



PLANNING AND AFFORDABLE HOUSING STATEMENT

Proposed residential development for up to 149
dwellings on Land at Brand Lane, Stanton Hill, Sutton-
In-Ashfield

On behalf of Countryside Properties (UK) Limited

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Executive Summary

- 1.1.1. This Planning and Affordable Housing Statement has been prepared by ADAS Planning (Agent) on behalf of Countryside Properties (UK) Limited (part of Vistry Group) (Applicant).
- 1.1.2. This Statement is submitted in support of an Outline Planning Application under the Town and Country Planning Act 1990 (hereafter 'TCPA') (as amended) for up to 149 dwellings on Land at Brand Lane, Stanton Hill, Sutton-In-Ashfield.
- 1.1.3. Vistry Group is the UK's leading provider of affordable mixed tenure homes. Vistry Group's purpose as a responsible developer is to work in partnership to deliver sustainable homes, communities, and social value, leaving a lasting legacy of places people love. Operating across 26 regions, Vistry Group build homes for those who need them right across the UK. Vistry Group sell homes on the open market through three respected brands: Bovis Homes, Linden Homes, and Countryside Homes.
- 1.1.4. The Outline Planning Application is for the erection of up to 149 residential dwellings with associated infrastructure and vehicular access point from Brand Lane. All matters reserved except for the means of main site access. This Outline Planning Application is submitted at a time when the Council is not delivering enough homes to meet its needs and cannot demonstrate a 5-year housing land supply. As such, the 'tilted balance' (National Planning Policy Framework, Paragraph 11d) is engaged, meaning applications for housing should be approved unless the harms significantly and demonstrably outweigh the benefits.
- 1.1.5. This Statement sets out the need for the development and provides a detailed assessment of the proposal against the relevant policies in the development plan and other material considerations, including the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). This Statement and the submitted reports demonstrate that the Proposal accords with relevant planning policy and other material considerations.
- 1.1.6. This proposal will deliver a wide range of substantial public benefits, including much needed market and affordable housing, public open space, net gains in biodiversity, as well as jobs during the construction phase and new spending power to the village of Stanton Hill. The harms are minimal and do not significantly and demonstrably outweigh these benefits.
- 1.1.7. On this basis, there are no harms that would significantly and demonstrably outweigh the public benefits of the proposal, and in accordance with Paragraph 11 d of the NPPF, planning permission should be granted.

2. Introduction

2.1. Introduction

2.1.1. This Planning and Affordable Housing Statement has been prepared by ADAS Planning (Agent) on behalf of Countryside Properties (UK) Limited (part of Vistry Group) (Applicant) in relation to a Planning Application for up to 149 dwellings on Land at Brand Lane, Stanton Hill, Sutton-In-Ashfield.

2.1.2. The description of development is as follows:

Outline planning application for up to 149 residential dwellings with associated infrastructure and vehicular access point from Brand Lane. All matters reserved except for the means of main site access.

2.1.3. This Statement sets out the need for development and provides a full assessment of the proposals against the Local Plan and other material considerations

2.2. Scope of the Planning Application

2.2.1. This Statement is one of the several documents submitted in support of the Planning Application. The full suite of document is as follows:

- This Planning and Affordable Housing Statement
- Design and Access Statement (DAS)
- Landscape and Visual Appraisal (LVA)
- Landscape Strategy Plan
- Transport Assessment
- Framework Travel Plan
- Ecological Impact Assessment (EclA)
- Biodiversity Net Gain (BNG) Assessment
- Biodiversity Metric
- Heritage Assessment
- Socio Economic Benefits Report
- Flood Risk and Drainage Assessment (FRDA)
- Tree Survey and Arboriculture Impact Assessment
- Air Quality Impact Assessment
- Noise Impact Assessment
- Utilities Assessment
- Phase 1 Ground Investigation
- Statement of Community Involvement

2.2.2. In addition to the above reports, the application is submitted with the following plans and drawings in accordance with the Council's validation checklist:

- Location Plan
- Illustrative Masterplan
- Transport Assessment Drawing (contained within Transport Assessment)
- Development Framework Plan

3. Site and Surroundings

3.1. Site Location

- 3.1.1. The proposed development area is c.6.22 ha and is located on land which is currently in equestrian use. The centre of Stanton Hill (village) is c.650m north east of the centre of the Site, with the centre of Sutton-in-Ashfield about c.2.1km south east.
- 3.1.2. Access into the Site is provided in the eastern corner, off Brand Lane which currently serves the buildings on Site. The location of the Site is indicated below in Figure 1.



Figure 1: OS map indicating the redline area.

- 3.1.3. The Site is on land currently in equestrian use. There is a cluster of agricultural buildings (Stubbinghill Farm) located centrally within the Site. The Site is bordered on all sides by trees and hedgerows with some intermittent gaps along the southern and north eastern boundaries.
- 3.1.4. A Public Right of Way (PRoW) runs diagonally across the Site in a south east to north west direction (Sutton In Ashfield FP36#1). The footpath enters the Site in the middle of the southern boundary and leaves the Site in the middle of the north western boundary, where it runs further towards the north west through adjacent fields which also appear to be used as paddocks. Adjacent to the southern Site boundary is a disused railway line which is now a PRoW (Brierley Forest Link), beyond which is the Brierley Forest Park. Past the western Site boundary is an area of woodland (Spring Wood) and to the north there is agricultural land. Residential development is located beyond the north eastern boundary.

3.2. Site Suitability

- 3.2.1. In terms of sustainability, the site is located adjacent to the west of Stanton Hill (village). The nearest large town is Mansfield, of which the Site is c.5.6km to the west of its town centre. The Site is within a close walking distance of local facilities including shops, schools, recreational facilities, public rights of way, open spaces and bus stops. There is good access to the national motorway network with the M1 to the west providing links to Chesterfield and Sheffield further north, and Nottingham in the south.
- 3.2.2. Train services are provided at Sutton Parkway railway station in Sutton in Ashfield which provides links to Nottingham, Mansfield and Worksop. Although the Site is on the edge of Stanton Hill, it lies adjacent to extensive green spaces and open countryside including the Brierley Forest Park Local Nature Reserve and a golf course.
- 3.2.3. The proposal for 149 new homes in the village will provide much needed additional spending power to support the vitality and long-term sustainability of the village.

3.3. Summary – Sustainability

- 3.3.1. This section has demonstrated that the site is in a sustainable location with access to several key services and facilities, including shops, schools, recreational facilities, golf course and open spaces – all of which can be accessed safely via public footpaths. There are also bus stops near the site, offering some potential to use bus services to access convenience, retail and other facilities other key towns and villages. Train services can also provide links to Nottingham, Mansfield and Worksop for work and leisure purposes.
- 3.3.2. Furthermore, the proposal for up to 149 new homes on this site will clearly provide much needed spending power to support the vitality and long-term sustainability of the village. This is a further significant planning benefit weighing in favour of the proposal.

4. Planning History

4.1. Planning History

- 4.1.1. A search of the Council's Public Access System shows that there is relevant planning history for the Site, which is summarised in Table 1 below.

