



Appeal Decision

Site visit made on 15 October 2021

by **David M H Rose BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **05 November 2021**

Appeal Reference: APP/W3005/W/21/3272262

Land at Gilcroft Street/Vere Avenue, Skegby, NG17 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gleeson Regeneration against the decision of Ashfield District Council.
 - The application Reference V/2018/0783, dated 13 December 2018, was refused by notice dated 25 November 2020.
 - The development proposed was described as 'erection of 208 dwellings and associated infrastructure'.
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Decision

1. The appeal is allowed, and planning permission is granted, for the erection of 206 dwellings and associated infrastructure at Land at Gilcroft Street/Vere Avenue, Skegby, NG17 2DS in accordance with the terms of the application, Reference V/2018/0783, dated 13 December 2018, subject to the conditions (1 - 26) set out at Annex A to this decision.

Preliminary Matters

2. Although the application that is the subject of this appeal referred to the 'erection of 208 dwellings', the scheme was subsequently amended to 206 dwellings. This is the basis for my consideration.
3. The principle of residential development on the appeal site, comprising a northern parcel and a southern parcel separated by an extensive area of proposed public open space, was established with the grant of an outline planning permission, for up to 230 dwellings, in 2013. Reserved matters pursuant to that permission, for 177 dwellings, were approved in 2017.
4. It is common ground that a material start has been made on that permission and that the approved scheme could be implemented in full. However, as indicated by the appellant, that scheme was submitted by the previous landowner, who was not a housebuilder, and Gleeson has reservations about its technical deliverability and viability. It appears to me that there is little prospect of the approved scheme being implemented. Hence, the fallback position, other than safeguarding the principle of development, carries very little weight.
5. The Council's Officer's report indicates that the site is located outside the development boundary of Skegby/Sutton in Ashfield and that the proposal would be contrary to Saved Policies ST4 and EV2 of the Ashfield Local Plan Review (2002) (the Local Plan). However, it is conceded that these policies

are not entirely consistent with the National Planning Policy Framework (the Framework) and, in combination with the planning history, no objections are raised to the principle of development.

6. Of the three reasons for refusal, the third, relating to financial contributions towards infrastructure needs and the provision of a proportion of affordable housing within the development, is no longer pursued following the completion of a Unilateral Undertaking made under section 106 of the Town and Country Planning Act 1990. I do not need to consider this reason further.
7. The Undertaking provides for financial contributions towards primary education, public open space, healthcare, waste disposal and public transport. In addition, 10% of the proposed dwellings would be affordable homes with 75% of these for affordable rent and the balance for shared equity. I am satisfied that, in accordance with the CIL¹ Compliance Statement, the obligations meet the requirements of Regulation 122 and may be taken into account in the planning balance.

Main Issues

8. The main issues are:
 - i. in light of the government's objective of achieving well-designed places, would the scheme fail to make a positive contribution to local character;
 - ii. would the proposal provide a high standard of amenity for future occupants having regard to the gross internal floor area of certain dwelling types and the applicability or otherwise of internal space standards; and
 - iii. the overall planning balance taking account of the Council's acknowledged shortfall in housing land supply.

Reasons

Character and appearance

9. Looking at the first reason for refusal, the focus of the Council's overall concern relates to the layout of the northern parcel insofar as the road layout for its southern counterpart is similar to the extant reserved matters approval. The Officer report notes that the house types are part of Gleeson's standard range and it is said that, whilst not fostering a sense of place, sustaining a refusal on this reason might be difficult to substantiate. Having regard to this, and to the Council's appeal statement, my consideration is therefore limited to an assessment of the layout of the northern parcel.
10. The Council's case places particular emphasis on the lack of a 'kick-about' area within the northern parcel of the site. The available evidence suggests that the incorporation of such a facility, secured by planning obligation, was a consideration in the original grant of outline planning permission. A related planning condition required prior agreement of its location with flexibility for it to be located partially or wholly within the extensive area of public open space between the two development parcels.

