

V/2022/0629 Land At Junction Of Newark Road, Coxmoor Road, Sutton In Ashfield.

The Proposal

This is an outline application for residential development of up to 300 dwellings, including new public open space, landscaping, drainage infrastructure and access. All matters are reserved except for access. The site is located south-east of Sutton in Ashfield, bounded by Newark Road to the north, Coxmoor Road to the east, residential development to the west and open countryside to the south.

A similar application (V/2017/0565) with some matters reserved is also pending.



Policy Comments – Key Considerations only

Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan for the area comprises the saved policies of the Ashfield Local Plan Review 2002 (ALPR).

Also applicable is National Planning Policy Framework (NPPF) which is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF, December 2023 paragraph 225).

Principle of Development

The proposal needs to be considered against ALPR Policy ST1, Development, which specifies a number of provisions including that development will be permitted where:

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

Policy ST1 is consistent with the provision of the NPPF. However, in relation to any conflict with 'other Local Plan policies,' these other policies have to be considered in relation to the provisions of the NPPF.

The site is located in the countryside outside the designated settlement boundary for Sutton. Saved Policy ST4 (The Remainder of the District) sets out that given the location of the application site, permission will only be given for

- Sites allocated for development;
- Development appropriate to the Green Belt (Policy EV1) or the Countryside (Policy EV2).

Saved Policy EV2 specifies the types of development that are considered to be appropriate in the countryside. The proposed development does not fall within the definition of appropriate development in ALPR, and consequently does not meet the requirements of Policy EV2. The policy confirms that in all cases development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. Policy EV2 is consistent with the NPPF's requirement in recognising the intrinsic beauty and character of the countryside (Para.180b) - this has been accepted at appeal (see V/2021/0024). Consideration should be given to the impact on the character and appearance of the countryside.

Landscape and Ecology

NPPF para 180 also stresses that planning policies and decisions should contribute to and enhance the natural and local environment by a variety of measures including minimising impacts on and providing net gains for biodiversity. The Council is required to assess how a development might affect 'protected' and 'priority' species and habitats on or near a proposed development site when reviewing a planning application. There are no identified locally or nationally designated sites on or adjacent to the site, but it does fall within the buffer zone around the 'prospective' Sherwood SPA, as such, an assessment of potential impacts should be carried out, in line with Natural England's Risk-based Approach.

Natural England's Agricultural Land Classification Map for the East Midlands Region identifies that the site is classified as Grade 3 (good to moderate) quality agricultural land

Affordable Housing and Density

Housing density requirements are set out in ALPR saved Policy HG3. This is consistent with the NPPF with its emphasis on the efficient use of land (Paragraph 129). In this location, the Policy requires a net minimum density of 30 dwellings per hectare (dph). The application site measures 21.3 hectares. After deducting for large scale open space (47.5%) and infrastructure provision this leaves a net developable area for residential of 10.63 hectares. If the proposal for 300 dwellings is minded to be approved, the density would therefore be approximately 30 dph. This approach is carried through in the new emerging Local Plan under Policy H7.

The current affordable housing requirement is set out in 'saved' ALPR policy HG4 but this needs to be considered in relation to the NPPF. Taking account of NPPF para 48, on the basis that the emerging policy has received little in the way of objection and the emerging Local Plan is at an advanced stage, it is considered appropriate to apply the more up to date emerging policy in decision making. This policy is based on more up to date evidence, and is consistent with current national policy. Emerging Policy H3 would require a minimum contribution of 25% affordable housing in this instance.

Infrastructure

The NPPF advises that planning policies and decisions should support development that promotes healthy and safe communities, emphasising the importance of planning positively for community facilities, ensuring sufficient choice of school places, and access to high quality open spaces, respectively. Developer contributions are likely to be required in order to ensure a sustainable development, which satisfies NPPF requirements. It is advised that Nottinghamshire County Council highways, and education, together with the healthcare providers are consulted in respect of these requirements.

Policy TR6 of the ALPR, 2002 identifies that contributions towards transport infrastructure will be required from the development in appropriate circumstances.

Housing Land Supply

The Council cannot currently demonstrate a 4-year supply of deliverable housing sites. The Housing Land Monitoring Report of 31st March 2023, which applies a 20% buffer, identifies that Ashfield District had a housing land supply of 2.84 years. In these circumstances, the application has to be considered on balance in the context of the NPPF paragraph 11. The starting point is the presumption in favour of sustainable development. Paragraph 11(d) provides that planning permission should be granted 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.

Emerging Local Plan

Notwithstanding the above, a Regulation 19 consultation took place (Friday 1 December 2023 – Monday 29 January 2024) on a Pre-Submission version for a new Local Plan for Ashfield. This will ultimately replace the saved policies of the current Ashfield Local Plan Review 2002 upon adoption and was submitted for independent examination in April 2024. The application site is not a proposed allocation in the emerging Local Plan which now carries weight as a material consideration.

The proposed housing allocations in Policy H1 of the Pre-Submission Local Plan together with small site supply will provide in excess of 13 years' worth of housing supply and a rolling 5-year supply post adoption. This is consistent with NPPF paragraph 69 which requires policies to identify a sufficient supply and mix of sites, (taking into account their availability, suitability and likely economic viability), with specific, deliverable sites for years one to five of the plan periods, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the Plan. The Council considers it has made sufficient provision to meet the identified need by selecting the preferred most sustainable and suitable sites for allocation.

It should be noted, however, that there are outstanding objections from the Regulation 19 consultation in respect of the capacity of the Housing Land allocations not meeting the full 15 years requirement set out in strategic Policy S7: Meeting Future Housing Provision.

Background Paper 1: Spatial Strategy and Site Section (BP1) which supports the emerging Local Plan identifies the sequential approach taken to identifying housing sites to meet needs for the District. The subject of this application was assessed initially in the Strategic Housing and Employment Availability Assessment (SHELAA) under site reference SA024 as 'potentially deliverable'. The SHELAA involves a high-level assessment to provide a 'pool' of potential sites which could help to deliver the District's housing need in a sustainable manner, consistent with the Council's Spatial Strategy. It is a starting point for consideration, but does not allocate sites, as this involves greater consideration of wider ranging issues to identify the most appropriate locations for growth. BP1 identifies that this site was excluded primarily due to the uncertainty that it would not deliver the homes required – paragraph 8.18 cites the duration of 2 pending planning applications dating from 2017 and 2022, with unresolved highways issues.