Table 1: Planning History

Application Ref.	Proposed Development	Decision
V/2015/0128	Change of use from agricultural land to equestrian including stables and menage with associated planting.	Withdrawn (20/04/2015)
V/2015/0521	Change of use from agricultural land to form stables and a menage with associated planting.	Approved (17/12/2015)
V/2020/0615	Outline application with all matters reserved for residential development of up to 142 dwellings and associated infrastructure.	Refused (29/07/2021)
V/2022/0476	Outline application with all matters reserved for a residential development of up to 141 dwellings and associated infrastructure.	Refused (05/04/2023)

- 4.1.2. There have been two previous Applications for equestrian use of the Site. The first Application (V/2015/0128) was withdrawn in April 2015 however the approved use for equestrian purposes (V/2015/0521) establishes the Site as previously developed land. The presence of significant existing structures on site, along with a menage and pony paddocks, within which horses are kept for the purposes of running a riding school, reduces the open nature of the site in its current form.
- 4.1.3. The table above also confirms that there have been two previous planning applications for residential development on the Site, both of which have been refused for largely identical reasons. In relation to Application V/2020/0615, the first reason for refusal was that there would be:
- "...significant harm to the character and appearance of the surrounding area through the visual impact of the built form on green fields and the further encroachment of development into the open countryside."*
- 4.1.4. The second reason for refusal was that:

"...the adjacent highway network is incapable of accommodating any additional significant volumes of traffic without significant improvements. Additional points of access into the site are required to assist with traffic distribution and to provide highway users with safe access options."

4.1.5. The third reason for refusal was that there was:

"...no signed S.106 to secure the required contributions towards affordable housing, transport, primary education, public realm, public open space, healthcare and monitoring, without such an agreement in place to secure the detailed infrastructure requirements arising along from the development, the proposals are considered to be unsustainable."

4.1.6. In relation to V/2022/0476, the first reason for refusal was that there would be:

"...significant harm to the character and appearance of the surrounding area through the visual impact of the built form on green fields and the further encroachment of development into the open countryside."

4.1.7. The second reason for refusal was that:

"...the adjacent highway network is incapable of accommodating any additional significant volumes of traffic without significant improvements. Additional points of access into the site are required to assist with traffic distribution and to provide highway users with safe access options."

4.1.8. Within the above Applications, the principle of residential development was not challenged, a point which is further supported by a significant under supply of housing, with the 2024 housing supply monitoring report stating a current 5YHLS of 3.85 years.

4.1.9. Indeed, both Officer's reports for the Applications note that the "tilted balance" was applied, and the Applications were only refused as the landscape and highways impacts were not deemed to be outweighed by the benefit of the Proposal.

4.1.10. In relation to impact on PRoW amenity, Application V/2022/0476 proposed that the PRoW passing through the Site would be diverted. Nottinghamshire County Council PRoW Officer provided comments on 5th July 2022 and confirmed that:

"If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development."

4.1.11. The Officer went on to state that:

"Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of

any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor.”

4.2. Site Suitability - Relevant Appeal Decisions

- 4.2.1. This section sets out relevant comparable appeal decisions in settlements with similar services, to provide an indication of whether a site such as this might be considered sustainable.

Table 2: Relevant Appeal Decisions

Appeal Ref.	Decision
APP/Y3940/W/21/3276094 Wiltshire Council Outline, 26 dwellings, Allowed	The main issues for this appeal were whether the location was acceptable in relation to the Council’s spatial strategy, and the effect on the character and appearance of the area. The services were comparatively less than in Staunton-Corse (Primary School, Village Hall, Church and Pub – no shop). The Inspector found that the houses “would lead to some outward travelling as facilities are not comprehensive” but also noted that <i>“the additional homes would help the vitality of the village and support local services and the affordable housing would provide accommodation to those in need, thereby giving social benefits”.</i> Overall, the harms did not significantly and demonstrably outweigh the benefits (Para 11d engaged)
APP/C3105/W/20/3255419 Cherwell District Council Outline, 40 dwellings, Allowed	The main issues for this appeal were whether the location was suitable, with reference to the spatial strategy and reliance on the private car, and the effect on the character and appearance of the area. <i>“The adverse impacts of the proposal would be moderate in terms of locational suitability and the impact on the area’s character and appearance. These moderately adverse impacts would not significantly and demonstrably outweigh the substantial totality of planning benefits”</i> (Para 11d engaged)
APP/D2165/W/3265743 Dorset Council Outline, 114 dwellings and employment, Allowed	The main issues for this appeal were whether the development would provide a suitable site having regard to access to services and facilities, the effect on the character and appearance of the area, and whether any policy conflict was outweighed by other material considerations.

Appeal Ref.	Decision
	The Inspector concluded there would be moderate harm in terms of reliance on the private car, character and appearance, but these would not significantly and demonstrably outweigh the benefits (Para 11d engaged)

- 4.2.2. Several examples have also been provided of recent planning appeal decisions on sites with access to similar (or in some cases fewer) local services and facilities, where the sites have either been considered sustainable, or the associated limited planning harm has been insufficient to outweigh the substantial public benefits of new housing.

5. The Proposed Development

5.1. The Proposed Development

- 5.1.1. The Planning Application is submitted in Outline, with all matters reserved except for access.
- 5.1.2. The following plans and drawings are submitted as part of this Application:
- Site Location Plan (Drawing no. CSA/7161/105)
 - Development Framework Plan (Drawing no. CSA/7161/107)
- 5.1.3. The proposed development includes the following key elements:
- 149 dwellings, including 10% affordable housing (15 units);
 - Landscape planting and retention and positive management of existing landscape features;
 - Provision of green infrastructure including formal and informal public open space;
 - Improved connectivity to the existing Public Right of Way (PRoW) network running through the Site and adjacent to the Site; and
 - A comprehensive surface water drainage scheme.
- 5.1.4. Access into the Site is provided in the eastern corner, off Brand Lane which currently serves the buildings on site.
- 5.1.5. The Application is accompanied by a comprehensive Transport Statement that confirms the required visibility splays can be achieved and that the site access junction will operate within capacity with the proposed development traffic.
- 5.1.6. The proposed development will comprise a well contained extension to the existing settlement. The Development Framework Plan is shown overleaf (Figure 2):

