



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 2000
CREATED DATE: 07/07/2021

COMMITTEE DATE 06/10/2021 **WARD** Carsic

APP REF V/2020/0784

APPLICANT Carol Rowe

PROPOSAL Outline Application for a Residential Development.

LOCATION Land West Off, Fisher Close, Sutton in Ashfield, Notts, NG17
2AA

WEB LINK <https://www.google.com/maps/@53.1358778,-1.2741042,17.26z>

BACKGROUND PAPERS A B C D E F J

App Registered 16/11/2020 Expiry Date 15/02/2021

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

This application has been referred to Planning Committee by Cllr Helen Smith on the grounds of residential amenity and highways safety.

The Application

The application was deferred at the last planning committee to seek further information and clarification on a number of matters. A response to each of these issues is set out below:

Highways

A primary concern of Members during the Planning Committee was that the Committee Report's assessment of the proposal's impact on the Fisher Close/Stoneyford Road junction, and specifically cars turning right out of Fisher Close, was not clear and they wanted further clarification regarding these impacts before making a decision.

The applicants Highway Consultants have prepared an updated statement to address this issue. Based on traffic surveys undertaken at the junction in November 2019, and taking into account general traffic growth from the 2019 base, traffic from committed developments in the area, and traffic movements generated by the proposed development, the highways consultants have calculated the morning peak hour traffic movements at the junction in 2025.

The modelling shows that in the morning peak hour, the Fisher Close/Stoneyford Road junction will remain well within its capacity, there will be minimal queueing, and

the time taken to turn right out of Fisher Close will increase by an average of just 2 seconds compared to the no-development scenario (i.e. without the application development). It will remain within 'normal' levels for a junction of this type.

The document also confirms the purpose of the proposed ghost island right turn lane. This is not required to overcome any deficiency in the existing layout, but is proposed in order to reduce the likelihood of vehicles turning right into Fisher Close from blocking the free flow of traffic along the B6028 Stoneyford Road. The provision of this ghost island will also slow traffic, prevent overtaking (through the introduction of pedestrian refuges), and enable pedestrians to cross the road.

Reference was also made to an application for residential development just to the north of the application site which was refused and dismissed at appeal (LPA reference V/2014/0108). It is notable that rather than a fundamental concern about highway safety in this area, in that case the concerns about the proposal on highway grounds stemmed from a lack of detail regarding possible traffic calming or an analysis of vehicle turning movements, which made it impossible to make a reasoned assessment as to whether adequate visibility splays could be provided, or whether the proposal would cause conflict with traffic from nearby junctions.

This is a very different situation to this application at Fisher Close which is supported by comprehensive highway justification including traffic flow calculations, detailed junction improvements plans and consideration of the relationship of the site access with the proposed access to further residential development to the south.

Crucially, the Highways Authority have not objected and without detailed technical evidence to rebut the information supplied by the applicant, a refusal on highways safety grounds could not be sustained.

Anti-social Behaviour

Additional comments have been sought from the Police Architectural Liaison Officer, whom has since been to visit the site. The following comments have been received:

As you can see from previous comments the worry the residences have is obviously ASB. The areas of concern - where the potential pedestrian walk way is being considered - could have CCTV installed as long as certain measures are put in place:

- 1. The CCTV needs to be linked to the district council system and monitored*
- 2. The foliage within the area needs to be maintained regularly*
- 3. The area has to have the appropriate lighting*
- 4. The pedestrian footpaths needs to have the barrier restrictions installed so it prevents vehicles from entering the park.*
- 5. CCTV cameras could also be installed at the junction of Carsic lane , Northwood lane , Stanton crescent as long they are linked to the district council monitoring system.*

It is considered that an additional condition can be applied for the applicant to submit details of CCTV and appropriate barrier restrictions at reserved matters stage. The issue of lighting and maintenance are already covered via existing recommended planning conditions. The lighting strategy will need to ensure a delicate balance of providing security, but protecting ecology at the same time.

In terms of proposed CCTV on the junction of Carsic Lane, Northwood lane, Stanton Crescent. This will need to take the form of a contribution within the Section 106 Agreement. The Councils Community Protection team have advised of the costs involved and also welcomed the addition of CCTV here. This will be a sum of £16,500 covering the device itself, installation, connection and maintenance costs.

During the meeting queries were raised about the location of the public open space on the basis that it is too close to existing houses and could become a hot spot for antisocial behaviour. It is important to remember that the location of the public open space is not for determination at this outline stage and will be agreed upon, in consultation with residents, at the future reserved matters stage. The Council will have full control over its location and there is ample space within the site for this to be repositioned.

An additional condition is also recommended for the applicant to submit a statement showing how the development has taken into account of Secured by Design Principles at reserved matters stage. This will ensure that the layout takes account of opportunities to reduce crime.

Healthcare and Education Contributions

Nottinghamshire County Council Education Authority have been reconsulted following the planning committee. NCC have confirmed they do not currently have a site identified for a new primary school in Sutton. This is in part because any new school is conditional upon further housing growth in Sutton. It is anticipated that this issue could be addressed through the local plan process, once they have an understanding of the level of growth proposed.

For now, the baseline position remains that contributions should be secured towards a new school due to the amount of development being proposed through outstanding planning applications. Clearly, it is possible that the demand for a new school will not materialise; it depends on the level of housing that is eventually permitted. In essence, it isn't necessarily the case that a school site needs to be in place in order for this application at Fishers Close to be determined – the current pupil projection data does display a reasonable level of surplus capacity.

The site falls within the catchment areas of Brierley Forest Primary and Healdswood Infants. At present, the figures show there are spaces in each of these schools and as such the development could be supported by existing infrastructure. However,

this does not negate the need for a planning contribution as set out in the rationale provided by NCC.

In respect of healthcare, comments from the NHS Clinical Commissioning Group refer to Skegby Family Medical Centre, Willowbrook Medical Practice, and Kings Medical Practice as the closest healthcare practices and states that the healthcare contribution requested will contribute towards the reconfiguration or extension of these premises or the provision of a new GP surgery. This is the normal way in which such contributions are sought and can be secured via the S106. This would not form a basis for refusing the application.

Waste Audit

Members also queried why a Waste Audit has not been undertaken. The main purpose of waste audits is to demonstrate that waste will be minimised as far as possible during the construction and operational phases. Without the scale of the scheme and the details of its construction having been agreed, it is difficult to provide accurate and appropriate measures to secure these aims. Moreover, waste audits are much better undertaken by the developer/contractor who will be building out the scheme when the scale and layout of the scheme has been fixed. All of the above being the case, it will be more appropriate in this case for the waste audit to be provided as part of the reserved matters application. This is already subject to a recommended condition (condition 12).

Biodiversity

A Member raised a query over a resident comment about the site being part of a SSSI. However, this is not the case as the site has no ecological designation. The nearest statutorily designated site is Brierley Forest Park Local Nature Reserve. To minimise any potential impacts of the development, a buffer has been recommended along the border as set out in the original Committee Report.

Recommendation: - Approve subject to the conditions and contributions set out on the original report (attached), along with the following additional contribution and conditions:

- £16,500 – Towards CCTV at the junction of Carsic lane , Northwood lane , Stanton Crescent

CONDITIONS

22. The details submitted in accordance with condition 1 shall include the location of CCTV cameras and barrier restrictions at appropriate locations on pedestrian footpaths.

23. The details submitted in accordance with condition 1 shall be accompanied by a Secured by Design Statement setting out how the details of the design and layout takes account of opportunities to reduce crime.

REASONS

22. In the interests of reducing anti-social behaviour and crime.
23. In the interests of reducing anti-social behaviour and crime.

COMMITTEE DATE 21/07/2021 **WARD** Carsic

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This application has been referred to Planning Committee by Cllr Helen Smith on the grounds of residential amenity and highways safety

The Application

This is an Outline Planning Application that seeks to reserve all matters for future consideration save for 'means of access', which is submitted in detail at this stage. The means of access would be taken from the end of Fisher Close with upgrades being provided at the junction of Stoneyford Road/Fisher Close in the form of a ghost right turn lane and pedestrian refuge. The revised illustrative masterplan shows a total of 84 dwellings could be accommodated at the site, along with an area of public open space and wildflower meadow to the north.

