning authorities are advised to apply the following principles:
- if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.
- 3.36. To prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to the adverse effects from pollution, should be taken into account (paragraph 185).
- 3.37. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development (paragraph 185), and decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan (paragraph 186).
- 3.38. Section 16 of the Framework focuses upon the conservation and enhancement of the historic environment. It seeks to understand the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment, as well as assessing the significance of heritage assets and the contribution they make to their environment. Paragraph 194 states that planning decisions should be based on the significance of heritage assets affected, and that the level of detail should be proportionate to the importance of the asset and should be no more than is sufficient to review the potential impact of the proposal on their significance.

Planning Practice Guidance (the PPG)

- 3.39. On 6th March 2014, the former Planning Minister Nick Boles announced the launch of the Planning Practice Guidance (PPG) which reinforces and provides additional guidance on the policy requirements of the Framework. The PPG is a web-based resource that is continuously updated. Alongside the publication of the NPPF (2018) updated Planning Practice Guidance was published in relation to viability and housing and economic development needs assessments.
- 3.40. The PPG also provides extensive guidance on the matter of design, including listing the planning objectives that can be achieved via good design. These include considering local character, landscape setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.
- 3.41. The role of health and wellbeing in planning is a consideration in the PPG: active healthy lifestyles should be encouraged, that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing and are accessible by walking and cycling and public transport.

- 3.42. The PPG reiterates the importance of, and provides guidance on, the assessment of housing need, including affordable housing. With regards to housing delivery, it makes clear that past under-supply should be met, where possible, within the first 5 years of the plan period.

National Design Guide

- 3.43. The National Design Guide was published in October 2019 and sets out the characteristics of well-designed places and what good design means in practice. The document sets out the ten characteristics necessary to achieve high quality design:

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built Form – a coherent pattern of development;
- Movement – accessible and easy to move around;
- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient; and
- Lifespan – made to last.

4. Assessment of Development Proposals

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2. Whilst the Framework does not change the statutory status of the development plan as the starting point in decision making, it is an important material consideration in determining applications. The Framework constitutes the Government's view of what sustainable development means in practice for the planning system.
- 4.3. The Government's objective in publishing the Framework is to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the Framework is the need for positive planning to boost significantly the supply of housing to meet the full objectively assessed housing needs for an area.
- 4.4. For decision taking, the Framework requires local planning authorities to approve development proposals that accord with the development plan without delay and, where a plan is absent, silent or policies are out of date, approving planning permission unless the adverse impacts would significantly and demonstrably outweigh the benefits, or specific Framework policies indicate that development should be restricted. Weight may be given to relevant policies in emerging local plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with the Framework.

The Planning Issues

- 4.5. The key planning issues in respect of the proposed development are as follows:
- The principle of development;
 - Access and transport;
 - Ecology and biodiversity;
 - Landscaping;
 - Flood Risk and Drainage;
 - Noise and Air Quality;
 - Ground Conditions

The Principle of Development

- 4.6. The site is located outside the settlement limits adjoining the Main Urban Area of Sutton in Ashfield and therefore saved Local Plan Policy EV2 applies. However, as the evidential basis and time horizon for the duration of settlement boundaries (the delineation between where

ENV2 applies and does not) in the adopted plan covered a period to 2011, the plan and its policies for housing, including Policy EV2 seeking to restrict development outside settlement limits, are out-of-date and should be afforded limited weight in the determination of the application.

- 4.7. The Council has acknowledged that it cannot demonstrate a five-year supply of housing as required by the Framework when measured against the local housing need. In its latest Monitoring Report, 2022 the Council notes that the housing requirement in the Local Plan Review is out-of-date and bases its assessment of five year land supply on the standard method in accordance with the Framework. This sets a requirement of 467 dwellings a year. Combined with a 20% buffer gives a requirement of some 2,802 dwellings. The identified supply is some 1,267 dwellings, equating to 2.26 years supply and a substantial shortfall of 1,535 dwellings. The Council's latest Housing Delivery Test result, published in January 2022, is 66%, which in itself triggers the presumption in favour of sustainable development.
- 4.8. In two recent appeals, Inspectors have allowed developments at Sutton in Ashfield and Skegby on the basis of the housing land supply shortfall.
- 4.9. For land at Ashland Road West (appeal ref APP/W3005/W/21/3274818), the Inspector allowed the appeal for 300 dwellings for Bellway Homes in December 2021. On the housing land supply position, the Inspector commented as follows;

'83. It is not disputed that the Council is not able to demonstrate a five year supply of deliverable housing sites (5 year HLS). Furthermore, the supply of 2.21 years' worth of supply is significantly short of the 5 years, and the Housing Delivery Test indicates that delivery of housing in the District has been less than 75% of the housing requirements over the last three years. As such, in relation to paragraph 11(d) of the Framework, those policies which are most important for determining the application would be out-of-date, thereby engaging the tilted balance in paragraph 11(d) (ii) of the Framework.