¹ Community Infrastructure Levy Regulations 2010

11. The subsequent application for the approval of reserved matters included the kick-about area within the northern part of the site, albeit on land with a fall of some 4 metres. To my mind, implementation as shown would have been difficult and highly improbable. Although the Council does not accept the impediments outlined by the appellant, it suggests that the feature could be 'located anywhere on the site'. Such a sweeping statement does not reflect the overall site topography, albeit part of the northern parcel would be sufficiently flat to accommodate the generally level surface required.
12. The Framework outlines the importance of access to a network of high quality open spaces and opportunities for sport and physical activity. It also expects planning policies to be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities and opportunities for new provision.
13. Saved Policy HG6 indicates that new residential development on sites of over two hectares will require public open space provision based on a minimum of 10% of the gross housing area. In addition, where it is not appropriate to provide open space within a site boundary, a planning obligation may be required to provide a financial contribution for upgrading existing facilities.
14. In this case, the proposed public open space between the two areas of housing, albeit of an informal nature, would be far in excess of the minimum figure and a financial contribution for improvements to existing offsite play provision would be secured by obligation. The proposal would therefore accord with the relevant policy. I note that the Council's reason for refusal does not in any event allege conflict with the policy.
15. Further, it is to be noted that the two areas of proposed housing would be within the catchment of Healdswood and Stoneyford Recreation Grounds respectively. Whilst access to the former would involve crossing the busy Mansfield Road, light controlled crossing facilities form part of the route.
16. Although the Council's Localities Team specifically requested the inclusion of a kick-about area, I have not been provided with any explicit reasoning by reference to relevant strategies, standards and related shortfalls. The evidence called for by the Framework is notably absent which leads me to conclude that the inclusion of a kick-about area within the development as a whole lacks justification.
17. Turning now to the remainder of the first reason for refusal, and the appellant's claim that the Council's statement goes beyond that reason. In my opinion, the Council's formal decision is all-encompassing insofar as it clearly draws in the considerations embodied in the development plan and contained in Part 12 of the Framework, namely Achieving well-designed places.
18. Saved Policies ST1 and HG5 of the Local Plan encourage development where, amongst other things, it will not adversely affect the character of the environment; where its design is acceptable in terms of appearance, scale and siting; and landscaping complements and enhances its appearance.
19. In turn, Policy NP 2 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan (the Neighbourhood Plan), of specific application to the northern parcel, sets out design principles for residential development. Policy NP 1, in the same document, promotes sustainable development by identifying a range of

attributes, including amongst others: economic, social and environmental benefits; high quality design; housing development of a size, type and tenure to meet identified local need; access to the countryside; and contributions to public transport and infrastructure.

20. The Council has also submitted a copy of its Residential Design Guide Supplementary Planning Document (2014) (the Design Guide) which aims to foster high quality developments. The Officer report also refers to the National Design Guide. Although the Framework indicates that the latter should be used to guide decisions on applications in the absence of locally produced design guides, it remains a material consideration as a more recent expression of government design guidance. In any event, there is no fundamental conflict between the ambitions of the two documents.
21. It is also to be noted that the latest version of the Framework places a greater emphasis on the importance of high-quality design as part of the social objective of sustainable development. Related publications include Planning Practice Guidance, the National Model Design Code and the National Design Guide.
22. Starting with context, the northern part of the appeal site is bordered to the north by two-storey semi-detached dwellings, seemingly from the early 1950s or thereabouts, in conventional road frontage layout behind modest front gardens. The appeal site currently forms part of the open countryside with strong natural hedgerow boundaries along its northern side and eastern and western fringes. To the south, beyond the area proposed for development, a substantial hedgerow at the foot of a steep slope is a further important feature. In addition, the elevated nature of the area proposed for development provides broad and distant outward views.
23. In terms of existing local character, I consider that the surrounding built development adds very little to the context of the site. As a greenfield site, with an effective landscape framework, enriched with extensive views, there is little to constrain the creation of a strong identity for the development itself. Indeed, the site has a number of positive attributes which could contribute to place making.
24. As to the proposed layout, the scheme takes the form of four 'standard specification' short culs-de-sac served by an east-west spine road. Whilst such an arrangement has the advantage of constraining vehicular speeds, and providing future access to adjoining land, it would have the distinct drawback of creating a stereotypical and monotonous street pattern.
25. In turn, the repetitious arrangement of buildings, generally in frontage form with relatively subtle variation, would lack areas of focus and individual identity. Conventional driveway parking, particularly on narrow plots, and inevitable street parking, would result in a vehicle dominated development.
26. To my mind, the proposed layout would lack any identifiable distinction or sense of place.
27. Moreover, although the development would achieve a high level of connectivity into the settlement, the culs-de-sac themselves, save for a pedestrian link between the western-most two, would not be interconnected other than by formal highway. In addition, one cul-de-sac would lack direct pedestrianised access into the extensive public open space to the south,

entailing a counter-intuitive and indirect route out of one cul-de-sac and along another. The overall legibility, and quality of pedestrian movement within the development, would be severely lacking and result in failure to create a well-designed living environment.

