



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Planning Committee

Date: **Wednesday 6 August 2014**

Time: **6.00 pm**

Place: **Council Chamber, Civic Centre.**

For any further information please contact:

Lyndsey Parnell

Members' Services Officer

0115 901 3910

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Barbara Miller

Councillor Pauline Allan
Councillor Roy Allan
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor Denis Beeston MBE
Councillor Alan Bexon
Councillor John Boot
Councillor Ged Clarke
Councillor Bob Collis
Councillor Andrew Ellwood
Councillor Cheryl Hewlett
Councillor Jenny Hollingsworth
Councillor Mike Hope
Councillor Meredith Lawrence
Councillor Marje Paling
Councillor Lynda Pearson
Councillor Colin Powell
Councillor Suzanne Prew-Smith

AGENDA

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| 2 | To approve, as a correct record, the minutes of the meeting held on 9 July 2014. | 1 - 14 |
| | Planning Committee Protocol. | |
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MINUTES PLANNING COMMITTEE

Wednesday 9 July 2014

Councillor John Truscott (Chair)

In Attendance: Councillor Barbara Miller Councillor Cheryl Hewlett
 Councillor Pauline Allan Councillor Mike Hope
 Councillor Roy Allan Councillor Meredith Lawrence
 Councillor Peter Barnes Councillor Marje Paling
 Councillor John Boot Councillor Lynda Pearson
 Councillor Ged Clarke Councillor Colin Powell
 Councillor Bob Collis Councillor Suzanne Prew-Smith
 Councillor Andrew Ellwood

Absent: Councillor Chris Barnfather, Councillor Denis Beeston
 MBE, Councillor Alan Bexon and Councillor Jenny
 Hollingsworth

Officers in Attendance: P Baguley, J Cole, L Parnell and F Whyley

176 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Barnfather, Beeston MBE, Bexon and Hollingsworth.

177 **TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 25 JUNE 2014.**

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

178 **DECLARATION OF INTERESTS**

All Members declared a non-pecuniary interest in application numbers 2014/0644, 2014/0650, 2014/0652, 2014/0653, 2014/0657, 2014/0660 and 2014/0662 as Members of Gedling Borough Council.

Councillor Barnes also declared a non-pecuniary interest in these items as Portfolio Holder for Leisure and Development

Councillor Powell declared a non-pecuniary interest in application number 2013/1317.

**APPLICATION NO. 2014/0542- 118 MOORE ROAD, MAPPERLEY,
NOTTINGHAMSHIRE**

Construct single storey extension to side.

RESOLVED to GRANT conditional planning permission.

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be carried out in accordance with the details and plans (drawing no.'s 1405 OS and 1405 02) deposited on the 30th April 2014.
3. The materials to be used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring residential properties or highway safety. The proposal therefore accords with policies H10 (Residential Extensions) and ENV1 (Development Criteria) of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

180 APPLICATION 2013/1317 THE HOLLIES RAVENSHEAD NOTTINGHAM NG15 9AT

Councillor Powell left the meeting.

Application for the demolition of existing bungalow and tree removal at 37 Sheepwalk Lane with associated garage and erection of 12 new apartments.

The Development Control Manager referred Members to a document, that had been circulated prior to the meeting, with regard to a previous appeal decision within the Ravenshead Special Character Area and informed Members that Officers did not feel that this was a material planning consideration with respect to this application.

The Development Control Manager also clarified issues around dwelling density, the distance to the nearest GP surgery and the size of the drop on the site.

Mr Richard Barton, a local resident, spoke against the proposal.

RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved amended plans (Drawing no.L(20)01 Revision B, L(20)02 Revision B, L(20)03 Revision B, L(20)04 Revision A, L(20)05 Revision A , and L(20)06 .

3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a sample of the materials to be used in the external elevations of the proposed new buildings. The development shall be constructed in accordance with the approved details
4. The development hereby permitted shall not commence until the drainage plans the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a method statement including precise details of construction works within the root protection areas of trees to be retained and details of any pruning works required to facilitate access and construction works. The proposed development will be carried out in accordance with the approved details contained in the method statement.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the position of the means of enclosure of the site. The means of enclosure shall be erected in accordance with the approved details prior to the dwelling being first occupied.
7. No additional windows to those shown on the submitted plans shall be inserted in any elevation or roof slope of the proposed buildings at any time.
8. Before development is commenced there shall be submitted and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
9. Any tree/shrub removal shall only be carried out outside of bird breeding season (March - September inclusively), unless otherwise agreed by the local planning authority.
10. Before the use hereby permitted is commenced there shall be submitted to and approved by the Borough Council details of the provision of storage of refuse at the premises.

11. The development shall not be brought into use until the car parking area has been surfaced and individual parking spaces have been clearly marked out. The spaces shall be kept available for parking in association with the development thereafter.
12. The dwellings hereby approved shall only be occupied by persons aged 55 and over.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt
3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
5. To protect the visual amenity of streetscene, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Polices) 2008.
6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
7. To prevent the overlooking of the adjoining property, in accordance with the aims of Policy H10 of the Gedling Borough Replacement Local Plan (Certain Policies) 2008
8. To protect the visual amenity of streetscene, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Polices) 2008.
9. Reason: to prevent disturbance to breeding birds, an offence under Section 1 of the Wildlife and Countryside Act 1981'.
10. In the interests of highway safety.
11. In the interests of highway safety.

12. In the interests of Highway Safety and to ensure that the use of the site is appropriate for the number of car parking spaces to be provided

Reasons for Decision

In the opinion of the Borough Council, the proposed dwellings are of acceptable size, design and layout having no undue impact on the appearance of the area or neighbouring amenity or the Ravesnehad Special Character Area. There are no highway implications. The proposal therefore complies with the National Planning Policy Framework (2012) and Policies ENV1, ENV 17, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Polices Saved) 2008.

Notes to Applicant

The developer should contact the Local Highway Authority in order to agree details of the proposed arrangements and plan for future management and maintenance of the proposed internal access roads and parking areas, including associated drainage contained within the development.

**181 APPLICATION 2013/1406 LAND NORTH OF PAPPLEWICK LANE
LINBY NOTTINGHAMSHIRE**

Application withdrawn prior to the meeting.

**182 APPLICATION 2014/0644 BURNTSTUMP COUNTRY PARK
BURNTSTUMP HILL ARNOLD NOTTINGHAMSHIRE**

Councillor Powell entered the meeting.

Proposal to allow the change of use of land from public park (sui generis) to a pitch for the siting of a mobile ice cream van (A1).

The Development Control Manager advised Members that additional comments had been received in relation to application numbers 2014/0644, 2014/0650, 2014/0652, 2014/0653, 2014/0657, 2014/0660 and 2014/0662 (agenda items 7-13), as follows:

Police Architectural Liaison- No concerns.

Public Protection- Unlikely to cause any environmental health concerns.

Parks and Street Care- No Comments.

Neighbours- No Comments.

Licensing- No Comments.

RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposal would not impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt, would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, ENV26, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning Officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

183

APPLICATION 2014/0650 GEDLING COUNTRY PARK SPRING LANE GEDLING NOTTINGHAMSHIRE

Proposal to allow the change of use of land from public park (sui generis) to a pitch for the siting of an ice cream van (A1 use).

RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework

184

APPLICATION 2014/0652 RECREATION GROUND LAMBLEY LANE GEDLING NOTTINGHAMSHIRE

Proposal to allow the change of use of land from public park (sui generis) to a pitch for the siting of an ice cream van (A1 use).

RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION, subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

Proposal to allow the change of use of land from public park (sui generis) to a pitch for the siting of an ice cream van (A1 use),

RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning Officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

Proposal to allow the change of use of land from public park (sui generis) to a pitch for the siting of an ice cream van (A1 use).

The Development Control Manager informed Members and addressed a number of issues raised by a neighbour, regarding noise, pollution, arrangements for opening of the car park and a lack of income generation.

The Development Control Manager also informed Members of a suggested additional condition as requested by the Forestry Officer and that, in the opinion of Officers, the issuance of an informative would be more appropriate than a condition.

RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposal would not impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt, would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, ENV26, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning Officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

187

APPLICATION 2014/0660 RECREATION GROUND CHURCH LANE ARNOLD NOTTINGHAMSHIRE

Proposal to allow the change of use of land from public park (sui generis) to a pitch for the siting of an ice cream van (A1 use).

RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning Officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

188

APPLICATION 2014/0662 KING GEORGES FIELD GEDLING ROAD ARNOLD NOTTINGHAMSHIRE

Proposal to allow the change of use of land from public park (sui generis) to a pitch for the siting of an ice cream van (A1 use).

RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The mobile ice cream van shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
3. The ice cream van shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 and R2 of the Gedling

Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - Planning Officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

189 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

190 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

191 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.45 pm

Signed by Chair:
Date:

Agenda Annex

PLANNING COMMITTEE PROTOCOL

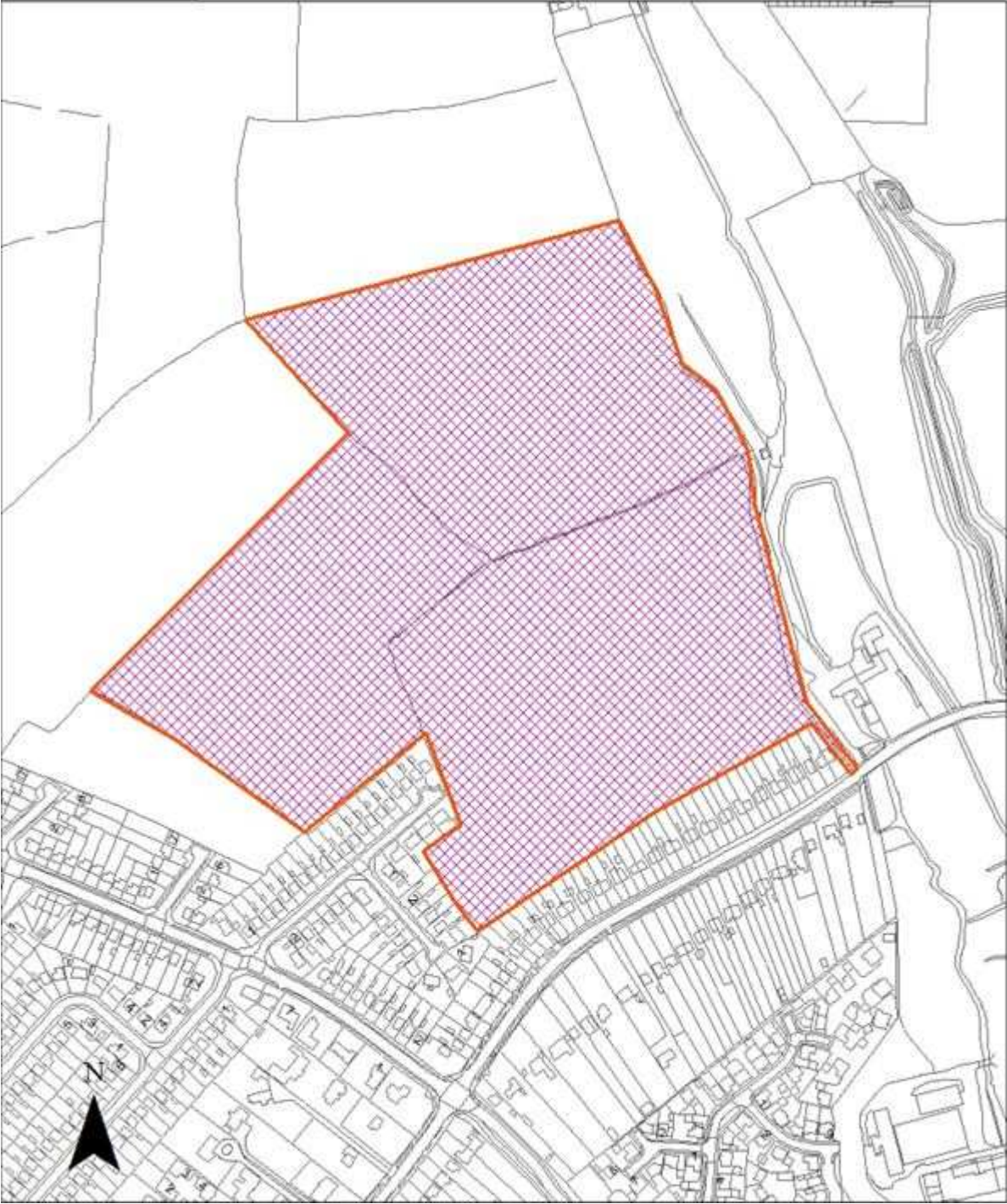
1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is a quasi-judicial body, empowered by the Borough Council to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. In terms of Councillors' role at the Planning Committee, whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their over-riding duty is to the whole borough. Therefore, whilst it is acceptable to approach Councillors before the meeting, no opinion will be given, as this would compromise their ability to consider the application at the meeting itself. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Members may also request that their votes are recorded.
4. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
5. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. A maximum of 3 minutes per speaker is allowed, so where more than 1 person wishes to address the meeting, all parties with a common interest should normally agree who should represent them. No additional material or photographs will be allowed to be presented to the committee.
6. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chairman will bring the meeting to order. In exceptional circumstances the Chairman can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
7. After Councillors have debated the application, a vote will be taken. If Councillors wish to take a decision contrary to Officer recommendation, a motion to do so will be moved, seconded and voted upon. Where the decision is to refuse permission contrary to Officer recommendation, the motion will include reasons for refusal which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. The Chairman may wish to adjourn the meeting for a short time for Officers to assist in drafting the reasons for refusal. The Chairman may move that the vote be recorded.
8. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

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Application Number: 2013/1406

Location: Land North Of Papplewick Lane



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2013/1406

Location: Land North Of Papplewick Lane

Proposal: Demolition of two properties on Papplewick Lane to provide access for a residential development, education provision, public open space and attenuation ponds with access defined and all other matters reserved.

Applicant: The Co-operative Estate

Agent: Paul Smith

Background

Members may recall that this application was reported to the meeting of the Planning Committee on 9th July 2014, when it was deferred in order to resolve outstanding issues relating to the proposed conditions.

Site Description

The application site comprises approximately 16 hectares of agricultural land, situated to the north of residential properties on Papplewick Lane, Christine Close and Devitt Drive, Hucknall. The development site falls relatively gently downhill towards the River Leen; by some 6.6 metres, over a distance of around 450 metres, from the north-west to the south-east, and by some 8 metres, over a distance of around 500 metres, from west to east.

To the west, the site is separated from residential properties on Marion Avenue and Alison Avenue, Hucknall, by an area of copse woodland comprising scrubland and self-seeded trees. A small section of the site, approximately 925 square metres, falls within the jurisdiction of Ashfield District Council, and contains 3 existing dwellings on the north side of Papplewick Lane, Hucknall.

To the north, north-east and west of the site is agricultural land, which separates the site from the villages of Papplewick and Linby. The western edge of the site is bounded by a mature hedgerow and contains a number of mature trees.

The River Leen runs alongside most of the eastern boundary, and is defined by a mature tree and hedge line. Beyond this lies Moor Pond Wood, part of which extends northwards to Linby Lane. Both the River Leen and Moor Pond Wood are designated as Sites of Importance for Nature Conservation (SINC). In addition, the River Leen corridor and Moor Pond Wood are allocated in the Replacement Local

Plan as Private Protected Open Space and as a Mature Landscape Area.

The development site is located almost entirely within Flood Zone 1, with approximately 1% of the site adjacent to the River Leen falling within Flood Zones 2 and 3.

Six of the ten hedgerows contained within the site are classed as 'important' under The Hedgerows Regulations 1997.

Approximately 10 hectares of the site is allocated as Safeguarded Land in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). Within the centre of this area, and separating two fields, is a ditch and broken hedgeline, containing a small number of trees. The northernmost part of the site is located within the Green Belt for Nottingham and is separated from the Safeguarded Land by a hedgerow containing some mature trees and a drain, which constitutes an ordinary watercourse.

The copse woodland and agricultural land to the north-east of Delia Avenue and Dorothy Avenue, Hucknall is also allocated as Safeguarded Land in the Replacement Local Plan, but does not form part of the current application site. The site also falls within the Greenwood Community Forest.

Policy 2 (as proposed to be modified) includes provision for a Sustainable Urban Extension at North of Papplewick Lane for up to 300 homes. Policy 2 is supported by appendix A of the ACSSD (as proposed to be modified) which provides information on the types of infrastructure needed to support the proposed development. This includes:

- Provision of a primary school
- Contributions to secondary education places
- Green infrastructure including a 30 m buffer strip along the River Leen
- Public open space
- Highway mitigation and measures to encourage public transport, cycling and walking

Proposed Development

This is an outline application, for residential development, together with ancillary works development. The indicative details suggest that up to 300 new homes would be created. The site is within 3 different ownerships, the largest part being owned by The Co-operative Group.

The development would involve the demolition of two existing semi-detached houses on Papplewick Road, in order to provide a new vehicular access to the site. The Borough Council's boundary is aligned such that in fact the demolition and proposed access lies outside of the Borough, within Ashfield District Council's area. The access to the site which involves the demolition of the two houses will be determined by Ashfield District Council.

