

Consultation on Additional Housing Site Allocations

H1Kn Southwell Lane, Kirkby – 60 dwellings

Representations on behalf of Bolsover Properties Ltd

Introduction

1. This response has been prepared by Cerda Planning Ltd on behalf of Bolsover Properties Ltd (BP) to the Consultation on Additional Housing Site Allocations. The response is solely focused on the proposed additional allocation of H1Kn Southwell Lane, Kirkby for 60 dwellings.
2. Whilst BP has not been represented at the examination to-date, previous representations were made in response to the Regulation 19 Pre-Submission draft of the new Ashfield Local Plan 2023-2040 proposing the allocation of this additional site.

Background and Planning History

3. The site is brownfield in nature on which is factory previously stood. The former factory on the site has since been demolished under permission ref: V/2012/0314.
4. Following demolition of the factory, outline planning permission was granted on 29.05.2015 under reference V/2014/0530 for residential development. An extract of the Location Plan submitted as part of the application is shown for clarity:



5. The outline permission was subject to conditions which included condition 11, requiring a site investigation, remediation strategy/statement and subsequent verification report. Condition 11 was part-discharged under application: V/2015/0522 in so far as the submission and approval of the site investigation and remediation strategy.
6. The site investigation found high levels of petroleum hydrocarbons and polyaromatic hydrocarbons encountered within the hardcore and recommended that this hardcore should be excavated and removed from site. Additionally, due to elevated levels of benzo(a)pyrene across the site, it was recommended that 350mm of clean cover be placed in any proposed areas of soft landscaping / gardens.
7. To-date, the site and hardcore has been excavated and removed from the site. As such, only the clean cover is required in due course to complete the remediation.
8. Condition 2 of the outline planning permission required an application for approval of the Reserved Matters to be made within 3 years of the date of the permission.
9. A Reserved Matters application, ref: V/2018/0333, for 60 dwellings was submitted to and made valid on 25.05.2018 in accordance with Condition 2 of the above outline planning permission: The RM submission was made by March Heritage Homes, who had a agreement with Bolsover Properties Ltd for the purchase of the site.



10. Unfortunately, during the determination of the RM application, March Heritage Homes went into administration and was not able to complete the securing of Reserved Matters. Due to the administration process, significant time has lapsed and the application remained undetermined. It is only relatively recently in 2024 that the landowner has been able to secure control of the site again.
11. On securing the land again, the landowner immediately sought to engage with the local planning authority to progress the undetermined RM application. However, given the time elapsed, the local planning authority were unwilling to progress the application and on 21/02/2024 amended the status of the application to 'No Decision Made'.
12. With the RM application not being determined and condition on the outline requiring RM applications to be submitted prior to now, the outline permission is now considered to have lapsed.
13. Notwithstanding the lapsing of the previous consent, the landowner is actively seeking to bring forward the land for development. The site was not previously submitted the call for sites and/or consideration within the emerging Local Plan due to the previously extant outline permission on the site. However, with the outline lapsing in February 2024, the site was submitted to the call for sites in April 2024.
14. The previous granting of permission on the site demonstrates the suitability of the site to accommodate residential development in the future.

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15. Following the initial hearing sessions, the Inspectors have raised concerns over the under-identification of homes over the full Plan period compared with the Local Housing Need (LHN) requirement under the standard method. In particular they considered that the current shortfall in housing would likely result in the need for further alterations to the Green Belt before the end of the plan period. The Inspector's interim findings referred to the overall supply of housing in the submitted Local Plan 2023-2040. This identified a shortfall of 882 dwellings against an identified need figure of 7582 dwellings and was based on the most up to date housing monitoring data (April 2023) alongside new proposed sites at the point of submission.
16. To address the concerns, the current consultation seeks to revise housing allocations to give a more accurate position in respect of supply, include any changes to yields on non-permissioned sites where additional information has been submitted and propose several additional sites for allocation. One of the sites proposed for allocation is H1Kn Southwell Lane, Kirkby.
17. In relation to H1Kn Southwell Lane, Kirkby paragraphs 6.4 and 6.5 state:

‘This brownfield site is identified on the Brownfield Register (BFR 12) and has been assessed as available, potentially suitable, and potentially achievable in the SHELAA (ref. KA057). It is located within the Main Urban Area and occupies a former reclaimed employment site.

The potential yield for this site is based on historic lapsed permissions and sketch layout.’



18. The table within Policy H1 is proposed to be updated to include the site details, with the supporting text to the policy updated as follows in the relation to this site:

'H1Kn: Southwell Lane, Kirkby. This brownfield site is identified on the Brownfield Register (BFR 12) and has been assessed as available, potentially suitable, and potentially achievable in the SHELAA (ref. KA057). It is located within the Main Urban Area and occupies a former reclaimed employment site.