28. In terms of landscaping, whilst it is said that 'extensive tree and hedgerow planting is proposed throughout the development,', the site layout and illustrative planting makes minimal provision for stand-alone trees limited to certain modest domestic plots, and tokenistic along and close to the southern boundary of the area to be developed.
29. Additionally, green space within the layout would be nothing more than the perfunctory fragments along the southern boundary of the area shown for housing. The 'ad hoc' siting of a pumping station, at the head of a cul-de-sac, adjacent to a pedestrian route, overlooked by houses and central to what could have been a beneficial green space appears to have been influenced by function rather than forethought.
30. Overall, in terms of green space and new tree planting, I am in no doubt that such meagre provision would add very little enrichment and quality to the place and the scheme would fail to integrate with the strong site boundary landscape framework.
31. In summary, the resultant 'sense of place' would be nothing more than an outmoded succession of similar streets with poor internal connectivity. I also consider that the value and functionality of spaces, and the proposed tree planting, would fall short of enhancing the development. Indeed, the layout of the northern parcel is nothing more than a means of maximising residential plots and built development in 'pattern-book' form on the land available.
32. This leads me to the conclusion that the layout of this part of the scheme would not add to the quality of the area; it would fail to establish a strong sense of place; and it would fail to achieve a high standard of amenity for those that would live there. As such, it would be in serious conflict with the most relevant development plan policies, insofar as they relate to design, and also with the mandate of the Framework.

Standard of housing for future occupants

33. The nationally described space standard (2015) deals with internal space within new dwellings by setting requirements, amongst other things, for the gross internal floor area at a defined level of occupancy. Its application was intended through adopted local plans. Nonetheless, lesser local standards, in the Council's Design Guide remain extant.
34. Looking at the 15 proposed house types, five would meet or exceed the local standards. For the remainder, the level of compliance would range between 91.64% to 98.51%. In terms of the national standard, had it been adopted, only three dwelling types would have met the guidance. Those below the standard would have achieved compliance between 84.00% to 90.30%.
35. In response, the appellant's 'model' furniture layouts seek to demonstrate that the dwellings would be fit, or functional, for their purpose, as required by the Design Guide. However, whilst these indicate notional room layouts, it is evident that many of the house types would provide nothing more than a minimalist style of living.

36. Although neither of the standards has any formal basis, they do nonetheless form a useful broad indicator of what might be adequate internal space for daily living.
37. In my opinion, the proposal would show considerable disparity from the informal benchmark set out in the Design Guide. On that basis, and mindful that the standards are dated and less generous than the national counterpart (where the need can be justified), the proposal would not provide a high standard of amenity for future occupants. This would conflict with the Design Guide and it would be incompatible with the government's ambition to secure better-quality development.

Local opposition

38. I have considered the numerous representations from local households which include concerns about traffic; lack of sustainability; poor bus services; pressure on community facilities; impact on biodiversity and ecology; loss of green space; flooding (with particular reference to 180 Mansfield Road) and drainage; land contamination and stability; adverse effects on local amenity; and the effect on the setting of Skegby Hall.
39. Taking these in turn, the highway authority has identified mitigation measures to accommodate the development and has not raised any technical objections to the proposal. Provision is also made to improve sustainable transport options. Mitigation, by financial contributions secured through the Unilateral Undertaking, reflects the additional pressure on existing community facilities.
40. In terms of biodiversity and ecology, the Council has undertaken a thorough and independent review of the appellant's supporting material and concluded that the proposal could be accommodated based on mitigation and safeguarding conditions.
41. Turning to the loss of green fields, the principle of developing the site was established some years ago and it is notable that a significant part of the site would remain undeveloped and pedestrian connectivity to surrounding paths would be improved.
42. There is evidence of serious flooding in the wider locality. However, the Lead Flood Authority has assessed the proposal and raised no objections. There is no compelling technical evidence to counter this conclusion.
43. Land contamination and stability has also been assessed by the relevant authorities with no consequential objections raised.
44. As to local amenity, the proposed layout incorporates sufficient space from established properties in compliance with the Council's Design Guide and the effects of construction activity would be of a temporary nature.
45. I note that the effect of the proposal on the Historic Skegby Hall Gardens, which once served Skegby Hall (Grade II Listed), have been assessed in consultation with Historic England. I see no basis to disagree with the conclusion that the development would be unlikely to affect the heritage significance of the assets and it would not be considered to be harmful within the meaning of the Framework.