The submitted details state that the new housing would be 2 storey in height although 20% would be 2.5 – 3 storeys. A mix of different sizes of homes is proposed, but no details are provided. A density of 29 dwellings per hectare is proposed.

The ancillary development takes the form of education provision, provision of public open space and creation of flood attenuation ponds and an ecology park.

The new vehicular access would be from Papplewick Lane, in a location presently occupied by 181 and 183 Papplewick Lane, which would be demolished. Modifications would also be carried out to the side elevation of 185 Papplewick Lane. There is no vehicular access planned from the residential cul-de-sacs to the west of the site at this time. The single new access point would lead to an internal loop road. A “ghost” island in Papplewick Lane for right turns into the site is proposed. The original plans included a potential emergency access route, which would be taken from Papplewick Lane to the east of the site close to the River Leen, but that aspect of the plans has now been withdrawn and replaced with a pedestrian/cycle link.

The education provision is in the form of a school annexe with playing fields, to meet the education demands arising from the new housing. The agents are proposing a 0.5 form entry school for 105 pupils on a 0.7 ha part of the site.

The public open space proposed would be in the form of two areas, the first adjacent to the River Leen, and the second in the centre of the site. In addition, an ecological park is proposed to the north, around the attenuation ponds. These green spaces would be linked by green corridors which, in places, would follow existing hedgerows.

The River Leen would be separated from new residential development by a green buffer 30 metres wide. The existing hedgerow on the northern site boundary would have a 5 metres wide buffer between it and the new development.

The ecological park would be publicly accessible and include attenuation ponds, which are for drainage and flood prevention. They comprise part of the sustainable drainage system which would be provided for the whole site. The ecological park would be 4.8 hectares. The ponds would vary in size and depth.

Other details supplied by the applicants at this time are listed below:

1. Acoustic barriers 2.2m high would be installed on the site boundary adjacent to the site access road.
2. Percolation drainage is not suitable for the ground conditions on the site, so drainage is by way of ponds, which eventually discharge to the River Leen. These ponds form part of the proposed ecology park as they will provide wildlife and wetland habitats. A small part of the site to the south west will have tanked storage for rainwater drainage.
3. Most mature trees will be retained although some hedgerows will be lost.
4. Affordable housing will be provided if feasible and viable.
5. There is a bus stop on Papplewick Lane within 60m of the site and Hucknall Train station is 2km away.
6. National Cycle Route 6 (linking Nottingham and Sheffield) is close to the site.

The application is accompanied by the following documents:

- Geophysical Survey.
- Environmental Noise Assessment.
- Air quality Assessment
- Statement of Community Involvement.
- Education Impact Assessment.
- Ecological appraisal.
- Transport Assessment
- Flood risk assessment.
- Geo-environmental and geotechnical Desk study.
- Ground investigation report.
- Landscape and Visual Impact Assessment
- Habitat Survey.
- Indicative Master Plan.

Subsequently, in response to consultee comments, additional documents were submitted as follows:

- Highway Issues Technical Note
- Proposed Ghost Island Right Turn
- Papplewick Lane Emergency Access
- EA ISIS Model Nodes
- Access Sketch Design
- Traffic Flows from SYSTRA
- Junction Count Data
- Proposed Ghost Island Right Turn (Revised)
- Proposed Traffic Calming Improvements at Linby Lane/Main Street
- Residential Travel Plan Framework
- Site Access Technical Note
- Conceptual Drainage Strategy
- Papplewick Lane Blockage Assessment
- Ordinary Watercourse Proposal
- Blockage Review
- Groundwater Assessment
- Borehole Logs, Hucknall
- Landscape Photomontage Visualisation
- Protected Species Survey
- Indicative Masterplan - without notes (Revised)
- Illustrative Landscape Masterplan
- Illustrative Boundary Landscape Proposals
- Landscape Photomontage Visualisation

The applicant's agents have also made the following comments in response to the most recent comments from Ashfield District Council (see below).

Whilst they cannot disregard the points raised in ADC's dated 8th July 2014, it is their view that only minimal weight should be afforded to most of the comments when determining the outline application within Gedling's authority boundary.

The decision for Gedling to make is whether the part of the application which falls within the Borough's boundary is acceptable in planning terms. The acceptability of those parts of the application which fall within Ashfield's administrative boundary is for Ashfield, and only Ashfield, to consider. The majority of the points raised by Ashfield relate to the acceptability of the part of the application within the Ashfield boundary, not those parts of the application within the Gedling boundary.

In terms of points 1, 2 and 3, these all relate to issues within Ashfield's authority boundary and have no relevance to Gedling. The implication of these points is that Ashfield consider the application within Gedling's authority boundary can only be determined once Ashfield have determined the access road. This is entirely inappropriate and there is no requirement in the Town and Country Planning Act for cross-boundary planning applications to be determined in a particular order.

With regards to item 4, which relates to the provision of the Section 106, they would point out that the relevant planning obligations required as a result of the application only relate to items controlled by Nottinghamshire County Council. There is, therefore, no requirement to liaise with Ashfield Council on these matters. Furthermore, in setting the appropriate and justified sum, the impact of the development on infrastructure and facilities has been considered on a county-wide basis and therefore takes full consideration of the potential impacts on Hucknall. In particular, the highways assessment has utilised a highways model which is specific to Hucknall and therefore takes full account of the traffic impacts in the town. This model was utilised as a consequence of a direct request to do so by Ashfield DC. The impacts on infrastructure and facilities in Hucknall have therefore been fully considered.

Finally, point 5 of Ashfield's consultation response addresses Policy ENV31 of Gedling's Replacement Local Plan 2005. This policy states in section 1.71 that "At the end of the Plan period, the safeguarded land will revert to Green Belt, unless it is essential to meet longer term needs". The Plan period has indeed now ended and, as detailed in the report to Planning Committee on 9th July 2014, the Borough Council can only demonstrate a 3.23 year supply of deliverable housing sites. The site is, therefore, essential to meet the longer term needs of housing and complies with this policy.

Consultations

Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press.

I have received 26 individual letters of representation and one letter signed by 26 residents, which raise objections, concerns or issues on various grounds to the proposed development in response to consultation on the proposals as originally submitted. The points made are summarised below:

Traffic and Highways

Traffic objections have been submitted to Ashfield District Council in respect of the demolition and new access road, as that local authority is deciding that part of the plans.

Usually one point of access serves only 150 homes, whilst this plan is for 300. Emergency road access alongside River Leen would impact important wildlife there.

Query how emergency access road would be maintained and how use would be restricted.

Emergency road access point is at a dangerous point in Papplewick Lane where traffic speeds.

The emergency access road is not needed so should be omitted.

Transport assessment does not properly address impact of traffic on residents nearby.

The existing road junction of Bernard Lane and Church Lane is already busy and has limited visibility. It is also on a school route and used for "Rat Runs". Increase traffic at Griffins Head cross roads, which is already busy, and cannot be altered due to position on listed buildings.

Will increase traffic at Moor Road/Papplewick Lane junction.

Cumulative impacts on traffic should be considered, including those from proposed/pending developments in Hucknall.

Traffic mitigation measures should be identified now before the application is decided.

Improving the cross roads would cost J0.25million, but no detailed plans of how this would be spent to make it safer are included.

Plan includes speculative footpath links to existing shops, but these would be across land outside the applicant's ownership. If they cannot be provided new residents will drive to local facilities, increasing traffic, especially in Hayden lane which is already hazardous because of parked cars.

It is understood that the Highway Authority would require a developer to make adequate emergency provision with a single point of access, in line with its guidance. The issues raised by the Police and the Wildlife Trust, together with surface water issues, raise a significant question as to whether the applicants proposed emergency access road is acceptable. The proposal does not accord with highways guidance.

The applicant has submitted a drawing of the proposed emergency access road. This shows 'collapsible bollards'. The plan points to the edge of the pavement, at the kerb. The limited width of the pavement at this point is pointed out, together with a street light standard which further narrows the pavement here.

The Highway Authority has previously raised concerns about the emergency access.

It is understood that the Police Architectural Liaison Officer has objected to the proposal on community safety/nuisance grounds. It does not appear that the applicant consulted the police from this perspective, as per the guidance. Whilst walkers can now access the current farm track at this point, to make this an entry point for walkers and cyclists to and from 300 houses would radically alter the environment for adjacent residents in terms of disturbance, noise etc. The objections of the police need to be taken account of.

The applicants Highways Technical Note seeks to justify their proposals or challenge objections, citing the guidance. They do not meet the guidance for

this type of access.

Reference is made to the applicant's 'Highways Technical Note' and appendices. These do nothing to allay concerns about the impact of this development in terms of increased traffic onto Papplewick Lane and through the Vaughan estate – Hayden Lane, Bernard Avenue etc.

The applicant challenges the need for a bus service to run through the proposed site, citing the location of existing bus stops and their distance from the development. Any future residents living at the northern end of the development would have quite a walk to access the bus stops.

Some of the distances to local amenities and public transport sites, quoted by the applicant, are highly questionable and need to be challenged.

The applicant acknowledges that they are unable to provide pedestrian and cycle links with the adjoining area, notably into the Vaughan estate. They quote the existence of shops on Hayden Lane. There is no link through. The proposed development is essentially a back-land development with no adequate links. This, in itself, will inevitably lead to trips by car.

Attention is also drawn Appendix 6. The applicant makes reference to the appointment of a Travel Co-ordinator, referring to an employee of Taylor Wimpey whose details will be made known to 'Wigan Council'.

Policy

No decision on this application should be made until the draft Aligned Core Strategy (ACS) is examined.

Residents objected to ACS because of the impact on Ashfield and urban sites in Gedling District.

The site is not allocated for housing. Although it is safeguarded its development now would be contrary to the NPPF.4 in conflict with Gedling's Development Plan.

Decision should be referred to secretary of State.

Green Belt

If approved there could be a legal challenge if the plan is approved because it is a departure to planning policy.

Does not demonstrate that the plans are sustainable development.

The latest information provided to the ACS is that there is a 5 year land supply, with 20% buffer.

Water and drainage features may impact the Green belt.

Loss of arable farmland.

Normal requirement is for 20% affordable housing so unclear why this application proposes 30%, especially as council house waiting lists are not excessive.

Social housing requirements should accord with Ashfield Council's standards. Site is Grade 2 farmland and brownfield sites should be developed first, especially colliery sites.

Will cause coalescence of Hucknall, Linby and Papplewick.

Site is only 60% of the housing area so is piecemeal development and unacceptable.

Site layout does not prioritise pedestrians or cyclists.

The proposed development would be unsustainable, due to its proximity to the

River Leen. Insurance companies are refusing to insure properties close to rivers, and those that do are charging very large premiums.

Biodiversity

Site supports wildlife including birds and lizards, and their habitat would be lost forever.

River Leen adjoins site and supports water voles and white clawed crayfish, and these habitats must be protected.

A tree survey should accompany the application, so the loss of trees and hedgerows is made clear at this time.

Environmental Impact Assessment has not been carried out.

Location of proposed recreation area will have a detrimental impact on undisturbed wildlife.

The applicant's ecological survey indicates the importance of enhancing the protection and environment of the Leen. The proposed 30 metres buffer will assist with this. The construction and location of this proposed road, immediately adjacent to the Leen, remains perverse.

It is understood that the Nottinghamshire Wildlife Trust has now also raised concerns about the emergency access road proposal and the negative impact on wildlife habitat.

Drainage and Flooding

Risk of flooding underestimated.

Drainage measures inadequate

The applicant say there are no records of flooding of Papplewick Lane but several residents know it has, and photos are submitted including one of floods by the site and the proposed emergency access point.

Must ensure surface water run off does not affect water quality in River Lean
The applicant's reports recommends further flooding investigations and these should be done before any decision is made on the planning application.
Query effectiveness and maintenance of proposed underground storage tanks.

The applicant's latest assessments consider it acceptable for more surface water to find its way onto Papplewick Lane as a direct result of their proposals. There are no assessments of how far flooding would be expected to extend along the Lane. The applicant appears to rely on the water obediently crossing the road and dropping back into the Leen. It will surely run down the gradient on the road.

The photographs of flooding, as submitted previously, are at the point the proposed emergency access road meets Papplewick Lane. It cannot be acceptable to site an emergency access road at a point on a main road already known to flood, and with further surface water arising from the development adding to this problem.

The applicant's further assessment takes little or no account of the impact on the historic Warp Mill house. The garden here has flooded previously. The height of the underside of the bridge, located in their garden, is limited. A blockage or high river levels will flood the garden.

Has the impact further downstream of additional surface water entering the

River Leen been taken into account?

The applicants original Flood Risk Assessment did not acknowledge that Papplewick Lane floods, stating there were no records of flooding. Residents have clearly shown that it floods.

The site map on the 'Papplewick Lane Blockage Assessment', points to the River Leen. It generates no confidence in the application and its attention to detail when the river is shown in the wrong place – moving it to the other side of the Mill House!

The applicant's documents 'Papplewick Lane Blockage Assessment' and 'Papplewick Lane Emergency Access' acknowledge that flooding can be expected where the proposed emergency access road joins Papplewick Lane. It has been pointed out previously that this part of Papplewick Lane is already subject to frequent flooding. There is photographic evidence of this, covering a number of years. At times the Lane has been impassable.

Infrastructure

The proposals do not include an analysis of infrastructure impact, such as health and education capacity.

The plans include a primary school annexe but no information on secondary level education.

Gedling Council will receive Council Tax for new residents at the site, but the demand will fall upon Ashfield Services.

Already insufficient parking at public transport access points.

Bus services inadequate.

Will add strain to overstretched facilities in Hucknall.

Impact on Existing Residents

Negative impacts on existing residents.

Location close to Ashfield means residents value the openness of the site and the nearby river, woods, wildlife, heritage and views, which would all be lost.

Urban design concept does not address impact on existing residents.

Placing 2.5 and 3 storey buildings to the rear of existing houses would have an unacceptable impact on residents.

Loss of views and openness.

Properties in this area have a premium price because of their beautiful location, and this plan would affect that.

Village community atmosphere would be diluted

Overlooking

Loss of property value and view.

Generate noise and air pollution.

Security risks to existing residents.

Impact on Heritage Assets

Adverse impact on historic views and heritage and Conservation Areas.

Demolition of Warp Mill House is a terrible shame as it is of historic interest. A development of this scale would destroy the villages of Limby and Papplewick, which have outstanding beauty and are quintessentially English. Effects on industrial heritage site.

Effect on setting and views of Conservation Areas.

Traffic junction alterations would alter historic interest.

At a recent Aligned Core Strategy hearing session, it was reported that Nottinghamshire County Council has commented that the proposals would have a "slightly beneficial impact" on landscape and that the ecological park will go some way to mitigate the loss of arable land.

It is also a moot point that the residents of Papplewick Lane and part of the Vaughan estate, whose current landscape is the arable land, hedgerows and view across to Linby church, Papplewick and beyond, would have that destroyed by the proposed development.

It cannot be seen how the physical landscape/visual image from the perspective of the villagers in Linby and Papplewick would in any way be enhanced as the built environment creeps ever closer to them. Little account continues to be paid to the historic landscape connected with Moor Pond Wood and the impact of this proposed development on that.

Other Issues

Neighbour notification letter does not make it clear which aspect of the scheme is being determined by which local planning authority, No need for habitat enhancement or recreational space provision if the new houses were not proposed.

Query long term maintenance requirements, especially Ecology Park and open space.

Unrealistic assumptions about expecting residents to walk or use public transport.

The views out to green space from the site would not be guaranteed as adjoining land is in different ownership;

The applicants buffer is simply new rear gardens, and the only true landscaped buffer is from land outside the applicants control

The footpath through the ecology park is a dead end, to land outside the applicant's ownership.

Should look for a site elsewhere, possibly a whole new town rather than damaging a beautiful part of Nottinghamshire.

300 houses on this site would not be viable.

Gedling Council did not engage with nearby residents as they lives in Ashfield District.

Applicants have previously stated the school would not be built until last, which will be too late for the new residents.

Adequate planning conditions should be put in place at the outline stage to mitigate the negative impact on existing residents.

Had the objective been to create a development designed specifically to attract residents wishing to live sustainably in a new, eco-friendly settlement with energy efficient homes, then the laudable objectives of a travel plan might be more convincing and achievable. Such a development would have been in keeping with Co-operative principles. This is not the impetus for this

development.

Local residents have been re-consulted on the additional information and documents. I have received a further 42 letters of representation in response and following publication of the report to Planning Committee on 9th July 2014. These make the following comments:

Highways and Traffic

New details propose ghost islands between Moor Road and Hayden Lane, widening the road, removing the verge and creating a pedestrian refuge, which will affect existing resident's accesses and forward visibility, making egress hazardous and creating conflicting vehicular movements (photographs have been submitted to demonstrate this).

Existing on-street and verge parking on Papplewick Lane will continue, adding to new conflicts and producing an unsafe highway environment.

The plans do not show the true visibility lines from existing resident's driveways.