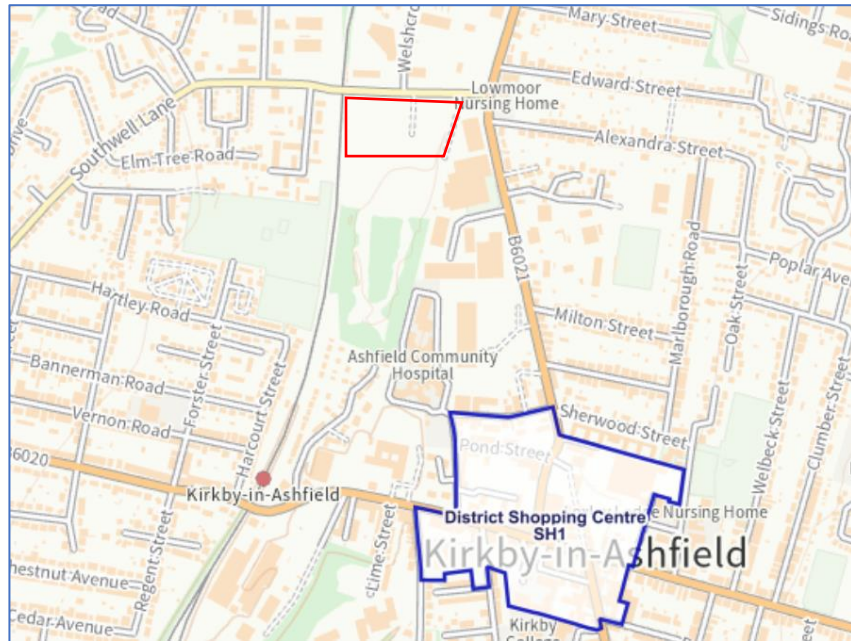
Likely existence of contamination and possible ground stability issues will require further investigation as part of any proposed housing scheme. Town Fund cycling and walking route S10 crosses the site north to south and will also need to be considered as part of any future planning application.'

19. The proposed policy amendment is supported by the Sustainability Appraisal Addendum accompanying the consultation document. Site H1Kn has been subject to a sustainability appraisal as set out below

SHELAA Site Ref:	Site Address:	Proposed allocation reference	1. Housing	2. Health	3. Historic Environment	4. Community Safety	5. Social Inclusion Deprivation	6. Biodiversity & Green Infrastructure	7. Landscape	8. Natural Resources	9. Air & noise pollution	10. Water Quality	11. Waste	12. Climate Change and Flood Risk	13. Climate Change and Energy Efficiency	14. Travel and accessibility	15. Employment	16. Economy	17. Town Centres
KA057	Southwell Lane, Kirkby	H1Kn	++	+/-	+	0	++	-	0	++	+	0	0	0	0	+	+	+	+

20. BP are wholly supportive of the allocation of the site but make the following comments in respect of the allocation, supporting text and the Sustainability Appraisal assessment.

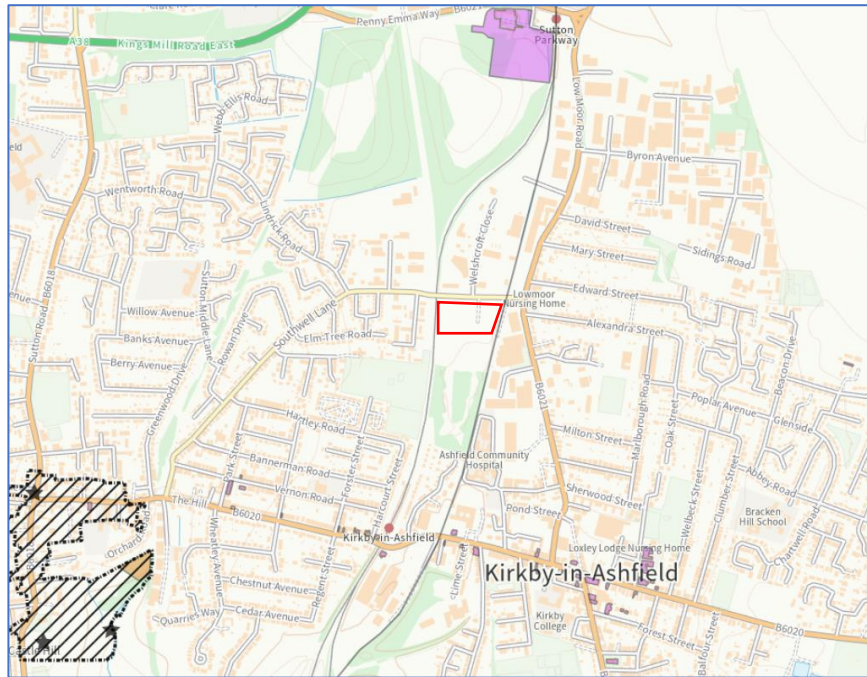
21. The proposed allocation is for 60 dwellings and the potential yield for this site is based on historic lapsed permissions and sketch layout. Whilst BP are supportive of this as an absolute minimum, it is questioned whether a higher density and greater number of dwellings should be sought from the allocation to assist with the Council's housing delivery. The site is in excess of 2 hectares and the emerging policy H7: Housing Density states that sites within 1Km of district shopping centres/major public transport nodes should be at least 34 dwellings per hectare. The site is within 1km of Kirkby's shopping/town centre as shown on the policy map and Kirkby train station; the below extract shows the site in relation to the district shopping centre (as per the existing designation, that is to be slightly amended) and railway station based on the Council's current interactive map.