The following plans and documents have been considered in the basis of this decision:

- Location Plan Dwg No. 20/206-100
- Illustrative Layout Plan Dwg No. 20/206-103A
- Site access via end of Fisher Close ADC1017-DR-002
- Access Junction Layout ADC1017-DR-003 Rev. P1
- Design and Access Statement (Amended)

- Flood Risk Assessment and Indicative Drainage Strategy prepared by NeoFlood Ltd;
- Landscape Visual Appraisal undertaken by Influence Environmentally Ltd;
- Preliminary Ecological Appraisal prepared by RammSanderson Ecology Ltd;
- Biodiversity Impact Assessment prepared by RammSanderson Ecology Ltd;
- Transport Assessment and Travel Plan prepared by ADC Infrastructure Ltd.
- Travel Plan prepared by ADC Infrastructure Ltd Version 6 dated 10/06/2021
- Response to Highways Comments by ADC Infrastructure Ltd

The Site

The application site extends to some 3.6ha and comprises paddock land with a small cluster of equestrian buildings in the centre. The site is bound by residential development to the south and east and is immediately adjacent to, but beyond, the Main Urban Area of Sutton-in-Ashfield, as defined on the Council's 2002 Policies Map. To the north and west, the site runs alongside the the edge of Brierley Forest Park, a Local Nature Reserve and Country Park.

The boundary of the Teversal, Stanton Hill and Skegby Neighbourhood Plan (NP) runs through the site. Therefore, the Neighbourhood Plan policies will be applicable in relation to the northern part of the site. Map 12 of the NP identifies the site as being allocated in the emerging Local Plan Publication Draft. However, the Local Plan in question was subsequently withdrawn by the Council from examination in September 2018. As such this carries no weight.

Consultations

A site notice and press notice have been posted together with individual notification of surrounding residents. The following are summaries based on the latest position of each consultee:

A.D.C Conservation Officer

No objections. The accompanying Desk-Based Assessment demonstrates there are no designated heritage assets or non-designated heritage assets in close proximity to the application site.

A.D.C Planning Policy

The development plan comprises the saved policies within the Ashfield Local Plan Review 2002 (ALPR) and the policies within the Teversal Stanton Hill and Skegby Neighbourhood Plan (TSS NP). This is an application for housing and the Council does not have a 5-year housing supply. In these circumstances, NPPF paragraph 11d, 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.

The proposed development is located in the Countryside as defined by the ALPR Policy ST4 and the Proposals Map. It does not fall within the definition of appropriate development, and consequently does not meet the policy requirements of EV2. However, the NPPF sets out a more flexible approach to rural housing in paragraph 77 and 78 and to the rural economy in paragraph 83.

The TSS NP identifies in Policy NP 4 “The character and quality of the green corridors between Stanton Hill and Skegby and between Teversal and Stanton Hill (see Maps 10 to 15) are sensitive as they prevent coalescence between the settlements and provide opportunities for biodiversity.” Map 12 identifies the area in question with the application site being identified as a proposed allocation in the Local Plan 2016 which was subsequently withdrawn. However, the Landscape and Visual Appraisal submitted with the application concludes that the development of the site would have little effect on the separation of these settlements as the openness of the site is not perceivable within the landscape.

Therefore, policies in the development plan, which are protective of countryside must be had regard too but have to be weighed in the context of the availability of housing sites in the ALPR, the provisions of the NPPF on rural housing and the position on the 5 year housing supply.

Other Matters

ADC policy comments also contain additional policy background in respect of issues of biodiversity, landscape impact, flooding, heritage, affordable housing, housing design, density, mix, climate change, infrastructure provision, highways and minerals.

A.D.C Landscaping

According to the Greater Nottinghamshire Landscape Character Assessment the site is in the DPZ ML021 - Brierley Forest Park whose character is predominantly man-made landform, following the restoration of the former colliery. The urban area is a common land form throughout the DPZ and the proposed housing development would therefore not be out of character within the area.

The LVA demonstrates that the site is contained and enclosed by the existing residential area and woodland edge of Brierley Forest Park. The relevant landscape actions for the DPZ are to enhance and manage large blocks of developing woodland, as they will

contribute to a wooded landscape character in the future...This can be achieved by the landscape buffer between the proposed development and Brierley Forest Park along the western boundary. The proposed footpath links from the development site and Brierley Forest Park need to be sufficiently well designed. These should incorporate Ashfield District Council's standard chicane style access.

The applicant would need to provide details of all boundary treatments and hedgerows to be retained. This is of particular importance along the western boundary to ensure the proposed development is screened from views from Brierley Forest Park. A tree survey is required and details of how the retained trees are to be protected during construction should be recorded on the plan.

A landscaping plan will need to be provided, along with maintenance details of the buffer area and amenity space. A sustainable urban drainage solution will also be required with the use of swales. The development proposal could also be enhanced by incorporating the indicative pedestrian link through to Stanton Crescent.

To make the development acceptable in planning terms, s106 contributions for off-site POS and public realm improvements would be required, as follows:

£252k POS for Brierley Forest Park for improvements to the play areas, car parks, entrances, footpaths and general landscape improvements. This is to include a maintenance payment (2.5% of £252k = £6,300 a year; £94,500 over 15 years). So a total of £157,500 capital and £94,500 maintenance

A.D.C Environmental Health

Request that no development shall be permitted to commence on the site until an air quality assessment has been prepared.

Clinical Commissioning Group

A development of this nature would result in increased service demand and all practices in the area are working at capacity. Accordingly, the proposal would trigger the need to provide health related section 106 funding amounting to £46,601.25 which is proportionate to the housing development size. The contribution would be invested in enhancing infrastructure capacity. The plans will include either reconfiguration, or extension of existing premises, or a new build that the S106 money will contribute towards.

Environment Agency

The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the site.

Natural England

No comments.

Nottinghamshire Wildlife Trust

Have reviewed the Preliminary Ecological Appraisal report (PEAR) and can confirm the ecology survey and report has been undertaken according to good practice guidelines. NWT are satisfied with the resulting conclusions. Attention has also been drawn to a number of matters relating to potential invasive species, the ecology buffer, landscaping planting, precautionary methods for hedgehogs, protecting the Stanton Hill LWS, lighting and the provision of Landscape Ecological Management Plan.

Nottinghamshire County Council [NCC]

The County Council's comments set out the policy position in respect of Waste, Minerals, Transport and Education. The county planning context is set out below:

NCC Minerals

The site lies within the Mineral Safeguarding and Consultation Area for limestone in the emerging Minerals Local Plan (July 2019). However, considering the proposal is within an urban area, the County Council do not consider the development to be inappropriate in this location. Although, it must be demonstrated there is a sound argument of the need for non-mineral development and that the practicality of prior extraction has been fully considered.

NCC Waste

The proposal is unlikely to pose a sterilisation risk to the nearest waste facility at Mitchells of Mansfield. It would be useful if the application was supported by a waste audit.

NCC Strategic Transport

No specific observations.

NCC Travel and Transport

A bus stop infrastructure contribution of £23,000 is required to provide improvements to the following bus stops

- AS0457 Carsic Road Shop –Both-ways bus stop pole and polycarbonate bus shelter
- AS0712 Carsic Road Shop – No infrastructure
- AS0483 Stoneyford Road - Clear Channel non-advertising polycarbonate bus shelter
- AS0485 Stoneyford Road - Bus stop pole

No contributions have been sought towards local bus service provision.

NCC Education

The proposed development of 86 dwellings on the above site would yield an additional 18 primary and 14 secondary aged pupils.

Primary

Based on current pupil forecasts, there is a projected surplus of places in the Sutton Town primary planning area and the impact of the proposed development alone would not lead to a deficit in provision of primary places. However the NCC have been consulted on additional applications, which would lead to a deficit.

In order to create additional places in the Sutton Town Primary Planning Area resulting from the cumulative impact of this application and other applications (if approved), a new primary school and site is required.

The County Council therefore requests a contribution based on the cost per pupil of providing a new school, which is £370,656 (18 places x £20,592 per place) and for provision for a new primary school site in Sutton Town.

Secondary

Based on current data there is a projected surplus of places in the planning area and the impact of the development would not lead to a deficit in provision. The County Council will therefore not be seeking contributions towards secondary education at this time.

NCC Public Health

Have provided advice and guidance on assessing planning applications to ensure any developments promote health and wellbeing.

