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Representations – Land at Brand Lane, Stanton Hill

Ashfield Local Plan 2023 to 2040 - Regulation 19 Pre-Submission Draft

January 2024

Vistry Group



Linden
HOMES



Countryside
Partnerships

Introduction

The following representations are made to Ashfield District Council (ADC) in respect of the Regulation 19 Pre-Submission Draft of the Ashfield Local Plan 2023 to 2040 (ALP).

These representations are made in the specific context of the development potential of land off Brand Lane in Stanton Hill. The site has not previously been submitted to the Call-for-Sites process and therefore has not been subject to any assessment in the context of its suitability for allocation in the ALP. The site is therefore not proposed for allocation. The site has now been submitted to ADC via the formal site-submission process (see submission at Appendix 1).

The Brand Lane site is suitable for residential development and is deliverable within the first five years of the Local Plan period. The site would contribute towards meeting the housing needs of Sutton-in-Ashfield as the largest and most sustainable settlement in the district.

These representations seek to make comment on the Publication Draft Local Plan in the context of the Brand Lane site and highlight the site's suitability for residential allocation. The representations address the previous planning submissions for the site and explain how the reasons for refusal do not preclude development at the site or render it unsuitable for allocation in the ALP.

Vistry Group

Vistry Group is a leading provider of affordable mixed tenure housing. It is one of the country's largest homebuilders with a range of brands including Bovis, Linden and Countryside. Vistry utilises its own timber-frame factories to deliver new homes using Modern Methods of Construction (MMC), which provide key benefits over traditional forms of construction including lower embodied carbon, accelerated delivery and the ability to facilitate higher levels of insulation.

Site Description, Proposed Designation and Planning History

Site Description

The site is located at the southern end of Brand Lane to the west of Stanton Hill and is 6.22 hectares in size. It sits directly to the south of an under construction residential scheme by Harron Homes, which was approved in 2016 as an unallocated site. The site lies to the north of Brierley Forest Park and to the west of the existing employment area off Brierley Park Close. A wooded area and agricultural field lie to the west of the site.

The site currently comprises a riding school with associated stables, menage and paddocks. The current use of the site for equestrian purposes was secured under planning permission V/2015/0521, approved in December 2015. The site also contains a single residential dwelling with associated driveway and garden space.

The approved equestrian use of the site and the existing dwelling means the site is classed as previously developed land, as per the National Planning Policy Framework.

The site is well contained with existing and future development to the north and east and defined landscape boundaries to the south and west. A public footpath crosses the site, which will be retained along its current route and incorporated into a landscaped greenway through the site.

The site is accessed off Brand Lane, which is capable of being upgraded to accommodate the level of development proposed.

Proposed Designation

The Policies Map associated with the Publication Draft Plan shows the site as being located in the Countryside outside the settlement boundary, where proposed policy EV2 would apply. Policy EV2 would restrict the use of the site for largescale residential development.

These representations will demonstrate that the site is suitable for allocation in the Ashfield Local Plan and will assist in plugging the identified shortfall in housing supply against requirement.

Planning History

The site has been subject to a number of planning applications that are relevant to its suitability for residential development. Details of these applications are set out below.

Application Reference	Proposal	Decision
V/2015/0128	Change of use from agricultural land to equestrian including stables and menage with associated planting	Withdrawn 20 April 2015
V/2015/0521	Change of use from agricultural land to form stables and a menage with associated planting	Approved December 2015
V/2020/0615	Outline planning application with all matters reserved for residential development of up to 142 dwellings and associated infrastructure	Refused July 2021
V/2022/0476	Outline application with all matters reserved for a residential development of up to 141 dwellings and associated infrastructure	Refused April 2023

The above applications are significant to the consideration of the site as suitable for residential development. The approved use for equestrian purposes, as secured by planning permission V/2015/0521, establishes the site as previously developed land. The presence of significant existing structure on site, along with a menage and pony paddocks, within which horses are kept for the purposes of running a riding school, reduces the open nature of the site in its current form. This in turn reduces the impact of new built form on the site and meets the objective of 'brownfield first' as set out in point 2 of emerging Policy S1: Spatial Strategy to Deliver the Vision.

