



Appeal Decision

Hearing held on 21 April 2026

Site visits made on 20 and 22 April 2026

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2026

Appeal Ref: 6001192

Land at Brand Lane, Stanton Hill, Sutton-in-Ashfield, NG17 3GH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Countryside Properties (UK) Limited against Ashfield District Council.
 - The application reference is V/2025/0027.
 - The development proposed is up to 149 residential dwellings with associated infrastructure and vehicular access point from Brand Lane. All matters reserved except for the means of main site access.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 149 residential dwellings with associated infrastructure and vehicular access point from Brand Lane, at Land at Brand Lane, Sutton-in-Ashfield NG17 3GH in accordance with the terms of the application, Ref V/2025/0027, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council did not issue a decision on the appeal within the prescribed time limit or within an agreed extension of time. The Council's putative reasons for refusal are set out in its evidence, which form the basis of the main issues of the appeal.
3. The application was made in outline with only the matter of access to be considered at this stage. I have determined the appeal accordingly and have treated details on plans relating to matters other than access to be for illustrative purposes only.
4. I am aware of revisions made to the description of development and subsequent re-consultation during the determination period. These changes, which sought to include the change of use of existing buildings on the site to residential use, have subsequently been omitted and the appeal is proceeding on the basis of the original description. I am satisfied that the scheme at appeal is not materially different from that originally submitted and consulted upon. Moreover, interested parties have had a further opportunity to comment on the scheme at appeal stage. Ultimately, the sequence of events during the application has not caused prejudice or disadvantage to any party, nor does it now preclude the determination of the appeal.

Main Issues

5. The main issues of the appeal are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on highway safety, with particular regard to:
 - i) whether the proposal would provide safe access to the development, and
 - ii) the safety and capacity of the surrounding highway network;
- Whether the proposal would represent an appropriate location for housing, having regard to the accessibility of the site to local services and facilities.

Reasons

Character and Appearance

6. The appeal site comprises two agricultural fields located to the west of the built-up area of Stanton Hill, extending to some 6.6 hectares in a roughly triangular shape. A farmhouse and associated outbuildings form a cluster of development to the interior of the site. The topography of the site falls gently from east to west as it extends away from the urban edge. Hedgerows enclose the site on all sides.
7. Immediately adjacent to the site, and forming the existing urban edge, is a recently constructed housing development which extends along the north-eastern boundary and wraps partially around the north-western boundary. The site is otherwise surrounded by open countryside, including Brierley Forest Country Park to the south, Brierley Park Golf Club to the south-west and a woodland and agricultural fields to the north-west. A byway (BW148) passes along the southern boundary, extending to the west where it joins the Silverhill Trail.
8. The site is not subject to any landscape designation within the development plan, although land to the west and south is designated as a Mature Landscape Area (MLA), which saved Policy EV4 of the Ashfield Local Plan Review 2002 (the ALPR) seeks to protect. MLAs are identified as areas least affected by urban development, mineral extraction, extensive commercial forestry or intensive modern agricultural practices. The MLA in this case appears to encompass the woodland to the west and the country park to the south. Neither would be directly affected by the proposed development.
9. Reference is also made to the Greater Nottingham Landscape Character Assessment 2009 which identifies development policy zones. The site falls mainly within ML21 - Brierley Forest Park and partly within NC08 - River Meden Valley. The former is noted as a restored landscape with man-made landforms, extensive woodland cover and an absence of field patterns. The latter is a narrow, shallow river valley with arable farmland and pockets of woodland. In both character areas, the landscape condition and strength is described as moderate and future landscape actions should conserve and enhance existing character and features.
10. Notwithstanding the above, the Council accepts that the site is not subject to a formal landscape designation and is not a 'valued' landscape within the meaning of the National Planning Policy Framework (the Framework). It is nonetheless described as a landscape valued at a local level by residents, forming a green 'buffer' between the built-up area and Brierley Country Park and part of the transition zone from urban to rural at the settlement edge.