NCC Local Lead Flood Authority

No objections, subject to condition relating to drainage.

NCC Rights of Way

No objections.

NCC Highways Authority

The Highway Authority (HA) has reviewed the latest information submitted and provided the following comments:

Stoneyford Road/Fisher Close access

An ancillary plan, Access Junction Layout (drg. no. ADC1017-DR-003 Rev. P1), has been provided which demonstrates how this proposal will integrate with the proposed access opposite should that development be provided at a later date as previously requested.

The visibility splays of 2.4m x 123m to the north of the access and 2.4m x 84m to the south east of the access have been demonstrated on drg. ADC1017-DR-003 Rev. P1.

Traffic Impact on the local highway network

The applicant has agreed to the installation of MOVA and CCTV at the junctions of Mansfield Road/Priestsic Road/Downing Street and Mansfield Road/Dalestorth Street/Outram Street.

Sustainable Transport Options

It is acknowledged within the email from ADC Infrastructure dated 10 June 2021 that upgrades to the bus stops on Stoneyford Road are appropriate and that the contribution of £23,000 has been noted.

Following on from the comments made by Transport & Travel Services colleagues in the previous comments dated 13/05/21, the potential pedestrian route at the south of site, through to Stanton Crescent, and shown on the illustrative layout plan, no. 20/206-103, is welcomed to provide a pedestrian link to ensure connectivity with the adjacent community. This option should be strongly pursued and comprehensively planned as part of this development at reserved matters stage to ensure this can be provided.

Travel Plan

A revised Travel Plan has been produced by ADC Infrastructure ref. ADC1017-RP-C Version 6. All outstanding matters highlighted by colleagues within NCC Transport Strategy in April 2021 have now been addressed and the Travel Plan (TP) is now acceptable. The arrangements contained within the TP will need to be secured by way of a S106 agreement.

Finally, a number of conditions and informative notes have been recommended by the Highways Authority.

Police Architectural Liaison Officer

Should this application progress to a full submission Nottinghamshire Police will seek clarity on the following aspects of the design; the proposed lighting of private driveways and vehicle parking, proposed security of waste bin storage and also proposals for residential cycle storage. At this stage with little detail of internal design it is difficult to comment further on design.

Teversal, Skegby and Stanton Hill Neighbourhood Forum

Object on the following basis:

1. Green Corridor

Whilst we recognise that this potential development was included in the Local Plan, we also note that the proposal, as set out in the Neighbourhood Plan, did not go beyond the hedgerow alongside Fisher Close. This proposal now encroaches into the green corridor between Stanton Hill and Skegby which we believe, and set out in our Neighbourhood Plan, needs to be preserved. They remain concerned about this aspect even following the submission of a revised illustrative masterplan.

2. Highways Safety

Noting the other potential developments in the immediate vicinity, we are most concerned at the further high level of traffic movement and the ingress and egress of vehicles on and off Stoneyford Road, particularly from Fisher Close and Carsic Road. This is especially concerning with Quarrydale Secondary School, which creates considerable random parking at times, exacerbating the dangers even with present levels of traffic.

3. Schools and Health Facilities

There is a total lack of sufficient education and health facilities in the area to absorb the level of increased need that this development would create. Unless these issues are properly addressed then the whole social infrastructure will be in danger of collapse.

4. Lack of consultation

Despite the inclusion of pre-application consultation with the Neighbourhood Forum, in the Neighbourhood Plan, they were not consulted at pre-application stage.

5. Design proposals re carbon neutrality

Desire to comment on the design characteristics and nature of the proposed houses, which are set out in our Neighbourhood Plan, especially in terms of the developers intentions regarding the extent to which they would build in proposals for carbon neutrality and open space.

Local Community Representations

22 Individual households have written a total of 33 letters of objection, their comments have been summarised below:

Impact on the Environment (Biodiversity, Pollution, Loss of Green Space)

- Proposed site borders a Nature Reserve and is unsuitable for development.
- Site is part of the Teversal Pastures SSSI and should not be developed on.
- Site is adjacent to Site of Importance for Nature Conservation (SINC) and development would be detrimental.
- Land is identified as a green corridor in the Teversal, Stanton Hill and Skegby Neighbourhood Plan and should not be developed.

- Green Belt land should not be developed.
- Owls, foxes, badgers, hedgehogs and many species of bird including Skylarks inhabit the site and will be impacted by development.
- Hedgehogs frequently seen in surrounding gardens and their population will decline if development goes ahead.
- Artificial lighting will disrupt the wildlife, particularly bats which are a protected species.
- General loss of wildlife and habitat disruption that is irreversible.
- Some local flora and fauna are protected or endangered and their habitats should be conserved.
- The proposed wildflower meadow does not resolve the issue of development encroaching the green corridor.
- The character of Brierley Park, a green flag awarded area, will be destroyed.
- Green spaces and nature trails are key to health and wellbeing of local residents and should not be developed.
- Proposed houses would irreversibly destroy the green space and wildlife in the area.
- Noise and air pollution from vehicles coming to and from the estate.
- Pollution of Nature Reserve and water courses during construction process.
- Development will destroy the peace and quiet of the area, a reason many moved there in the first place.

Impact on the character and appearance of the area

- Destroys the open character of the area and the semi-rural views for current residents.
- The view from Brierley Park will be housing, instead of the existing green space.
- Green corridor keeps settlements separate and gives them their own sense of place, thus should remain undeveloped.
- Loss of green space and character will impact future generations.

Flooding and Drainage

- Sewage system is inadequate and cannot handle the additional foul waste that will be created.
- Residents have previously been told by their housing developer that there would be no building on surrounding sites due to insufficient capacity of sewerage system.
- Impermeable surfaces will increase risk of flooding in the area.
- Local water shortages in the summer which development will exacerbate.
- Surface water will no longer have fields to soak into – where will this go?
- Concern of flooding neighbouring properties as development is 2-3m higher than surroundings.

Highways Safety and Access

- The local roads will not cope with the influx of traffic the development will bring

- Junction of Stoneyford Road and Fisher Close is already dangerous to pull out of due to limited visibility from parked cars and speeding traffic.
- Have previously had accidents at this junction and they are likely to increase with more cars in area.
- Accessing Stoneyford Road during rush hour or school hours is already problematic and more traffic would exacerbate this.
- Development doesn't have own access so construction traffic will go through Fisher Close.
- Fisher Close is a narrow road due to parking – unsuitable for construction traffic.
- Rose and Crown customers use surrounding roads as a car park so development will cause more parking issues
- Emergency vehicles will not be able to easily access new site or existing properties with extra congestion and parking.
- Driveways can be difficult to access and will be exacerbated by more on-street parking
- Construction traffic will damage the roads and create noise and mess – who will fix this?
- Children frequently play in the road of Fisher Close as it is a cul-de-sac and traffic will endanger them
- Suggestion that access to the site should be via Stanton Crescent instead

Impact of the development on infrastructure and services

- Residents already have long waiting times for GP surgeries and dentists in the area.
- School places may be impacted by the development.
- Shops and amenities in Stanton Hill will be stretched.
- Loss of green space for residents to enjoy.
- No playground nearby for children and loss of Fisher Close as a dead end for children to play.

Other Comments

- Already a new development near Brand Lane / Fackley Way so is this development needed?
- Housing developments already proposed on Newark Road, Alfreton Road, Ashland Road, Clare Road and Stubbin Hill Farm
- Antisocial behaviour may increase, and residents' perception of safety may be harmed.
- Property prices and saleability of existing properties may be compromised.
- Concerns over loss of privacy and loss of light to existing properties.
- Development may impact water pressure in surrounding properties.
- Residents did not know about the plans and did not receive notification letters from the Council.

- Plans have been changed yet residents were not given a written response or time to comment.
- Many planning applications have been submitted in this area and they should not be considered in isolation.
- An application for this was already submitted and rejected in 2016 and applications similar to this one have already been refused
- Building works will generate noise and disrupt residents, particularly those working from home
- Construction traffic will generate dust and mud which will particularly impact windows and parked cars
- Brownfield sites should be developed first
- Many cats and other pets in the area will be in more danger due to increased traffic
- Potential radon pollution from the ground being disrupted during construction.