Response to the Reasons for Refusal Arising from Planning Application Ref.: V/2022/0476

The latest outline planning application for residential development at the site was refused on 5th April 2023 for the following two reasons:

1. The proposed development would result in significant harm to the character and appearance of the surrounding area through the visual impact of the built form on green fields and the further encroachment of the development into the open countryside. It would, therefore, be in conflict with Ashfield Local Plan Review (2002) policies ST4 and EV2 which seek to protect the character of the countryside. The development would also conflict with policy NP4 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan. The proposal would also conflict with paragraph 170 of the National Planning Policy Framework which recognises the intrinsic character and beauty of the Countryside and ensure that decisions contribute to and enhance the natural environment.
2. The adjacent highway network is incapable of accommodating any additional significant volumes of traffic without significant improvements. Additional points of access into the site required to assist with traffic distribution and to provide highway users with safe access options. The proposed development is considered to be unacceptably unsustainable with future users being heavily dependant on car travel. The proposal is, therefore, contrary to policies ST1 c and HG5e of the Ashfield Local Plan Review (2002), policies NP1 and AP1 of the Teversal, Stanton and Skegby Neighbourhood Plan and paragraph 9 of the National Planning Policy Framework.

In respect of reason for refusal 1, Vistry would comment:

- The site does not consist of 'green field' as purported by the reason for refusal. As set out above, the site is previously developed land with significant built form already present on site. The impact of any future development is therefore significantly reduced.
- The site is well contained with very limited views into the site from important receptor. Where views into the site from the countryside and adjacent parkland are present, the impact of the development can be mitigated against through a comprehensive landscape strategy.
- The site needs to be assessed in the context of recent residential development to the north, which introduces significant new built form to the setting of the site. New development is visible from key receptors surrounding the site. When taking into account the current context of the site, the impact of additional built form into the locality is significantly reduced.

In respect of reason for refusal 2, Vistry would comment:

- The site is well located within walking distance to a number of local services and facilities. The conclusion that the site is unsustainably located and car dependant is predicated on inaccurate information in respect of local bus service provision. The Delegated Report relating to the planning application claims that bus service 141, which runs in close proximity to the site and connects it with Nottingham and Sutton in Ashfield town centre, has ceased operation. However, the bus provider's website indicates bus service 141 remains in service. As such, it is considered that the site benefits from good access to a frequent public transport service.

- The site is capable of being served off one point of access, with additional pedestrian connections to and from the site via the existing public right of way.
- The local highway network is capable of accommodating the development. Whilst Brand Lane is subject to on street parking further north, site visits have confirmed that there are sufficient gaps between parked cars either side of the carriageway to allow oncoming traffic to pass safely.

In the context of the above, the reasons for refusal associated with earlier applications for development at the site would not preclude the site as being suitable for allocation in the emerging Ashfield Local Plan. The Brand Lane site is available, suitable and development is achievable.

Benefits of the Proposed Development

The following sets out the key benefits of allocating the Brand Lane site for residential development:

- Delivery of c.140 dwellings helping to meet the identified housing needs of Ashfield.
- Affordable housing to provide low cost and quality housing for local people.
- Quality homes built to a high level of energy efficiency using MMC
- New open space with children's play area
- A minimum 10% net gain in biodiversity
- Improved public rights of way across the site, connecting Brierley Forest Park with the open countryside.
- Economic benefits through direct and indirect employment associated with the construction and sale of new homes and increased spending in the local area.

Representations to the Submission Draft Local Plan

Strategic Policy S1: Spatial Strategy to Deliver the Vision

Vistry supports the identification of Sutton in Ashfield as one of the Main Urban Areas, which are to accommodate the largest scale of growth. The Brand Lane site is located on the edge of the Sutton in Ashfield urban area and is capable of contributing towards its housing needs in the first five years of the plan period.