Swept path plans are inaccurate.

Ghost island too close to a busy junction.

Needs more analysis of road junctions.

Emergency access road will flood and will be unusable.

Papplewick Lane too narrow for another point of access.

Noise, dust and mud pollution and increased traffic.

Have seen traffic in Papplewick increase to become a serious problem.

Hazards from additional cars.

Congestion on surrounding roads.

Traffic in area has already increased recently and this will make traffic problems worse.

The impact of vehicles from 300 large family houses, who are unlikely to use alternative means of transport, has not been factored into the modelling work undertaken, nor has the high use of internet shopping which increases delivery vehicle movements.

Will cause on street parking.

Traffic danger to children.

Hazardous access point due to parked cars and bus stops.

Road already suffers tailbacks.

Not safe for new residents to travel to shops, schools and work.

Surrounding roads usually blocked by snow.

Existing street lighting inadequate.

Only one point of access for cycles, pedestrians and cars.

Too far from shops, doctors and secondary schools so residents will use private car causing hazardous traffic problems.

Traffic calming measures should have accompanied original application.

Road humps will increase noise disturbance from tractors and trailers.

Removal of emergency access road welcomed.

Community safety concerns regarding access form surrounding cul-de-sacs.

Staggered crossroads in village is hazardous and risky.

The proposed works to the crossroads will not help, they may increase noise, vibration and pollution, and be detrimental to safety of pedestrians.

Raised plateau road hump will only slow the traffic, causing it to 'bunch up' and make hold-ups worse, not offset the increasing traffic volume problem as new homes are built.

Raised plateau road hump at Papplewick crossroads would have a detrimental visual impact and is inappropriate in a Conservation Area.

Raised plateaus in the road won't help at the present difficult junction.

Traffic in area must be allowed to "flow", such as by installing traffic lights on Forest Lane in advance of the blind left bend, and at the other end of the village before Castle Mill. This would alleviate present gridlock and make exiting the junction easier.

Alterations to road junction are not needed.

The colour of the raised plateau road hump is detrimental to surrounding listed buildings and the Conservation Area.

Raised plateau road hump will be an eyesore.

The raised platform will increase noise and air pollution.

The addition of road humps on Main Street will restrict vehicles to a single lane only, a concern on a bus route.

Traffic calming measures will make existing residents accesses even worse.

Raising road to pavement level will cause danger to pedestrians.

Traffic calming plans are ridiculous and an appeasement.

Will result in 1200 extra vehicles in the area.

Should consider traffic generation from this site in conjunction with that arising from 1100 houses passed at Top Wighay Farm and Papplewick Green and sites in Hucknall.

Access roads unfit due to parked cars.

Access point is dangerous.

One point of access for 300 houses is double the normal County Highways restriction.

Roads in the area are a rat-run, which will become even busier creating significant hazards for pedestrians and cyclists in the area. No attempt has been made to consider the flows and impact upon Hayden Lane and Bernards Avenue.

The Transport Statement omits significant developments which will come on stream from Ashfield's Local Plan. These should be included in order to provide a robust analysis of impact.

The Transport Statement considers strategic infrastructure, but does not consider the full demand on local proposed infrastructure.

Residential Travel Plan contains factual errors and inaccuracies, such as existing footpaths are not 2 metres wide as stated, so hazardous.

Will increase potential for traffic accidents and increase the risk for children.

The fact that there have been no serious accidents is not good reason not to consider the real highway safety issues. Serious accidents will happen and are more likely with increased traffic and on-street parking.

From 3rd August 2014, the last bus from Nottingham will be the 16.30 pm.

This will affect the Travel Plan submitted with the application.

Consideration should be given to introducing traffic lights at the entry to Papplewick on Linby Lane and Forest Lane.

Policy

Site is safeguarded under the Local Plan and is not therefore available for development until the current plan is superseded by another, so granting permission would be illegal.

Breach of Green Belt Policy.

No demonstrable or proven need for new houses in this area, especially with Papplewick Green and other developments being incomplete and other areas in Hucknall being developed in the near future.

Should develop brownfield sites first, not farmland needed for food production.

No consideration of windfall site provision by Gedling Council.

Increased urban sprawl.

Does not meet test for very exceptional criteria to justify Green Belt development.

Should build a new village instead.

Local People should decide where new houses go, not the Core Strategy.

Green Belt development, even for ponds, wouldn't be needed if the plans were refused.

Biodiversity

Loss of wildlife and hedgerow.

Destruction of wildlife and beautiful countryside.

Drainage and Flooding

Additional flooding information is still inadequate as there is no reference to the impact of surface water and flooding on Warp Mill.

Additional drainage details provided are factually incorrect, simplistic, not factually based, contains assumptions, and not credible, nor satisfies residents' concerns

Additional reports don't account for climate change.

No research on impacts on existing weirs and bridges.

Land is flood plain.

Cannot guarantee existing residents won't be flooded

Future risk of flooding.

Site is waterlogged most of the year.

Any building would increase the risk of flooding.

Blockage Review is incomplete.

Floodplain storage is not taken into account.

Will cause flooding of historic Warp Mill.

River Leen already runs at a high level, including very close to top of road culvert, and the development must increase this due to the increase in impermeable area.

Need further drainage assessments.

Overland flow paths need to be provided to accommodate exceedance events.

Infrastructure

Inadequate transport infrastructure; the tram and station car park is too small and is at capacity, especially at peak times.

Pressure on local shops and services.
Pressure on Ashfield Council's services and infrastructure.
Will overload local services, such as doctors, dentists, emergency services and schools.
Will need to build a secondary school too.
Gedling Council shows a complete lack of understanding or care with regards to local need.

Impact on Existing Residents

Urbanisation of beautiful village.
Impact on resident's family life, harmony, health and safety, air pollution, noise pollution, vibration and congestion. These impacts will also affect residents on the Vaughan estates.
Disregard to local community.
Proposed open space will affect existing residents.
Will have to endure years of noise and dust and mud on roads.
Will add pedestrian and cyclist activity to a farm track, affecting community safety.

Impact on Heritage Assets

Detrimental impact on Conservation Area.

Other Issues

The extra information includes reference to Wigan so clearly irrelevant.
Bus Information supplied is inaccurate.
The footpath to Moor Road is far less than 2m wide.
Loss of green space valuable to 3 separate communities,
Cumulative impacts should be considered, especially 1100 new homes at Wighay Farm
100% local opposition.
Risk of drowning in new ponds.
Irresponsible development.
Breach of privacy to use neighbours house and car in visualisation plans
Proposed landscaping off Devitt Drive is incorrect as that is in separate ownership.
Walking distance to the schools is 1214m and 1379m- far further than the applicant states.
The local shops are 412m distant not 340m as stated.
Hucknall train station is 1.5km to the South West not 1.2km to the south east as the agent states.
Bus designations and timings are incorrect.
Travel Plan is a copy of one submitted in Lancashire and is lax.
Proposed planted buffer is within new residents back gardens
The rates will go to Gedling, but residents of Ashfield will have to pay for the additional infrastructure in Hucknall.
Photographs of people's houses and cars in the proposed visualisation are a

breach of privacy.
Loss of property value.

I have also received a copy of a letter signed by two local residents to the Chief Executive of the Co-operative Bank concerning the ethics of the Co-operative Group and re-iterating some of the above objections.

Friends of Moor Pond Woods (FMPW) –In summary, objections to the planning application are raised on the following grounds:

Prematurity

FMPW understand that the 2005 Structure Plan identified this land as safeguarded from development until all available land has been used, or the Local Plan is reviewed. FMPW consider that neither of these preconditions has been satisfied and therefore the land should not be developed.

The Planning Inspector is still considering the Aligned Core Strategy that should guide future potential development of this land. FMPW believe that there is a good case for this land to be removed from the ACS by the Inspector and therefore it would be inappropriate to prejudge the Inspectors report and grant outline planning permission at this time.

Inadequate Landscape and Visual Impact Assessment & Archaeological Assessment

FMPW is disappointed by the standard of work shown in the Landscape and Visual Impact Assessment and Archaeological Investigation that were supplied to support this proposal.

Firstly, FMPW does not believe that the LVIA fully takes into account the importance of the Historic Landscape in this part of the Leen Valley. The report does not cite key works that are publicly available – for example the articles by Nan Greatrex (Greatrex, 1987) (Greatrex, 1986) or the Desktop Archaeological Study (Sheppard, 2001) carried out for the Moor Pond Wood Project. There is no reference to the chronology of the mills. This leads us to conclude that the Historic Landscape analysis (such as it is) is flawed, because supporting evidence has not been identified or taken into consideration.

Documentary evidence suggests that the Walk Mill and its pond were leased by Cornelius Wyldeboar and George Robinson for some time between 1740 and 1778 for the purposes of dyeing, bleaching and washing cloth, and the fields around were used as bleachfields. Recently discovered archaeological evidence suggests that dyeing, bleaching and washing cloth may also have taken place in the fields around Upper Mill (also known as Castle Mill).

Within the supporting documentation are the results of a Geophysical Survey. The evidence has been interpreted to suggest that there are no identifiable archaeological remains. FMPW believe that this investigation was inadequate for

the location. It may well be that there are no walls within the immediate area of the proposed development, however the nature of the textile manufacturing processes at this early stage of the Industrial Revolution may have been such that there are few 'hard' remains. Nevertheless, vital evidence may be left on or in the ground. The fact is that little is known in detail about the operation of this industry at that time. FMPW would take the view that by building on this land or 'landscaping' it to form an 'ecopark' without first carrying out a thorough survey runs the risk of permanently destroying vital evidence about an industry that held a formative role in the development of the industrial and cultural heritage of this area.

One of the hallmarks of the early textile industry in this part of Nottinghamshire was the interrelationship between the fixed structures like mills, leats and ponds and the surrounding land. At Bulwell, the site of the Cotton Mill and Bleach works has been redeveloped without investigation of the remains. At Bestwood, the site of the Mill and the surrounding fields have been landscaped into the 'Leen Valley Country Park'. The land which is the subject of this proposal is the last remaining place in the Leen Valley where the interplay of fixed structures, water engineering and landscape can be considered and investigated.

The LVIA carried out in support of this proposal is incomplete because it did not consider the visual effect of the proposed development when viewed from the structures within Moor Pond Woods. The raised embankment which would have carried water southwards, and helped to impound 'Moor Pond', stands at least 15m above the River Leen and has an extensive view to the west. This is publicly accessible land within an accepted Nature Reserve over which there has been a concessionary right of way for more than 15 years, and yet the LVIA investigation did not consider the impact of the proposed development from this crucial viewpoint.

It is for these reasons that 'the Friends' propose that this section of the Leen Valley should be accepted and treated as a 'Valued Historic Landscape'. FMPW does not accept that the background investigations carried out so far by the developer are 'fit for purpose'. FMPW would urge the Borough Council to refuse outline planning permission on the proposals as presented, on the grounds that the impact on the Historic Landscape has not been adequately considered.

If the Borough Council is minded to accept the proposal, FMPW feel that it should attach conditions that oblige the developer to fully investigate the historical evidence, place their results in the public domain for the benefit of future historians, and ensure adequate protection for the historic landscape.

Ecological impact on the River Leen

'The Friends' believe that the Proposal, in its present form, will have a major impact on the River Leen and two endangered species that use it.

FMPW believe that there is a serious concern about water quality. In the Geo-Environmental & Geotechnical Desk study (para 3.3) it states that the site is underlain by "rocks of the Cadeby formation ... a principal aquifer, [that] support water supply and river base flow". In other words, in its natural state the surface water on this land percolates and is cleaned to generate the steady flow of

calcareous groundwater, and it is that water that supports the identified population stronghold of white-clawed crayfish. This stretch of the river is an important location for a breeding population of this endangered species.

The proposed attenuation ponds may slow down the rate of overland flow and increase the lag-time of the basin, but FMPW is concerned that there will be deterioration in water quality that will threaten this endangered species. Creating reed-bed filtration may be a more successful mitigation as far as water quality is concerned.

In the south-west of the site, which is acknowledged to be too low to flow into the gravity-fed attenuation ponds, there may be an even greater problem. The reality is that all this parcel of land naturally drains to the south west corner, as evidenced by the silt and storm-water that pours out onto Papplewick Lane at periodic intervals. FMPW is concerned that the combination of placing the ponds at the upstream end of the site, and the inevitable increase in indurated surfacing (if building goes ahead) will increase drainage from this corner. This will more readily pollute the river, because it will not be 'settled' in the ponds. Additionally, driving the proposed emergency access track along the river bank will further compromise water quality, both from increased run-off and (potentially) pollution from vehicular sources.

FMPW believes that the ecological appraisal document underplays the potential impact on endangered species. In contrast to the evidence advanced in support of the proposal, the study undertaken by Andrews suggests that this is indeed a significant stronghold for water vole.

Declining water quality and increased public access will inevitably impact on the vole population in addition to the crayfish population.

FMPW does not accept that the background investigations carried out so far by the developer are 'fit for purpose'. FMPW would urge the Borough Council to refuse outline planning permission on the proposals as presented, on the grounds that the impact on the endangered species has not been adequately considered.

If the Borough Council is minded to accept the proposal, FMPW feel that it should attach conditions that oblige the developer to more fully investigate the ecological evidence, and ensure adequate protection to safeguard water quality; for example, bio-remediation of the surface water rather than reliance of attenuation lagoons and tanks.

Linby & Papplewick Parish Councils – Original plans

The joint response of the Parish Councils raises objections to the planning application both in respect of the principle of development and the wider impacts that the development proposals would have on the area, having regard to the National Planning Policy Framework, the Gedling Borough Replacement Local Plan and the draft Aligned Core Strategy. In summary, objections are raised on the following grounds:

1. Prematurity and Principle of Development

The Planning Inspector has asked Gedling Council to reconsider allocation of this site is Aligned Core Strategy, as new housing sites are concentrated on greenfield sites on the periphery of the borough, rather than brownfield sites and sites close to Nottingham. So the soundness of developing this site is debatable.

Although the AS is advanced, there are substantial outstanding objections to this site from Ashfield Council. There is no Statement of Common Ground between Gedling and Ashfield Council about the impact on Hucknall's infrastructure.

Decision should be delayed until after Inspector's report, as it would be premature and could result in Judicial review.

Conflict with National Planning Policy Framework and Green belt.

Contrary to "plan led" approach.

Should be refused as not in accordance with Local plan.

NPPF states that should be granted unless specific policies indicate otherwise. Green Belt policies and heritage assets do indicate otherwise in respect of this site.

The replacement Local plan is still a relevant policy document and it allocates the site as "Safeguarded land", which is not allocated for development until a further Local Development Document adopted. So it should not be granted until after a Local plan Review.

The Inspector made it clear that Safeguarded Land would not necessarily be developed as it will depend on need.

Contrary to Green Belt policy, as the ecology park and ponds will not further Green belt aims of assisting regeneration by encouraging recycling derelict and urban land.

Will prejudice brownfield site development elsewhere

Will prejudice urban development within Hucknall.

Recent Ministerial statements made it clear than an unmet need for housing is unlikely to outweigh harm to the Green belt.

GBC does not lack a 5 year land supply according to recently produced figures

2. Impact upon the surrounding area including Landscape and Visual Impacts

Site is within the wider setting of Linby and Papplewick Conservation Areas.

The indicative master Plan focusses on the setting of St Michael's church, but no other heritage assets.

Harmful to listed buildings.

No landscaped buffer between residents in Papplewick lane and the new development.

The proposed landscape buffer between Marion Avenue and Alison Avenue is land outside the applicant's control.

Adverse effect on existing resident's amenity because of proximity and bulk.

No 185 would have its side wall directly adjoining the new access road.

Proposed 2.2m high acoustic barriers near new junction create an unattractive enclosed entrance ,

The traffic assessment does not consider impact on Hayden lane and Bernard avenue, which are already used as "rat runs".

No assessment of impact on key road junctions nearby.

No detailed measures shown for works identified for Griffins Head junction. Access is substandard for 300 houses, as normally a single road access should serve 150 according to NCC Design Guide. Cannot demonstrate that there will be other points of access into the site. Contributions to off site works will go to Gedling Council whilst the effects will be seen in Ashfield. LVIA is not comprehensive and understates visual impact. No analysis of historic landuse, particularly the textile processing at mills. Does not take into account existing study of Moor Ponds Wood archaeology and historic area. Viewpoints are selective. No mention of historic landscape. No mention of concessionary paths and views form embankment. Wil dominate views over historic landscape.

3. Impact on Flooding, Drainage and Water Quality

Gedling does not have a Strategic flood risk assessment so the impact on flooding cannot be judged properly nor downstream effects assessed. The information about geology is incorrect so groundwater capacity assumptions are wrong. Other new housing has been built without required attenuation lagoons. Surface water sewers were known to be near capacity 10 years ago. Information on flooding is incorrect. No modelling on effect on sewers and culvert on the site. Adjoining land is geologically unsuited for soakaway drainage. Field drains across the site are not taken into account. reference to 50% impermeable surfacing of the site is not explained or assessed fully. Tanks proposed would have insufficient capacity based on calculations provided. Capacity of attenuation pods is inadequate. as runoff is 3 times greater than calculated.