Policy

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

Policy Context

Ashfield Local Plan Review (ALPR) 2002 as amended by "saved policies" 2007. The following ALPR 'saved' policies are considered relevant to the application:

- Policy ST1: Development.
- Policy ST2: Main Urban Area
- Policy ST3: Named Settlements
- Policy ST4: Remainder of the District.
- Policy EV2: Countryside.
- Policy EV6: Sites of Importance for Nature Conservation. (Now known as Local Wildlife Sites).
- Policy EV8: Trees and woodlands.
- Policy HG3: Housing density.
- Policy HG4: Affordable Housing.
- Policy HG5: New residential development.
- Policy HG6: Open space in residential developments.
- Policy TR2: Cycling provisions in new development.
- Policy TR3: Pedestrians and People with limited mobility.
- Policy TR6: Developer contributions to transport improvements.

Teversal, Stanton Hill & Skegby Neighbourhood Plan (2016-2031) (TSS NP). The following neighbourhood plan policies will be applicable to the application:

- NP1: Sustainable Development.
- NP2: Design Principles for Residential Development.
- NP3: Housing Type.

- NP4: Protecting the Landscape Character.
- NP6: Improving Access to the Countryside.
- NP8: Improving Digital Connectivity

Material Considerations

National Planning Policy Framework (NPPF) policies relevant to the application are:

- Part 2: Achieving sustainable development
- Para 11: Sustainable Development.
- Part 5: Delivering a sufficient supply of homes.
- Para 64 Affordable Housing requirements
- Part 8: Promoting healthy and safe communities.
- Part 9: Promoting sustainable transport.
- Part 11: Making effective use of land.
- Part 12: Achieving well designed places.
- Part 14: Meeting the challenge of climate change, flooding and coastal change.
- Part 15: Conserving and enhancing the natural environment.

The NPPF at para. 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

National Planning Policy Guidance (PPG) brings together national planning guidance on various topics.

ODPM Circular 06/2005 Biodiversity and Geological Conservation

Supplementary Planning Documents

- Residential Design Guide SPD 2014.
- Residential Car Parking Standards 2014

National Guidance

- The National Design Guide (2020),
- National Model Design Code (2021)
- Building for a Healthy Life (2020),
- LTN120 (2020),
- Gear Change (2020) and
- Manual for Streets 2 (2010),

Legislation

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

Environmental Impact Assessment (EIA)

The development proposed falls within the description at 10B of Schedule 2 of the EIA Regulations (2017). Accordingly, a screening exercise has been undertaken. Whilst, there may be some impact on the surrounding area as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact. As such, an EIA is not required.

Relevant Planning History

- **V/2008/0310** – Change of use of agricultural land (sui generis) to paddock land (sui generis), including the erection of a field shelter comprising 4 stables and ancillary store. Withdrawn.
- **V/2008/0495** – Change of use of agricultural land (sui generis) to paddock land (sui generis), including the erection of a field shelter comprising 4 stables and ancillary store. Conditional Consent 25/09/2008.

The Council records indicate that no other applications for residential development have been considered at this site.

Comment :

1. The principle of development;
2. Landscape and Visual Impact Appraisal;
3. Conservation and Ecology;
4. Flooding and Drainage;
5. Housing Density and Mix;
6. Residential amenity;
7. Highway Safety;
8. Developer Contributions;
9. Other Issues;
10. Planning Balance and Overall Conclusions

1. The Principle of Development

Legislation requires that the application be determined in accordance with the statutory development plan, unless material planning considerations indicate otherwise. Therefore, the starting point for decision making are the policies set out in the following:

- Ashfield Local Plan Review 2002 (ALPR) (saved policies), and
- Teversal, Stanton Hill and Skegby Neighbourhood Plan.

The NPPF sets out the governments planning policies and is a material consideration in planning decisions. The NPPF does not change the statutory status of the development plan for decision-making, but provides guidance for decision takers in determining

planning applications. This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision¹.

The most relevant policies from the Teversal, Stanton Hill & Skegby (TSS) Neighbourhood Plan (2016-2031) are set out as follows: Policy NP1 seeks to ensure that development is sustainable by reference to economic, social and environmental matters, high quality design, and housing meeting identified local need. Policies NP2 and NP3 deal with design principles and housing type, both of which can be controlled at reserved matters stage. Amongst other things, Policy NP4 seeks to ensure that landscaping within development proposals enhances landscape character where possible, whilst maintaining access to the surrounding countryside. It is noted that the Neighbourhood Plan boundary runs through the site and as such an area of the southern part is not contained within the plan area.

In terms of the ALPR, the proposal needs to be considered against policy ST1, which seeks to ensure a good fit for development with regard to: amenity, highway safety & capacity and compatibility across local plan policies. The ALPR Policies ST2, ST3 and ST4 set out the Council's approach in the Plan to the future physical form of the District. The site in question is within the countryside as defined by the ALPR and set out in the Proposals Map. In this context, Policy ST4 identifies that outside the Main Urban Areas and Named Settlements permission will only be given for sites allocated for development, or development appropriate to the Green Belt or Countryside. Therefore, in relation to the application site, one of the key policies in the ALPR is Policy EV2 (The Countryside).

Policy EV2 identifies that planning permission will only be given for 'appropriate' development and development that is located and designed so as not to adversely affect the character of the countryside and its openness. None of the forms of 'appropriate' development are applicable in relation to the proposed application. Consequently, the proposal is contrary to Policy EV2.

The ALPR plan period was to 2011. However, this does not mean that existing policies are out-of-date simply because they were adopted or made prior to the publication of the NPPF. They must be considered against their consistency with the NPPF (NPPF para. 213):

In this regard, as policy ST4 is restrictive of development outside the main urban areas and named settlement it lacks the balancing exercise required by the NPPF. It is therefore considered to be inconsistent with it. Policy EV2 has some consistency with the NPPF's requirement to recognise the intrinsic beauty and character of the countryside. However, it is highly restrictive of development in the countryside, and again lacks the balancing exercise required. It is also clear, that the policies are not providing for sufficient housing for the district. As such, these policies are considered to be out of date. The outdatedness of these policies has also been established at appeal in the 2019 Beck Lane Appeal

¹ Wavendon Properties Limited v Secretary of State for Housing, Communities and Local Government & Anr. Case Number: CO/200/2019

Inquiry (PINs reference APP/W3005/W/18/3213342). These policies should therefore carry limited weight.

In addition, for 2020/21 the five year housing supply at 1st April 2020 is 2.25 year based on a 20% buffer. As such the district has a significant housing shortfall. The Housing Delivery Test 2020 also indicates the delivery of housing in Ashfield is substantially below the housing requirements over the past three years. As a result, the tilted balance of paragraph 11 is engaged. This is a case where 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 as a whole.

However, as was recently confirmed by the Court of Appeal in *Gladman vs SSCLG* [2021] EWCA Civ 104, the triggering of the tilted balance neither automatically determines a planning application, nor allows for the primacy of the development plan to be circumvented and disregarded. There is still a requirement to carry out a full 'balancing exercise' of the adverse impacts and benefits of a development proposal.

2. Landscape and Visual Impact Appraisal

Paragraph 170 the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognizing the intrinsic character and beauty of the countryside. It is considered that the site is not a valued landscape for the purpose of the NPPF.

Policy EV2 of the Ashfield Local Plan Review sets out protection for the character of the countryside and its openness. A Mature Landscape Area (ALPR Policy EV4) is located to the northern part of the site. Policy EV4 seeks to ensure that development does not adversely affect the character and quality of Mature Landscape Areas. However, the application site covers only a small section of the wider area and the northern part of the site is shown to be retained as a wildflower meadow on the revised illustrative layout. This will be subject to a planning condition. Accordingly, it is considered that the development would not adversely affect the overall scale, character or quality of the Mature Landscape Area in accordance with Policy EV4 of the Local Plan

Policy EV4 should be read in conjunction with the Greater Nottingham Landscape Character Assessment, undertaken in 2009. The site area falls within ML21 Brierley Forest Park. It identifies that this character area is a restored landscape which is heavily influenced by man. It includes the site of the former Sutton colliery spoil tip which is located close to the application site. The assessment concludes that the landscape condition and strength of character for ML21 are both moderate, with an overall landscape strategy to enhance. The urban area is a common land form throughout the DPZ and the proposed housing development would therefore not be out of character within the area.