46. I have carefully considered the points raised but find reassurance in the technical appraisals and responses from specialist consultees. My analysis of the main issues, and other matters raised, and consideration of the technical evidence, indicates that none of the concerns raised locally represent reasons to dismiss the appeal.

The planning balance

47. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The identified supply (April 2021) was 2.25 years, amounting to a deficit of some 1,500 dwellings. In addition, there has been significant under delivery of housing over the preceding three-year period.
48. The proposal, consisting of 206 dwellings, would assist in addressing a lamentable and very serious shortfall and it would be consistent with the government's objective of boosting the supply of housing. It would also deliver, by planning obligation, 10% affordable housing split 75% affordable rent/25% shared equity. Gleeson's development model aims to provide low-cost homes for people on low incomes in areas of decline and social and economic deprivation, and to offer support for key workers. The proposal would therefore secure an important objective in admitting people on to the housing market, or to move home, having regard to the mix of house types proposed.
49. Although the Council suggests that the benefit of additional housing should be limited, as there is an extant planning permission for 177 dwellings, I consider that the balance of probability points against that scheme coming to fruition. To my mind, the combination of the benefits, outlined above, carry very substantial weight.
50. Consideration of the original outline scheme, at appeal, indicated a number of benefits associated with developing the site. The Officer report also confirms that the northern parcel features footpaths into Skegby Hall Historic Park and Gardens, the open space to the south and fields to the west. Good linkages would also be secured from the southern parcel of development. It is also noted that footbridges have been included over the stream to enhance connectivity and desirability for leisure use. These would provide an important benefit to future residents and to the established neighbouring communities. I attach moderate weight to these benefits
51. Biodiversity improvements as part of a mitigation strategy, with a net gain of 11.9%, marginally above the minimum target of 10% in the Environment Bill, carries very limited weight. Although the off-site highway improvements would generally serve the needs of the development, there would be a very limited benefit to the wider community arising from public transport improvements. Job creation, economic impacts and local revenues, merit significant weight.
52. Reverting to the development plan, the most important policies in the determination of this appeal are Saved Policies ST1 and ST5 in the Local Plan, and Neighbourhood Plan Policies NP1 and NP2, insofar as the latter apply generally to the northern part of the appeal site.
53. These policies, in relation to the design of new development, are broadly consistent with the Framework's quest for high quality design. Despite the age of the Local Plan, I consider that significant weight should be given to

the degree to which the development would conflict with these policies leading to a conclusion that the proposal would conflict with the development plan as a whole.

54. Although the Design Guide provides guidance on internal space standards, the development plan is silent, and the Council has not pursued their national counterpart. The appellant also indicates that the Council is not intending to adopt the national space standards in its emerging Local Plan. I also note that in the Officer's report it is said that Gleeson's product types are known to sell and that smaller units present the opportunity for being more affordable. On this basis, irrespective of my reservations set out above, little weight attaches to the resultant harm.
55. In the absence of a five-year housing land supply, and in view of the deficit in housing delivery, the most important policies in the development plan are deemed to be out of date. It is common ground that the tilted balance in paragraph 11 of the Framework applies, namely whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
56. It is inevitable that building houses and related infrastructure on green fields would result in some harm to landscape character and its undeveloped aspect. However, after a thorough assessment related to the earlier appeal and a conclusion that the principle of development would not have a serious adverse effect, there is nothing that leads me to a different conclusion. The measure of harm, and the conflict with policies which are not fully consistent with the Framework, carry very little weight.
57. In my consideration of the main issues, I have identified harm insofar as the proposed layout of the northern parcel would not achieve a 'well-designed place' and it would lack many of the essential positive attributes referred to in paragraph 130 of the Framework. Paragraph 134 goes on to say that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.
58. Nonetheless, an overall planning balance is required. In this case, the assessment is a very fine one in terms of judging a poorly conceived scheme with woefully inadequate consideration for place making, where analysis is restricted to part of the overall development site, against the urgent need for new housing and the related benefits.
59. In my opinion, given the acute housing position, and the pressing need to provide people with homes, it cannot be concluded in these particular circumstances that the identified shortcomings of the northern parcel, although substantial and highly regrettable, would significantly and demonstrably outweigh the combined benefits of the proposal when assessed against the policies in the Framework taken as a whole. I shall therefore allow the appeal.