Paragraph 3.65 and Table 2

Policy S7 established the overall housing requirement of 7,582 dwellings over the plan period 2023-2040. This equates to 446 dwellings per annum based on the local housing need figure for Ashfield as at March 2023. Table 2 sets out the sources of supply that the Council hopes will meet the proposed housing requirement. Once taking into account commitments and proposed site allocations, Table 2 finds that there is a deliverable supply of 6,700 dwellings over the plan period 2023-2040. This leaves a net shortfall in housing delivery of 963 dwellings across the plan period, meaning the ALP does not allocate sufficient land to meet identified housing needs.

Background Paper No 1: Spatial Strategy and Site Selection explains that this represents a 13 year supply of housing land from the point of adoption of the Local Plan (up to 2038/39), which the Council considers to be a sound approach and consistent with paragraph 68 of the NPPF¹.

This position is predicated on the Council's assertion that it is unable to meet its needs in full as this would be inconsistent with the spatial strategy. According to the Council, it is therefore not possible to identify specific, deliverable sites or broad locations for growth for years 11-15, as per NPPF paragraph 68(b).

However, upon review of the reasons given by the Council for not being able to meet its need in full, it is not considered that these reasons are not justified in the context of the available evidence and the requirements of the NPPF. It is Vistry's view that the Council has not presented sufficient evidence to demonstrate that allocating sufficient land to meet housing needs in full would be inconsistent with the spatial strategy.

It is acknowledged that the Brandon Lane site has not previously been submitted for consideration as a residential allocation, and therefore cannot have previously been considered for inclusion in the plan. However, it is considered that the Brandon Lane site would help ADC meet part of the shortfall in housing supply whilst being in full accordance with the proposed spatial strategy. In particular, the site would provide much needed new homes on a brownfield, non-Green Belt site on the edge of one of the Main Urban Areas in the district, where the majority of growth is directed.

In addition, the failure of the ALP to identify a sufficient supply of housing land to meet overall needs jeopardises its effectiveness in meeting the district's affordable housing targets, as set out in emerging Policy H3.

Therefore, Vistry considers that the approach to housing delivery set out in paragraph 3.65 and Table 2 of the SLP is **not sound**. The approach to housing delivery will not meet the housing requirement set out in Policy S7. As such, it is **unjustified, not effective** and has **not been positively prepared**.

Policy H1: Housing Allocations

Policy H1 establishes the site allocations that will contribute towards meeting the identified housing needs established by Policy S7. As set out above, these sites along with existing commitments provide a deliverable supply of only 6,700 dwellings, representing a significant shortfall against the housing requirement of 7,582 dwellings. As a result, Policy H1 fails to identify sufficient land to meet housing needs.

Therefore, Policy H1 is **unsound**. It is **unjustified, not effective** and is **not positively prepared**.

Measures Required to Make the Plan Sound

The Council should identify additional land to be allocated for residential development in order to address the identified shortfall in housing delivery and meet housing needs in full. The Brand Lane site is available, suitable and achievable and should be allocated for residential development of c.140 homes.

¹ NPPF September 2023 (archived) is the relevant version of the NPPF for the purposes of examining the ALP as per Annex 1: Implementation of the NPPF December 2023.

Appendix A: Land off Brand Lane, Stanton Hill – Site Submission



STRATEGIC HOUSING AND EMPLOYMENT LAND AVAILABILITY ASSESSMENT (SHELAA)

SITE SUBMISSION FORM

Use a separate form for each site.

The Council is seeking to identify land that might be suitable for **housing (including gypsy, traveller and travelling showperson's sites) and employment** development. Please complete this form if you wish to have a site assessed for its suitability for development.

All sites submitted will undergo a site visit and submission of this form will be regarded as permission to carry out such a visit unless specifically stated otherwise by the party submitting the site.

Previously submitted sites

If you have previously submitted your land/site for potential development through the Strategic Housing Land Availability Assessment (SHLAA), or the Strategic Housing land Availability Assessment for Travellers, or the Strategic Employment Land Availability Assessment (SELAA) process, you **STILL** need to complete this form. If you have a site reference number or site address for land which has previously been submitted, please quote that reference/address on the response form and provide details of anything that has changed since you last submitted the site. **If you do not confirm that you still wish for a site to be considered for development, we will have to remove it from the SHELAA database in order to comply with the General Data Protection Regulations.**

If your site is on previously developed land (as defined in the National Planning Policy Framework) and you wish it to be considered for housing development, it will also be automatically considered for inclusion on the Councils Brownfield Land Register in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017¹.