The application is supported by a Landscape Visual Appraisal by Influence Environment Limited. In terms of visual impacts, the LVA confirms that the site is well-enclosed and

visually contained. It identifies that the visual envelope of the site is limited by the following factors:

- To the west by rising ground and vegetation to the former colliery spoil mound;
- To the north by established vegetation;
- To the south and east by settlement edge.

The LVA goes on to assess high level views from the ridgeline of the former colliery spoil mound in Brierley Forest Park (para 7.31 – 7.37). It notes these views are already punctured by the perception of built form and the proposal will be read as an extension to the existing settlement. Close distance views from Brierley Park are also subject to the assessment. Here, it notes there are mature trees that screen views along the western edge and these views will be further screened by landscaped buffer along the western boundary. Which will enhance and reinforce the adjoining woodland at Brierley Park, as well as providing ecological benefits. The LVA does note that in winter months, whilst canopies are sparse and new boundary vegetation is still establishing, there may be views at close distance into the site and some appreciation of built form. However as there is appreciation of existing settlement edge, glimpsed views of buildings would not appear incongruous.

The Councils Landscaping Officer has reviewed the LVA and has not raised any objections, commenting that it demonstrates the site is sufficiently contained and also that the proposed landscape buffer would run in line with the landscape actions contained within the Greater Nottingham Landscape Character Assessment 2009.

Green Corridor

The application has to be considered against TSS NP Policy 4 NP 4: Protecting the Landscape Character. In particular comments have been raised by the TSS forum and local residents about the green corridor between Stanton Hill and Skegby. The TSS NP identifies in Policy NP 4: Protecting the Landscape Character, that *“The character and quality of the green corridors between Stanton Hill and Skegby and between Teversal and Stanton Hill (see Maps 10 to 15) are sensitive as they prevent coalescence between the settlements and provide opportunities for biodiversity. Development is required to maintain this sense of openness.”*

Within this Plan, Policy NP4 (Map 9) notes that the northern section of the site is located in a green corridor, which extends in an east-west direction. It should also be noted that the existing housing on Fishers Close sits within this area shown on Map 9. The Teversal, Stanton Hill & Skegby (TSS) Design Guide, which forms part of the Plan, recognises the northern section of the site as falling into the Green Gap between the South of Stanton Hill and the north of Skegby and considers the role of these Green Gaps in maintaining separation between settlements.

The proposal will, however, not result in the development of the narrowest or most vulnerable part of the corridor as identified on Map 11 of the NP. As whilst, the application site extends beyond the existing northern boundary of the built area of Fisher Close, the

illustrative layout identified that the northern area is proposed to be planted as a wildflower meadow. A condition requiring no development in this section of the site would ensure the narrowest part of the gap is protected.

Map 12 also identifies the application site being identified as a proposed allocation in the Local Plan Publication 2016. However, the Local Plan in question was subsequently withdrawn by the Council from Examination in September 2018.

Finally, the LVA also assesses the impact on the green corridor, it summarises that '*whilst the undulating landscape area directly to the north of the site reads as part of an east-west green gap between the settlements of Stanton Hill and Sutton, when viewed from the B6028, the site itself does not contribute to this sense of openness... Development of the site would have little effect on the separation of these settlements as the openness of the site is not perceivable within the landscape.*'

Whilst the development of a greenfield site for housing generally would result in some harm to the appearance of the area and be in conflict with Policy EV2 of the ALPR. Having regard to the above, it is considered that the residential development of the site would not unduly harm the character and quality of the landscape, nor the green corridor between Stanton Hill and Sutton. As such there would be no significant conflict with Policy EV4 of the ALPR, nor Policy NP4 of the NP.

3. Conservation and Ecology:

The Council is under a duty under section 40 of the Natural Environment and Rural Communities Act 2006 "to have regard" to the conservation of biodiversity in England, when carrying out their normal functions. The ALPR sets out policy protection for ecological sites in Policy EV6, which relates to both Local Nature Reserves and Local Wildlife Sites. Trees and woodlands are protected in accordance with Policy EV8.

The NPPF para 170 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. An Ecological Assessment and Biodiversity Metric have been submitted as part of the application.

A Preliminary Ecological Appraisal Report (PEAR) has been undertaken by qualified ecologists RammSanderson Ecology Ltd. This identifies that the site is not one of particular ecological importance, comprising an area of intensively grazed improved and semi-improved grassland of '*little botanical interest*' or '*low floristic value*'. Nottinghamshire Wildlife Trust (NWT) have been consulted and confirmed that the ecology survey and report has been undertaken according to good practice and guidelines. They are therefore satisfied with the results conclusions.

NWT have drawn attention towards a possible non-native species; however, the applicant has updated the report confirming the plant is native and a control strategy is not required. NWT have also drawn attention to a number of matters relating to the ecology buffer,

landscaping planting, precautionary methods for hedgehogs, protecting the Stanton Hill LWS, lighting and the provision of Landscape Ecological Management Plan. These can all be controlled through a planning condition. NWT have stated the landscape buffer should be a minimum of 10m and this controlled through condition; however, in order to allow for flexibility at detailed design stage this is proposed to be included in recommended condition 8 as a 5-10m buffer, which is shown on the illustrative layout plan and referred to in the ecological report.

Protected Sites

The ecology report submitted with the application identifies that:

- The nearest statutorily designated site is Brierley Forest Park LNR immediately adjacent to the western boundary of the site. To minimise any potential impacts of the development, a buffer has been recommended along the border of the site and LNR.
- The nearest non-statutorily designated sites were Stanton Hill Relict Grassland LWS and Stanton Hill Colliery Spoil LWS. It is recommended that mitigation be put in place to limit potential impacts to the neighbouring designated sites from an increase in pedestrian traffic pressures from the new residents. This is in the form of new signposts along with a barrier.
- In relation to the Sherwood Forest possible potential Special Protection Area (ppSPA), there is a lack of suitable habitat for nightjar and woodlark. As such, it is considered unlikely that the proposed development will result in a negative impact on the ppSPA.

Protected Species

The submitted ecological report notes that the majority of the site is suboptimal for great crested newts and that there is an extremely low risk of transient great crested newts being present within the site. Similarly, no suitable habitats for water vole, otter, or white clawed crayfish were identified on, or immediately adjacent the site. In addition, the grazed pasture / use of this site will limit reptile habitation and the site is unlikely to be core to any local populations, especially when considering neighbouring habitats. A precautionary method statement is however recommended due to potential suitable habitats on the site.

The buildings on site were assessed as having negligible potential for supporting roosting bats, as such no further surveys prior to demolition are required. There are two trees with roosting potential, the report recommends retaining these. It also recommends a sensitive lighting strategy and that the buffer will provide foraging opportunities.

The trees and hedgerows on site offered suitable habitat for nesting birds, any vegetation clearance / tree pruning works should be completed outside of the bird nesting season (March to September inclusive). In terms of badgers, no setts were observed during the survey, however badger signs in the form of mammal runs, hairs and swathes of flattened

grass were identified, which indicate that the site is regularly used by badgers. A precautionary method statement is recommended.

In terms of principal species, the site does contain habitat for hedgehogs. The ecological report therefore recommends a gap in the base of garden fences to allow movement of hedgehogs to the woodland. Precautionary working practices to minimise risk of harm to hedgehogs are also recommended.

Enhancements

The proposal would provide a new species rich wildflower meadow to the north of the site, along with a buffer planting strip adjacent to Brierley Forest Park. To improve habitat for reptiles any wooded vegetation removed is proposed to be retained and used to create log piles for hibernation within the buffer strip. Additionally, there would also be the provision of bird, bat and hedgehog boxes along with new tree and hedgerow planting.

The Nottinghamshire Biodiversity Opportunity Mapping Project 2016 identifies that there are aspects of the site which provide opportunities for connectivity with grass and woodland. The illustrative plans of the layout submitted with the application, facilitate this connectivity with the new meadow planting and additional trees.

Biodiversity net-gain

Paragraph 174 of the NPPF (Feb, 2019) confirms the aspiration that development should ‘...*identify and pursue opportunities for securing measurable net gains*’. The Draft Environment Bill, although currently not mandated, is likely to set a mandatory net gain requirement of 10%. The applicant has submitted a Biodiversity Impact Assessment using the DEFRA metric, this indicates that scheme would result in an increase in hedgerow units of 65.72%; although there would be a loss of 5.89% loss of habitat units (0.62).