11. The site does represent an immediate change in character. The development edge to the eastern side is marked by a single hedgerow, and thus there is a sharp transition from urban to rural visible from parts of the byway where hedgerow screening is intermittent. When accessing the country park via the byway from Brand Lane, the new housing is a prominent feature within the surroundings, its visibility increased due to the higher ground on which it sits relative to the appeal site and the byway.
12. The site itself does not possess any notable features elevating it above ordinary countryside, being divided into a number of open paddocks. For those travelling westbound along the byway, the appeal site is well screened by hedgerows, and is peripheral to views which predominantly follow the path straight ahead along the byway or south into the country park. The site is similarly screened when approaching from the west on the byway, and I saw that there are no substantive views of the site from within the country park itself, including from the higher ground just to the south, due to the density of tree cover.
13. The indicative layout shows development set back from the byway behind an area of public open space or additional structural landscaping to the southern boundary. This would not serve to wholly conceal the development from view, but it would create a denser and more substantial green edge to the built form than is presently the case, helping to integrate it into its surroundings. The extensive woodland to the west would also naturally contain the development in the wider landscape.
14. There would still be visibility of the dwellings from the byway due to the rising topography towards the northern part of the site which would bring rooflines into view above hedgerows. The development would also be naturally more exposed to view in winter when boundary vegetation is not in leaf. However, the effect of this would be very localised, confined to the length of the byway abutting the site, where glimpses through the hedgerows already reveal the proximity of the settlement edge. Although the built form would extend closer to the byway and country park, it would be a physically contained site that would have little effect on the wider landscape. Nor would it demonstrably harm appreciation of the country park given the lack of intervisibility between the two. From other vantage points in the appellant's Landscape and Visual Impact Assessment, the proposal would either not be visible or would be sufficiently distant or filtered that it would not have a significant effect on the landscape character of the area. Moreover, the development would not lead to a demonstrable coalescence between settlements.
15. As the application is in outline, the precise layout or detailed designs for dwellings are not before me for approval. However, the illustrative details before me indicate that a development of suitable density could be achieved, alongside sufficient landscaping, outdoor space, drainage and separation distances from existing development. The details also show the creation of a green corridor around the public footpath running through the site (FP36#1), which would help to soften the visual impact of housing to either side. I am satisfied that a suitable layout and overall design could be achieved at reserved matters stage.
16. For the reasons set out, I conclude that the proposal would preserve the character and appearance of the area, and the wider landscape character. In these respects, the proposal would accord with Policy NP4 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan (2017) (the NP) which requires development to demonstrate that landscaping and boundary treatments reflect and where possible

enhance existing landscape character, and that connections to surrounding countryside are maintained.

17. The Council also cites conflict with Policies ST4 and EV2 of the ALPR, which support development that is appropriate to the countryside, and is located and designed so as not to adversely affect its character. The proposal does not form one of the supported types of development in the countryside, and in this respect, the proposal would conflict with these policies. However, the proposal would accord with the policies in terms of their expectations that landscape character is protected.