85. Having regard to the Government's objective of significantly boosting the supply of homes, the proposed development would have the benefit of contributing up to 300 dwellings towards the supply of housing in the District...Such combined benefits attract substantial weight, particularly in the scenario whereby the Council is not only unable to demonstrate a 5 year HLS but that the deficit concerned is significant'.

Paragraphs 83 and 85 Inspectors Report, 13/12/2021

- 4.10. An appeal relating to the development of 206 dwellings at Skegby (appeal ref APP/W3005/W/21/3272262) was allowed in November 2021. Here the Inspector commented on the five-year land supply position as follows;

'47. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The identified supply (April 2021) was 2.25 years, amounting to a deficit of 1,500 dwellings. In addition, there has been a significant under delivery of housing over the preceding three-year period.

48. The proposal, consisting of 206 dwellings, would assist in addressing a lamentable and very serious shortfall and it would be consistent with the government's objective of boosting the supply of housing.....

55. In the absences of a five-year housing land supply, and in view of the deficit in housing delivery, the most important policies in the development plan are deemed to be out-of-date. It is common ground that the tilted balance in paragraph 11 of the Framework applies, namely whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraphs 47, 48 and 49, Inspectors Report, 5th November 2021

- 4.11. An appeal relating to the development of up to 322 dwellings Land west of Beck Lane, Skegby, Nottinghamshire (appeal ref APP/W3005/W/18/3213342) was allowed in August 2019. The Inspector found that Policies EV2 and ST4 were inconsistent with the NPPF and therefore out of date regardless of the land supply and delivery position. The Inspector stated:

4. Policy ST4 is restrictive of development outside the main urban areas and named settlements. In this regard it lacks the balancing exercise required by the NPPF and is therefore inconsistent with it. Similarly Policy EV2 is highly restrictive of development in the countryside, again lacking the balance required by the NPPF. Hence this policy too is inconsistent with the NPPF.

23. Whilst there is conflict with the development plan resulting from the fact that the appeal site is outside the main urban areas and is within the countryside, I have already noted that the relevant policies (ST4 and EV2) are rendered out of date and are inconsistent with the NPPF, so reducing the conflict with those policies.

Paragraphs 4 and 23, Inspectors Report 23rd August 2019

- 4.12. The lack of a five-year land supply and the Council's poor performance against the Housing Delivery Test both trigger the tilted balance and the presumption in favour of sustainable development, rendering the most important policies in the development plan out-of-date. Irrespective of the housing supply and delivery position, the most important policies are also found to be out of date due to their inconsistency with the NPPF. This should carry significant weight in the determination of the application which would make a significant contribution to housing supply.

Access and Transport

- 4.13. The Consolidated Transport Assessment report consolidates the original report, prepared to support the previous application on this site, and the outcomes of the post application consultations with the Highway Authority. This post application engagement with the Highway Authority resulted in no objections on highway matters subject to conditions (response from Highway Authority, 3rd July 2019). The Consolidated Transport Assessment

Report presents the agreed position including agreed parameters, assessments and mitigation. The Highway Authority had originally asked for a highway corridor to be reserved through the site linking to Coxmoor Road. In its response dated 13th July 2021, the Highway Authority confirms that it no longer requires the land to be safeguarded.

- 4.14. An Updated Transport Assessment has also been prepared in support of the current application to provide an up-to-date examination of existing conditions, including new 2022 traffic count data and new accident analysis along with new trip rates and traffic generations based on the latest TRICS database. The site access junction arrangements have also been adjusted to reflect the latest design standards. The updated assessment work concludes that the highway network is less busy than previously assessed due to the change in forecast growth over the 10-year period, and the level of impact as a result of the proposed development is less. The key impacted junctions and the highway improvements proposed to address that impact, have not changed from those previously presented and agreed with the Highway Authority in relation to the previous application.
- 4.15. The site is accessible by all modes of travel and is therefore well located for residential development. As part of the proposed development, and to encourage pedestrian travel, three pedestrian connections would be provided from the site. These include a connection to the footways on Searby Road; a connection to the footway on Sotheby Avenue; and a new footway/cycleway on the southern side of Newark Road. A new traffic signal controlled pedestrian crossing would also be provided on Newark Road. This would benefit both existing and future residents.