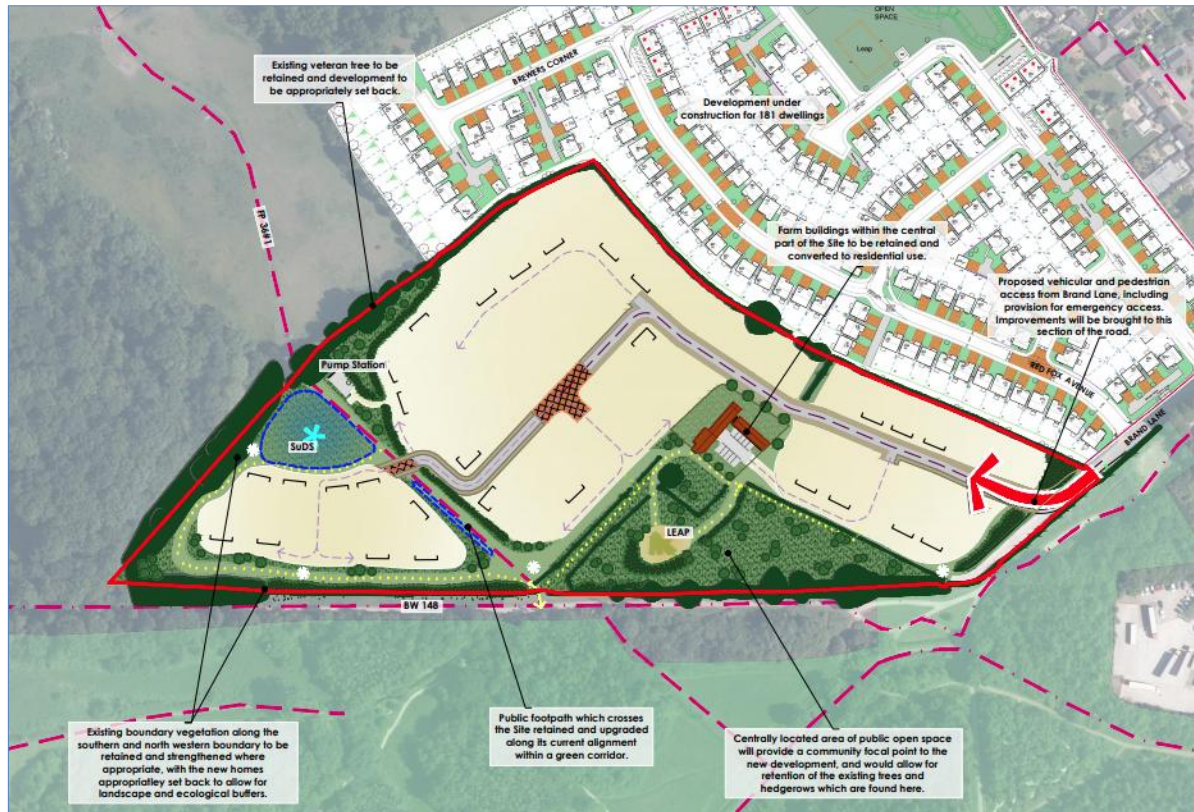


Figure 2: Development Framework Plan

- 5.1.7. The proposed layout is a landscape-led scheme as the existing boundary vegetation along the southern and north western boundary are to be retained and strengthened where appropriate. The new homes will be appropriately set back to allow for landscape and ecological buffers.
- 5.1.8. Public footpath which crosses the Site is retained along its current alignment within a green corridor, while the farm buildings within the central part of the Site will be retained and converted to residential use.
- 5.1.9. A centrally located area of public open space will provide a community focal point to the new development, and would allow for retention of the existing trees and hedgerows which are found here. Furthermore, the existing veteran tree is to be retained and development would be appropriately set back.

5.2. Affordable Housing

- 5.2.1. Policy HG4- Affordable Housing states that 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 targets for the areas specified below. In Hucknall (South Notts. Sub Area), 18.5% of dwellings need to be

affordable, however in the rest of the District (West Notts. Sub Area), 6% of dwellings need to be affordable.

5.2.2. However, since the adoption of the plan the Council adopted a Supplementary Planning Document in July 2009. This recalculated contribution levels to confirm an overall contribution towards affordable housing to meet regional and sub regional targets, based on the following:

- Identified housing needs within the District; Adopted Local Plan Saved Policy HG4;
- Conformity with East Midlands's Regional Plan affordable housing policy;
- Strategic Housing Market Area Assessments for the Nottingham Core and Nottingham Outer Housing Market Areas;
- The Nottingham Core Affordable Housing Viability Assessment;
- Ashfield Commuted Sums Assessment;
- Ashfield District Council's Housing Needs Assessment and Analysis Study;
- Empty homes information within the District;
- Affordable housing provision and management;
- Residential development patterns within the District

5.2.3. In light of the above, the requirements for on-site affordable housing fell from 18.5% to 10% therefore, the applicant will ensure that 10% of the dwellings on the Site are affordable. Given the fact that the proposal would provide 10% affordable housing the proposal is in accordance with Policy HG4 as set out within the affordable housing supplementary planning document.

5.3. [Socio-Economic Benefits](#)

5.3.1. Socio-Economic Benefits Statement has been prepared and is submitted with the Planning Application. Ashfield District Council has indicated their commitment within both adopted and emerging plans to promoting sustainable development and this Statement outlines the key social and economic benefits that would be derived from the proposed development.

5.3.2. The expected socio-economic benefits of the proposed development include:

- Approximately 597 direct FTE jobs generated over the approximate build-out period of three years.
- A construction spend of £39.4 million which would contribute significantly to GDP of the country.
- The amount of value created by the development to the wider UK economy would be approximately £115.8 million.
- The delivery of 149 homes could result in an additional 209 people of working age residing in the area.
- Approximately 163 of the new residents could be expected to be economically active and in employment.

6. Background and Pre-application Engagement

6.1. Background

- 6.1.1. As noted previously, there have been two previous Planning Applications for residential development on the Site, both of which have been refused for largely identical reasons. The current Planning Application, to which this Statement relates, is a revised proposal that seeks to positively address the previous reasons for refusal.

6.2. LPA Pre-application

- 6.2.1. The Applicant has engaged directly with the Local Planning Authority through the formal Pre-Application process.
- 6.2.2. A Pre-Application Enquiry was submitted to Ashfield District Council, with a formal response being received on 3rd December 2024. The Officer drew the following conclusion with respect to the principle of development:

"Policy EV2 Countryside identifies that planning permission will only be given for 'appropriate' development. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. The NPPF (December 2023) in paragraph 180 (b) also recognises the intrinsic character and beauty of the countryside. Consequently, the Policy is broadly consistent with the NPPF.

The proposal for residential development is considered not to comply with any of Policy EV2 criterion, and the development is therefore considered to represent an inappropriate form of development in the Countryside, resulting in substantial harm to the openness of the countryside in this location, fundamentally altering the rural character of the area".

- 6.2.3. Overall, the LPA has confirmed that:

"Based on the information submitted there are a number of concerns in relation to the proposed development, most notably is the impact upon the character and openness of the countryside, and transport/highway impacts in conjunction with and the site being unsustainably located, and as such is unlikely to be supported."

- 6.2.4. This Statement, together with the comprehensive suite of technical reports submitted with this Application, robustly addresses all the matters raised at the Pre-Application stage, and we will continue to work with the relevant statutory consultees throughout the determination of the Application.

6.3. Public Consultation

6.3.1. A comprehensive public consultation exercise has been undertaken. The consultation strategy and outcomes are set in detail in the accompanying Statement of Community Involvement which is submitted alongside this Planning Application.

6.3.2. To summarise, the consultation strategy included:

- Leaflet drop to residents informing them of the proposals;
- Bespoke project website; and
- Virtual consultation boards and online feedback form on the website.

6.3.3. The proposals received a high level of engagement from local residents and stakeholders who provided constructive feedback. A number of key matters were raised during the Pre-application consultations, including:

- How the Site will be adequately accessed;
- How the local highways network will be impacted;
- The capacity of GPs and schools in the local area;
- What will the impact be on the local wildlife and Bierley Forest Park;
- Encroachment into the countryside;
- The impact on the water supply in the surrounding area;
- The measures being implemented to mitigate noise and air pollution both during the construction phase and from the anticipated increase in traffic following completion;
- The incorporation of adequate play and recreational areas in the Proposed Development;
- How density and character has been considered in the Proposed Development; and
- How the Proposed Development will be maintained in the long-term.

6.3.4. These matters have now been fully addressed as part of the full Planning Application. These are discussed further in Section 11 of this Statement, and in the supporting Statement of Community Involvement.

6.4. Summary

6.4.1. The proposals have been informed by a comprehensive programme of Pre-application public consultation, and by comments made by statutory consultees and neighbours for the previously refused Applications.

6.4.2. The proposals have been positively redesigned to further minimise any impacts and maximise the benefits, making best use of the land available.