Highway Safety

18. The development would be accessed via the existing entrance to the farm on the site, which continues in a straight line from the end of Brand Lane, just beyond the junction with Red Fox Avenue. The width of the land within the appellant's control at the entrance point is not sufficient to provide a full two way carriageway and pedestrian footways. Rather, a priority/give way arrangement is proposed with a single carriageway for a short distance. Footways would be provided to both sides, one of which would be widened to 3.7m with collapsable bollards that would provide emergency vehicle access in the event the carriageway is blocked.
19. The Council has raised concern that the proposed one-way section at the site entrance would be hazardous to cyclists as the width of carriageway, at 3.9m, would be contrary to the LTN1/20 guidance¹, which states that lanes between 3.2m and 3.9m wide allow motor vehicles to drive alongside a cyclist without crossing the centre line, but without any safety margin for the comfort and protection of cyclists. However, I was told at the hearing that the widened footway would also operate as a shared surface with short section of cycle lane that would allow cyclists to bypass the single lane section of the priority/give way arrangement. As such, cyclists leaving the development would not be required to wait for oncoming traffic from Brand Lane or navigate through the narrow section alongside vehicles.
20. Cyclists entering the development from Brand Lane would not have a separate cycle lane, and they would be unlikely to cross over the carriageway just to utilise the short section of cycle lane proposed on the other side. Cyclists would not be separated from following traffic, but the narrowed section would be very short, around 9m or so, and the priority arrangement would manage potential conflict with oncoming traffic through the proposed layout. The evidence further indicates a low expected number of cycle trips, just three two-way trips during the peak hours and around 20 across the whole day. As such, the likelihood of conflict between vehicles and pedestrians would be very low.
21. Further concern is raised by the Council and interested parties over vehicle speeds along Brand Lane and the potential for drivers to carry excess speed into the priority junction. The appellant points to its Stage 1 Road Safety Audit not raising concern over traffic speeds along Brand Lane. I did not observe excessive speeds during my time on site, though I accept this was only a snapshot over a short period. Driver behaviour can never be fully controlled, but in this case, the proposed physical layout would include a clearly narrowed carriageway, demarked by raised kerbs to either side and appropriate signage for the priority arrangement that would make clear the need for driver caution. The presence of the T-junction a

¹ Local Transport Note 1/20 – Cycle Infrastructure Design (July 2020), Department for Transport

short distance away would be a further feature influencing speeds and behaviour in this location. The appellant has undertaken to provide a financial contribution towards upgrades to the walking and cycling infrastructure on Brand Lane, which would include introducing a 20mph speed limit with necessary signage. Taking these considerations together, I am satisfied that the proposal would provide safe and suitable access to the development.

22. The volume and safety of traffic movements along Brand Lane and at the junction with the B6028/Longden Terrace have also been raised by interested parties. The Council has not pursued this issue at appeal, with the appellant having agreed with Nottinghamshire County Council (NCC) as the local highway authority that traffic generation from the proposed development would not cause a materially detrimental impact on the capacity of the local road network.
23. Brand Lane is subject to considerable levels of on-street parking, particularly to its eastern end close to the junction with the B6028/Longden Terrace, where terraced housing stands to the back edge of the footway, and thus has no off-street parking. Consequently, parking occurs on both sides of the street, reducing a stretch of the carriageway to effectively a single lane. I saw that, in practice, some drivers are required to wait for several vehicles coming in the opposite direction to pass before they can proceed through this section. This clustering of traffic occurs as the junction is signalised. Concern is also raised that there is limited available distance for traffic to queue at the lights when exiting Brand Lane, leading to the westbound route being blocked if the queue extends back into the single width section between the parked cars.
24. The appellant has provided traffic impact analysis for several junctions in the area, including that at Brand Lane/B6028/Longden Terrace, and it has accounted for the anticipated traffic generated by the adjacent Harron Homes development once it is fully built out and occupied. The development would generate some 71 two-way trips in the AM peak and 85 in the PM peak. This would equate to 5.89% and 7.44% increases in traffic through the Brand Lane/B6028/Longden Terrace signalised junction. The analysis further considers max queuing and degree of saturation. In all cases, it is indicated that the junctions would operate well within capacity, with queuing of between 1 and 5 vehicles. This includes the Brand Lane/B6028/Longden Terrace signalised junction if and when pedestrian crossing points are installed, which I understand is to be undertaken pursuant to the recent housing development on the adjacent site.
25. The Council has not challenged this evidence, which is comprehensive in its scope. I acknowledge that this data does not directly address the concerns raised in terms of how traffic navigates the stretch of the street between the parked cars, but it does indicate that additional trips generated would represent a modest increase in the overall level of traffic, an average of one additional vehicle every 42 to 50 seconds at peak times, and it would not lead to excessive volumes of traffic queuing or passing through the junction. The reality is that drivers may have to wait to allow oncoming traffic to pass through the on-street parking, but this is an existing scenario and one which the evidence indicates would not be significantly exacerbated by the development. Although indicated in the evidence to be a less desired route, drivers would have the option to turn onto Fackley Way to travel north and avoid the section of on-street parking. Therefore, whilst I understand the concerns raised to me, I find that the proposal could be safely accessed via Brand Lane without significant detriment in terms of highway safety.