Ecology and Biodiversity

- 4.16. A Preliminary Ecological Appraisal has been undertaken by our ecological consultants RammSanderson and a Biodiversity Net Gain Assessment has been undertaken by Wardell Armstrong. Further follow up surveys are also underway and these will be submitted in due course.
- 4.17. Whilst the site supports a variety of habitats, the majority is comprised of arable land with species-poor hedgerows. Small areas of scattered and dense scrub, coniferous plantation woodland, tall herb and fern and marshy grassland are also found within the site, as well as ephemeral pools of water associated with one drainage ditch and the marshy grassland.
- 4.18. The habitats of higher ecological value include individual trees, hedgerows, areas of scrub, and the area of marshy grassland. Wherever possible, these habitats have been retained within the design proposals. Pending the eDNA survey results, a precautionary approach has been followed with an outline mitigation strategy set out that can be accommodated within the landscape and drainage areas, with the onsite ditch and surrounding grassland retained and a wildlife pond created as an enhancement in this area.
- 4.19. The Biodiversity Net Gain Assessment concludes that illustrative Masterplan and Nature Plans indicate an approximate 10% habitat unit gain and 400% gain in watercourse / ditches (river units) on site.

Landscaping

- 4.20. The design of the proposed development has been developed using an iterative approach, referencing the findings and inputs of the detailed landscape and visual impact assessment

(LVIA) which accompanies the application. This process includes an analysis of the site and its context, and identification of constraints and opportunities related to landscape and visual matters and, consequently, informs how the constraints and opportunities might serve to influence the development potential of the site in respect of a masterplan for the proposed development. In turn this has informed a strategy for landscape mitigation.

- 4.21. In terms of effects on landscape character, the LVIA concludes that effects will occur at a site level and its immediate landscape context and will have little influence on the wider character of the wider landscape context. The proposals incorporate mitigation that will create a robust landscaped edge to the settlement that sits within the enduring physical limit set by the topography of the area and as such the proposals would not be unduly prominent in the wider landscape.
- 4.22. The LVIA concludes that overall the proposed development will result in some limited impact at a localised level, with the scale and form of the proposed development likely to result in impacts limited to the site area and its immediate context only, with the proposals seen in the context of the existing settlement edge. Given the limited adverse landscape and visual effects and the context of the site, the proposed development and likely landscape and visual effects are considered to be acceptable in landscape and visual terms.
- 4.23. The overall strategy is to provide a strongly landscaped development edge along the Coxmoor Road with a structural corridor of green space extending from Coxmoor Road towards Searby Road. An area of children's play space was originally proposed on the northern part of the site in an area accessible to both existing residents on Sotheby Avenue and future residents. Following the response from the Council's Landscape Officer on the previous application, and an onsite meeting, the Illustrative Masterplan has been amended to relocate the open space to the centre of the site and provide some additional planting on the site's south-western boundary.
- 4.24. The provision of areas for storm water balancing along the sites south-western boundary will ensure that the residential amenities of existing residents along Searby Road will be adequately safeguarded.

Flood Risk and Drainage

- 4.25. The application is accompanied by a Flood Risk Assessment and Outline Drainage Strategy by Rodgers Leask. The Flood Risk Assessment has reviewed all sources of flood risk to both the proposed development and the existing adjacent properties.
- 4.26. The proposed development lies within Flood Zone 1 and is at low risk of flooding. It is concluded that the site and surrounding land would be at a low flood risk following redevelopment.
- 4.27. Surface water is proposed to be via onsite storage and management, at a restricted discharge rate, which has been agreed with the Lead Local Flood Authority. The proposals for surface water attenuation will also address concerns raised by local residents about run-off from the site affecting properties along Searby Road.
- 4.28. A robust drainage strategy has been proposed to deal with both foul and surface water which would be generated by the developed site, with no surface water flooding occurring for

storms up to and including the 1 in 100 year plus climate change storm event, as agreed with the County Council.

- 4.29. The general principle of the drainage strategy is to collect the runoff from private driveways, carriageways, footways, and roof areas, and then convey this to attenuation ponds within the site, which are connected by swales/ditches, with the captured water then managed and controlled out of the site. Infiltration drainage is considered to be unsuitable following onsite testing.
- 4.30. The proposed surface water attenuation areas have been designed to accommodate the surface water run-off from the development and address existing concerns from residents over surface water flooding events in the area. The attenuation strategy has resulted in a loss of net developable area and some additional costs in relation to the disposal of arisings from the proposed balancing ponds. The extension of the development outside the proposed Local Plan allocation onto land to the south of Searby Road, enables a more robust surface water management strategy to be provided as part of the development.
- 4.31. The foul water strategy for the site is to discharge flows to two connection points on Searby Road. A Sewer Capacity Assessment by Severn Trent Water confirms that the downstream sewer network and Sewage Treatment Works have sufficient capacity to drain the development.