In order to mitigate against this loss of habitat units, a contribution would therefore be required. Although, the Environment Bill does not place a monetary value on units, the Biodiversity net gain and local nature recovery strategies Impact Assessment by DEFRA assumed a cost of £11,000 per unit. As such a contribution of £11,594 towards other enhancement schemes in the vicinity is considered necessary. This calculation is on the basis of 10.54 units total on site + 10% net again at £11,000 per unit.

Summary

The NPPF, at paragraph 175, states that if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The applicant has supplied an Ecological Assessment of the impact of the proposed development on designated sites, habitats and relevant fauna. It includes mitigation and

enhancement measures. The report has also been assessed by Nottinghamshire Wildlife Trust. On the basis of the evidence supplied, it is considered the ecological impacts are fairly limited and can be adequately mitigated.

It is acknowledged that the proposal would result in a small net loss of habitat units on site. However, a contribution will be secured towards off-site improvements. Overall, it is considered that the proposals would not merit a refusal in accordance with paragraph 175 of the NPPF.

4. Flooding and Drainage:

A Flood Risk Assessment and Indicative Drainage Strategy prepared by NeoFlood Ltd has been submitted in support of the application. This identifies the site is located in Flood Zone 1, representing a very low risk of fluvial flooding and that the site has been shown to be able to manage all identified residual flood risk pertinent to the site. The Local Lead Flood Authority have assessed the details and raised no objections, subject to a condition requiring details of a surface water drainage scheme based on Sustainable Urban Drainage Principles (SUDs).

Local concern has been raised in relation to site levels and surface water; however, it is considered that a suitable drainage strategy - as advised by the Local Lead Flood Authority - can be developed for the site. This would ensure the increase in surface water run-off is appropriately managed and would not give rise to flooding issues.

The submitted drainage strategy identifies that foul drainage will be collected and discharged to the existing adopted foul system either in Fisher Close to the east or Stanton Crescent to the south, subject to approval by Severn Trent Water. Concern has been raised, through local representation about the sewers capacity. Within the submitted drainage strategy at Appendix C is a developer inquiry response from Severn Trent. The response assumes a gravity feed into the foul sewer and does not raise issues of capacity. A condition is therefore considered appropriate for full details of foul water to be provided.

5. Housing Density and Mix

Saved policy HG3 sets out a minimum net density requirement of 30 dwellings per hectare for a site in this location. At a site area of 3.6ha and with a condition limiting the number of dwellings to 84, the gross density of the development would be 23 dwellings per hectare. Allowing for a 75% net developable area, this gives a density of 31 dwellings per hectare, which is acceptable in accordance with Policy HG3. It should also be noted that a slightly lower density may be acceptable on the site, due to the requirements to provide the landscape buffer and wildflower meadow to the north.

Policy NP 3 of the Neighbourhood Plan - Housing Type provides that *'Development proposals for housing schemes are required to deliver a housing mix that reflects the local identified need. This should include smaller market dwellings to suit older people (for example bungalows) and for homes for first time buyers.'*

The Greater Nottingham & Ashfield Housing Need Assessment, September 2020, Icen, sets out recommendations on market housing mix which seeks to respond to the modelled outputs, recent delivery trends and the needs for family households; as well as the role which each area plays in the wider housing market area. All of these factors have been brought together by Icen to arrive at a recommended housing mix by size and type.

Recommended Housing Mix by Size by Type

| Authority | Housing Type | 1 Bed | 2 Beds | 3 Beds | 4+ Beds |
|-----------|---------------------------|-------|--------|--------|---------|
| Ashfield | Market | 4% | 27% | 45% | 24% |
| | Affordable Home Ownership | 23% | 38% | 24% | 15% |
| | Affordable Rented | 35% | 37% | 25% | 3% |

A condition is proposed to ensure an appropriate mix is provided in accordance with this latest housing needs assessment.

6. Residential Amenity

This is an outline application, with all matters reserved, except access. However, the applicant has submitted an indicative master plan, which shows that sufficient separation distances could be provided, so that the development would not adversely impact upon existing residential dwellings privacy and light.

Details of the design, layout and appearance will form part of a future reserved matters application. These will be carefully assessed, in accordance with Councils ALPR policies, supplementary planning guidance, as well as the NPPF and other relevant national guidance. This includes taking into account site levels, which is something that has been raised by local residents.

A robust assessment, at detailed design stage, will ensure that future development does not result in any undue harm to the living conditions of neighbouring occupiers; as well as ensuring the development provides a good standard of living for future occupiers.

Some residents have voiced concern surrounding disruption during the construction phase of the development. To overcome this, a Construction Environment Management Plan (CEMP) condition is proposed this will govern matters such as working hours, vehicle parking, wheel washing, emission of noise/dust/dirt etc. Unfortunately, there is likely to be some increased disturbances to residents during construction; however, this would be for a temporary period and the CEMP would seek to minimise these matters.

There has been concern over potential for anti-social behaviour the affect on residents perceptions of safety. However, this is simply an Outline Application where detailed matters will be subject to close assessment in connection with Nottinghamshire’s Police Architectural Liaison Officers, whom have advised they will be providing further comments at detailed design stage on number of matters. There is nothing inherent about the provision of housing, at this location, that would increase anti-social behaviour.

7. Highways Safety

The Ashfield Local Plan Review (2002) Policy ST1, set out that, amongst other matters, development will be permitted where it (c) does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF (paragraph 109) states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

Access

The means of access would be taken from the end of Fisher Close, this will include the footway and carriageway as a continuation of the existing street. The submitted illustrative layout, provided by the applicant, is considered to be acceptable by the Highways Authority.

As part of the development, the proposal also includes an upgrade to the junction where Fishers Close meets Stoneyford Road. This includes the provision of a ghost island right turn on Stoneyford Road - to ensure that traffic turning right into Fishers Close would not impede the flow of traffic on Stoneyford Road. A pedestrian refuse crossing point is also proposed and the applicant has submitted a plan showing how the access can be provided, in conjunction with access to the potential development site opposite (V/2016/0169). Finally, the applicant has provided a plan demonstrating visibility splays of 2.4m x 123m to the north of the access and 2.4m x 84m to the south east of the access. The submitted details have been assessed by the Highways Authority and are considered to be acceptable.

Residents have questioned whether another access point could be provided. In this regard the design brief for the now withdrawn plan allocation did advise that another point of access should be provided. However, with the upgrades provided to the junction of Stoneyford Road/Fisher Close, this would operate safely and no such objection has been received from the Highways Authority. On this basis, a refusal on these grounds would be highly difficult to evidence.

Traffic Impact on the local highway network

The applicant has submitted a Transport Assessment in support of the application. It includes committed development from the Gilcroft/Vere Avenue (V/2016/0169) site opposite and relevant accident data for the area. Modelling has been carried out at required junctions based on the assessed traffic flows from the development. This data shows the junction of Stoneyford Road/Fisher Close would operate with plenty of spare capacity in both peak hours.

An assessment has also been carried out at the Stoneyford Road/Priestsic Road/Mansfield Road junction. The applicant's assessments show that the proposed development would add 25 and 24 two way traffic movements to the junction, in the

morning and evening peak hours respectively - advising they consider no mitigation to be necessary as this is not a severe impact. However, the Highways Authority have advised the impact of development flows worsen the performance of the junction and require mitigation. This would be in the form of upgrade to the signalling (MOVA), along with CCTV to allow better monitoring of traffic events and interventions. In addition, as this junction operates in tandem with the Mansfield Road/Dalestorth Street/Outram Street junction the same upgrades are recommended for that junction. These are to be subject to a proposed planning condition.

Accordingly, with the relevant upgrades being provided, and on the basis of the advice received from the Highways Authority, it is considered that the development would not have a significant impact on the capacity of the Highway Network. As such the proposals would be in accordance with Policy ST1 (c) and paragraph 109 of the NPPF.

Parking

Residents have raised issues of existing parking problems on the estate and these being worsened by the new development. This application is in Outline form online and the parking requirements will be assessed at detailed application stage. These would need to be provided in accordance with the Councils Residential Car Parking SPD (2014) and an advisory note is proposed on the decision notice making the applicant aware of this. As such, it will be assessed to ensure each dwelling is provided with a sufficient level of parking.