4. Impact on Infrastructure

No assessment of effect on existing infrastructure. Infrastructure matters were debated at length at ACS Examination, whilst no details accompany this application. Education assessment is incomplete and inaccurate. No School annexe details.

5. Impact on Ecology

Will affect habitats of protected species in the river Site has voles and white clawed crayfish, and these will be affected by changes to drainage and flooding and by contamination of runoff water. Placing ponds upstream and tanks in the South west Corner of the site will increase drainage form the site corner where it will readily pollute the river. The emergency access track will also affect water quality.

Linby & Papplewick Parish Councils –Response to amended and additional plans and details:

Travel plan is inaccurate

To encourage cycling the new houses will need cycle storage, and this should be ensured, at a rate of 1 cycle space per resident, e.g. 4 bed house requires 4 cycle storage spaces.

Raised plateau traffic hump is inappropriate, as it will appear in isolation, and is poor practice to site these on a main road.

No demonstration that cross roads works will improve traffic at peak times.

Plans seem to suggest increasing speed limit from present 30 mph to 40 mph on Moor Road.

Raised plateau traffic hump will add traffic noise to residents.

Developers should pay for double/triple glazing windows of houses near raised plateau traffic hump to offset noise problems.

No vibration risk assessment on houses, especially listed buildings, near raised plateau traffic hump.

Raised plateau traffic hump will add danger to traffic junction due to unexpected braking.

Bright red painted raised plateau traffic hump will affect visual amenity and Conservation Area.

Raised plateau traffic hump will bring road level with pavement causing danger to pavement users.

Blockage Assessment allows flood water flowing at a depth of 0.3m over the road, restricting access to bus stops, and making it dangerous to pedestrians.

New flooding information suggests that Warp Mill will be flooded.

One point of access for 300 houses is unacceptable and twice the normal Highways restriction.

No right of access to Devitt Drive as indicated.

Encroachment into Green Belt is only needed because of the proposed development.

Promoting public access to the north part of the site will affect wildlife.

Distances given between site and shops, school, etc. are incorrect; the distances are all much further than quoted.

Bus details are wrong.

The applicants have not been in consultation with Police Architectural Liaison as stated.

No consideration of cumulative impact without housing sites.

Conceptual drainage strategy adds little to original details.

Providing a buffer for road drainage is beneficial if correctly maintained, and treats pollutants.

Reference to 50% impermeability is not confirmed elsewhere, and the remaining parts of the site are likely to be only semi permeable, so 25 mm of rain over the site would generate 37,575 cubic metres of water being transferred rapidly into River Leen.

Modelling suggests there would be flooding where the track joins Papplewick Lane, but as the road is lower the water depth during a flood may be 0.8m.

Flooding water flowing over Papplewick Lane to the river will only occur if fencing remains and there are no obstructions to flow, including kerbs, field

boundaries, etc.

Papplewick Lane has a long history of flooding and the predicted flooding does not include water depths. The potential of increased flooding on emergency access must be taken into account.

Road should not act as a flood spillway.

No assessment of potential effect of flooding to bridge or historic weirs.

Ashfield District Council (Adjoining Authority) – Response to original details- objects to the application on the following grounds:

1. The application is premature of the emerging Nottingham Aligned Core Strategy, and as such would provide a development on a site which is yet to be found sound and to which the District Council objects to. As such, the proposal is contrary to the aims of paragraph 178 of the National Planning Policy Framework which states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, and, paragraph 216 which sets out that weight may be given to relevant policies in emerging plans, including the extent to which there are unresolved objections to planning policies.
2. Insufficient evidence has been provided to illustrate that the proposal will not create flooding, or that the development would be provided with a safe emergency access, by virtue of this being proposed on land designated within Flood Zone 3. Therefore, the development is therefore contrary to paragraph 103 of the National Planning Policy Framework which seeks to ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a sufficiently detailed site specific flood risk assessment.
3. The design of the scheme is detrimental to the character and appearance of the area by reason of the long 'cul-de-sac' design and insufficient information provided to illustrate the appearance of the development. There is particular concern regarding the impact upon the proposal on long range views from Linby and Papplewick and of the impact of three-storey dwellings as viewed from Papplewick Lane, which is characterised by two storey dwellings, also detrimental to the residential amenity of these properties. The development would be detrimental to the amenity of neighbouring properties by reason of noise and disturbance created by the proposed access road, in particular numbers 179 and 185 Papplewick Lane, due to its proximity. Subsequently, the development is contrary to section 7 and paragraph 17 of the National Planning Policy Framework which seek to secure high quality design.
4. The application does not adequately demonstrate by way of submission of supporting information that the proposed additional traffic arising from the development, particularly when considered cumulatively with other developments off Papplewick Lane, can be sufficiently mitigated against. Furthermore the proposal does not include safety crossing measures at the proposed site access and Papplewick Lane to assist pedestrians and cyclists. Insufficient information and provision has been made in relation to pedestrian and cycling improvements, public transport, road safety, off site mitigation works, a Travel Plan and

sustainable transport options. The proposal is therefore contrary to Part 4 of the National Planning Policy Framework, paragraph 32, which seek to ensure development does not adversely affect highway safety or the capacity of the transport system.

5. The scheme provides poor connectivity and will reduce the ability of proposed residents of the scheme to access wider services and facilities without the use of the car without the wider connectivity benefits of the Masterplan. It is less sustainable as a reduced provision without connectivity routes and will not be socially inclusive. As such, the development is contrary to the aims of paragraph 17 of the National Planning Policy Framework.
6. The scheme has not adequately assessed the ecological impacts of the development. Subsequently, an additional ecological study is required to ensure that the implications of the development are fully assessed to fully comply with section 11, paragraph 118 of the National Planning Policy Framework which seeks to conserve biodiversity.

Ashfield District Council's (ADC) response (of 22nd April) to the additional details are summarised below.

Previous objections still apply.

Concerns about future maintenance of landscaped strip alongside access road.

ADC should be involved in negotiations with the developer to ensure contributions are made to Ashfield infrastructure.

Require nomination rights to affordable housing.

I have also received a further letter from ADC in response to the most recent reconsultation and the report to Planning Committee on 9th July 2014, which maintains its previous objection and adds the following comments:

1. The report refers to the principal vehicular access point, which is still being considered by ADC as the determining authority. In the view of ADC, it would be premature to determine the principle of development for 300 dwellings without a full and complete assessment of the suitability of the access and this responsibility lies with ADC. Whilst the Highway Authority may not an objection to the technical layout of the proposed access, the principle in terms of both visual amenity and residential amenity remain a significant concern for ADC. ADC is still to be satisfied that the access is acceptable in highway terms.
2. The submitted Travel Plan has not been formally assessed by the Highway Authority, and whilst the Highway Authority has proposed conditions to secure a Travel Plan, given the concerns previously raised by ADC relating to connectivity and sustainability, formal assessment should be undertaken prior to any decision. It is considered that the proposal is therefore contrary to Part 4 of the National Planning Policy Framework, paragraph 32, which seeks to ensure development does not adversely affect highway safety or the capacity of the transport system. Furthermore, contrary to the conclusion set out within the 'sustainability issues' section of the report to Committee on 9th July 2014, the applicant cannot deliver

connecting footpaths or cycle links, as demonstrated within the 'Masterplan' due to this involving land outside the applicants control, nor are there any agreements to secure this. Connectivity outside the site would be reliant upon the proposed vehicular access, which is yet to be determined by ADC and therefore increasing dependency upon the car.

3. The development site has been subject to and independent design review by OPUN and it is disappointing that the advice, concerns and recommendations of the panel have largely not been taken forward as part of the application. It is acknowledged that this is an outline application and that some of the issues can be addressed at any future reserved matters stage, however, fundamental issues, such as the development addressing Papplewick Lane and creating a gateway need to be considered at outline stage. The development does not represent an urban extension, but represents backland development with poor connectivity and social cohesion.
4. The development will have a significant impact upon the existing services and amenities within Hucknall. It is noted in the report to Committee on 9th July 2014 that a contribution is sought from the NHS, however the applicant is seeking clarity on the requirement for the commuted sum. Furthermore, the application does not provide any on-site contribution towards affordable housing and makes reference to the site only providing affordable housing 'if feasible and viable'. The advice of the Borough Council's Housing Strategy Officer is for a commuted sum payment to make provision elsewhere in the Borough, as housing in similar areas has struggled to let. This does not provide for inclusive development and no consideration has been given to the requested nomination rights from the housing list held by ADC. It is considered that the package of S106 contributions needs to be agreed prior to securing a resolution, since developer obligations have an impact on the viability of schemes and may therefore result in the needs of the development being met *[sic]*. Furthermore, GBC's memorandum of understanding, which was developed to accord with the duty to cooperate with neighbouring authorities on cross-boundary applications has not been utilised in terms of the proposals impacts on ADC infrastructure. ADC has not been party to any S106 negotiations and, as the development will be using services and amenities within Hucknall, it is considered that this is unacceptable.
5. ADC considers that consideration of this application is premature, given the above points and given the impending Planning Inspector's report on the Core Strategy, which is due on 19th July 2014.

Significant concern is raised to the comments within the report to Committee on 9th July 2014 relating to safeguarded land being effectively reserved for new houses as and when required. Policy ENV31 of the Replacement Local Plan 2005 states that safeguarded land shall be safeguarded from inappropriate development until a future Local Development Document is adopted that proposes it for development. Determination of this proposal in the absence of a replacement plan, given the imminent decision of the Planning Inspector, is clearly premature and contrary to this policy. Furthermore, to state that the site has been earmarked for housing is misleading.

Paragraph 85 of the National Planning Policy Framework clarifies that safeguarded land is not allocated for development at the present time. Planning permission for permanent development of safeguarded land should only be granted following a local plan review which proposes the development.

Nottinghamshire County Council (Highway Authority) –Response to original submission.

Access to the site would be created from Papplewick Lane by the demolition of two existing dwellings. The proposals also include provision of an emergency vehicles route from Papplewick Lane, by improving an existing track between a residential property and the River Leen.

The contents of a Transport Assessment (TA) and Travel Plan (TP), which have been submitted in support of this application, have been noted.

The Highway Authority has no objections in principle to the potential residential development being considered, but comments that there are a lot of highway issues that require addressing before the Highway Authority could support the current proposals.

The Highway Authority makes the following specific comments:

Site Access

The proposed site access (including the emergency access) has undergone a Stage 1 Road Safety Audit to ensure that road safety would not be compromised. The Highway Authority considers that the proposed access arrangement is not acceptable and could be detrimental to road safety.

In addition, the Highway Authority also has concerns about the number of dwellings being served by the proposed access. It would not normally permit more than 150 dwellings from a single point of access, even with an emergency access. A development of over 150 dwellings would have to be served by two access/egress points.

The Highway Authority would not normally accept emergency accesses because of:

- Enforcement problems arising from their misuse;
- Difficulties encountered by the emergency services;
- Maintenance issues and vandalism of access-control equipment; and
- General crime and anti-social behaviour problems.

However, where there are valid reasons why this cannot be achieved and where the development proposal is otherwise acceptable, the Highway Authority may be prepared to consider an emergency access, as long as:

Highway safety is not compromised and the access is not likely be a source of crime or anti-social behaviour problems;

There are appropriate means of controlling its use;

The applicant has fully consulted the emergency services and the proposals are acceptable to them (consultations with the police should include both traffic management and the Police Architectural Liaison Officer);

The access is designed to accommodate safely all vehicles likely to use it; and

Long-term maintenance responsibilities are clearly defined and secured.

Where suitable access arrangements cannot be achieved, the Highway Authority may refuse to adopt the development roads.

Transport Assessment

The TA provides details on the creation of a site access from Papplewick Lane and the requirement for a TP, no other on or off-site pedestrian, cycle, bus or highway mitigation is necessary. The Highway Authority would suggest the applicant considers the following:

a) Pedestrian and Cycle Access/Improvements

The pedestrian and cycle demands would increase travel demands along Papplewick Lane to and from Hucknall town centre. The Highway Authority would recommend that the applicant provides shared pedestrian/cycle facilities, preferably on footways on both sides of Papplewick Lane up to Hucknall town centre, together with crossing facilities where appropriate.

There is an existing bus stop on Papplewick Lane in close proximity to the proposed site access. A suitable crossing facility for both pedestrians and cyclists would be required.

There appears to be no pedestrian/cycle link to adjacent roads such as Devitt Drive, Marion Avenue and Alison Avenue. The only pedestrian/cycle link to Papplewick Lane is by the proposed site access and emergency link. Suitable pedestrian links should be considered to improve accessibility to the site and vice versa.

b) Public Transport

No improvements are proposed to the existing bus services that run along Papplewick Lane. Improvements to existing bus stops along the existing bus route on Papplewick Lane and adjoining roads would be required, such as the installation of bus shelters, raised kerbs, solar lighting and real time information boards, where appropriate.

Generally walking distances to bus stops in urban areas should be a maximum of 400 metres and desirably no more than 250 metres. The applicant should design pedestrian routes to bus stops to be as direct, convenient and safe as possible to encourage use of public transport.

The applicant should design the routes in line with the principles set out the 6C's Design Guide, which should:

Enjoy good natural observation from neighbouring buildings;
Be well lit; and
Be carefully designed so any planting minimises opportunities for crime.

Where there is a footway on the opposite side of the road, a pedestrian crossing point should be located as close as is possible to the bus stop, bearing in mind safety considerations.

Having considered the proposed layout shown on the Indicative Masterplan, numerous new properties would be well away from the existing bus stops along Papplewick Lane in excess of the 400 metres walking distance.

In view of the above, the Highway Authority would recommend the penetration of existing bus services into the site. As a single point of access is being proposed, a suitable turning facility for buses to turn around would be required or the design of the internal roads should consider a loop to accommodate such facility.

Any cost associated with bus services to penetrate the site should be met by the applicant. The Highway Authority would seek a contribution of J90,000 per year for 5 years, which should be secured via a Section 106 Agreement between the applicant and Nottinghamshire County Council.

Road Safety (adjoining villages)

The TA does not consider road safety matters within the likely area of influence of the proposed development. At the Aligned Core Strategy Public Inquiry, concerns were expressed by the residents of Linby and Papplewick, particularly concerning the difficulties and dangers of negotiating the 'Griffins Head' crossroads. Nottinghamshire County Council has 'promised' that as part of any significant development proposals in and around Hucknall that serious consideration is given to the needs of traffic management in the villages of Linby and Papplewick and that this provision should be a prerequisite for development to proceed.

The traffic projections in the TA demonstrate an increase of traffic through these villages and it can be concluded that it is important that the road safety dimension and possible schemes of improvement are addressed by the applicant.

Off-Site Highway Mitigation Works.

In view of the traffic projections contained in the TA and given the road safety comments/concerns above, the Highway Authority would expect further consideration to the traffic impacts at the junctions of Papplewick Lane/Moor Road and the B6011/B683 junctions. The former is predicted to show a net worsening in capacity in the PM peak, whilst the latter is shown to witness an increase in side road turning movements at the crossroads, which could present further delays and difficulties.

There is no consideration of the cumulative impact of this proposal with other proposed development by Gedling Borough Council at Top Wighay Farm, Bestwood Village and a possible further 300 dwellings on land adjoining the North of

Papplewick Lane site. It would seem to be premature and unwise to grant consent for this application in isolation without knowing what the combined transport infrastructure package required to support the totality of development in and around Hucknall would be.

In order to assess the impact of the proposed development on adjacent junctions fully, detailed traffic models for the Papplewick Lane/Moor Road junction and B6011/B683 are required. In addition, the applicant also needs to provide detailed models of junctions that are affected by an increase of 30 vehicles/hour (two way), which could include Papplewick Lane/Wigwam Lane, Station Road/Linby Road, Station Road/Ashgate Road, Ashgate Road/Portland Road, Nottingham Road/Hucknall Bypass.

An electronic version of traffic models should also be submitted for verification in addition to input/output files of the modelled junctions.

Travel Plan

The submitted TP is not acceptable in its current form. It is not clear how the travel plans would be developed among occupying organisations and the funding and employment of the overall travel plan co-ordinator is not clarified. The timescales for development are not detailed. The size of the school and staff numbers is not detailed. The proposed measures are inadequate/uncommitted. The TP does not have targets or a monitoring structure and evaluation system.

A TP monitoring fee would apply to ensure the effectiveness of the plan.

Sustainable Transport Measures

The Highway Authority would expect a development of this nature to provide sustainable transport measures in its design proposals to promote multi modal trips from the site. As an initial list of works, these could include the following:

- A pedestrian refuge on Papplewick Lane, south of the development entrance to facilitate pedestrian crossing movements.

- Speed reduction and management measures on Papplewick Lane.

- Interactive speed signs, where appropriate.

- Bus stop infrastructure improvements (new bus shelters, flags, poles, raised kerbs, timetable information, bus stop clearways, real time information) for the Hucknall Town Centre/Papplewick Lane corridor.

- A contribution towards signing and improvements on the local rights of way network (specifically the footpath off Moor Lane).