Planning conditions

60. Turning to the suggested planning conditions, which are generally agreed by the parties, condition 1 is the time period in which the development is to commence. Condition 2 identifies the approved drawings for the avoidance of doubt.

61. Condition 3 provides for a construction management plan to protect neighbouring living conditions. I have deleted the words 'including demolition' as it does not apply to this green field site and the clause relating to agreeing hours of work as this would duplicate condition 6. I have also specified, for clarity, that the parking and turning facilities should be provided within the site.
62. A Landscape Management and Maintenance Plan is required to secure appropriate protection for landscape features. I have extended condition 4 to include its implementation. Condition 5 requires the submission and implementation of a landscaping scheme to enhance the development. Conditions 19 and 20 relate to boundary treatments.
63. The protection of the ecological and nature conservation resource, with measures to achieve biodiversity gain, is set out in conditions 7 – 18. I have amended condition 9 to include drainage works. Condition 11 is adjusted to relate strictly to the southern housing site with reinstatement required arising from 'development' as opposed to the narrow restriction of works related to the access road.
64. Draft condition 15 is ambiguous in its reference to land outlined in blue on the site plan as the entirety of the site is outlined in red on the plan submitted with the appeal. I have rectified this by adding the words 'restricted to an area as may be agreed in writing with the Local Planning Authority'. Draft condition 17 has also been reworded to provide greater certainty in safeguarding a valued hedgerow.
65. The provision of appropriate highway works is reflected in condition 21. Drainage infrastructure is assured by condition 22 which I have recast for greater clarity. Condition 23 requires the approval of external building materials in the interests of visual amenity.
66. Further assessment, by means of conditions 24 and 26, of the history of the site with reference to coal mining and potential contamination is for the welfare of future residents. The air quality assessment in condition 25 and the mitigation of any adverse effects is justified by the need to safeguard health and wellbeing.
67. In light of my conclusions in paragraphs 10 - 16 above, the provision of a kick-about area secured by condition cannot be justified.
68. A number of the conditions set out would need to be discharged before the commencement of development. The appellant has agreed to these in writing, and I am satisfied that there is clear justification for most of these pre-commencement requirements to be imposed. However, conditions 12, 13 and 23, requiring details of nesting boxes, access for bats and materials of construction, would be appropriately served by the submission of details before the commencement of any above ground development.
69. I have also made minor adjustments to some of the conditions for clarity and precision.

David MH Rose

Inspector

ANNEX A: SCHEDULE OF PLANNING CONDITIONS 1 - 26

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby approved shall be carried out in accordance with the details and specifications shown on the plans:

Layout plans

- 428-5 2W 3R Combined
- 428-5 2W
- 428-5 3R
- Location Plan – LP/01
- Topo Sheet 1 – MJG/SK/15 Sheet 1 of 3 rev A
- Topo Sheet 2 – MJG/SK/15 Sheet 2 of 3 rev A
- Topo Sheet 3 – MJG/SK/15 Sheet 3 of 3 rev A

Property plans

- 201 Type drawing 201/1G
- 202 Type drawing 202/1F
- 212 Type drawing 212/1-
- 301 Type drawing 301/1H
- 304 Type drawing 304/1E
- 307 Type drawing 307/1B
- 309 Type drawing 309/1E
- 310 Type drawing 310/1D
- 311 Type drawing 311/1B
- 313 Type drawing 313/1-
- 314 Type drawing 314/1-
- 315 Type drawing 315/1A
- 401 Type drawing 401/1G
- 403 Type drawing 403/1J
- 405 Type drawing 405/1E
- SD700C – Detached single garage (standard)
- SD701D – Detached double garage (standard)
- SD1700 – Detached single garage (parking compliant)
- SD1701 – Detached double garage (parking compliant)