7. The Development Plan

7.1. Introduction

- 7.1.1. Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine Planning Applications in accordance with the development plan unless material planning considerations indicate otherwise.
- 7.1.2. The Site falls within the planning jurisdiction of Ashfield District Council. The adopted Development Plan for Ashfield District Council comprises the Ashfield Local Plan Review (ALPR) 2002 (Saved Policies) (adopted 22nd November 2002), the Teversal, Stanton Hill and Skegby Neighbourhood Plan (TSHSNP) 2016-2031 (adopted 2017), and Ashfield Residential Design (ARD) SPD (adopted November 2014).
- 7.1.3. The Council is currently preparing a new Local Plan which will cover the period 2023-2040 and will provide the framework for guiding decisions on individual Planning Applications. The Council submitted the new Local Plan and supporting documents to the Secretary of State (SoS) on Monday 29th April 2024 (Regulation 22).
- 7.1.4. This section provides a summary of the relevant policies in the development plan.

7.2. Ashfield Local Plan Review (ALPR) 2002 (Saved Policies)

- 7.2.1. The Ashfield Local Plan Review (ALPR) 2002 was adopted by Ashfield District Council on 22nd November 2002. The Ashfield Local Plan Review is intended as a comprehensive document covering all aspects of planning policy within the District.
- 7.2.2. The Policies Map designates the Site within the countryside. The following policies are most relevant in relation to the Proposal:
- Policy ST1 – Development
 - Policy ST2 – Main Urban Areas
 - Policy ST4 – The Remainder of the District
 - Policy EV2 – Countryside
 - Policy EV8 – Trees and Woodlands
 - Policy HG4- Affordable Housing
 - Policy TR6 – Developer Contributions to Transport Improvements
- 7.2.3. **Policy ST1 – Development** confirms that development will be permitted where criteria (a-e) are met:
- 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; and
- e) it will not conflict with an adjoining or nearby land use.

7.2.4. **Policy ST2 – Main Urban Areas** focuses development within the main urban areas including Sutton-in-Ashfield.

7.2.5. **Policy ST4 – The Remainder of the District** confirms that outside the main urban areas and named settlements permission will only be given for:

- Sites allocated for development; and
- Development appropriate to the Green Belt or the Countryside as set out in policies EV1 & EV2.

7.2.6. **Policy EV2 – Countryside** confirms that in the countryside permission will only be given for appropriate development including for agriculture, forestry, mineral extraction and waste disposal, outdoor sport, recreation and tourism uses and new buildings which are essential for uses appropriate to the countryside.

7.2.7. **Policy TR6 – Developer Contributions to Transport Improvements** states that where a development places additional demands on transport infrastructure, planning obligations will be negotiated to allow a sum to be paid towards improvements to public transport infrastructure. This includes improvements such as bus priority measures, bus stop facilities, rail facilities, associated highway infrastructure to support public transport modes, cycling network improvements, pedestrian facilities and park and ride sites.

7.2.8. **Policy EV8 – Trees and Woodlands** states that development which adversely affects trees worthy of retention, including woodland and individual trees, will not be permitted. Where trees are lost as a result of development, replacement or mitigation planting will be required.

7.2.9. **Policy HG4- Affordable Housing** states that 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 targets for the areas specified below. In Hucknall (South Notts. Sub Area), 18.5% of dwellings need to be affordable, however in the rest of the District (West Notts. Sub Area) , 6% of dwellings need to be affordable.

7.3. [Teversal, Stanton Hill and Skegby Neighbourhood Plan \(TSHSNP\) 2016-2031](#)

7.3.1. The Teversal, Stanton Hill and Skegby Neighbourhood Plan (TSHSNP) covers the period 2016-2031 and was formally adopted in 2017. The TSHSNP does not allocate any sites and the site is not allocated or designated.

7.3.2. The following policies are most relevant in relation to the proposal:

- Policy NP1 - Sustainable Development
- Policy NP2 – Design Principles for Residential Development
- Policy NP3 – Housing Type
- Policy NP4 - Protecting the Landscape Character

7.3.3. **Policy NP1 – Sustainable Development** confirms that development that leads to economic, social and environmental benefits is encouraged. Sustainable development in the Plan area will demonstrate high quality design, and where appropriate schemes will also demonstrate housing development of a size, type and tenure to meet identified local need. Development should also improve access to the countryside, respect existing landscape character, deliver a range of services and help to improve public transport services and infrastructure.

7.3.4. **Policy NP2 - Design Principles for Residential Development** confirms that development should respect local character. In Stanton Hill development should;

- seek to use the classically arranged streets, regular grid and interconnected layouts that typify the settlement core; and
- use a strong boundary treatment that allows for a clear separation of garden space from public streets; and c) use a locally inspired pallet of materials to help support the look and feel of the area.

7.3.5. **Policy NP3 - Housing Type** states that development proposals for housing schemes are required to deliver a housing mix that reflects the local identified need. The provision of smaller market dwellings (two bedrooms) will be particularly encouraged on sites that are 5 to 10 minutes' walk from the Local Centre at Stanton Hill.

7.3.6. **Policy NP4 - Protecting the Landscape Character** states that development proposals are required to demonstrate that landscaping and boundary treatments reflect, and where possible, enhance existing landscape character, and connections with and to the surrounding countryside are maintained. The layout should provide public views into and out of the development to identified landscape features.

7.3.7. The following policies are also relevant to the Proposed Development:

- Policy NP5 - Protecting and Enhancing Heritage Assets
- Policy NP6 - Improving Access to the Countryside
- Policy NP8 - Improving Digital Connectivity
- Policy AP1 - Road Safety and Public Transport

7.4. Ashfield Residential Design (ARD) SPD

7.4.1. The Ashfield Residential Design (ARD) SPD was adopted in November 2014. 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.

7.4.2. The main purposes of the ARD SPD are to:

- Assist applicants in achieving an attractive, sustainable, well-designed, high quality environment that integrates housing, employment and community uses, together with infrastructure and green infrastructure;
- Provide applicants with the understanding of the local context, help identify features of importance, and ensure that proposals are appropriately designed to be compatible with their surroundings; and
- Assist applicants by informing them what information is required to accompany Planning Applications to justify their proposals and demonstrate what impact they would have.

7.5. Summary

- 7.5.1. The most important policies for assessing whether the principle of residential development is acceptable are Policy ST4: Remainder of the District, and Policy EV2: Countryside.
- 7.5.2. Under Policy ST4, the Site is not allocated for development, and is situated on the urban fringe in an area designated as countryside under Policy EV2. Policy EV2 stipulates that development in the countryside is only permitted for specific types that do not compromise its openness.
- 7.5.3. Under Policy TR6, the Proposed Development will also need to deliver transport improvements, therefore ensuring the previous reason for refusal relating to this is addressed.
- 7.5.4. Policy NP1 of the TSHSNP also confirms that the Proposal will need to deliver appropriate social and environmental benefits to ensure the Development is broadly sustainable, and the design of the Proposal should also pay regard to the character of the area (Policy NP2).
- 7.5.5. Policy NP4 stipulates that the Proposed Development should protect and enhance the landscape character by ensuring there is a connection with the surrounding area, as well as providing public views to key landscape features. The Proposal will also need to provide an appropriate housing mix to reflect the local need, in accordance with Policy NP3.
- 7.5.6. The ALPR does not have a specific policy relating to the protection of PRoW however, the protection of users' amenity will be a key consideration in this Proposal. As stated above, the Proposal will incorporate the existing on-site PRoW into the design and pay regard to the adjacent PRoW to ensure the impacts are minimised where possible.
- 7.5.7. Though local policy may not overtly support residential development on the Proposed Site, current housing delivery is a key consideration which engages overriding national policy to support the principle of development. This is expanded upon further in the following Sections.
- 7.5.8. Further to the above, the Planning Application is supported by a comprehensive suite of technical reports and assessments which ensures that any benefits are maximised, and any potential harms are appropriately mitigated in full accordance with the Local Plan.