26. For these reasons, I conclude that the proposal would provide safe and suitable access to the development and would not cause demonstrable harm to highway safety or the capacity of the local road network. No conflict therefore arises with Policies ST1 and HG5 of the ALPR, which together require that development, including housing, provides safe access and does not adversely affect highway safety, or the capacity of the transport system.

Accessibility to Local Services

27. The evidence before me is that the local facilities on High Street would be around 800m-1000m from the centre of the proposed development. This would equate to around a 15 minute walk via Brand Lane or via Fackley Way and Morley Street. The route along Brand Lane is flat, lit by street lighting and with footpaths to both sides. As such, it is conducive to travel on foot. Traffic levels are also not so severe along Brand Lane as to discourage cycling to reach local facilities.
28. The distances involved may be slightly longer than desired by the Council, but they would be equivalent to, if not shorter than, distances from some existing residential parts of Stanton Hill to reach facilities on High Street. The site is directly adjacent to the built-up area and not detached in the open countryside where distances would be greater and routes less pedestrian friendly. Stanton Hill has a range of services to meet day-to-day needs, including shops, schools and medical facilities. Public transport is also available to Sutton-in-Ashfield, Mansfield and Nottingham to avail of further services and connections.
29. The Council has maintained a concern that the site requires additional access points to encourage sustainable modes of travel. On the evidence before me, I am not persuaded that an additional access point is necessary for this reason. The access along Brand Lane is the most direct route to reaching local facilities and the wider highway network to travel beyond Stanton Hill. No other feasible vehicular access points have been suggested, but it is evident that any access to the north-east, as intimated by the Council to be preferred, would lead to a convoluted route through the adjacent housing estate that, for drivers, would end up back at Brand Lane near the proposed entrance to the appeal scheme, whilst pedestrians would continue to wind through existing backland footpaths on a longer and less direct journey to reach High Street.
30. Ultimately, these options do not appear preferable to access via Brand Lane, nor would they aid in dispersing traffic more evenly across the network given the lack of alternative exit points until one reaches the junction with Fackley Way. Moreover, pedestrians are naturally likely to follow the shortest and most direct route via Brand Lane, even if other options to link through to the adjacent housing development were available. This is something of a moot point, given that there is no provision within the proposed scheme to actually deliver pedestrian accesses, only to facilitate their potential later addition. However, my findings are that such provision is not necessary to ensure sufficient levels of accessibility to local services or to ensure pedestrian safety.
31. The appellant has undertaken to make a financial contribution of £195,000 towards the provision of local bus services, and a contribution of £253,500 towards upgrading the pedestrian and cycling environment, including upgrading the signals at Brand Lane/B6028/Longden Terrace, introducing a 20mph speed limit on Brand Lane and improvements to public rights of way in the area. Although layout is a

reserved matter, the indicative site plan shows a circuitous internal access road which could facilitate a future bus service to the development. Together, these measures would improve the conditions for walking and cycling and encourage more uptake of these modes of travel by residents.

32. On the evidence before me, I conclude that the proposal would be suitably located to access local services and facilities by sustainable modes of travel, and no conflict arises with Policies ST1 and HG5 of the ALPR, or Policies NP1 and AP1 of the NP, in terms of their requirements to provide safe and suitable access, and to seek improvements to the frequency and routes of bus services to reduce car usage and to enable people to access local facilities.