Drainage plans

- 9629B Engineering Layout
- 9636A Long Sections
- 9637A Long Sections
- 9325C Engineering Layout 1
- 9326C Engineering Layout 2
- 9339B Long Sections 1
- 9340C Long Sections 2
- 9341B Long Sections 3
- Pump station drawing STD1016-02

Highway plans

- 18-279-ATR-009 Rev A Northern Visibility Splays
- 18-279-ATR-010 Rev A Southern Visibility Splays
- 18-279-ATR-011 Rev A Northern Refuse Vehicle Tracking

- 18-279-ATR-012 Rev A Southern Refuse Vehicle Tracking

Tree plans

- Tree Survey 2583 March 2018
- Existing trees on site drawing 2583-1 rev B
- Existing trees on site drawing 2583-2 rev B

The development shall thereafter be undertaken in accordance with these plans.

3. No development shall take place until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for:
 - Parking of vehicles of site operatives and visitors within the site and routes for construction traffic
 - Method of prevention of mud being carried onto the highway, including details of wheel wash facilities
 - Proposed temporary traffic restrictions
 - Arrangements for turning vehicles within the site
4. No dwelling on the site shall be first occupied until there has been submitted to and approved by the Local Planning Authority a Landscape Management and Maintenance Plan. The plan shall be implemented in accordance with the approved details.
5. Notwithstanding the landscape details already submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting or seeding seasons following the occupation of the buildings or the completion the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Construction works shall only occur on the site between the hours 08:00 and 18:00 Monday to Friday, 9:00 – 13:00 Saturdays and not at any time on Sundays or Bank/Public Holidays.
7. Prior to the commencement of the development, an overarching Ecological Management Plan, as stated in the Ecological Impact Assessment dated December 2018 as amended by the NVC Classification and Water Vole Surveys dated September 2020 and which accords with the following conditions, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Ecological Management Plan.
8. The development shall not commence until a scheme of speed / traffic management measures has been submitted to and approved in writing by

the Local Planning Authority to reduce the potential for badger road casualties along the access road to the southern housing site adjacent Vere Avenue. No dwelling on the southern housing site shall be first occupied until the road has been constructed incorporating the approved measures.

9. No development other than highway and drainage works within the application site shall take place at any time within 3 metres of the boundary of Stanton Hill Meadows site of important nature conservation local wildlife site (SINC 2/189).
10. The development shall not commence until a scheme for the future protection of Skegby disused quarry (ii) Local Wildlife Site (SINC 5/55) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved scheme.
11. Any grass land areas not forming part of the access road to the southern housing parcel which are disturbed during the construction of the development shall be reinstated on completion of the access construction works.
12. Prior to commencement of any above ground development, details of brick nesting boxes incorporated into the residential properties to provide nesting opportunities for house sparrows and swifts shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved and thereafter retained.
13. Prior to commencement of any above ground development, details and measures of access for bats incorporated into the residential properties to provide roosting opportunities shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved and thereafter retained.
14. Prior to commencement of the development, a survey of trees proposed to be removed shall be submitted to and approved in writing by the Local Planning Authority establishing whether any of the trees provide bat roost potential and, if so, whether any support a bat roost. No removal of those trees, nor any other physical interference with them, shall take place unless written approval has been given by the Local Planning Authority in respect of the proposed operations.
15. Prior to commencement of the development, a Phase 1 Habitat Survey of the site, restricted to an area as may be agreed in writing with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until any required mitigation measures have been agreed and fully implemented. Such measures shall thereafter be retained.
16. Prior to commencement of the development, a protected species survey shall be submitted to and approved in writing by the Local Planning Authority in respect of the impact of the development upon otters, water vole and white clawed crayfish in streams one and two and within 5 metres of their banks. No dwelling shall be first occupied until any required mitigation measures have been agreed and fully implemented. Such measures shall thereafter be retained.