22. Below is an extract of the Illustrative Masterplan which accompanied the outline planning permission, demonstrating that there is very limited difference between the gross area of the site and the net developable area. Based on the below which is fairly loosely planned with largely detached and semi-detached dwellings, the site comfortably accommodates 60 dwellings. It is proposed that the site could accommodate further dwellings; based on 34 dph, the site could accommodate 68 dwellings. However, due to the location of the site bound by employment, former employment and open space, there is no residential development in the immediate vicinity defining a density, height or character precedent. As such, there is opportunity to increase the density beyond 34 dph; at 37 dph would yield 74 dwellings, 40 dph would yield 80 dwellings, but even allowing for a net developable area of 90% of the site would deliver 72 dwellings. It is BP's view that the site should be allocated for delivery of at least 70 dwellings to allow an increased density, and taking account of any potential reduced gross to net ratio.



23. It is noted that the supporting text to the policy refers to the 'likely existence of contamination and possible ground stability issues will require further investigation as part of any proposed housing scheme'. As set out within the planning history section, this has already been investigated as part of the previous outline permission on the site. Condition 11 of the outline permission was discharged utilising a detailed site investigation. The site proposed measures to remediate the site with the site clearance and excavation having occurred already, requiring only clean capping to be carried out in due course for landscaped and garden areas. Contamination is not a barrier to development.
24. The investigation also provided an assessment of ground conditions. The ground conditions at surface were variable across the site comprising tarmac, concrete and topsoil all overlying variable granular and cohesive made ground to depths of between 2.0 and 6.45 metres below ground level. The Made Ground was underlain by soft to firm superficial clays and the Edlington Formation. The report recommended that due to the depth of made ground and the strength of the underlying Superficial Deposits, that structures are either piled to the underlying Edlington Formation at depths of between 3.5mbgl and 5.5mbgl or constructed on rafts to re-engineered fill. As above, ground stability is not a barrier to development.
25. It is noted that the supporting text to the policy refers to the 'Town Fund cycling and walking route S10 crosses the site north to south and will also need to be considered as part of any future planning application'. As demonstrated through the approval of the previous submission, the cycling and walking route can be suitably accommodated within the development to ensure retention of the connectivity and accessibility. Notwithstanding, it should be noted that the surfacing of the part of the walking and cycling route was undertaken by BP following grant of the outline permission which is why it was included within the red line of the outline application as shown within the Location Plan extract above.
26. The Sustainability Appraisal scoring for this site identifies a Minor Adverse Effect on the Historic Environment but it is unclear how this conclusion has been reached. Below is an extract of the Council's interactive map identifying the historic environment constraints within the wider vicinity of the site, including locally listed buildings, statutory listed buildings, conservation areas and scheduled ancient monuments. As can be seen, there are no known designated or non-designated heritage assets within approximately 600m of the site. Therefore, it is BP's view that there would be a neutral effect on the Historic Environment.



27. The Sustainability Appraisal scoring for this site identifies a Minor Adverse Effect on Air and noise pollution. It is acknowledged that the railway line runs along the western boundary of the site. However, the application for the previous permission on the site included a noise assessment which demonstrated that noise is not a barrier to development being achieved.

Concluding Remarks

28. Bolsover Properties Ltd are wholly supportive of the proposed allocation for residential development identified as H1Kn Southwell Lane, Kirkby. BP are supportive of the proposal for the delivery of a minimum of 60 dwellings but to assist in making the plan sounds, would recommend, given the priority and emphasis for efficient use of brownfield land in sustainable locations, in this instance within 1km of a town centre and railway station, that the density of development could be increased to achieve 70 dwellings.
29. Comments are made in respect of the assessment of the site within the supporting text to the policy as well as the Sustainability Appraisal Addendum, which seek to provide further support for the allocation of the site through the information available from the previously granted permission on the site and accompanying documents.
30. Allocation of this site is welcomed and should the allocation be carried forward and be made, BP would be seeking to progress development on the site as soon as possible within the 0-5 year trajectory period.
31. BP are of the view that the proposed addition would assist in making the plan legally compliant, sound and compliance with the duty-to-co-operate; although comment is not provided on the overall plan.