The SHELAA assessment is an important evidence source to inform plan making, but does not determine whether a site should be taken forward as an allocation in the Local Plan or the relevant Development Plan Document. This is because not all sites considered in the assessment will be suitable for development (e.g. because of policy/physical constraints or if they are unviable). It is the role of the assessment to provide information on the range of sites which are available to meet need, but it is for the development plan itself to determine which of those sites are the most suitable to meet those needs.

¹ For the purpose of the Brownfield Land Register, other ancillary uses can be included, providing that housing is the main purpose of the development.

PLEASE COMPLETE YOUR NAME AND CONTACT DETAILS

YOUR DETAILS:

Name: John Londesborough Title: Mr

Address: Vistry Group, Cleeve Hall, Bishops Cleeve, Gloucestershire, GL52 8GD

Tel No: 01242 388500 Email: john.londesborough@vistrygroup.co.uk

AGENT'S DETAILS: (if applicable)

Agent's Name: Title:

Address:

Tel No: Email:

If you are not the landowner* can you confirm if you have permission from all the relevant landowner(s) to submit their land to the SHELAA? YES / NO
 YES NO

*Please provide full contact details of any landowner(s) in accordance with question 8.

1. What are you submitting your site to be considered for? (Please select one)

a) Housing	b) Employment	c) Gypsy/ Traveller site	d) Travelling Showman's site	e) Mixed-use (please specify uses in Q.4d)
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. Site Information (Please include a plan to a scale of 1:1250 showing the exact site location and boundary marked in red)

a) Site address	Stubbin Hill Farm, Brand Lane, Sutton-in-Ashfield, Nottinghamshire, NG17 3GH
b) OS Grid reference	x:447953, y:360262
c) Site area (Hectares)	6.22
d) Net developable area (hectares), excluding principal estate roads, boundary landscaping, balancing ponds etc.(if known)	4.02
e) SHLAA / SELAA Ref (for updates only if previously submitted)	N/A
f) Is the site currently being promoted? If so, by who (e.g. Landowner, Agent; on behalf on a landowner, developer etc).	Yes. Site promoted by developer (Vistry Group)

3. Timescale. When do you consider the site will be available for development?

Within 5 Years	Within 5-10 Years	Within 10-15 years	Beyond 15 years or unknown
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Site Description (Please give as much detail as possible)

a) What is the site's current use?	Agricultural/Equestrian
b) What was the site's previous use?	N/A
c) Is there any existing development on the site? If yes, please give details.	Yes. 1x existing residential, stables, dairy, menage
d) What is the proposed use of the site (e.g. housing, employment, gypsy and traveller, etc). Is the site proposed to be a single or mixed-use site?	Housing. Single use.
e) Is the site currently tenanted or leased? If yes, please give details.	No
f) Does the site have any past or current planning applications covering it? If yes, please give details, including application numbers if possible.	Yes. The site has been subject to two previous outline planning applications for residential development (V/2022/0476 and V/2020/0615), and two applications for change of use from agricultural land to equestrian uses (V/2015/0128 and V/2015/0521).

5. Economic Viability of the Site

a) Is a developer willing to invest in the site? If yes, please give details.	Yes. Vistry Group is in discussions with the landowner to take a formal position over the land via an option agreement. Vistry Group will then develop the site once planning permission has been achieved.
b) Has a developer already invested in the site? If yes, please give details.	Yes. Previous application for residential development submitted by Manor Farm Developments.
c) How many dwellings/units/pitches/plots is the developer hoping to develop/provide?	140 residential dwellings (C3)

6. Known Site Constraints (Please give as much detail as possible)

a) Are you aware if there are any site contamination issues? If yes, please give details.	There are no site contamination issues
b) Are there any land ownership constraints e.g. Ransom Strips? *Please provide all landowner details in response to question 8.	No. The site can be accessed without ransom and there are no title restrictions that would preclude development.
c) Do all landowners consent to the development of the site? *Please provide all landowner details in response to question 8.	Yes
d) Does the site have any "bad" neighbouring uses (e.g heavy industry, motorways)? If yes, please give details.	No
e) Are you aware of any flooding history on the site (including surface water flooding)? If yes, please give details.	There is no flooding history at the site.
f) Does the site have any topographical constraints (e.g. severe level changes)? If yes, please give details.	No
g) Other known constraints?	N/A