- Dropped kerbs crossing, where appropriate.

- Improved cycle routes leading to the site, such as an off carriageway cycle path or cycle route signing scheme.

In view of the above, it is concluded that the proposed development as submitted has failed to provide satisfactory access and it is likely that the proposed development would be detrimental to road safety. The Highway Authority would recommend that the application should be refused on access and road safety

grounds.

Nottinghamshire County Council (Highway Authority) –Response to amended and additional details:

The Highway Authority considers that a residential development on this parcel of land is acceptable from a highway point of view, as a satisfactory junction onto Papplewick Lane can be provided to serve the site, and mitigation measures have been identified to limit the impacts that the proposal would have on the highway network in the vicinity of the development.

It is proposed that the development is served via single access point off of Papplewick Lane. This access arrangement is shown for indicative purposes on drawing 0218/F03 Rev M. This arrangement has been checked and is deemed to be generally acceptable. The applicant should note that works will need to be undertaken under an agreement under Section 278 or the Highways Act 1980, and a further detailed design check will need to be undertaken as part of this process.

The Highway Authority notes that concerns have been raised about the number of dwellings served by the above access, and whether or it is acceptable to serve than 150 dwellings from single point of access. In order to clarify this point, reference is made to the residential design guide, the '6C's Design guide', a copy of which can be found at <http://www.leics.gov.uk/index/6csdq/>.

Table DG1 of the guide defines the general geometry of residential roads, and states it is permissible to serve up to 400 dwellings off a single point of access provided a minimum carriageway width of 6.75m is provided. As the proposed carriageway width in this case is in excess of 6.75m (7.3m), it is deemed to be acceptable. The 150 dwelling limit applies to a lower class of road, which has a carriageway width of 5.5m.

As part of the off-site mitigation package, the developer is proposing a scheme to improve safety at the Griffin's Head junction, involving construction of a raised plateau and improvements to signing and lining across the junction as shown on drawing 0218-F04 Rev A. This arrangement has been checked and is deemed to be acceptable. The applicant should note that the above comments with regards to a Section 278 agreement also apply to these works.

It is the developer's intention to promote sustainable travel and cycle use by providing links throughout the proposed development. The Highway Authority notes, however, once residents leave the proposed development site the surrounding area is relatively poorly served in terms of cycle infrastructure. In order to increase connectivity to Hucknall town Centre, and promote sustainable transport links, the Highway Authority requires the developer to upgrade the existing footway on the western side of Papplewick Lane such that it used to provide a combined cycle/footway linking to the Town Centre. The developer has agreed to provide these works, but as no plans have been submitted they will need to be secured via an appropriate condition backed with a Section 106 agreement.

The developer has submitted a Travel Plan to support the application, whilst this is

welcomed; it is unlikely that the contents of the plan will be fully agreed prior to determination of the application. In view of this the Highway Authority recommends that appropriate conditions be added so that the Travel Plan will contain a requirement for the Travel Plan Coordinator to produce monitoring reports that the Highway Authority suggests should be produced annually for five years after implementation. To allow the monitoring reports to be reviewed, the County Council seeks a monitoring review fee of J7700. This will need to be secured as part of the S106 agreement for the site.

In accordance with the National Planning Policy Framework March 2012, plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. To achieve this, sustainable transport measures must be introduced to reduce existing journeys that are dependent on the car and promote other travel modes such as walking, cycling, or improved public transport provision.

The Highway Authority has consulted with the County Council’s Transport Strategy and Public Transport departments with regards to identifying potential integrated transport measures. The following extract is from their response for appropriate works:

Stop Code / Name	In Situ	Possible improvements	Cost
MA0196 Papplewick Lane (Inbound)	Clearchannel Shelter	Real time display, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	J 10,000.00
MA0197 Papplewick Lane (Outbound)	Clearchannel Shelter	Real time display, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	J 10,000.00
MA0198 Papplewick Lane (Inbound)	Pole.	Real time display, New shelter, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	J 12,500.00
MA0198 Papplewick Lane (inbound)	Pole	Real time display, New shelter, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	J 12,500.00

		Total:	<u>J</u> <u>45,000.00</u>
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The Highway Authority considers the requirement to enhance these public transport facilities to be reasonable and necessary to make the development acceptable in planning terms. This requirement is directly related to the development, and practical in relation to type and scale of the development. As appropriate works have been identified, it is recommended that a condition to provide appropriate public transport infrastructure improvements is attached to any approval to require the developer to secure and procure the above works. As an alternative, the County Council would be willing to procure these works through our existing supply chain, however this would require the necessary J45,000 to be secured as part of the Section 106 agreement for the site.

The Highway Authority would wish to see a number of conditions imposed, as summarised below:

Submission of details of parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, Traffic Regulation Orders and drainage

All drives and parking areas are surfaced in a bound material (not loose gravel).

The access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway.

Provision of Wheel washing facilities.

No development shall commence until completion of the new junction onto Papplewick Lane as shown for indicative purposes only on drawing no. 0218/F03, revision M.

No development here permitted shall be brought into use unless or until all the improvement works at B683/Linby Lane/Forest Lane junction, as shown for indicative purposes only on drawing no. 0218-F04, revision A, have been completed in accordance with details first submitted and approved in writing to the satisfaction of the Local Planning Authority.

No development shall be brought into use unless or until a scheme to provide a suitable combined cycle and pedestrian route of between the site and Hucknall Town Centre has been completed

The development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan to be approved and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority (LPA).

The Travel Plan Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the LPA in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the LPA shall summarise the data collected over the monitoring period that shall have

categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the LPA.

The Travel Plan Coordinator shall within 3 months of occupation produce or procure a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the LPA. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates.

No development shall commence on any part of the application site unless or until a scheme to improve public transport infrastructure in the vicinity of the site has been provided.

The Highway Authority has recently advised that the existing late evening bus service along Papplewick Lane is to be withdrawn in August. As a consequence, it is requested that restoration of this service be considered as part of the Integrated Transport Contributions package within the S106 Agreement.

Environment Agency (EA) – response to original submission

The EA originally recommended “a reduction in the proposed discharge rate to below the estimated greenfield run-off rates. This would provide a betterment in terms of flood risk to third parties” in line with the National Planning Policy Framework, which is not discussed in the additional strategy. The calculations have estimated a lower runoff rate, which also adds to the need to restrict the discharge rate from the site further.

The EA has concerns that the site layout does not lend itself to the incorporation of SuDS due to the topography. It notes that groundwater flooding is the concern, however residential dwellings are being proposed in the lowest point within the site. All underground drainage features are at risk of floatation and therefore the EA can only assume that the proposed drainage for this area could be at risk in this location. The EA would therefore recommend consideration to whether including development at the lowest topographical location is appropriate and that greater consideration of the impact of groundwater on drainage and development be provided in advance.

The EA recommends that the additional Long Term Storage (LTS) should be provided in an offline separate storage feature, rather than within the permeable paved areas. The EA also calculated a differing LTS volume using the same calculations.

The EA originally recommended “Section 4.6 of the FRA confirms that further analysis is required to quantify the risk of flooding from this source. The applicant should therefore provide details that fully consider the risk of flooding from groundwater sources.” The EA is not aware of any further information being submitted to address this concern.

The EA has considered the blockage assessment memorandum and topographic levels and still considers that is worth demonstrating that the development would be safe from the risk of flooding from the River Leen during this scenario. The EA notes

that there is an assumption that the level will reach 65.5 metres AOD and flow over the road. The EA would anticipate a height greater than this to flow over the road and also a hydraulic gradient to affect upstream areas.

The EA also note that this would result in the 'Emergency Access' to become affected in times of flood. Given that it is an Emergency Access, the EA recommends that understanding levels and flows across this area is essential. Given the depths anticipated in the area, an alternative route should be considered.

If the site layout and Emergency Access arrangements cannot be changed, the EA asks if there are any opportunities to reduce the risk of flooding at Papplewick Lane through the bridge structure. The NPPF recommends that new development should look at opportunities to reduce flood risk to others.

There is an Ordinary Watercourse running through the central section of the site. The Indicative Masterplan indicates that the proposed residential development would be to the south of this watercourse. However, the applicant should provide a plan which demonstrates easement from this watercourse to allow flood flow conveyance, maintenance and emergency access in the event of a blockage.

The 'Site Elevation' plan also demonstrates that there will be development on top of a watercourse. Therefore, the EA recommends consideration of the above request to be provided for all watercourses on the site.

The applicant is advised that under the Land Drainage Act 1991 Section 23, the erection or alteration of any mill dam, culvert, weir or other like obstruction to the flow of an ordinary watercourse requires consent from the Lead Local Flood Authority.

The EA made the following response to the additional information submitted by the applicants:

The additional details satisfy original concerns.

It is critical that there is no net increase in flood risk downstream so a maximum discharge rate must be limited to 2 l/s/ha.

EA has undertaken a blockage analysis and the new development is safe from such risk, and would not increase flood risk to third parties during such an event.

The layout does not allow SuDS to be located at the lowest part of the site, as is normal practice, but 70% will drain to the SuDS feature to the north and the other managed by two other forms of treatment.

No objections subject to conditions including submission of further details to ensure an unacceptable flood risk does not rise in the vicinity.

Also require conditions including provision of easement to River lean and other watercourses on the site, the finished floor levels to be 600mm above the 1 in 100 year plus climate change flood level, and provision of at least 2 forms of surface water treatment prior to discharge to River Leen.

Since the report to Planning Committee on 9th July 2014, the EA has submitted an updated version of its comments, re-iterating the above points, but recommending additional biodiversity conditions and the easement required for the Ordinary

Watercourse.

Nottinghamshire County Council (Lead Local Flood Authority) – supports the original comments made by Environment Agency, which it considers is still the leading body with regard to flood risk for the proposed development.

Gedling Borough Council (Emergency Planning) – has reservations over an emergency access route being susceptible to flooding and how in a prolonged flooding event this would affect emergency services ability gain access. Attention is drawn to Emergency Planning Guidance.

Severn Trent Water (STW) – no objection to the proposal, so long as the development is not commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

STW also advises that there is a public sewer located within the application site.

Natural England (NE) –

Natural England has no objection with regard to statutory nature conservation sites. This application is in close proximity to Linby Quarries Site of Special Scientific Interest (SSSI), however NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, would not damage or destroy the interest features for which the site has been notified. NE therefore advises that this SSSI does not represent a constraint in determining this application.

With regard to protected species, NE has not assessed this application and associated documents for impacts on protected species, but draws attention to its published Standing Advice on protected species, which should be applied as it is a material consideration in the determination of applications in the same way as any individual response received from NE following consultation.

If the site is adjacent to a Local Nature Reserve, the Borough Council should ensure that it has sufficient information to understand the impact of the proposal on the local wildlife site.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The Borough Council should consider securing measures to enhance the biodiversity of the site, if it minded to grant permission.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example

through green space provision and access to and contact with nature.

Nottinghamshire County Council (Nature Conservation) –

Whilst the County Council remains of the opinion that the ecological surveys carried out in support of the application are fit for purpose, the concerns raised by Linby and Papplewick Parish Councils and the Friends of Moor Pond Woods, relating to impacts on the River Leen and the species which inhabit it, are valid.

The river is a stronghold for white-clawed crayfish and retains populations of water vole, so it is very important that the proposed development does not cause a worsening of the aquatic environment. Therefore, attenuation features should not only moderate discharges into the watercourse, but also ensure that the input of sediment and pollutants is controlled (e.g. through the use of silt traps and oil interceptors, and natural filtering such as that provided by reedbeds and stepped ponds). It is advised that specific comment from the Environment Agency is sought in this respect, along with comment on the concerns raised regarding the attenuation ponds effectively being up-stream of part of the development and the potential issues of surface water flows in the south-west corner of the site. More specifically, it is noted from the Conceptual Drainage Strategy document that 'Catchment B' will be attenuated via on plot tanks and oversized pipes, but it is unclear if the supplementary SUDS features referred to in that report (roadside drainage features) are to be used, or not. Whilst this section of the report also mentions water quality, the matter is dealt with briefly and appears in part to rely on the roadside drainage features, which may or may not actually be used. It is therefore suggested that a decision on this application is deferred until this matter has been resolved (rather than leaving it to conditions), given that it has the potential to be a significant issue if not properly addressed.

Regarding impacts arising from public disturbance, this is also a valid concern. The use of a 30 metres buffer along the river should help mitigate this impact, although increases in disturbance (e.g. as a result of dog walking) are likely still to occur. However, it is understood that the Environment Agency has requested that additional wetland features are included in this buffer (e.g. linear ponds), which would help to reduce impacts on the river itself by acting as a partial barrier, an approach which the County Council would support. These could also assist with attenuation and water quality.

Nottinghamshire Wildlife Trust (NWT)

The NWT welcomes the approach to the assessment, which comprises a desk study, detailed habitat and species-specific surveys for reptiles, birds and bats, and comments on the report as follows:

Should the planning application be approved, the NWT wishes to be assured that the measures put forward in relation to safeguarding the River Leen during and post-construction will be secured. Prior to determination, the NWT would recommend further consultation with the statutory consultee (the Environment Agency) in relation to this.

The report points out that habitats on the section of River Leen adjacent to the proposal are sub-optimal for water voles, because of vegetation overshadowing or engineered banks. The NWT suggests that habitat improvements could be achieved for water voles alongside this development and negotiation should take place between the developer and the Wildlife trust

NWT disagree there would be no impact on Moor Pond Wood Local Wildlife Site in relation to increased visitor pressure. Although Moor Pond Wood is not directly connected to the proposed development by Public Rights of Way, the woodland is in very close proximity. The distance between the path network in Moor Pond Wood and the Papplewick Lane end of the proposed path, which runs parallel to the river, is approximately 150 metres. As Papplewick Lane has surfaced footpath along the road, people will be very likely to move between the new development and the woods.

As a result measures might be required in order to make the woodland more robust to cope with increased recreational pressure and NWT recommends this should be given further consideration. The Design and Access Statement suggests that the attenuation area could provide recreational opportunities. Along with other measures, NWT suggests the provision of recreational opportunities in the attenuation area could contribute towards reducing pressure on Moor Pond Wood, especially if a circular walk was developed.

If the scheme is approved, the proposed sympathetic planting and nest boxes will need to be secured through the planning system.

In respect of the addendum report (ecological survey report in relation to the attenuation area) the following comments are made:

Support the ecologist's recommendations for establishment of areas of rough grassland and scrub alongside the ponds.

support the recommendations in relation to:

- i) Establishment of emergent / marginal vegetation around the edges of the lagoons
- ii) Areas of seasonally inundated and permanent water to be provided, along with wet grassland and ruderal, swamp and scrub vegetation (latter to comprise willow and alder)
- iii) A management plan which should be secured via planning condition.

NWT wishes to point out that there are locally noteworthy populations of common toads (correctly identified in the report as species of principle importance in the ecological appraisal for the development area) at Moor Pond Wood. Therefore, target species for the ponds should be common toads, which require deep and permanent water bodies. Water voles should be another target species and this species require soft banks and vegetated cover, including reedbed, together with good habitat connectivity to nearby water courses. The Freshwater Habitats Trust (formerly Pond conservation) has produced guidance on deigning ponds for toads and water voles.

NWT support the protection recommendations set out under the header “protected/notable species”. These include pre-construction check for badgers and seasonal restrictions on vegetation clearance to avoid impacts on breeding birds. NWT suggests conditions are used to secure the ecological advice.

To maximise potential wildlife value and habitat connectivity between the proposed ponds and river, NWT recommend the ponds are positioned in a north to south orientated corridor west of the Leen, rather than being positioned in the northernmost arable field as illustrated on the plans. The alternative orientation would potentially benefit water vole and other species. This alternative layout would also maximise the distance between the river and urban environment, which would also be an advantage in terms of safeguarding the river from development impacts.

NWT recommends there should be provision in the S106 for management of all formal and informal open space areas, including the attenuation area. NWT also suggests that a Biodiversity Management Plan would be helpful to secure sympathetic management of the site and recommends such a plan is secured via planning condition. Any such plan could be used to deliver the enhancement measures proposed in relation to:

- The creation and enhancement of grassland
- An increase in the quantity and/or quality of habitat available to invertebrates, breeding birds, and foraging bats;
- The provision of insect boxes within retained hedgerows and/or residential dwellings to increase the habitat for invertebrates;
- The provision of bat boxes on retained trees and residential dwellings to increase the number of potential roosting sites; and
- The provision of bird boxes on retained trees to increase the number of potential nesting sites.

This site lies within the 5km buffer zone identified by Natural England (NE) for those parts of Sherwood Forest which meet the primary criterion for designation as an Special Protection Area (SPA), by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Gedling Borough Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds’ Directive and undertake a “risk-based” assessment of any development, as advised by NE in their guidance note dated 11 July 2011. In this case, any potential effects are likely to be related to:

- disturbance to breeding birds from people, their pets, noise, traffic and/or artificial lighting
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic
- pollution and/or nutrient enrichment of breeding habitats, loss of foraging habitat, and other factors such as noise, vibration, traffic etc may be associated with construction effects.