8. Housing Supply

8.1. Five-year housing land supply

8.1.1. The National Planning Policy Framework (NPPF) (2024) sets out specific policy on housing supply and is outlined in Paragraph 78.

8.1.2. Within the Council's 2024 housing supply monitoring report it is stated that the 5YHLS was 3.85 years. The Council's position was calculated as per the below:

- The Council's Local Housing Need (LHN) based on the standard method for calculation as set out in national planning guidance;
- Dwellings on sites with planning permission deliverable in 5 years;
- Known permitted development and residential institutions (use class C2) deliverable within 5 years;
- Any large SHELAA sites deemed deliverable in the first 5 years (under 'saved' Ashfield Local Plan Review 2002 policy)¹
- A discount rate applied to the planning permissions (where they are not already under construction) to account for potential non-delivery);
- No windfall allowance included in the 5-year supply.

8.1.3. In summary, the Council are currently unable to demonstrate the required level of housing land supply to meet housing need. The proposed development will directly respond to the shortfall identified by providing 149 residential dwellings of both market and affordable housing to ensure this is addressed.

¹ These include land allocated for housing in the current Local Plan, or on the Brownfield Register where there is a realistic prospect that housing completions will begin within 5 years

9. Other Material Considerations

9.1. Introduction

- 9.1.1. Material considerations to the Proposal include the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) as well as several others.

9.2. National Planning Policy Framework (NPPF) December 2024

- 9.2.1. The NPPF is an important material consideration in the taking of planning decisions. The Framework confirms the statutory presumption in favour of the development plan and sets out the Government's national planning policies for the achievement of sustainable development.

- 9.2.2. The NPPF paragraphs most relevant to the proposal are:

- NPPF P8: Economic, social and environmental objectives to achieving sustainable development
- NPPF P11: Presumption in favour of Sustainable Development
- NPPF P14: Where the presumption applies to Applications involving the provision of housing
- NPPF P78: Annual Supply of specific deliverable sites
- NPPF P79: Monitoring progress in permitted sites
- NPPF P116: Highways
- NPPF 187: Recognising the intrinsic character and beauty of the countryside

- 9.2.3. **Paragraph 8** of the NPPF sets out the three overarching objectives that help achieve sustainable development: economic, social and environmental. These are interdependent and need to be pursued in mutually supportive ways.

- 9.2.4. **Paragraph 11** of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the Application are out-of-date², 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 proposed³; or

² See NPPF footnote 8 for situations relating to housing.

³ See NPPF footnote 7

- 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.

9.2.5. **Paragraph 14** of the NPPF sets out that in situations where the presumption (at paragraph 11d) applies to Applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

9.2.6. **Paragraph 78** of the NPPF states that LPAs 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 policies⁴, or against their local housing need where the strategic policies are more than five years old⁵. 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 delivery⁶ 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 Framework⁷, and whose annual average housing requirement⁸ 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.

9.2.7. **Paragraph 79** of the NPPF sets out how LPAs should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years;

⁴ See NPPF footnote 38

⁵ See NPPF footnote 39

⁶ See NPPF footnote 40

⁷ See NPPF footnote 41

⁸ See NPPF footnote 42

- b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan;
- c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.

9.2.8. **Paragraph 116** of the NPPF sets out 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 would be severe.

9.2.9. **Paragraph 187** of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Planning decisions should also minimise impacts on biodiversity and provide net gains.

9.2.10. Other relevant paragraphs of the NPPF include:

- NPPF P85: Economics
- NPPF P88: Rural Economy
- NPPF P170: Flood Risk
- NPPF P187: Net Gains
- NPPF P207: Heritage

9.3. [Planning Practice Guidance - Housing Supply and Delivery](#)

9.3.1. This PPG provides guidance on 5YHLS and Housing Delivery Test. In relation to the Proposal, the standard method for calculating local housing need provides a minimum number of homes to be planned for. Authorities should use the standard method as the starting point when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach.

9.3.2. Paragraph 72 of the NPPF sets out what supply and mix of sites authorities should identify through their planning policies. The Housing Delivery Test measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The 5YHLS is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in some circumstances, local housing need) over the next 5 years.

9.4. Emerging Local Plan

- 9.4.1. The Council is preparing a new Local Plan which will cover the period 2023-2040 and will provide the framework for guiding decisions on individual Planning Applications.
- 9.4.2. In accordance with Regulation 22 of the Town and Country Planning Act 1990 (TCPA) (as amended), the Council submitted its new Local Plan and supporting documents to the Secretary of State (SoS) on Monday 29th April 2024.
- 9.4.3. The following draft policies would be most relevant to the Proposal:
- Strategic Policy S7: Meeting Future Housing Provision
 - Policy EV6: Trees, Woodland and Hedgerows
 - Policy H3: Affordable Housing
 - Policy H6: Housing Mix
 - Policy H7: Housing Density
- 9.4.4. Regarding the examination of the Ashfield Local Plan, the most recent correspondence from Planning Inspectors Philip Mileham and Graham Wyatt to the local planning authority (dated 3rd December 2024) detailed their concerns that *"centre upon the effectiveness and soundness of this strategy as the Council is currently unable to identify sufficient homes to meet the housing requirement in the submitted plan"*.
- 9.4.5. As a result of the identified shortfall of 882 homes to the year 2040, there is a concern that this issue will cause a delay in the programme of the new plan as the council may need to carry out *"further call for sites, followed by appraisal and SA, along with consultation with stakeholders and the public"*.
- 9.4.6. Paragraph 49 of the NPPF outlines the relative weight given to policies in emerging plans and states that in the determination of applications, weight may be given policies *"according to the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)"*. Therefore, the concerns raised by the Planning Inspectors regarding the housing supply policies would suggest limited weight can be given to these emerging policies.

9.5. Summary

- 9.5.1. The NPPF applies a presumption in favour of development when LPAs cannot demonstrate a 5YHLS (Paragraph 11). This means housing proposals should generally be approved unless there are clear reasons for refusal, such as adverse impacts that significantly outweigh the benefits.
- 9.5.2. The NPPF also encourages development that aligns with economic, social, and environmental objectives (Paragraph 8), making it difficult to refuse proposals that contribute to these goals,

especially where there is a housing shortfall (Paragraph 78). The PPG reinforces the NPPF by providing guidance on calculating housing need. As the Council is currently unable to meet housing targets, the PPG supports proposals that help address this shortfall by approving new housing developments.

- 9.5.3. The emerging Local Plan would also be a material consideration in deciding residential development with Draft Strategic Policy S7 explicitly referencing how the Council will meet future housing provision.
- 9.5.4. The outlined material considerations collectively show a commitment to ensure residential development is supported which are vital in achieving housing need across the England and within individual LPAs. Significant weight should be given to the potential wider benefits of this Proposal.
- 9.5.5. Given the current lack of a 5YHLS, national policy (NPPF) heavily favours approving the Proposal. The “tilted balance” ensures that unless there are significant adverse impacts, housing proposals should be approved to meet urgent housing needs.