Other Matters

Biodiversity Net Gain

33. The evidence before me indicates there would be a net biodiversity loss of 20.96% in habitat units and a net gain of 11.94% in hedgerow units. Should the appeal succeed, it would be subject to the statutory biodiversity gain condition² which sets out that development cannot begin until the Biodiversity Gain Plan (BGP) has been approved. The Planning Practice Guidance (PPG) sets out that it would generally be inappropriate to refuse permission on the grounds that the biodiversity gain objective will not be met, though it also states that consideration may be required as to whether the biodiversity gain condition is capable of being successfully discharged. In this case, the Council's ecology officer has not raised concern over the possibility of the statutory condition being discharged. It would be for the Council to consider the BGP and whether the measures are acceptable and secured. I see no reason why an appropriate agreement, such as a Section 106 Agreement, could not be entered into at the time the BGP is being submitted for approval and form part of the measures. As such, I am satisfied that the biodiversity gain condition is capable of being discharged and that, overall, the proposed development is capable of meeting the statutory requirements for BNG and accord with the approach of the Framework to biodiversity.

Loss of Green Space/Ecology

34. A considerable number of representations express concern at the loss of green space and threat to ecology. The appellant's Ecological Impact Assessment (EIA) has undertaken appropriate investigations for protected species and set out mitigation measures which the Council's ecology officer is satisfied with. These measures can be secured through recommended conditions covering both the construction phase and post-development. The development would also be required to deliver mandatory biodiversity net gain as set out above. I am satisfied, therefore, that there would not be a significant adverse effect on ecology.
35. In terms of open space, the existing site is not publicly accessible, with the exception of the public footpath crossing the site, which would be retained. The proposal would create new public open space within the site and maintain connections to local walking routes, including into the country park. In these respects, the proposal would ensure access to nature and open space for existing and prospective residents.

² Schedule 7A of the Town and Country Planning Act 1990 (as amended),

Heritage

36. Reference is made to the existing farm buildings as non-designated heritage assets (NDHAs). The main farmhouse is stated to have undergone extensions and alterations which have diminished its vernacular character. The 19th century stable block and milking parlour retain a more original appearance in red brick with a slate roof, but other buildings are recorded as 20th century additions of no particular historic or architectural interest. The fields of the appeal site form part of the historic functional land of the farmstead and contribute to its setting. Overall, the evidence suggests that the 19th-century farmhouse is not a rare or noteworthy example, with no more than a low level of surviving architectural interest. The Council has not raised the prospect of harm to an NDHA as part of its case at appeal.
37. The Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposals would not include alterations to the buildings themselves, but would result in some loss of the immediate agricultural setting of the farmstead to residential development. The farmstead has no more than local significance, and the loss of setting would not be total, as the indicative site plan shows a green wedge connecting the farmstead to the country park to the south. Overall, there would be a minor degree of loss to the setting of an NDHA of low heritage significance, which is a matter of limited weight in the planning balance.

Planning Obligations

38. A signed and dated Section 106 Agreement has been submitted by the appellant. This provides for 10% on-site affordable housing and financial contributions towards provision and/or maintenance of local primary care services; waste management; walking and cycling infrastructure; secondary education and SEND provision; libraries and bus services and a monitoring fee, in addition to a management plan for public open space. I have considered the evidence underpinning the requested contributions and I am satisfied that each sought obligation meets the tests set out in the Framework for planning obligations. As a result, I have taken the completed agreement into account.
39. I have had regard to public comments raising concern over the capacity of local services including doctors, dentists, schools and shops. A need for primary care facilities has been identified by the NHS Integrated Care Board, with a contribution of £157,240 to be secured through the planning obligation. This would provide additional capacity to offset the increased demand for health services locally from new residents of the development. The obligation would also secure contributions to account for increased demand for secondary education and SEND provision. The number and capacity of retail stores in the area is not a matter which can be directly addressed by the proposal, but additional residents would provide new customers for existing businesses in the area and potentially generate additional economic activity.

Other Issues Raised

40. The Council has not identified harm in terms of the effect on trees and hedgerows, flood risk or addressing climate change, subject to recommended conditions. I have had regard to the evidence in these matters, and to comments made in representations on other matters not encapsulated by the main issues. However, I

have not identified other benefits or harms that would attract material weight in the overall planning balance. I do not disregard these matters, but as they would not be determinative to the outcome of the appeal, I have not addressed them further.