NWT recommend the dwellings to be demolished within the footprint of the residential development's access road should be surveyed for bats prior to determination of the application.

Nottinghamshire County Council (Landscape Advice) –

The additional information appears to suggest that an Illustrative Masterplan/outline specification will be provided later in response to conditions. The County Council would suggest that the Illustrative Masterplan should be provided at outline approval stage, so that full consideration can be made in respect of the proposed protection of the existing landscape and the functionality of the proposed landscape treatment.

Further to the submission of additional details (memo from Nancy Ashbridge (dated 16.1.14), the following comments were made;

Existing Vegetation: Fairhurst has undertaken to ensure trees and hedgerows are retained where possible- it should be possible to roughly ascertain this at masterplan stage and identify which are to be retained and which to be removed

Detailed planting: Fairhurst has undertaken to ensure species are those recommended in the current LCA

It should be possible to give an indication of mitigation to properties on Papplewick Lane and Christine Close at this stage, to justify the given layout.

It is unclear from the response whether Fairhurst are proposing to prepare the illustrative masterplan at this stage or post –condition. I would recommend it is prepared at this stage.

Nottinghamshire County Council (Archaeological Advice) –

This site is located between the historic core of the villages of Linby and Papplewick close to the River Leen. While a geophysical survey of the site identified no obvious archaeological anomalies a possible former water channel can be seen towards the centre of the application site. This 'fragmented sinuous anomaly' appears to lead towards the River Leen and may have been a feeding Leat, that fed into the Robinson`s Mill system. Water powered mills have existed along the River Leen in the parishes of Papplewick and Linby since at least 1232 and probably earlier.

George Robinson moved into the area from Scotland and began bleaching and cleaning cotton in 1742. Robinson founded an empire and by the 1790's the Robinson family had a total of 6 mills along the Leen. Besides constructing mill buildings the Robinsons spent a large sum of money in improving the water supply along the Leen. These mills were the first cotton mills to have steam power in the country. Although un-scheduled the Robinson`s mill system is considered as being nationally important industrial archaeology.

Due to the archaeological interest of this site, as well as the nature and extent of the proposed development it is recommended that if planning permission is to be granted this should be conditional upon two things. Firstly, upon the applicants submitting for the Borough Council's approval, and prior to development commencing, details of an archaeological scheme of treatment of the site and

secondly, upon the subsequent implementation of that scheme to the Borough Council's satisfaction.

The County Council would prefer to see a 'strip, map and sample' exercise undertaken at this site, whereby the topsoil is stripped under archaeological supervision and any archaeological features are identified, recorded and sampled accordingly. However, this method of archaeological mitigation will depend very much on the way in which the developer treats this site. It is recommended that any archaeological scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation.

Nottinghamshire County Council (Arboricultural Advice) – considers that the boundary hedgerows and trees present on the site and boundary should be adequately guarded during construction and site preparation by means of an initial survey and then the provision of suitable protective fencing as detailed in BS5837 2012.

This information should be submitted and subject to an appropriate condition of development.

Housing Strategy Officer

30% affordable housing contribution is required, which should be provided by a commuted payment to make provision elsewhere in the borough where main centres of population, as housing in similar areas has struggled to let. The actual amount will be based on financial viability information

Scientific Officer –

No Objections.

Parks and Street Care Officer

Open space provision on the site needs to be 10% of the gross area. A payment for maintenance of the open space for 10 years is required. Providing a football pitch on the site would be appropriate, but if it is a school field to which the public do not have access it cannot be classed within the requisite 10%.

Nottinghamshire County Council Education

A development of 300 homes would require a school site of 1.1 hectares and a 0.5 form entry school and associated secondary places. Two schools in the area have/or are about to increase capacity. There are 9 infant/primary schools and 2 junior schools in this area and these are unlikely to have spare school places for the needs of the occupiers of the proposed new houses.

NHS Nottinghamshire County – the 'NHS England Call to Action' was published on 11th July 2013, setting out the national context within which the NHS is now working.

This reinforced the message that the NHS is in an extremely financially constrained

environment and cannot continue to do things the way it has done previously in terms of further investments.

In response to this, the Derbyshire and Nottinghamshire NHS Area Team (AT) has embarked on a programme of work with each of its 10 Clinical Commissioning Groups (CCG's) to define a primary care strategy for each locality that will sustainably meet these national challenges together with meeting local needs, such as population growth associated with new housing developments.

In the absence of this primary care strategy, the indication of contribution based on a pre-agreed formula which calculated a total contribution of J144,000, based on a cost per dwelling of J480.

The AT confirms that it is unlikely that the emerging primary care strategy would support a single handed GP development as the solution to sustainably meet the needs of the housing development on the land north of Papplewick Lane, Linby and that the J144,000 would ideally be invested in enhancing capacity/infrastructure with existing local practices and also taking into account the wider housing developments proposed within the Hucknall area. There will be a health led event in the near future to identify the health needs for the area as there are significant housing developments proposed which will lead to additional strain on lists that are already nearing capacity. Until this event takes place the NHS is unable to give any detail on how the CCG/AT will use the money as all options need to be explored to identify the best value for money solution for all parties.

Nottinghamshire Police (Force Architectural Liaison Officer) – observes that at this time there is little specific information for the FALO to comment upon with regards to designing out crime, the FALO would like to be kept informed as this application progresses especially should a full application or reserved matters application be made in relation to design, layout, orientation, active edges, public open space and the security to the homes.

However, with regard to the proposed emergency access route on Papplewick Lane, the FALO would like to state that he has not been consulted by the applicant, developer or his agent regarding this matter and would not accept that this emergency access route is not likely to be a source of crime or anti-social behaviour. Such an access route would likely become an unofficial route into the housing estate, either by pedestrians or vehicles (dependant upon the design restrictions); the emergency access route is to the side of a home and the occupant (and his neighbours) are very likely to suffer from increased noise and nuisance and other anti-social behaviour due to this access route. As such, the FALO would not support such an access route at this location.

Planning Considerations

The key planning considerations regarding this proposal for up to 300 homes are how the proposal relates to current and emerging planning policy and whether it would meet the main principles of sustainable development; how it addresses climate change, flooding, pollution and the impact of the proposed development on

the highway network and road safety.

Other planning considerations which must also be assessed are landscape impact, ecological issues and archaeology. Consideration will also need to be given as to whether the proposal would be detrimental to the setting of the nearby Conservation Areas at Linby and Papplewick.

Part of the application site extends into Green Belt where it is proposed to accommodate the surface drainage attenuation ponds and to provide for recreational uses. Consideration will need to be given to the appropriateness of these uses in the Green Belt and whether there would be any harm to the openness of the Green Belt.

Finally it is necessary to consider the use of appropriate planning obligations to secure the necessary infrastructure and contributions reasonably required to serve the proposed development.

These and other issues are addressed below under the following headings:

- Planning Policy and Prematurity
- Green Belt
- Climate Change/Flooding
- Landscape Impact
- Sustainability
- Public Open Space and Green Infrastructure
- Highways
- Biodiversity
- Heritage matters (including archaeology)
- Residential Amenity
- Design & Layout (Masterplan, as revised)
- Public Footpaths
- Planning Obligations
- Other Issues
- Secretary of State Referral

Relevant Planning Policy

National Planning Policy is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development. The following core planning principles of the NPPF are relevant to this planning application:

NPPF Section 1: Building a strong, competitive economy (paragraphs 18 – 22)

NPPF Section 4: Promoting sustainable transport (paragraphs 29 – 41)

NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47 – 55)

NPPF Section 7: Requiring good design (paragraphs 56 – 68)

NPPF Section 9: Protecting Green Belt land (paragraphs 79 – 92)
NPPF Section 10: Meeting the Challenge of Climate Change, flooding and coastal change (paragraphs 100 – 104)
NPPF Section 11: Conserving and enhancing the natural environment (paragraphs 109 – 125)
NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126 – 141)

Plan-Making

NPPF: Ensuring the viability and deliverability (paragraphs 173 – 177)

Decision-taking

NPPF: Planning Conditions and obligations (paragraphs 203 – 206)

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF. It is considered that the NPPG does not introduce any material changes that would directly influence consideration of the application.

The Gedling Borough Replacement Local Plan (RLP) is the adopted development plan for the area with relevant policies “saved” by way of a Direction issued by the Secretary of State (dated July 2008) made under paragraph 1(3) Schedule 8 to the Planning and Compulsory Purchase Act 2004. The following RLP Policies are relevant:

RLP Policy ENV1 (Development Criteria);
RLP Policy ENV26 (Control Over Development in Green Belt);
RLP Policy ENV31 (Safeguarded Land);
RLP Policy ENV40 (River Environment);
RLP Policy H8 (Residential Density);
RLP Policy H16 (Design of Residential Development); and
RLP R3 (Provision of Open Space within New Residential Development).
RLP C2 (Community Facilities for New Development)

Additionally, the following Supplementary Planning Documents (SPD) are relevant:

Affordable Housing SPD (2009)
Parking Provision for Residential Developments (SPD 2012)
6C’s Design Guide (November 2011, last amended January 2013)

The Gedling Borough Aligned Core Strategy Submission Documents were submitted for examination on 7th June 2013 (hereafter referred to as the ACSSD). Following the Hearing Sessions, Main Modifications have been proposed and consultation upon them closed in April 2014.

The Inspector conducting the examination has now issued her report on the examination of the Gedling Borough Aligned Core Strategy. In conclusion the Inspector states that with the recommended Main Modifications the Aligned Core Strategy meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (together with the recommended Main Modifications) in comparison to previous stages, as the emerging plan is at a very advanced stage of preparation and given that outstanding objections have been resolved to the satisfaction of the Planning Inspector.

The following emerging planning policies are relevant to this planning application:

- ACSSD Policy 1: Climate Change
- ACSSD Policy 2: The Spatial Strategy
- ACSSD Policy 3: The Green Belt
- ACSSD Policy 10: Design and Enhancing Local Identity
- ACSSD Policy 11: The Historic Environment
- ACSSD Policy 16: Green Infrastructure, Parks and Open Space
- ACSSD Policy 17: Biodiversity
- ACSSD Policy 18: Infrastructure

Relevant proposed main modifications published for consultation from 17th March 2014 until 30th April 2014 include:

- MM 1: Insertion of Policy A: Presumption in Favour of Sustainable Development
- MM2: Changes to Policy 1: Climate Change
- MM4: Changes to Policy 2: Overall Housing Target for the Main Built Up Area
- MM11: Site Specific Changes to North of Papplewick Lane

In recommending the main modifications the Inspector accepted all of the proposed modifications put forward by the Councils (with one exception). Of particular relevance to this planning application is that the Inspector has accepted the proposed modification MM11 which is specific to the North of Papplewick Lane and reduces the housing allocation on this site from 600 to 300 homes. The only proposed modification not accepted relates to the housing provision at Bestwood Village (MM 14). This has some relevance to this application in so far as it has the effect of increasing the housing provision in the Key Settlement of Bestwood (from 260 up to 500) which is one of three locations proposed for growth close to Hucknall the others being North of Papplewick Lane and Top Wighay Farm.

Prematurity

The site forms part of a larger site designated as Safeguarded Land in the Replacement Local Plan under RLP Policy ENV31. Safeguarded land is protected from inappropriate development until a future development plan document allocates it for development. The Local Plan Inspector considered that the site was suitable for residential development, but was not needed at that time due to other sites being available and recommended that the site be designated as safeguarded land.

ACSSD Policy 2 allocates the larger site north of Papplewick Lane for up to 600 homes. Policy 2 (as proposed to be modified) includes provision for a Sustainable Urban Extension at North of Papplewick Lane for up to 300 homes. Policy 2 is supported by appendix A of the ACSSD (as proposed to be modified) which provides information on the types of infrastructure needed to support the proposed development. This includes:

- Provision of a primary school
- Contributions to secondary education places
- Green infrastructure including a 30 m buffer strip along the River Leen
- Public open space
- Highway mitigation and measures to encourage public transport, cycling and walking

As referred to above, the Inspector conducting the examination into the ACSSD has agreed with the Main Modifications put forward by the Councils and confirmed that the ACSSD is sound. These include MM4 which proposes to increase the amount of housing in or adjoining the main built up area and MM 11 which reduces the housing allocation at the North of Papplewick Lane strategic allocation from 600 homes to up to 300 homes.

The National Planning Practice Guidance (NPPG) identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:

- the application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and
- The Local Plan is at an advanced stage but has not yet been adopted.

The NPPG adds that Local Planning Authorities would need to indicate clearly why the development would prejudice the outcome of the Plan making process.

The ACSSD is at an advanced stage of preparation and with the receipt of the Inspector's report the examination is now closed. The Inspector has found the ACS sound subject to main modifications being made and therefore outstanding objections have been addressed.

In terms of the issues raised by objectors, the Inspector considered the question of whether Hucknall could service an uplift in population arising from cumulative development in both Ashfield District and Gedling Borough and in particular whether

new development in Gedling would provide sufficient support and funding for the required new infrastructure in Hucknall. Taking into account Gedling Borough's proposals to reduce the housing provision North of Papplewick Lane and bearing in mind the scope for developer contributions towards neighbouring areas, the Inspector considers that subject to the Main Modifications (MM11 and MM3) the ACSSD would not have a serious impact on the future wellbeing of Hucknall. The Inspector considered that development adjoining this town (Hucknall) with its good range of services and transport services would be consistent with sustainable growth.

The Inspector also noted other concerns regarding both Top Wighay Farm and North of Papplewick Lane related to the impact of growth (including additional traffic) on the historic Green Belt villages of Papplewick and Linby, landscape, good quality agricultural land, and ecology. These issues are considered elsewhere in this report. The proposed modifications (MM11) would give a lower figure around Hucknall than the submitted ACSSD which the Inspector considered should reduce if not wholly remove some of the above concerns. Crucially the Inspector notes that the North of Papplewick Lane site is located on safeguarded land and potentially suitable for longer term development needs. There would be no further reduction in Green Belt through the promotion of this site in the ACSSD.

Whilst, the ACSSD has yet to be adopted, the findings of the Inspector's report support the allocation of the North of Papplewick Lane site for 300 homes and the determination of this application in advance of adoption of the ACSSD would not therefore be premature or prejudicial to the emerging ACSSD planning strategy.

5 Year Housing Supply

Gedling Borough does not currently have a five year land supply and depends on the strategic allocations in the ACSSD including land at North of Papplewick Lane coming forward within the first 5 years of the Plan period. Paragraph 49 of the NPPF sets out that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should be considered out-of-date. Recent appeals (notably the Binfield decision ref 2179560) have indicated that this would include policies which restrict or direct residential development. This would include safeguarded land policy and, as such, in this case ENV31 is considered out of date.

Where policies are out of date, applications for residential development should be considered in the context of the presumption in favour of sustainable development contained in paragraph 14 of the NPPF. The presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or

Specific policies in the NPPF indicate development should be restricted.

Accordingly significant weight needs to be given to the NPPF in terms of the presumption in favour of development and to the need to have a 5 year supply of housing. It is important to note in this context that the housing trajectory for the ACSSD demonstrates a five year supply and assumes this site will come forward.

The Safeguarded Land

The proposed site for housing is identified as safeguarded land on the adopted GBRLP Proposals Map. RLP Policy ENV31 states that land identified as safeguarded “shall be safeguarded from inappropriate development until a future Local Development Document is adopted that proposes it for development. Paragraph 1.71 of RLP Policy ENV31 states that:

“The safeguarded land identified on the Proposals Map should be treated as Green Belt and planning permission will not be granted for development which would prejudice its later comprehensive development. At the end of the Plan period, the safeguarded land will revert to Green Belt, unless it is essential to meet longer term needs.”

The Thundersley decision (ref 2177157) and the Ministerial Statement (1st July 2013) highlight that Green Belt release should be through Local Plan reviews unless there are more very special circumstances other than the demand for housing. While this application is on safeguarded land, which should be treated as if it were Green Belt, it is not Green Belt and would result in no loss of Green Belt. The Ministerial Statement, therefore, does not apply in the case of safeguarded land.

The safeguarded land subject to the proposal is located adjacent to Hucknall, which is identified as a Sub Regional Centre in Policy 2 of the ACSSD. This proposal site is on safeguarded land specifically excluded from Green Belt and identified for potential longer term development needs beyond 2011. This is acknowledged in the Inspector’s report and in this context the Inspector notes that there would be no reduction in Green Belt through the sites promotion in the ACSSD.

NPPF paragraph 85 advises that authorities may identify safeguarded land but planning permission for permanent development of this land should only be granted following a local plan review. Whilst the ACSSD is yet to be adopted, the North of Papplewick Lane allocation identified in the ACSSD is supported by the Inspector and it is more a matter of timing that this application predates adoption.

Green Belt

The proposal also includes Green Belt land in the north eastern part of the application site where it is proposed to site attenuation ponds as part of the surface water drainage strategy. Whilst it is accepted that the construction of attenuation ponds for development site drainage constitute engineering operations and hence are considered an appropriate development in Green Belt within the terms of NPPF paragraph 90, the proposal to utilise this same area for green space and an ecology park would constitute a change of use to outdoor recreation. Under the terms of RLP Policy ENV26, outdoor recreational use may be appropriate development, provided it would not harm the openness of the Green Belt.