7. Site Accessibility

a) Does the site have access to an adopted highway? If yes, please give details.	Yes. Direct access from Brand Lane.
b) Is the area serviced by public transport? If yes, please give details.	Yes. Bus service 141 operates from Stoneyford Road offering connections to Nottingham and Sutton in Ashfield
c) Does the site have access to utility services? (e.g. gas, electricity, water, sewerage) If yes, please give details.	Yes, connections can be made to existing services on Brand Lane.
d) Are you aware of any restrictive covenants within or adjacent to the site? If yes, please give details.	No

8. Please provide details of all relevant landowners.

A large black rectangular redaction covers the top-left portion of the response area for question 8. The rest of the area is empty.

9. Please indicate why you feel the site is suitable for your proposed use (please set out any additional information you consider relevant, e.g. photos, plans or text)

The site forms a logical extension to Stanton Hill and comprises previously developed land. Any visual impacts of development at the site can be mitigated by a suitable landscape strategy and connections across the site towards the open countryside can be improved. The site is sustainably located with good access to local services and public transport.

Vistry is the country's largest provider of affordable housing and is rolling out the use of Modern Methods of Construction (MMC) across the group. The site is capable of delivering an above policy requirement provision of affordable housing. MMC allows Vistry to construct much needed homes at an accelerated rate and with significantly reduced levels of embodied carbon thanks to the sustainable nature of the materials and construction method used.

There are no constraints that would preclude development at the site, including from flood risk, heritage impact, ecology, access and landscape. The site is capable of delivering 10% biodiversity net gain.

Access to the site can be taken from an upgraded Brand Lane with no ownership constraints.

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Under the GDPR and DPA, Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottingham, NG17 8DA is a Data Controller for the information it holds about you. We will use the information provided by you for considering the preparation of development plan documents and/or supplementary planning documents. The lawful basis under which the Council uses personal data for this purpose is Public Task.

Your data will be held indefinitely. Information relating to the site will be deleted once it is completed or has been withdrawn. Subject to some legal exceptions, you have the right to request a copy of the personal information the Council holds about you; to have any inaccuracies corrected; to have your personal data erased; to place a restriction on our processing of your data; to object to processing; and to request your data to be ported (data portability). The information provided by you may also be used for other functions carried out by the Council in accordance with GDPR and DPA. For more information about how the Council may use your data and to learn more about your rights please see the Council's Privacy Statement www.ashfield.gov.uk/privacy.

If you have any concerns or questions about how your personal data is processed, please contact the Council's Data Protection Officer at the above address or by email to dpo@ashfield.gov.uk. If you are dissatisfied with the Council's response, you can complain to the Information Commissioner's Office in writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone 0303 123 1113 (local rate) or 01625 545 745.