10. Principle of Development

- 10.1.1. Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine Planning Applications in accordance with the development plan unless material planning considerations indicate otherwise.
- 10.1.2. The key policies relevant to assessing whether the principle of residential development is acceptable are **Policy ST4: Remainder of the District**, and **Policy EV2: Countryside**.
- 10.1.3. Under Policy ST4, the Site is not allocated for development, and is situated on the urban fringe in an area designated as countryside under Policy EV2. Policy EV2 stipulates that development in the countryside is only permitted for specific types that do not compromise its openness. As 'openness' is a nuanced concept there is scope to develop a Proposal that still aligns with Policy EV2 even if it cannot strictly adhere to it.
- 10.1.4. The most significant factor in support of the Proposal is the 'presumption in favour of sustainable development' of Paragraph 11(d) which triggers the "tilted balance", due to the LPA's 5YHLS shortfall. The result of Paragraph 11(d) being applied means that the Local Plan is considered out of date for housing Applications which must therefore be approved unless adverse impacts 'significantly and demonstrably outweigh the benefits'.
- 10.1.5. Both previous Officer Reports for residential Applications on the site confirm that the principle of residential development was established (through the "tilted balance"), and the Applications were only refused due to harm associated with visual impact and access, which was considered to outweigh the benefit. Whilst not associated with those Applications, this Proposal gives special consideration towards both landscaping and transport impacts to ensure there are no significant and demonstrable harms that would outweigh the delivery of sustainable housing.
- 10.1.6. Notwithstanding the above requirements, the Planning Application is supported by a full suite of technical reports and assessment which considers the level of impacts and informs any necessary mitigation.
- 10.1.7. In summary, whilst the Site is not allocated for development and is designated as countryside under Policy EV2, due to the current inability to demonstrate 5YHLS, the "tilted balance" is engaged and therefore any housing proposal should be approved providing its benefit is not outweighed by any significant and demonstrable harm. The suite of technical reports submitted with this Application demonstrate that there is no such harm, and are discussed in the next Section.

11. Assessment of Key Impacts

11.1. Introduction

- 11.1.1. The proposed layout has been carefully informed by a comprehensive suite of technical surveys and reports which are submitted with this Planning Application. The key findings and recommendations are summarised in the following section.

11.2. Design and Access

- 11.2.1. A comprehensive Design and Access Statement (DAS) supports the Planning Application. The DAS explains the design rationale for the scheme and how the Applicant has fully considered the proposals and understands what is appropriate and feasible within the context of the Site and its surroundings.
- 11.2.2. The vision for the Site is to create a sensitively designed and high-quality place which complements the character of Sutton-in-Ashfield and responds to the Site's assessed constraints. The key features include:
- Deliver appropriate housing growth for Sutton-in-Ashfield and the wider authority.
 - Provide up to 149 new homes, offering a range of dwelling types, tenures and sizes to meet the housing needs of the area, of which 10% affordable.
 - Create a logical, carefully considered extension to Sutton-in-Ashfield, which will ensure an appropriate transition between the existing built edge and the countryside beyond.
 - Respect and enhance the Site and the surrounding landscape and environmental assets, including Brierley Forest Park by setting the new homes within an attractive green infrastructure network. New tree and wildflower planting will be provided to complement the existing vegetation and assimilate the proposals with the wider countryside.
 - The proposed green infrastructure framework will allow for ecological enhancements, have a beneficial effect on local wildlife, and will help address the requirement for Biodiversity Net Gain.
 - SuDS features, in the form of an attenuation basin and conveyance swales will be provided, coinciding with the low point of the Site, designed to retain surface water and provide new habitat wildlife. Parts of the SuDS features could be designed to be permanently wet to increase their biodiversity value.
 - Promote a development that integrates into its surroundings, with a focus on maximising connectivity of pedestrian and cycle routes and linking the new neighbourhood with the existing public rights of way network.
 - Create a 'place' that is accessible to everyone, which makes everyone feel comfortable, safe and secure, and a place where people want to live.

- 11.2.3. The DAS confirms that the proposal is in full accordance with the design principles set out in the Local Plan Review and the provisions of the NPPF.

11.3. Landscape

- 11.3.1. This Application is supported by a Landscape and Visual Appraisal (LVA) which undertakes a full assessment of how the proposal will be viewed within the context of the wider landscape.
- 11.3.2. It is anticipated that all trees can be retained as part of the proposed development. A short section of hedgerow in the centre of the Site and along Brand Lane will be removed to facilitate vehicular access into the Site and the internal road network. New hedgerow planting will be provided as part of the development which will compensate for these losses. The remainder of the hedgerows will be retained and the new development designed around the existing landscape framework.
- 11.3.3. The character of the Site will change from a farmhouse, farm buildings, menage and horse paddocks to that of a residential development with the farmhouse and some farm buildings converted to residential use and associated public open space. The proposals will be contained within the established landscape framework of the Site which is formed of hedgerows and mature trees with woodland to the west. This landscape framework will be enhanced by the proposals with additional tree, hedgerow and meadow planting to be included within the public open spaces.
- 11.3.4. The proposed development will have a strong relationship with the existing built form to the north and northeast (some recently completed and some still under construction). The landscape buffer of public open space and planting which will create a soft green transition from the urban area to the woodland and Brierley Forest Park to the west and south. It will also help to contain the new development. The new public open space will include new play provision and new recreation routes for both cyclists and pedestrians including improvements to the accessibility of the existing public footpath.
- 11.3.5. The Site is reasonably well contained in views from the wider landscape owing to the woodland and hedgerows on the Site's boundaries and the adjacent residential area which wraps round the Site to the north and northeast. In views from locations north of the Site in the wider landscape, the residential properties located along Brewers Corner and Red Fox Avenue are relatively dominant features in the views, and they screen the Site from view. From the east, views are generally limited to the residential properties immediately adjacent to the Site.
- 11.3.6. Views of the proposed development will be similarly well contained and generally limited to locations immediately adjacent to the Site's boundaries, including from the bridleway to the immediate south, the adjacent residential properties and the footpath which runs through

the Site and to the north. Views from further afield will be limited to those of the upper portions of the proposed housing with only partial views available from some sections of footpaths within Brierley Forest Park where the adjacent existing residential properties are already visible. In more distant views from the north and west, only the rooftops of the new housing will be available and in places screened.

- 11.3.7. For the reasons set out in this assessment, the development is considered a logical extension to the settlement that will be well contained physically and visually, by existing and proposed vegetation. Such that the landscape and visual effects will be largely restricted to the Site's immediate vicinity and effects on the wider landscape / townscape character minimised. Overall, the proposal is considered to be acceptable and in accordance with the Local Plan.

11.4. Highways and Transport

- 11.4.1. The Application is supported by a Transport Assessment which provides information on the traffic and transport planning aspects of the development proposals. The report also considers the accessibility of the site by non-car modes including public transport, discusses the traffic impact of the proposed development, and provides historical accident statistics.
- 11.4.2. A number of conclusions can be drawn from the report, including:
- The proposed development will be accessed by safe and efficient vehicular access arrangements.
 - The proposed development does not require a formal secondary vehicular access.
 - The report has demonstrated that the proposed development would be suitably accessible by non-car travel modes of such as walking, cycling and public transport.
 - The traffic impact of the proposals would not be severe.
 - Car parking provision is appropriate.
- 11.4.3. A Framework Travel Plan has also been submitted alongside the Application. The Travel Plan sets out the principal strategies that will be put in place once the development is open and residents are occupying the dwellings, to encourage sustainable travel to the development.
- 11.4.4. A wide range of measures and actions will be used to encourage car sharing, public transport use, cycling and walking. The Travel Plan Coordinator will ensure the Travel Plan is implemented and is operating effectively.
- 11.4.5. A detailed resident Travel Survey will be undertaken to establish travel modes of residents and following this, specific targets will be set and agreed with the Travel Plan team at the Council. The site has been demonstrated to benefit from excellent non-car accessibility and it should, therefore, be expected that the adoption of a Travel Plan would be particularly effective.