Planning Balance

41. On the main issues of the appeal, I have found that the proposal would accord with the development plan in terms of the effect on landscape character, the accessibility of the site and the suitability of the proposed access.
42. There would be conflict with the settlement strategy of the ALPR insofar as the proposal would not be a form of development supported in the countryside under Policy EV2, nor is it an allocated site that would gain support under Policy ST4. This in turn leads to conflict with the overarching Policy ST1 which supports development that does not conflict with other policies in the plan. There would also be a minor adverse impact in terms of the loss of setting of an NDHA.
43. However, it is common ground that the Council is unable to demonstrate a five year supply of deliverable housing sites, with the Council's stated position being a supply of 4.39 years. Therefore, policies which are most important for determining the application are deemed to be out-of-date. This includes the aforementioned Policies ST1, ST4 and EV2 which form part of a spatial strategy based on development needs to 2011 that no longer reflect current needs.
44. From my considerations, there are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed. Therefore, pursuant to Paragraph 11(d)(ii) of the Framework, 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 Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
45. I have found that the other material considerations in this case do not raise adverse impacts but conversely there would be significant benefits in terms of housing delivery in an accessible location, both in terms of affordable housing and overall, at a time when the Council is falling short of demonstrating a sufficient supply of deliverable housing sites. This would accord with the aforementioned key policies of the Framework to deliver housing, including affordable housing, in sustainable locations. There would also be demonstrable economic benefits through the construction of the dwellings and afterwards in spending by residents in the local area. More modest benefits would arise through new structural landscaping and required net gains in biodiversity.
46. In the context of Paragraph 11(d)(ii), therefore, the adverse impacts associated with granting planning permission would not significantly and demonstrably outweigh the benefits. Overall, therefore, the presumption in favour of sustainable development applies in this scenario. This is a significant material consideration which, in the final balance, outweighs the limited conflict with the spatial strategy of the development plan and indicates that permission should be forthcoming.

Conditions

47. Conditions relating to the timing of reserved matters applications [1, 2], implementation of the development [3] and the relevant approved plans and documents [4] are all necessary to provide certainty.
48. Details of a surface water drainage scheme [5] are required to address site drainage and flood risk. Conditions are required for the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) [6] to protect neighbours' living conditions, and a CEMP to protect biodiversity [7]. A landscape and ecological management plan (LEMP) is required to ensure ongoing management of open space and biodiversity within the development [8]. A scheme of archaeological investigation [9] is required to ensure any archaeological remains are properly recorded and preserved. An updated arboricultural impact assessment is required to ensure existing trees are protected [10]. Each of these conditions is required to be pre-commencement as they relate to potential impacts arising from the start of the construction phase and would be ineffective or lead to harm or loss were they required to be addressed at a later stage.
49. It is necessary to require conditions to investigate and, where necessary remediate, any ground contamination [11]; to address any unexpected contamination arising during the works [12]; and to verify the outcome of remediation [13], in the interest of protecting human health and groundwater quality.
50. Approval and implementation of a travel plan is required to promote sustainable transport [14]. A condition is required to control the methods employed for piling and/or foundation works on site, in order to protect groundwater from contamination [15]. A biodiversity enhancement strategy [16] is required to be implemented in the interest of protecting species and promoting biodiversity, as is a restriction on the removal of vegetation during bird nesting season to prevent disturbance [17].
51. Conditions to secure details of bus stop provision [18] and a bus loop or turning facility with the site [19] are required in order to promote sustainable transport. It is also necessary to secure details and implementation of sound mitigation for the proposed dwellings [20] and pumping station [21] to ensure satisfactory living conditions for future occupants.
52. For the avoidance of doubt, I do not impose a biodiversity gain condition as this condition is set out in statute, applying to every planning permission granted and with separate, specific provisions to be met in all cases with respect to the BGP. Therefore, the PPG strongly encourages that decision notices do not include the biodiversity gain condition to ensure applicants are aware of this distinction.

Conclusion

53. For the reasons set out, and subject to the conditions set out in the attached schedule, I conclude that the appeal should be allowed.