Signed:  Dated: **26/01/2024**

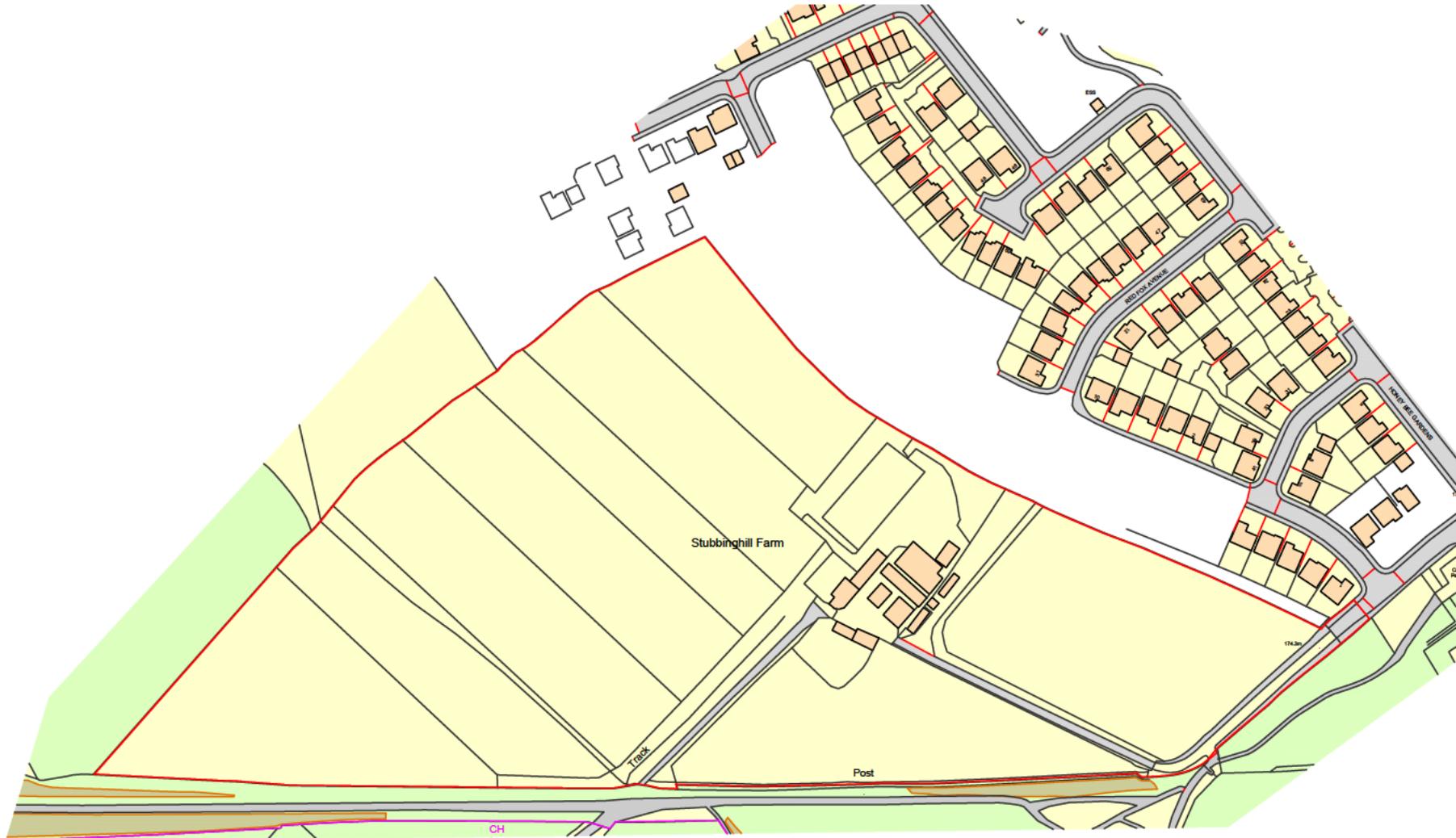
Name: **John Londesborough**

PLEASE RETURN THIS FORM, INCLUDING A SITE PLAN (SCALE 1:1250) TO:

Forward Planning Team,
Ashfield District Council,
Urban Road,
Kirkby-in-Ashfield,
Nottingham,
NG17 8DA.

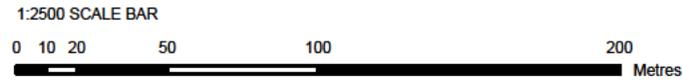
Email: localplan@ashfield.gov.uk

Telephone: 01623 457381 or 457382, or 457383



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 The general contractor is responsible for the verification of all dimensions on site and the architect is to be informed of any discrepancy.
 The status of information contained in a computer copy of this drawing shall be limited to that conveyed by the paper copy.
 Revisions:
 Rev A 26.01.24 SP/DRP
 First Issue.



Vistry Group			
Scale	1:2500 @ A3		
Date	Jan 2024		
Drawn/Checked	SP/DRP		
4035-43-AWSM-XX-XX-DR-A-001			
Status	S0	Rev	P1

Land off Brand Lane
 Stanton Hill
 Sutton-in-Ashfield
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