8. Developer Contributions;

The requirements of the CIL regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Set out below are each of the contributions required for the proposed development:

Healthcare - £45,517.50

Current capacity at GP surgeries local to the development would not be capable of accommodating the associated increase in population, as is made clear from the letter NHS Clinical Commissioning Group.

The CCG has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects. A revised number of dwellings were shown on the site layout (84). Based on this number and the formula, the contribution required is £45,517.50 (or £541.80 per dwelling).

This formula has been devised by a suitably qualified expert and is therefore fairly and reasonably related in scale and kind to the development. The proposal would generate a

requirement for healthcare provision for residents and is therefore directly related and necessary to make the development acceptable. This contribution satisfies the CIL tests.

Primary Education - £370,656 (18 places x £20,592 per place).

NCC have also confirmed that the development would generate an additional 18 primary aged school pupils within the Sutton Town Primary Planning Area. Based on current pupil forecasts, there is a projected surplus within the planning area. However, NCC have been consulted on a number of planning applications, which would result in a shortfall of places.

In order to create additional places in the Sutton Town Primary Planning Area resulting from the aggregate impact of this application and other applications, a new primary school is required. The County Council have requested a contribution based on the cost per pupil of providing a new school, which is £370,656 (18 places x £20,592 per place).

The Councils approach to securing primary school education places in Sutton in Ashfield had been accepted at appeal (Reference: APP/W3005/W/20/3252949). The Inspector even if some planning applications do not get approved and completed a shortfall in places is likely. Indeed, the Councils land supply means that other residential developments are likely to come forward. As such, the Inspector was happy with the contribution as indicated by NCC whose methodology is consistent with Appendix 5 of the Planning Obligations Strategy and DfE guidance. This contribution therefore satisfies the CIL regulation tests.

Public Open Space at Brierley Forest Park - £252,000 (£3,000 per dwelling).

Policy HG6 of the Local Plan sets out that residential development will only be permitted where open space is provided to meet certain requirements. This sets out that in sites of two hectares and above a minimum of 10% of the gross housing area will be provided as open space. It also states that where it is not appropriate to provide open space within a site boundary, a planning obligation will be negotiated.

The money will be used for improvements to Brierley Forest Park play areas, car parks, entrances, footpaths and other general landscape improvements. This is to include a maintenance payment (2.5% of £252k = £6,300 a year; £94,500 over 15 years). So a total of £157,500 capital and £94,500 maintenance. The future residents of the site would inevitably use Brierley Forest Park for recreation activity and therefore this increased pressure should be mitigated via a financial contribution as set out above. The contribution is directly related, reasonable in kind and scale and necessary to make the development acceptable. The Councils approach to securing Public Open Space contributions has been accepted at a recent appeal (Reference: APP/W3005/W/20/3263882).

Bus Stops - £23,000.

A Bus Stop Infrastructure contribution of £23,000 is paid to provide improvements to the bus stops on Carsic Road and Stoneyford Road denoted as AS0457 and AS0712 on

Carsic Road Shop and AS0483 and AS0485 on Stoneyford Road. This will include raised boarding kerbs ,real time bus stop pole & displays including associated electrical connections, or other necessary bus infrastructure improvements. The improvements would be at any of the specified closest bus stops to the site, so are directly related to the development, fair and reasonably related in scale and kind to the development and necessary to make the development acceptable in planning terms.

10% - Affordable Housing.

The NPPF paragraph 64 sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Biodiversity - £11,594

It is recognised that the Environment Bill does not place a monetary value on a contribution. However, the Biodiversity net gain and local nature recovery strategies Impact Assessment by DEFRA assumed a cost of £11,000 per unit. As such a contribution of £11,594 towards other enhancement schemes in the vicinity is considered necessary. This calculation is on the basis of 10.54 units total on site + 10% net again at £11,000 per unit. This is considered to be reasonable and kind in scale to the development. The contribution would be used towards enhancement schemes in the vicinity and is therefore directly related.

Monitoring Contribution - £1,500.

Legislation allows Councils to charge a monitoring contribution for S106. Given the complexity and size of the agreement, this amount is considered to be reasonable in kind and scale.

Management Company

A clause will be added into the Section 106 to ensure the responsibility of the public open space, landscape buffer, drainage features and wildflower meadow does not fall upon the Council. This will likely take the form of a management company, as is standard within a number of developments across the district.

9. Other Issues

Air, Noise and Light Pollution

The Councils Environmental Health Officer has requested a condition requiring that no development should commence until an Air Quality Assessment has been provided. The application site is not located within, or close to an, Air Quality Management Area, nor have any specific issues been raised by Environmental Health. As such, it is considered that an Air Quality Assessment could reasonably be requested through a condition in this instance and provide indications for any mitigation, if necessary.

The proposed development is located away from main roads adjacent to a country park and residential housing. As such future residents are unlikely to be adversely affected through noise pollution and a condition requiring the submission of a noise impact assessment is considered unnecessary. In terms of existing residents, the condition requiring the submission of a Construction Environment Management Plan should contain measures to reduce noise disturbances during the construction phase.

Finally, a condition will be applied for details of an external lighting strategy to be provided. This will seek to reduce light pollution into the adjacent woodland as well as surrounding residential properties.

Land Contamination

Concern has been raised in regard to potential Radon in the ground. It is proposed to apply the Councils standard contamination condition. This will ensure that any remediation works are carried out satisfactorily and that the site is developed free from contamination.

Consultation

The consultation of the application was fully undertaken with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Councils Statement of Community Involvement. This includes individual neighbouring residents, a site notice and press notice.

Updated information was received during the application pertaining to technical matters, as well as a revised illustrative layout. Consultees were consulted as required. However, it was considered unnecessary to consult residents again on the basis of the updated information. As the application seeks approval for the principle of development and remained substantially the same.

Loss of Open Space

Concern has also been raised that the proposal would result in a loss of open space. The application site is in private ownership with no existing right of public access and the site does not form part of Brierley Forest Park. Residents have also stated that children use the cul-de-sac of Fisher Close to play out on the street and this would be lost. However, it should be noted that the illustrative layout does contain an area for public open space, which could be used by existing and future residents. The full details will be provided at reserved matters stage.

Other Housing Developments

Reference has been made to other potential housing developments across Sutton in Ashfield, with questions raised over whether this housing is required. The district currently has a significant shortfall in housing land supply with just a 2.25 year housing supply. The

Housing Delivery Test 2020 also indicates the delivery of housing in Ashfield is substantially below the housing requirements over the past three years. As such all the evidence indicates that the housing is required for the district.

10. Planning Balance and Overall Conclusions

The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by economic, social, and environmental dimensions and the interrelated roles they perform.

In this case the provision of new homes carries significant weight in favour of granting planning permission. It would boost the supply of housing in accordance with the NPPF, contributing up to 84 homes, of which 10% would be affordable. It would bring about additional housing choice and competition in the housing market. The social benefits through the creation of new housing carries **significant weight**.

There would also be substantial economic benefits through investment in the locality and increased spending in shops and services. It would also result in jobs during the construction phase. Thereafter, the Council would also receive increased revenues from Council tax receipts. These economic benefits carry **moderate weight**.

The proposal results in a loss biodiversity units at the site and therefore an off-site contribution has been achieved to ensure the development provides a net-gain. The contribution offered would equate to a 10% net-gain in biodiversity. This is presently in excess of any guidance or policy. There would also be the provision of a wildflower meadow, landscape buffer as well as other enhancements such as bird, bat boxes and reptile log piles. All these have the potential to enhance ecology and biodiversity at the site. These factors carry fairly **moderate weight** in favour of granting permission.

On the other side of the coin, the harms created by the development are relatively limited. There would be the loss of open land and the urbanisation of the existing fields, to which residents have attributed great weight. However, it is considered that the site is visually well contained and that development would not unduly harm the character and quality of the landscape, nor the green corridor between Stanton Hill and Sutton. As such, there would be no significant conflict with Policy EV4 of the ALPR, nor Policy NP4 of the NP. In this case the harm to the landscape carries no more than **limited weight**.

It is considered that based on the technical evidence supplied by the applicant - and subsequent comments received from consultees - that a refusal on the grounds of increased flood risk and impact on biodiversity would be difficult to substantiate. The Highways Authority have raised no objections to the development, subject to the imposition of conditions.