K. Savage

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale ("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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two 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 drawings:
 - Site Location Plan (Drawing No. CSA/7161/105 REV A)
 - Proposed Site Access Plan (Drawing 4148-F02)
- 5) No development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set out in the Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling. The scheme to be submitted shall provide:
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.
 - A surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. 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 effectiveness.
 - Evidence of how exceedance routes will not affect third party properties.
- 6) No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out:
 - Site specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants;
 - Site working hours; lighting;
 - Wheel washing facilities for construction traffic;
 - A layout of the construction access including a drawing showing visibility splays and method statement for the use of banksmen;
 - Details regarding parking provision for construction workers; and

- Plans on the site and the route that all construction vehicles shall take to the site.

It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

- 7) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 8) No development shall commence until a landscape and ecological management plan (LEMP), also referred to as the Open Space Management Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Thereafter, the approved plan shall be implemented in accordance with the approved details.

- 9) No development shall commence until a Written Scheme of Investigation (WSI) for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The WSI shall be informed by the submitted geophysical survey and shall include a programme of archaeological evaluation, including trial trenching.

Where finds have been revealed, a report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced.

- 10) As part of the application for reserved matters, an updated Arboricultural Impact Assessment (AIA) shall be submitted to and approved in writing by the Local Planning Authority. The AIA shall be produced in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, and shall include a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). The development shall thereafter be carried out in accordance with the approved details.
- 11) No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- 1) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- 3) A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (2) are complete to a satisfactory standard; and
- 4) The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.
- 5) If required, a monitoring and maintenance plan, setting out provisions for long- term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The provisions of the monitoring

and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

- 12) If, during the works, any additional unsuspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
 - i) The potential contamination has been assessed, and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority; or
 - ii) Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.
- 13) The development shall not be occupied until a post-completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been met.
- 14) No part of the development hereby permitted shall be occupied until the Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.
- 15) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 16) Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features within the new buildings for roosting bats, bees and nesting swifts and the provision of hedgehog gaps in garden boundary fences. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.
- 17) No removal of trees, hedges, shrubs, buildings or structures shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, hedges, shrubs, buildings or structures shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.
- 18) No part of the development hereby permitted shall be occupied until a scheme for the provision of up to four bus stops within the site and/or on Brand Lane or within the local vicinity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- the location of the bus stops;
- the design and specification of associated infrastructure, including passenger waiting facilities, real time information (where appropriate), lighting and accessibility measures; and
- a timetable for implementation.

The approved scheme shall thereafter be implemented in full in accordance with the approved details and timetable.

The bus stops shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

- 19) No part of the development hereby permitted shall be occupied unless or until plans denoting a bus loop or turning facility within the site have been submitted and approved by the Local Planning Authority including a swept path analysis and a timescale for implementation. The approved scheme shall thereafter be implemented in full in accordance with the approved details and timetable.
 - 20) Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall be designed to achieve the following criteria with the ventilation operating: internal noise levels 35dB LAeq during the day and 30dB LAeq at night, with night-time maximum levels below 45dB LAFmax in all habitable rooms. The approved scheme shall be implemented in full and retained thereafter.
 - 21) Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall for the proposed pumping station shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed so that noise does not exceed 42dB LAr during the day or 37dB LAr at night at the facades of the nearest homes, including any necessary character corrections under BS 4142. The approved scheme shall be implemented in full and retained thereafter.
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APPEARANCES

FOR THE APPELLANT:

Michael Bedford KC	King's Counsel, Cornerstone Barristers
Phil Wooliscroft	Partner, BTG Eddisons
Anthony Heslehurst	Director, RSK ADAS
Ben Croot	Associate Director, CSA
Simon Coop	Senior Director, Lichfields

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Power	Major Projects Officer
Stella Euerby	Principal Development Control Officer, Nottinghamshire County Council Highways
James Carr	Planning Officer

INTERESTED PARTIES:

Darren Hackett	Local Resident
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DOCUMENTS HANDED UP AT THE HEARING

Written Copy of Appellant's Final Comments