Noise and Air Quality

- 4.32. Noise and Air Quality Assessments have been undertaken by Wardell Armstrong.
- 4.33. There are no noise sources within the vicinity of the site that affect the noise environment, with the exception of traffic noise. Some mitigation for traffic noise may be required for dwellings within the north eastern part of the site (closest to Newark Road and Coxmoor Road), which will ensure the recommended daytime noise levels is achieved within gardens for these properties. The Ardagh Group Premises, a metal and plastic packaging production site is located 400m north of the site boundary. The noise impact on the site is low, so no mitigation is required.
- 4.34. The site is not located within an air quality management area. The development has been assessed in relation to its effect upon local air quality and the effects are considered to be negligible and show that local air quality will be relatively unaffected and will remain within national standards.

Ground Conditions

- 4.35. A Ground Conditions Phase 1 Desk Study has been submitted in support of the application, which assesses potential environmental and ground related issues that may have implications for the proposed development.
- 4.36. Within the north-east part of the site is an area of landfill recorded as an Environment Agency historic landfill site. A Waste Disposal Licence (reference 4/80/100/55NW) was issued to Stamford Waste Disposal Ltd in March 1980 for the disposal of construction industry waste (consisting of soil, spoil, rubble, excavation materials and demolition material), none of which was to contain any putrescible material or other waste likely to cause nuisance or pollution.

The site was in operation until 1983, although the licence was not formally surrendered until 1992.

- 4.37. Two onsite intrusive investigations have been carried out, one by Scott Wilson in 1998 and a recent one by Rodgers Leask on behalf of Hallam Land Management in 2017. Both investigations have confirmed the waste materials are consistent with that expected of 'inert' construction wastes. Gas monitoring has been undertaken and all results suggest low concentrations and flows of ground gas consistent with that expected of inert waste, the risk from which could be mitigated by the adoption of simple gas protection measures into the design of new dwellings.
- 4.38. The available data would be considered consistent with the recorded and verified inert nature of the waste deposited in the landfill, and is not considered to represent a significant source of ground gas (generally low gas concentrations and flow rates recorded). Mitigation of the risk will be achieved by incorporating relevant gas protection measures within buildings overlying the landfill material.
- 4.39. A further Technical Note on Ground Gas Risk Assessment was submitted to the Council in May 2018, reporting on further intrusive works undertaken in February 2018. The report concludes that ground gas monitoring of the site has identified a negligible to low gas regime and both the area around the former onsite inert landfill and land investigated along the northern boundary of the site can be classified as very low risk to potential end users with Amber 1 gas protection measures required typically comprising a membrane and ventilated sub-floor void. The Council's Environmental Protection Officer accepted the findings of the report subject to the proposed measures being implemented.

5. Section 106 Heads of Terms

- 5.1. The applicant will enter into a Section 106 agreement to ensure the delivery of such requirements as are reasonable and accord with the tests set out within the Community Infrastructure Levy (CIL) Regulations 2010, which consider whether the requirements of the agreement satisfy the following;
- (a) Are necessary to make the development acceptable in planning terms;
 - (b) Are directly related to the development, and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 5.2. Following consultations with key statutory consultees, officers have advised that the following section 106 contributions would be sought:
- Education contributions of £1,297,296 for primary provision and £1,146,000 for secondary provision;
 - Public realm contribution of £600,000 for Sutton Town Centre improvements;
 - £150,000 for sports facility improvements in the area;
 - A contribution to young people's recreation provision off-site in the vicinity of the development;
 - A health contribution of £162,563 to reconfigure or extend medical premises;
 - £17,097 towards improving waste recycling centres in the area;
 - A 10% affordable housing contribution;
 - £31,000 towards bus stop improvements.
- 5.3. These requests will be the subject of further discussions with officers.

6. Conclusions

- 6.1. This Planning Statement supports an outline planning application for residential development at Newark Road. The Statement considers the most recent housing land supply position for the Council, the current position on the local plan and up to date supporting technical reports following responses received on the previous application submitted in 2017.
- 6.2. The Council has confirmed that it can only demonstrate 2.26 years supply and that the tilted balance is also triggered by the most recent Housing Delivery Test results where the Council could only demonstrate 66% delivery against housing requirements in the last 3 years.
- 6.3. Recent appeal decisions at Skegby and Sutton in Ashfield confirm that this critical shortfall in supply should be afforded significant weight in the decision. As a result, the most relevant policies for determining the application, including Policy ENV2 are out-of-date and should be afforded limited weight. In accordance with paragraph 11 (d) of the Framework proposals should be approved unless any adverse impacts would significantly and demonstrably outweigh the clear benefits for housing land supply.
- 6.4. The supporting technical reports summarised in this Statement demonstrate that there are no adverse impacts that would outweigh the benefits of the scheme in delivering housing to address the substantial housing land supply shortfall. The application should therefore be granted planning permission.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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