- 11.4.6. It can therefore be concluded that the proposal is acceptable in highway terms, and is a highly sustainable development, in accordance with the Local Plan and the NPPF.

11.5. Heritage and Archaeology

- 11.5.1. A combined Heritage Assessment supports the Application. The aims of this Report are to assess the significance of the heritage resource within the site and study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.
- 11.5.2. In relation to Archaeology, The HER search for the Site and its surrounding area shows a limited number of results, outside of those relating to the Post-Medieval to Modern period, with the earliest documented evidence of activity on the site is Medieval, when the area was deforested for agricultural use.
- 11.5.3. However, by the Post-Medieval period the landscape was still agricultural with dispersed farmsteads and with many small coal pits/mines in vicinity of the Site, but there is no evidence that mining took place within the Site itself.
- 11.5.4. Overall, the potential for archaeological remains from any period is considered to be low, and from the recorded information there is currently nothing to suggest the presence of any historic remains would be of a significance that would pose an overriding constraint to development.
- 11.5.5. Regarding Built Heritage, no buildings within the Application Site are included on the HER but the farmhouse, stable, and former dairy/milking parlour have previously been considered by the Council to be non-designated heritage assets.
- 11.5.6. The overall degree of harm to the non-designated farm buildings from the proposed change within their wider setting is considered to be minimal. However, in considering paragraph 209 of the NPPF, which requires a balanced judgement to be made with regard to the scale of any harm and the significance of the heritage assets, the benefits of the proposals might also be considered.
- 11.5.7. Overall, and when considering that heritage matters was not a reason for refusal previously; the lack of any statutory designation of the farm buildings; their low to moderate heritage significance as non-designated heritage assets; and their retention, preservation and enhancement that would be delivered to them, then the minimal harm arising from the change to their setting is again likely to weigh in favour of the proposals and comply with the heritage policies of the Local Plan and those contained in Section 16 of the NPPF.

11.6. Ecology

- 11.6.1. A full Ecological Impact Assessment (EclA) supports the Planning Application. The assessment found that common and widespread bat species have been recorded on-site in September and October 2024, with further surveys to be conducted between April-August 2025. Great crested newts have previously been confirmed absent in adjacent Spring Wood, with update HSI and eDNA work to be completed in 2025. No signs of badgers were found during a detailed badger survey but are known to be present locally. Mitigation has been proposed to address potential impacts on protected species and ensure compliance with applicable legislation.
- 11.6.2. The report confirms that opportunities for ecological enhancement may be secured by planning condition and include native species or wildlife friendly varieties and bird nesting, bat roosting and bee nesting provision. New habitat creation is proposed to include boundary thicket planting, more species diverse grasslands, tree planting and a SUDs feature.
- 11.6.3. Based on successful implementation of the proposed avoidance, mitigation and enhancement, the development is not anticipated to result in any significant residual negative effects on important ecological features.
- 11.6.4. The proposal therefore accords with all relevant nature conservation legislation, as well as with the provisions of Policies EV4 to EV8 of the Local Plan Review.

11.7. Biodiversity Net Gain

- 11.7.1. A Biodiversity Net Gain Assessment has been undertaken and is submitted alongside the Application. The assessment concludes that a net loss of biodiversity habitat units are predicted for the proposed development of -4.12 Habitat Units (-20.98%), and a net gain of hedgerow units are predicted of +1.36 Hedgerow Units (+11.94%). This is subject to the implementation of indicative on-site habitat retention, enhancement of grassland and creation of new grassland, scrub, tree and hedgerow habitat.
- 11.7.2. To report confirms that to secure a 10% gain in habitat units, an off-site solution will be sought. Subject to securing the above through relevant legal mechanisms the Biodiversity Gain Condition could be discharged following grant of consent through submission of a Biodiversity Gain Plan.

11.8. Arboriculture

- 11.8.1. An Arboricultural Impact Assessment is submitted with the Planning Application. The tree survey recorded 40 arboricultural features which are summarised as follows:
- Trees – 5 Category A (High quality trees whose retention is most desirable), 11 Category B (Moderate quality trees whose retention is desirable), 2 Category C (Low

quality trees which could be retained but should not significantly constrain the proposal), 1 Category U (Very poor quality trees that should be removed unless they have high conservation value).

- Groups – 5 Category B
- Woodlands – 1 Category B
- Hedgerows – 12 Category B, 3 Category C

- 11.8.2. The report confirms that there is potential for detrimental impacts on veteran hawthorn T15 from development, which could include direct damage to roots, damage to or compaction of soil around the tree roots, changes to the water table or drainage within the tree's soil and increased pollution (such as noise, light or dust). A key method of mitigation recommended by the Standing Advice is the use of the veteran tree buffer zone.
- 11.8.3. The buffer zone should consist of a semi-natural habitat such as shrub, grassland or wetland planting and should be planted with local and appropriate species. Access within the buffer should be appropriate, and gardens or SuDS schemes should not be included within it. A design proposal for the site should be able to demonstrate that the tree's buffer is maintained free from development and is enhanced and returned to a semi-natural state.
- 11.8.4. Providing the appropriate mitigation measures are implemented correctly, the proposal will accord with the Local Plan Review and the NPPF.

11.9. Flood Risk and Drainage

- 11.9.1. A Flood Risk and Drainage Assessment has been prepared and is submitted alongside the Planning Application. The FRDA confirms that the area of the proposed development is shown to lie in Flood Zone 1 (low probability of flooding). Residential developments are classified as being "More Vulnerable" which is permitted in Flood Zone 1.
- 11.9.2. This report has considered potential sources of flooding to the site, including groundwater, fluvial, surface water, existing sewers, water mains and other artificial sources and found that the site is susceptible to flooding from a small area of surface water flooding under the 0.1% AEP scenario. The sustainable drainage system that has been designed will mitigate against this flood risk and reduce any surface water flooding from the development.
- 11.9.3. The new proposed finished floor levels will be raised by 150mm above the average ground levels of the building footprints. The report also demonstrates that surface water drainage networks for the new development can be designed and constructed to meet the requirements of local planning policies.
- 11.9.4. It is proposed that surface water will discharge via a sealed drainage network through appropriate SuDS features before being pumped via an adoptable pumping station to be discharged at the greenfield rate into the watercourse to the west.

11.9.5. Foul water drainage will discharge through 100mmØ – 150mmØ pipes with gradients not exceeding the manufacturers specifications and through an adoptable pumping station where a rising main will discharge foul water into the existing Severn Trent Water system to the northeast.

11.9.6. The proposal is therefore in accordance with the Local Plan Review and the provisions of the NPPF.

11.10. Air Quality

11.10.1. An Air Quality Assessment has been prepared by RSK Air Quality in support of this application which details the anticipated construction phase impacts. The assessment also considers the impact on the occupiers of the development once the project is built out.

11.10.2. Mitigation measures have been recommended to reduce the risk of dust and particulate matter being generated and re-suspended. With implementation of these appropriate measures, no significant impacts are anticipated during the construction phase.

11.10.3. The principal air quality impact once the proposed development is complete and operational is likely to be emissions from the increased traffic on local roads surrounding the site. The air quality impacts were assessed as 'negligible' with respect to annual mean NO₂, PM₁₀ and PM_{2.5} at all assessed human receptors. It is not considered that any specific mitigation measures will be required, therefore, the proposed development will not have an unacceptable impact on air quality.