In terms of developer contributions, these will be secured towards primary education, healthcare, bus stops, public open space, biodiversity as well as affordable housing. These will ensure that the necessary infrastructure is in place to support the housing development. These matters therefore carry **neutral weight** in the planning balance.

The proposal is contrary to the ALPR policies ST1 (a), ST2, ST4 and EV2 to the extent they seek to restrict development to within defined settlement boundaries. However, the ALPR was only intended to guide development up till 2011 and it is clear that these policies are not providing sufficient housing to meet the requirements of the district. These policies also lack the balanced approach taken in the NPPF and are therefore considered to be out of date. Though, that is not say these should simply be disregarded within the planning balance, **limited weight** should be attached to this conflict for the reasons set out above.

In this case, the significant ongoing housing shortfall attracts substantial weight in favour of granting permission for the proposal, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

It is considered that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. Therefore, notwithstanding the conflict with the development plan, it is considered that planning permission should be granted, subject to conditions and a Section 106 legal agreement.

Recommendation: - Approve, subject to conditions and a Section 106 Agreement to secure the following:

- Primary Education - £370,656 (18 places x £20,592 per place).
- Public Open Space/Realm - £252,000 (£3,000 per dwelling).
- Healthcare - £45,517.5 (£541.8 per dwelling).
- Bus Stops - £23,000.
- Biodiversity – £11,594.
- Affordable Housing 10%
- Monitoring Contribution - £1,500.
- Management Company set up for public open space, drainage etc.
- Travel Plan Monitoring.

CONDITIONS

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan 20-206-100
 - Site access via end of Fisher Close ADC1017-DR-002 Rev. P1
 - Access Junction Layout ADC1017-DR-003 Rev. P1
5. The number of residential dwellings submitted for details in accordance with condition 1 shall be limited to no more than 84.
6. The details submitted in accordance with condition 1 shall include that no development takes place within the northern part of the site – shown as a planted wildflower meadow on Illustrative Layout Plan Dwg No. 20/206-103A.
7. The details submitted in accordance with condition 1 shall show a housing mix in accordance with the details set out within the Greater Nottingham & Ashfield Housing Need Assessment, September 2020, by Icen.
8. No site clearance, preparatory work, demolition or development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority based on the recommendations for habitat enhancement and creation set out in the Preliminary Ecological Appraisal Report by RammSanderson dated May 2021 and the Biodiversity Impact Assessment by RammSanderson dated 29th January 2021. The LEMP shall include
 - details of landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings;
 - details of a 5-10m wide ecological buffer along the western boundary of the site shared with Brierley Forest Park LNR, as shown on Illustrative Layout Plan Dwg No. 20/206-103A.
 - measures to protect Stanton Hill Relict Grassland LWS
 - details of new habitats created on site; and

- details of maintenance regimes and management responsibilities.

The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.

9. No site clearance, preparatory work, demolition or development shall take place until a scheme for the protection of the retained trees and hedgerows (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation , demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows shall be carried out as approved and retained throughout the construction period.

10. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set out within the Flood Risk Assessment and Indicative Drainage Strategy prepared by NeoFlood Ltd has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. Evidence of this to be shown on a map with exceedance flow paths.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term maintenance.

11. No building hereby permitted shall be occupied until foul water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. the foul drainage strategy shall thereafter be implemented and maintained in accordance with the approved details.
12. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
- How construction traffic will access the site;
 - Proposed hours and days of working;
 - Management of parking by persons involved in the construction of the development, including operatives & visitors;
 - Proposed temporary traffic restrictions and arrangement for loading/unloading & turning of vehicles;
 - Location of the site storage areas and compounds;
 - The segregation of construction vehicle and pedestrian movements on site and the adjacent public highway;
 - Wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue;
 - A strategy for the minimisation of noise, vibration and dust;
 - Pollution control measures to the adjacent stream;
 - Site contact detail in case of complaints;
 - Waste Audit.

The approved details shall be adhered to throughout the construction period.

13. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority:
- i. A desktop study/Phase I report documenting the previous history of the site and its immediate environs.
 - ii. A site investigation/Phase II report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.

- iii. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the Local Planning Authority, in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must submit in writing, details of the contingency plan for the written approval by the Local Planning Authority.

On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the Local Planning Authority:

- iv. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the Local Planning Authority prior to the development being put to its intended use.

14. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work for the development in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

15. No dwelling shall be occupied until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall ensure adequate illumination of roads and paths and avoid any unnecessary light pollution. The strategy shall incorporate an assessment of light pollution impacts on the northern and western boundaries. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

16. No development shall take place until an Air Quality Assessment (AQ) has been submitted to and had approved in writing by the Local Planning Authority. Any mitigation measures contained within the AQA shall be carried out as approved and within an agreed timeframe.

17. No works above damp proof course shall take place until the applicant has submitted a sustainability statement. This shall include details of measures such as solar panels, rainwater collection, waste reduction, ground/air source heat pumps, construction materials and energy efficiency. It shall also set out how electric

vehicle charging point will be installed pursuant to the details submitted under condition 1. All approved details shall thereafter be implemented within the scheme.

18. No part of the development hereby permitted shall commence on any part of the application site unless or until a suitable access into the site has been provided at Fisher Close as shown for indicative purposes on the Illustrative Layout Plan, drg. 20/206-103A, to the satisfaction of the Local Planning Authority.
19. No part of the development hereby permitted shall take place until the improved access onto Fisher Close from Stoneyford Road incorporating pedestrian refuges and dedicated right turn lane has been provided as shown for indicative purposes on drawing no. ADC1017-DR-003 Rev. P1 dated 16/06/21.
20. No part of the development hereby permitted shall take place until details of the new access road from Fisher Close (the extension of Fisher Close) have been submitted to and approved in writing by the Local Planning Authority including street lighting, drainage, parking and turning facilities and surfacing. All details submitted to the LPA for approval shall comply with the Notts County Council current Highway Design Guide and shall be implemented as approved at Section 38 Agreement stage in accordance with the Highways Act 1980.
21. No part of the development hereby permitted shall be occupied until improvements, by way of the installation of MOVA and CCTV have been carried out at both the Mansfield Road/Priestsic Road/Stoneyford Road and Mansfield Road/Dalestorth Street/Outram Street junctions to mitigate the impact of the development trips.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. The application has been assessed on the basis of no more than the relevant number of dwellings being provided.
6. In the interests of enhancing ecology and to protect the green corridor between Stanton Hill and Sutton in Ashfield.
7. To ensure an appropriate mix of housing is provided at the site.

8. In the interests of biodiversity.
9. To ensure retained trees and hedgerows are adequately protected.
10. To ensure adequate surface water drainage systems are provided.
11. To ensure adequate foul water drainage systems are provided.
12. In the interests of highways safety and residential amenity.
13. To ensure the site is developed free from contamination.
14. To ensure any archaeological features are properly recorded.
15. To avoid any unnecessary light pollution.
16. To avoid any unnecessary air pollution.
17. In the interests of climate change.
18. In the interests of highways safety.
19. In the interests of highways safety.
20. To ensure the development is constructed to adoptable standards.
21. In the interests of junction capacity and minimising delays.

INFORMATIVE

1. This permission shall be read in connection with a Section 106 Agreement.
2. The applicant is advised that all reserved matters details should have due regard to the following:

Councils Supplementary Planning Documents

- Residential Design Guide SPD 2014.
- Residential Car Parking Standards 2014

National Guidance

- The National Design Guide (2020),
- National Model Design Code (2021)
- Building for a Healthy Life (2020),

- LTN120 (2020),
 - Gear Change (2020) and
 - Manual for Streets 2 (2010),
3. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
 4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.
 5. In order to avoid impacts to nesting birds we also request that all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area.
 6. The applicant should note that, notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and/or widened footway in this case, including any highway drainage, will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
 7. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, and/or to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
 8. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the

County Council in writing before any work commences on site. Please contact hdc.north@nottscc.gov.uk for further details.

9. In order to carry out the off site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter in an agreement under Section 278 of the Act. Please contact hdc.north@nottscc.gov.uk for further details.
10. Bus stop improvements near to the proposed access are required with a contribution of £23,000 required for this purpose. Please contact ptdc@nottscc.gov.uk tel: 0115 977 4520 for further details.