However, the more recent NPPF does not include change of use to outdoor recreational facilities as constituting appropriate development. According to recent case law the NPPF at paragraph 90 (which sets out certain exceptions in terms of whether a development is appropriate in Green Belt) applies only to new buildings. Accordingly, whilst it is accepted that the construction for attenuation ponds is an engineering operation and that areas of landscaping and planting are ancillary to the use of the area for attenuation ponds, the opening up of the area for recreation use by the public would constitute inappropriate development in the Green Belt. In such circumstances the Developer will need to demonstrate very special circumstances so as to justify such inappropriate development in Green Belt.

The applicant draws attention to the benefits to the local community from the opening up of the area for public access/recreation and draws attention to the NPPF paragraph 81, which states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities to provide access; opportunities for sport and recreation. In the applicant's opinion, maximising the beneficial use of this otherwise acceptable form of development in Green Belt for outdoor recreation in line with NPPF paragraph 81 would meet the very special circumstances test.

Such very special circumstances must though, according to the NPPF, outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm.

In order to consider this, it is necessary to view the proposal against the aim of Green Belt policy in maintaining openness and the five purposes of the Green Belt which are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In relation to the fundamental aim of maintaining the openness of the Green Belt, I note that no built development is proposed and there would be no material change to the land formation. As such, I am satisfied that the proposed uses would maintain the openness of the Green Belt.

Regarding the purposes of Green Belt, the proposed recreational use would not result in urban encroachment, nor result in the coalescence of neighbouring towns, and would continue to safeguard the countryside.

The preservation of the setting and special character of historic towns has some relevance to this particular location as there are two Conservation Areas designated in the nearby villages of Linby and Papplewick. The proposed development site is part of a larger site which is designated as safeguarded land to the north west. The principle of the safeguarded land in this location has already been established and

there would be no reduction of the gap between the existing safeguarded land to the north west and Linby Village. In terms of the Green Belt to the north east it has been concluded above that the proposed engineering operations for attenuation ponds and recreation use would not harm the openness of the Green Belt. Therefore the Green Belt to the north east which provides a gap between the proposed development site and Papplewick Village would be maintained. Consequently, in the context of Green Belt policy it is not considered that the proposed development would be harmful in terms of any impact on the wider setting of either Conservation Area.

With regard to assisting in urban regeneration, this purpose of the Green Belt is not undermined as Gedling Borough considers that as much development as possible has been directed to the main urban areas in line with the strategy of urban concentration with regeneration. No housing or employment development is proposed in Green Belt, although the proposal will result in engineering operations being located in Green Belt as this is necessary to provide for sustainable drainage solution for the proposed built development on the adjacent safeguarded land. The above considerations lead to the conclusion that the proposal would not be harmful to the openness of the Green Belt or the purposes of including land within Green Belt. However, the NPPF does indicate that, by definition, inappropriate development is harmful to Green Belt and very special circumstances must exist which outweigh any harm. I am satisfied that the need to maximise the benefits from opening up the area for recreational purposes for the enjoyment of existing and future residents in line with paragraph 81 of the NPPF would amount to very special circumstances. These very special circumstances must be weighed against the potential harm to the Green Belt in this locality. As stated above, the proposed engineering operations to provide attenuation ponds would not in my view be harmful to the openness of the Green Belt; and having taken this into account, I consider that on balance the very special circumstances relating to the benefits associated with providing recreational facilities clearly outweigh any harm to the Green Belt in this instance.

Climate Change/Flooding

Policy 1 of the ACSSD as proposed to be modified sets out a sequential approach to locating development away from areas at highest risk of flooding and states that where no reasonable site within Flood Zone 1 is available, allocations within Flood Zones 2 and 3 will be considered. This is consistent with paragraphs 100-103 of the NPPF, which state that a sequential test should be applied in areas known to be at risk of any form of flooding, but where development is necessary it should be safe without increasing flood risk elsewhere.

Paragraph 101 of the NPPF states that the aim of the sequential test is to steer development to areas with the lowest possibility of flooding. Development should not be allocated or permitted if there are reasonably available sites for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment should be the basis for applying this test.

The River Leen and Daybrook Strategic Flood Risk Assessment was prepared in 2006 and the results from hydraulic modelling has been integrated within the Greater

Nottingham Strategic Flood Risk Assessment (2008 and updated 2010) which informed the allocations contained within the ACS. The River Leen and Daybrook Flood Risk Model covers the area from Castle Mills to Forge Mills and flood outlines were drawn for various events and in turn flood dynamic plans were produced. The study reports that there is very little flooding in the upstream area of the River Leen even in the event of a 1:1000 year annual probability of flooding. The hydraulic modelling indicated that a small part of the site is in Flood Zone 2 of the River Leen with the remainder of the site being in Flood Zone 1. However, the Site Specific Flood Risk Assessment (SSFRA) submitted with this planning application indicates that, following a successful challenge, the extent of Flood Zone 2 has been revised in consultation with the Environment Agency. Approximately 1% of the site is now located in Flood Zone 2 and the remainder is in Flood Zone 1. No residential development is proposed in Flood Zone 2 and no built development is at risk of flooding. The sequential test has been satisfied because there are no other suitable sites available which would meet the housing requirement at a lower flood risk of flooding.

The existing track located along the eastern boundary of the development site adjacent to the River Leen is predicted to flood during a 1:1000 year annual probability flood event to a depth estimated to be about 0.52 m and to a depth of 0.08 m in a 1:100 year flood event. However, the Highways Authority has confirmed that this track is not required for an emergency access to the development site.

At the request of the Environment Agency, the applicant has provided information to simulate the likely consequences of a 100% blockage to the culvert located under Papplewick Lane which conveys the water flow to the south side of the bridge. This indicates that, even in the event of a total blockage, water would flow over Papplewick Lane and back into the River Leen rather than cause flooding to the development site further upstream. The Environment Agency has also undertaken its own blockage scenario analysis and notes that the resulting water levels would not impact upon the development area and would not increase flood risk to third parties.

The River Leen and Daybrook SFRA does indicate that the River Leen is subject to downstream flooding and advises that surface water runoff from potential development sites within the catchment of the River Leen should be limited to pre-developed greenfield rates. The applicant has prepared a Conceptual Drainage Strategy which supplements the SSFRA and has consulted with the Environment Agency on its content during its preparation.

The Environment Agency has reviewed the submitted information and notes that it is absolutely critical that there is no net increase in flood risk downstream as a result of this development. Consequently, the Environment Agency recommends a maximum discharge rate from the proposed development to be 2 L/s/ha which is the lowest recommended discharge rate in the Environment Agency's Rainfall runoff management for developments report – SC030219. The Environment Agency considers that this rate should reduce the rate of runoff from the existing site to provide betterment to downstream areas during extreme rainfall events.

In relation to the proposed sustainable drainage features, the Environment Agency

notes that the site layout places the SUDs feature to the north of the site rather than at its lowest point. However, the Environment Agency is satisfied that 70% of the development will be drained by the northern SUDs feature and the other 30% will be managed at source. The Environment Agency recommends that a condition be imposed requiring a surface water scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved by the Local Planning Authority in consultation with the Environment Agency.

In terms of groundwater flooding, the applicant has submitted the Papplewick Groundwater Assessment. This assessment concludes that groundwater flooding at the site is unlikely but cannot be ruled out and goes on to recommend mitigation methods are put in place. Having taken into account this assessment, the Environment Agency recommends that permission is conditional upon the provision of a scheme to manage any risk of groundwater flooding and overland flows within the development and that floor levels are raised as recommended in the Papplewick Groundwater Assessment.

The Environment Agency considers that outline planning permission could be granted to the proposed development subject to the imposition of a number of planning conditions. These include the incorporation of a 30 m easement along the River Leen to provide access for water management and also to provide biodiversity. Accordingly, I consider the proposal accords with Policy 1 of the ACSSD RLP Policy ENV40 and paragraphs 100 – 103 of the NPPF.

Landscape & Arboricultural Impact

ACSSD Policy 10 (5) states that outside of settlements, new development should protect, conserve or where appropriate, enhance landscape character and proposals should be assessed with reference to the Greater Nottingham Landscape Character Assessment (GNLCA). The GNLCA includes the proposed development location within the Magnesium Limestone Ridge Landscape Character Type. The GNLCA subdivides the broader areas into policy zones and the proposed location lies within Policy Zone ML017: Linby Wooded Farmland. The proposed development site is also located adjacent to the River Leen Corridor Policy Zone ML018. These areas are described as being relatively enclosed landscapes. Both ML017 and ML018 are assessed as being of moderate landscape condition and moderate landscape character strength. The recommended strategy for both is to enhance landscape character. The development would result in the loss of arable land but, where possible, existing hedgerows and trees are to be retained. The northern field boundary is a mature hedgerow that is to be retained and, with suitable treatment, would provide a buffer to the countryside to the north.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the planning application. The assessment considers that the application site is within a visually contained envelope and is of a visually contained character and concludes there would be no loss or damage of any valued features and no significant impact on landscape character. In terms of the impact on sensitive landscape receptors, the assessment concludes that there would be no significant direct impact on designated heritage assets including the conservation areas at

Linby and Papplewick and also the historic Papplewick Hall due to intervening built form vegetation and topography.

The assessment also considers that there would be no direct impact on the River Leen corridor and that the proposed ecology park to the north east of the site and buffer strip and proposed habitat creation alongside the River Leen would help integrate the proposed development with this Landscape Character Area.

The County Landscape Team comment that, overall, the impact of development on the existing physical landscape would be slight beneficial. County Landscape agrees that the proposed development would not have a significant impact on any designated conservation areas or Papplewick Hall. They also comment that the River Leen and Moor Pond Wood are designated SINCs and that the proposed 30 m buffer zone to the eastern boundary should be planted with species suitable to extend the River Leen habitat as recommended in the species list for this Landscape Character Area. Considerations concerning ecology and archaeology associated with this location are considered elsewhere in this report.

In terms of visual impacts the County Landscape team agrees with much of the LVIA conclusions. However, they raise some detailed points about the mitigation measures outlined to reduce visual impact on properties along Papplewick Lane immediately to the south, questioning the type and height of proposed fencing and how it can be implemented. County Landscape also consider that the visual impact will be greater than that assessed by the LVIA on residential properties to the west (especially from properties to the end of Marion Avenue and Alison Avenue and along Christine Close) and they recommend that visual impact is reassessed and more consideration given to mitigation.

The applicant has submitted revised landscaping proposals which address these concerns, including an Illustrative Landscape Masterplan and Illustrative Boundary Landscape Proposals. The County Council is satisfied that this demonstrates that there would be some screening afforded to the existing residential area by tree planting on the boundary.

I also note that the County Council is satisfied that the boundary hedgerows and trees present on the site and boundary can be adequately guarded during construction and site preparation by means of an initial survey and then the provision of suitable protective fencing. This can be secured by the imposition of an appropriate condition.

Accordingly I am satisfied that the proposals are consistent with ACSSD Policy 10.

Sustainability Issues

Key to the sustainability of the development is the provision of suitable community facilities which are required as a result of the development. There is also a need to ensure that measures are in place to encourage sustainable modes of travel to and from the site. Relevant policies include C2 and R3 of the RLP, Policy 2, 14, 16 and 18 of the ACSSD (as proposed to be modified) and paragraphs 203-206 of the NPPF.

The site is adjacent to the urban area of Hucknall and located close to existing services and facilities and existing cycle and pedestrian infrastructure which ensure that a range of services can be accessed without using the car. The provision of a primary school and recreational open space on site (accessible to new and existing residents) should also help reduce the need to travel. The location is considered sustainable and the proposal includes a number of measures that should increase the sustainability of the development which are set out below:

Accessibility

The site is located approximately 1.5 km from Hucknall town centre which provides a full range of services and facilities. The Hucknall Railway Station and NET stop which provide regular services to Nottingham are approximately 1.2 km away. The site is served by 2 different bus services and there are bus stops located within 400 m of the edge of the site.

The submitted illustrative masterplan indicates that pedestrian and cycle links will connect the site to the surrounding pedestrian and highway network. The access to the site is located within Ashfield District, which has yet to determine this part of the planning application, and hence the consideration of detailed pedestrian and cycle connections and the securing of these connections by agreement fall within the remit of that Planning Authority. However, I am satisfied that there is potential for these cycle and pedestrian links to be made, as illustrated in the Indicative Masterplan. There are local facilities within 1 km of the site including a local shop, local schools and a food superstore which are accessible by bicycle and on foot.

County Highways require a Travel Plan to implement measures to establish a pattern of behaviour favouring sustainable travel modes. This should include a resident's travel pack for the occupant of each new dwelling to include travel awareness information relating to cycling and walking routes and up to date bus and rail timetable. Ashfield District Council considers that whilst the Highways Authority has proposed conditions to secure a Travel Plan, given the concerns raised previously by Ashfield relating to connectivity and sustainability, formal assessment should be undertaken prior to any decision and that this approach is contrary to the NPPF. However, in my view it is extremely reasonable and indeed common practice to secure such Travel Plans by condition which would only be signed off once the Highways Authority approves the final Travel Plan.

With regard to resident's comments about impending changes to a local bus service, the Highway Authority has advised that this will have implications for the Integrated Transport Contributions, to be agreed under the S106 Agreement.

In conclusion, I consider that the site is accessible by foot and by bicycle to a range of services and facilities and also accessible by bus and rail providing frequent and regular services to Nottingham and Mansfield. This accords with the requirements of ACSSD Policies 2, 14 and 18.

Public Open Space and Green Infrastructure

The ACSSD notes that the River Leen corridor is a significant green asset adjoining this site and seeks opportunities to protect and enhance green infrastructure on the eastern part of the site. ACS Policy 16 c) states that developments proposed through the Core Strategy should enhance the strategic green infrastructure networks and promote links to and from the green infrastructure to promote access. The proposal includes a 30 m buffer strip between the development site and the River Leen and also includes proposals for balancing ponds for water attenuation which would be designed to provide ecological habitat. The indicative masterplan includes links to the River Leen corridor to the wider area. The Ecology Addendum Report concludes that, provided the construction of the attenuation lagoons can conform to the recommendations (set out elsewhere in the Ecology Addendum Report), it is considered that the works would be in conformity with wildlife legislation and planning policy. The Ecology Addendum Report also adds that, provided habitat creation and subsequent management of habitats can be successfully implemented, it is considered that the proposed lagoons and associated habitat creation would result in an overall gain for biodiversity significant at a local scale consistent with ACSSD Policy 17 which seeks to ensure development provides new biodiversity features. The detailed measures and subsequent management of habitat will be addressed through the Section 106 discussions.

Policy R3 of the RLP requires that residential development on 0.4 of a hectare and above should have a minimum of 10% local open space which would equate to around 1.5 hectares. The area set aside for the attenuation ponds is also proposed for recreational use of approximately 4.5 hectares. In addition two areas of open space are proposed to be located within the River Leen corridor and a further area is located in the centre of the development site. The provision for open space is in excess of the RLP Policy requirements of at least 10% in RLP Policy R3. Green linkages are also proposed between the recreational areas and the existing housing estate so that the recreational areas will be accessible to the wider community. I am satisfied that the proposal accords with RLP Policy R3 and ACSSD Policies 16 and 17.

Highways

The relevant planning policies that need to be considered in relation to highway matters are set out in Policies ENV1 and T10 of the RLP. Highway contributions have been considered separately under Planning Obligations below.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated and that development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street

parking would harm road safety or prejudice the flow and management of traffic on nearby streets. In addition, Policy T10 requires that special attention will be paid to providing parking spaces reserved for disabled people in all non-residential development.

Detailed approval is sought as part of this application to establish the location and design of the principal vehicular access points into the site. In addition off site traffic calming measures are proposed, having been negotiated by Planning Officers since the application was first submitted.

Traffic and transportation issues (including a Transport Assessment and Framework Travel Plan) have been considered by the Highway Authority, which has no objections subject to conditions.

I note that many residents raise concerns about traffic and highways, especially to the present congestion at the off -set crossroads by The Griffins Head PH. I am satisfied that although the development may well add to the traffic numbers at that junction it is not likely to be so severe as to warrant refusal of planning permission on highway safety grounds

Whilst there is likely to be an increase in traffic noise as a consequence of the level of traffic generated by the proposed development this is not likely to amount to a statutory nuisance. Provisions for the safe and convenient access and circulation of pedestrians and vehicles would be assessed at the reserved matters stage.

Detailed parking arrangements would also be considered at the reserved matters stage, but would be required to comply with the requirements of the Borough Council's Parking Provision for Residential Development SPD (May 2012). Parking provision for non-residential uses would be required to comply with the requirements of the 6C's Design Guide.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Policies ENV1 and T10 of the RLP, the Parking Provision for Residential Development SPD and the 6C's Design Guide.

Biodiversity

The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy ENV36 of the RLP, Policy 17 of the ACSSD and Section 11 of the NPPF.