11.11. Noise

11.11.1. A Noise Impact Assessment is submitted with the Planning Application. This report describes the assessment methodology, baseline conditions currently prevailing across the application site and the effect of existing noise levels on the proposed residential development, so that an evaluation can be made on the suitability of the site for residential purposes. Mitigation measures have been identified where necessary, and practicable to achieve appropriate acoustic standards.

11.11.2. A site suitability assessment, to the requirements of BS 8233: 2014 and WHO (1999) has been undertaken to determine potential internal and external noise levels at locations across the development site.

11.11.3. In summary, predicted noise levels across the site are within the relevant noise design targets and of a magnitude suitable for the proposed development. Given that the development site is currently within the outline stage, it is recommended that the principles of good acoustic design be adopted within the final masterplan. These design considerations should include the positioning of buildings to maximise the screening effects to external amenity areas from

the surrounding road network, the orientation of façades and considerate internal layout design.

11.12. Utilities

- 11.12.1. A Utilities Infrastructure Report has been submitted as part of the Application. identify the impact of existing utility infrastructure constraints on development design, programme and budget, and to ensure that sufficient capacity can be secured from the existing utility infrastructure networks to support the proposed development.
- 11.12.2. This Utility Infrastructure Report has indicated that the proposed development on the Site has the potential to be supplied with normal network service supplies, potentially without prohibitive reinforcements to the existing networks. However, some localised, non-prohibitive reinforcements may be necessary together with protections or diversions where existing plant is affected by the proposals. This will be confirmed once all enquiries have been completed by each respective utility company and once at the detailed design stage.

11.13. Ground Investigation

- 11.13.1. A Phase 1 Desk Study has been prepared and is submitted alongside the Application. The report provides a review of potential sources of contamination on and surrounding the Site.
- 11.13.2. The report found that there is a potentially unacceptable risk to human health from potential ground gas generation off-site (former spoil heaps) exists, which requires assessment.
- 11.13.3. A preliminary geotechnical geohazard assessment has been undertaken with some key hazards being identified, such as shrinkable clay soils, geological faults, and underground coal mining.
- 11.13.4. The report recommended that a site investigation is undertaken to understand the ground gas regime at the Site and collect information on the ground conditions for foundation design and wider development of the Site.

11.14. Conclusion – Assessment of the Key Impacts

- 11.14.1. This Statement and the accompanying suite of reports demonstrates that the proposed development would maximise opportunities on the Site, while minimising any adverse impacts. The proposal would result in significant beneficial effects to the landscape features on the site and result in biodiversity net gains.
- 11.14.2. In light of the assessment and consideration of impacts, we consider that the proposal is therefore in full accordance with all relevant policies in the Local Plan and the NPPF.

12. Planning Balance

12.1. Benefits vs Harm

- 12.1.1. Due to the Council's lack of a five-year housing land supply, the NPPF presumption in favour of sustainable development ('the tilted balance') is engaged, meaning planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 12.1.2. The benefits and harms of the proposal are set out in the following table.

Table 3: Benefits vs Harms

Benefits	Harms
Up to 149 new homes at a time when the Council is unable to demonstrate a 5-year housing land supply (substantial weight)	Landscape and visual impact – the landscape and visual effects will be largely restricted to the Site's immediate vicinity and effects on the wider landscape / townscape character are minimised (moderate weight)
10% affordable housing to provide accommodation to those in need (substantial weight)	
Jobs and the Economy – Construction jobs for local people (moderate weight)	
Vitality and Viability – New residents will bring much needed spending power to local business to maintain and enhance local services and facilities (moderate weight)	
Public open space – Formal and informal public open space on land currently in private use (limited weight)	

12.2. Planning Balance

- 12.2.1. In terms of material planning harms, the proposal will only result in limited landscape and visual harm on the Site's immediate vicinity, and minimal effects on the wider landscape and townscape character. The public benefits of the proposal, however, would be significant and

wide-ranging, including the provision of market and affordable housing at a time when the Council cannot demonstrate a 5-year housing land supply. Additional benefits include job creation and economic vitality, net biodiversity gains and provision of green infrastructure and new public open space.

- 12.2.2. On this basis, there are no harms that would significantly and demonstrably outweigh the public benefits of the proposal, and in accordance with the Paragraph 11d of the NPPF, planning permission should be granted.

13. Summary and Conclusion

13.1. Summary

- 13.1.1. This Planning and Affordable Housing Statement has been prepared by ADAS Planning (Agent) on behalf of Countryside Properties (UK) Limited (Applicant) in relation to a Planning Application for up to 149 dwellings on Land at Brand Lane, Stanton Hill, Sutton-In-Ashfield. The Application is submitted in Outline, with all matters reserved except for access.
- 13.1.2. The layout has been carefully reviewed in consultation with the LPA, and with the Local Highways Authority (LHA), to address previous comments raised during the course of previous applications. Substantial improvements and changes have been made, including:
- Improved and safer vehicular and pedestrian access from Brand Lane.
 - Existing boundary vegetation along the southern and north western boundary to be retained and strengthened where appropriate, with the new homes appropriately set back to allow for landscape and ecological buffers.
 - Centrally located area of public open space will provide a community focal point to the new development, and would allow for retention of the existing trees and hedgerows which are found here.
 - Farm buildings within the central part of the Site to be retained and converted to residential use.
 - Existing veteran tree to be retained and development to be appropriately set back.
- 13.1.3. This Planning Application is submitted at a time when the Council is not delivering enough homes to meet its needs and cannot demonstrate a 5-year housing land supply. As such, the 'tilted balance' (NPPF, Paragraph 11d) is engaged, meaning Applications for new housing should be approved unless the harms significantly and demonstrably outweigh the benefits.
- 13.1.4. The site itself is in a highly sustainable location, with access to a wide range of local services and facilities, including shops, schools, recreational facilities, golf course and open spaces – all of which can be accessed safely via public footpaths.
- 13.1.5. This proposal will deliver a wide range of public benefits, including much needed market and affordable housing, public open space, jobs during the construction phase and new spending power to Stanton Hill. The moderate landscape harm is, therefore, clearly outweighed by these significant public benefits.

13.2. Conclusion

- 13.2.1. Section 38 (6) of the Town and Country Planning and Compulsory Purchase Act 2004 states that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the

Ashfield Local Plan Review (ALPR) 2002 (Saved Policies), the Teversal, Stanton Hill and Skegby Neighbourhood Plan (TSHSNP) 2016-2031, and Ashfield Residential Design (ARD) SPD.

- 13.2.2. The Council is currently unable to demonstrate a five-year housing land supply, therefore the most important policies, including Policy ST4 and Policy EV2, are out of date and the presumption in favour of sustainable development applies.
- 13.2.3. There are no policies in the Framework that provide a clear reason for refusal, therefore the applications must be determined against the 'tilted balance' at paragraph 11 (d) of the NPPF.
- 13.2.4. As set out in Section 12 above, there are no unacceptable harms that would significantly and demonstrably outweigh the public benefits of the proposal, and in accordance with the Paragraph 11d of the NPPF, planning permission should be granted.



PLANNING AND AFFORDABLE HOUSING STATEMENT

**Proposed residential development for up to 149
dwellings on Land at Brand Lane, Stanton Hill, Sutton-
In-Ashfield**

On behalf of Countryside Properties (UK) Limited