17. There shall be no works to the hedgerow to the east of the northern site other than in accordance with a scheme previously agreed in writing by the Local Planning Authority.
18. An unobstructed green corridor shall be retained along the water course that runs north – south, to the east of the southern application site. At no time shall there be any development including fences, other garden features, land raising, or building within 8 metres of the top of the bank that forms the watercourse channel.
19. No dwelling on the site shall be first occupied until a post and rail fence has been erected along both sides of the access road into the southern housing parcel at no less than 1.5 metres in height with a design previously submitted to and approved in writing by the Local Planning Authority.
20. Prior to commencement of the development, full details of the proposed treatment of the site's internal and external boundaries and a phasing scheme for the implementation of the agreed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be implemented in accordance with the approved scheme and thereafter retained.
21. Prior to commencement of the development, details shall be submitted and approved in writing by the Local Planning Authority in respect of parking, turning facilities, access widths and specifications, gradients, surfacing, street lighting, structures, visibility splays and highway drainage. These shall include design calculations and detailed construction drawings for the proposed highway works. The development shall be carried out in accordance with the approved details and the parking and turning areas shall be retained for their specified purposes at all times.
22. Prior to commencement of the development, a scheme of detailed drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the use of sustainable urban drainage systems (SUDS) and a related Management Plan. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter retained.
23. Prior to commencement of any above ground development, samples or specifications of the materials and finishes to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
24. Prior to commencement of the development, a coal mining risk assessment report shall be submitted to the Local Planning Authority for its written approval. Thereafter any operational development on the site shall incorporate the construction and working methods that have been approved by the Council.
25. Prior to commencement of the development, an air quality assessment shall be prepared in respect of the projected traffic increase at the Stoneyford Road junction and submitted to and approved in writing by the Local Planning Authority. Thereafter any approved mitigation measures shall be implemented and thereafter retained.

26. Prior to commencement of any works pursuant to this planning permission, the following information shall be submitted to the Local Planning Authority for approval in writing:
- A desktop study phase 1 report documenting the historical case use(s) of the site and its immediate environs.
 - A site investigation / Phase 2 report where any previous use of the site includes a potential contaminative use 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 the current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - 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 any works being undertaken. All remediation should be carried out safely ensuring no significant risks remain. A contingency plan shall be prepared should the primary remediation of subsequent construction phases reveal any additional contamination. Where additional contamination is found, immediate notification shall be given to the Local Planning Authority accompanied by written details of the contingency plan for the written approval by the Local Planning Authority and any necessary measures shall be implemented as approved.
 - On completion of the remedial works and prior to the occupation of the development, a validation report shall be submitted to the Local Planning Authority with confirmation that all remedial works have been completed and validated in accordance with the agreed details.

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TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Permitted Development) (England) Order 2015
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Town and Country Planning (Tree Preservation) England Regulations 2012
Planning (Listed Buildings and Conservation Areas Act 1990
Planning (Hazardous Substances) Act 1990
Planning and Compensation Act 1991

Refusal Notice

Major Full Application

The application referred to below has been refused by Ashfield District Council.

Application Details

Planning Reference Number: **V/2018/0783**

Location of Development: **Land Off, Gilcroft Street / Vere Avenue, Skegby,
Sutton in Ashfield, Nottinghamshire**

Description of Development: **206 Dwellings and Associated Infrastructure**

Applicant Name: **Gleeson Regeneration Ltd**
Mr M Jackson

Date: **25th November 2020**

REASONS:

It is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The proposals therefore do not represent a sustainable form of development, namely where:

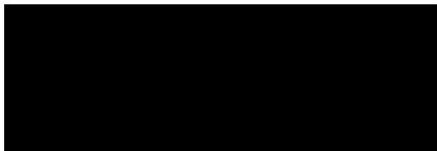
1. The design and layout of the development is considered to be unacceptable, particularly where no kick-about area is being provided. The proposals also do not contribute sufficiently to improving place. This is contrary to Part 12 of the National Planning Policy Framework, Policies ST1 and HG5 of the Ashfield Local Plan Review and Policy NP2 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP)
2. The gross internal floor area of the majority of the proposed dwellings fails to meet both National Described Space Standard and local space standards contained within the Councils Residential Design SPD. The housing would therefore be of an insufficient standard for future occupiers.
3. The proposal does not constitute sustainable development as it does not provide the detailed infrastructure needs arising from the development. The proposal fails to provide an appropriate level of contributions towards education, healthcare, public open space as well as sufficient affordable housing. This is contrary to the National Planning Policy Framework, as well as Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP) Policy NP1.

INFORMATIVE

For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.

PROACTIVE WORKING

The processing of this application has been undertaken in accordance with the requirements of the National Planning Policy Framework.



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PP.Carol Cooper-Smith
Interim Chief Executive