Policy ENV36 states, amongst other things, that in evaluating proposals which may have an adverse effect upon a Local Nature Reserve (LNR), consideration will be given to the impact on the long-term ecological viability of the habitat; measures taken to minimise damage and disturbance to the habitat and wildlife; and the nature, layout and density of the development proposed. Where development is permitted, a balance will be struck between the needs of the development and the ecological interest of the site. Any damage to the ecological interest of the site will, as far as possible, be kept to a minimum. Where appropriate this will require the

provision of mitigation and/or compensatory measures which may be secured by conditions and/or planning obligations.

There is ecological interest in the River Leen and concerns have been raised about the impact on this and other biodiversity habitat due to the impact of people who would be living nearby and therefore come in closer proximity and in greater numbers than is presently the case on the site.

Policy 17 of the ACSSD seeks, amongst other things, to ensure that biodiversity will be increased over the Core Strategies period by:

- a) Protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;
- b) Ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

Policy 17 of the ACSSD goes on to state that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In my opinion measures can be implemented to protect biodiversity interest, such as within the River Leen both during and after construction.

Whilst the proposed development would result in the loss of arable farmland, the proposals do not directly affect any statutorily or locally designated nature conservation sites. Furthermore, the northern part of the application site would be used for informal open space, in the form of an Ecology Park, comprising trees, hedges, open water, lowland wet grassland and herb rich neutral grassland.

The application is supported by up-to-date, and fairly comprehensive, ecological information.

I am satisfied that the proposed Ecology Park and other mitigation measures are acceptable in the current context. The provision of the Ecology Park, together with a 10 year detailed Management Plan, would be secured by the imposition of appropriate conditions and a S106 planning obligation.

I am satisfied, therefore, that after taking into account the mitigation measures proposed, that the proposed development would:

Protect and expand existing areas of biodiversity interest.

Avoid fragmentation of the Green Infrastructure network and improve biodiversity through the incorporation of existing habitats and the creation of new habitats.

Provide new biodiversity features

Support the management and maintenance of created habitat through the use of planning conditions, planning obligations and management agreements.

As such, I consider that the proposed development would accord with the aims of Policy ENV36 of the RLP, Policy 17 of the ACSSD and Section 11 of the NPPF.

Heritage and Conservation Areas

The main heritage considerations are the potential impact of the proposed development on nearby Conservation Areas and Archaeology. In this respect, the relevant planning policies that need to be considered are set out in Policy 11 of the ACSSD and Section 12 of the NPPF.

Policy 11 of the ACSSD states, amongst other things, that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and enhanced in line with their interest and significance.

Paragraph 126 of the NPPF states, amongst other things, that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

I am satisfied that the proposed development would not have any undue impact on the Linby and Papplewick Conservation Areas, given the distance of the site from these and the screening afforded by the existing landscape between the site and these villages.

Due to the archaeological interest of this site, as well as the nature and extent of the proposed development, I would recommend the imposition of appropriate conditions, as advised County Archaeologist.

As such, I consider the proposed development would accord with the aims of Policy 11 of the ACSSD and Section 12 of the NPPF.

Residential Amenity

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACSSD.

Policy 10 of the ACSSD states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Paragraph 123 of the NPPF states, amongst other things, that planning decisions should aim to avoid any adverse noise impacts as a result of new development

I am satisfied, therefore, that the proposed use would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated. For the same reason, I do not consider that the proposed development would give rise to any adverse noise impacts.

The capacity of the local road network to accommodate the proposed development has been considered in the highway section above.

I do not consider that there would be any adverse loss of amenity to the nearest residential properties in terms of overlooking, overshadowing or overbearing issues, given the distance of the proposed development from these.

With regard to the comments of the Force Architectural Liaison Officer, I note that the emergency access has now been omitted, but has been replaced with a pedestrian/cycle link from the proposed development to Papplewick Lane. Whilst the concerns expressed remain applicable, therefore, I am mindful that there is an existing field access at this point which could already be used for anti-social behaviour. In my opinion, the use of the proposed pedestrian/cycle link is at worst neutral, although its use may actually discourage anti-social behaviour.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

Design & Layout

The relevant planning policies that need to be considered in relation to design and layout are set out in Policy 10 of the ACSSD and Section 7 of the NPPF.

Policy 10 of the ACSSD requires, amongst other things, that all new development should be designed to make a positive contribution to the public realm and sense of place and to create an attractive, safe, inclusive and healthy environment.

Paragraph 58 of the NPPF states, amongst other things, that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including the incorporation of green and other public space as part of developments) and support local facilities and transport networks.

The proposed residential development is located adjacent to the existing residential development to ensure minimal impact on amenity and to provide new residents with access to existing services and facilities in the urban area.

In my opinion, the proposed development, as shown on the Illustrative Masterplan would function well and add to the overall quality of the area, establish a strong sense of place and optimise the potential of the site to accommodate development. It would also support local facilities in the area and support local transport networks.

Whilst I appreciate the comments made by Ashfield District Council, the design of the gateway to the residential development is for Ashfield to consider as part of the application which it is to determine and, as stated under 'Sustainability Issues' above, I am satisfied that there is potential for cycle and pedestrian links to be made.

As such, I am satisfied that the proposed development broadly accords with the aims of Policy 10 of the ACSSD and Section 7 of the NPPF.

Planning Obligations

The relevant planning policies that need to be considered in relation to S106 planning obligations are set out in Policy C2 of the RLP, Policies 18 and 19 and paragraphs 203-205 of NPPF in relation to decision- taking.

Policy C2 of the RLP states that in considering applications for new development, the Borough Council will have regard to the need for the provision of community facilities arising from the proposal. Planning obligations will be sought in order to secure appropriate community facilities or financial contributions thereto, reasonably related to the scale and kind of development proposed.

Similarly, Policy 18 of the ACSSD requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

Policy 19 of the ACSSD states that all development will be expected to:

Meet the reasonable cost of new infrastructure required as a consequence of the proposal;

Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and

Provide for the future maintenance of facilities provided as a result of the development.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

Necessary to make the development acceptable in planning terms;
Directly related to the development; and
Fairly and reasonably related in scale and kind to the development.

Policy 2 (as proposed to be modified) includes provision for a Sustainable Urban Extension at North of Papplewick Lane for up to 300 homes. Policy 2 is supported by appendix A of the ACSSD (as proposed to be modified) which provides information on the types of infrastructure needed to support the proposed development. This includes:

Provision of a primary school
Contributions to secondary education places
Green infrastructure including a 30 m buffer strip along the River Leen
Public open space
Highway mitigation and measures to encourage public transport, cycling and walking

Policy C2 of the RLP states that the Borough Council will have regard to the provision of community facilities arising from the proposal. Policy C2 goes on to state that planning conditions will be imposed and planning obligations or legal agreements will be sought, in order to secure appropriate community facilities or financial contributions. Similarly, Policy 18 of the ACSSD requires new development to be supported by the required infrastructure (including any necessary community facilities) and contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests in paragraph 204 of the NPPF.

The Local Education Authority has confirmed that the proposed development would yield 63 additional primary school places and 48 additional secondary school places and requires a site for a 0.5 form entry primary school. The LEA have also confirmed they are satisfied with the proposed location (as shown on the illustrative revised masterplan) and size of the primary school site to be provided in order to provide a 0.5 form entry primary school. In addition to providing a level, uncontaminated, serviced site a financial contribution towards building this primary school and meeting its equipment costs of J1.9 m is sought by the LEA plus a financial contribution towards secondary school places of J82,340. These

contributions will be secured as part of the Section 106 discussions.

This meets the requirements of Policy C2 of the RLP and Policy 18 of the ACSSD.

The developer has agreed to provide S106 contributions towards the monitoring of a travel plan, which would contain detailed measures to encourage transport by non-car modes, and the provision of bus passes to new residents in the development for a set period, in order to encourage use of public transport from the outset. These contributions to travel plan monitoring and improvements to bus services should ensure that the development is accessible by public transport and would satisfy Policies H5, C2 of the RLP and Policy 18 of the ACSSD.

Further discussions will need to take place as part of the S106 Agreement with regard to providing an Integrated Transport Contribution for the restoration of the late evening bus service along Papplewick Lane, which is currently proposed to be withdrawn in August.

The applicant has accepted the need for a financial contribution towards health facilities, subject to the NHS providing additional information as to the sum requested to establish whether this is reasonable and necessary. I am satisfied that this can be dealt with through the S106 negotiations, should the recommendation be accepted.

With regard to affordable housing, I note that the applicant has identified the correct amount of affordable housing (30%) for this site. Given the location of the site, it is considered that the majority of the affordable housing requirement should be taken by way of a commuted sum, which could then be used to develop affordable housing elsewhere in the Borough. I note Ashfield District Council's most recent comments that the acceptance of a commuted sum for affordable housing would not result in an inclusive development and that there has also been no consideration of Ashfield's request for nomination rights. However, Gedling Borough Council's affordable housing SPD allows for commuted sums instead of on-site provision where considered to be appropriate. Furthermore, it is not appropriate or practicable to give nomination rights to Ashfield District as Gedling Borough is required to meet its own housing needs within the Borough and the commuted sum is the best means of achieving this purpose.

Ashfield District Council considers that the package of S106 contributions needs to be agreed prior to securing a resolution since developer obligations have an impact on the viability of schemes and may therefore result in the needs of the development not being met. In this context Ashfield make reference to the Gedling memorandum of understanding (Protocol to address Cross Boundary Impact of development on Neighbouring Authorities). It is normal practice in Gedling and elsewhere to finalise S106 agreements following resolution by Planning Committee. The Gedling Protocol was approved by Council on 19th June 2014 and does commit Gedling to working with Ashfield in terms of identifying necessary improvements to services and facilities through for example sharing the Heads of Terms of any section 106 agreement.

Gedling Borough has sought to work with Ashfield both as part of the ACSSD in terms of identifying necessary infrastructure needed to support development around Hucknall and Ashfield District Council has had opportunity to clearly articulate what

infrastructure requirements are required in respect of this planning application.

I am satisfied that developer contributions will be secured towards meeting the necessary improvements to services and facilities consistent with the guidance in paragraph 204 of the NPPF which states that planning obligations are:

necessary to make the development acceptable in planning terms;
directly related to the development; and
fairly and reasonably related in scale and kind to the development.

Other Issues

Many of the objections, including those of Ashfield District Council, are about the principle of developing this site. However, the Inspector's report endorses the use of this safeguarded land as an allocation in the ACSSD.

It is acknowledged that the ACSSD has not yet been adopted, but it is a matter of timing that this application predates the next tranche of local development plan documents.

I would agree with the recent comments made by the applicant's agents that the Replacement Local Plan period has now ended and, as detailed in the report to Planning Committee on 9th July 2014, the Borough Council can only demonstrate a 3.32 year supply of deliverable housing sites. The site is, therefore, essential to meet the longer term needs of housing.

The land is classified as Grade 2 under the Agricultural Land Classification system, which is considered to be 'very good'. The Borough Council consulted Natural England as part of the Aligned Core Strategy plan preparation, which identifies the site as a strategic allocation for residential development. Natural England raised no objections in this respect.

In response to other specific points raised regarding the adequacy of information provided, the assessments undertaken and changes in circumstances, I would comment that statutory consultees, particularly the Highway Authority and Environment Agency, are now satisfied with the detailed technical information provided, and consider that other outstanding matters can be satisfactorily dealt with by conditions.

Potential council tax issues and devaluation of existing properties are not material planning considerations.

Secretary of State Referral

The National Planning Casework Unit (NPCU) has received a request for the application to be called-in for determination by the Secretary of State. To ensure the NPCU can consider this application, it has requested that no decision is issued until further notice.

However, this does not prevent the Planning Committee from making a resolution to

support the application.

Conclusions

The Inspector's report supports the use of this site for 300 dwellings, as set out in ACSSD Policy 2, as modified, which can be given significant weight.

The Five Year Housing Land Supply Assessment (March 2012) identifies that there is only a 3.32 year supply of deliverable housing sites within the Borough. As relevant policies relating to the supply of housing in the RLP are out of date, the principle of the proposal should be considered against the presumption in favour of sustainable development and the policies in the NPPF.

The application accords with relevant policies regarding climate change, flooding, pollution, land contamination, highways, amenity, ecology, heritage, design, landscape, arboriculture and public footpaths.

Insofar as it relates to land within the Green Belt, the planning application proposes a change of use to outdoor recreation which is inappropriate development in the Green Belt and, according to the NPPF, by definition harmful. However, the proposed recreational use would not harm the aim of maintaining openness nor undermine any of the purposes of Green Belt. Although it constitutes inappropriate development and is by definition harmful to Green Belt, I am satisfied that very special circumstances apply which significantly outweigh any harm. I consider that on balance the very special circumstances relating to the impact on the openness of the Green Belt at this location and the benefits associated with providing recreational facilities clearly outweigh any harm to the Green Belt in this case.

Recommendation:

That the Borough Council supports the GRANT OF OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Junction Mitigation Measures, Public Transport, Travel Plan Monitoring, Educational and Library Facilities, Primary Healthcare, Affordable Housing, Open Space, an Ecology Park; and subject to the following conditions:

Conditions

- 1 Application for the Approval of Reserved Matters shall be made to the Borough Council not later than three years from the date of this permission. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the Reserved Matters) for each phase of development shall be submitted to and approved in writing by the Borough Council before any development within that phase begins and the development shall be carried out as approved. The development hereby permitted shall commence no later than two years from

the date of approval of the last Reserved Matters to be approved.

- 2 The development hereby approved comprises: (1) up to 300 residential dwellings; (2) a half form primary school, which shall cover a minimum of 0.598 ha; (3) Public Open Space, including landscaping and children's play areas; and (4) attenuation ponds and ecology park, all as indicated on the Indicative Masterplan (without notes), received on 1st May 2014.
- 3 That part of the development which falls within Gedling Borough shall be carried out in accordance with the Proposed Ghost Island Right Turn drawing (0218-F03 Rev M), received on 19th May 2014.
- 4 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved Phasing Schedule unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of a particular phase.
- 5 Prior to the commencement of each phase of development hereby approved a Construction Environmental Management Plan (CEMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each CEMP shall include the following details: (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping details to be submitted as part of the reserved matters pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of that particular phase of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during that particular phase of construction. (4) details of traffic routes for Heavy Good Vehicular movements during the construction of that phase of development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of that phase of development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of that particular phase of development in relation to noise and vibration and safeguarding air quality. The approved CEMP(s) and all details therein shall be implemented in accordance with the approved details throughout the construction period of that phase(s) of development.
- 6 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of measures for the control of sediment and pollutants into the River Leen during both construction and occupation of the proposed development. The development shall be implemented in accordance with the approved measures and shall be

retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the new roads, including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, proposed structural works and a proposed programme of works. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 8 Prior to the commencement of any phase of development hereby approved a site level survey plan shall be undertaken for that phase of development showing existing and proposed site levels. That phase of the development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
- 9 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to manage any risk of groundwater flooding and overland flows within the development and that floor levels be raised accordingly, as recommended in the Papplewick Groundwater Assessment (April 2014). The approved scheme shall be fully implemented and subsequently maintained for the lifetime of the development, in accordance with the timing/phasing arrangements embodied within the scheme, or as otherwise prior agreed in writing by the Borough Council.
- 10 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to ensure finished floor levels are set 600 mm above the 1 in 100 year plus climate change flood level from the local source (i.e. River Leen, Ordinary Watercourse, local drainage level). The approved scheme shall be fully implemented and subsequently maintained for the lifetime of the development, in accordance with the timing/phasing arrangements embodied within the scheme, or as otherwise prior agreed in writing by the Borough Council.
- 11 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate: (1) surface water drainage systems designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken; (2) limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) to 2l/s/ha (9.9l/s); (3) provision of surface water

run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments', including the provision for long term storage; (4) detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;(5) a minimum of two forms of surface water treatment of surface water prior to the discharge from the site to the River Leen; and (6) details 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 operation to design parameters.

- 12 Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 13 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to provide a 30 metre easement from the top of the bank of the River Leen, as illustrated on the Indicative Masterplan with notes (drawing number PL02). The approved scheme shall be fully implemented and subsequently maintained for the lifetime of the development, in accordance with the timing/phasing arrangements embodied within the scheme, or as otherwise prior agreed in writing by the Borough Council.
- 14 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to provide an 8 metre easement from the top of the northern bank of the Ordinary Watercourse and a 4 metre easement from the top of the southern bank of the Ordinary Watercourse, as shown on drawing no: 2097-PL11. The approved scheme shall be fully implemented and subsequently maintained for the lifetime of the development, in accordance with the timing/phasing arrangements embodied within the scheme, or as otherwise prior agreed in writing by the Borough Council.
- 15 Before development is commenced there shall be submitted to and approved in writing by the Borough Council a scheme detailing how the lagoons will be designed to be of benefit to protected and local biodiversity action plan (LBAP) species such as water vole, great crested newts and common toads. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall include the following features: (1) Detailed design of the lagoons, noting that the design should aim to provide valuable wetland habitat; (2) Substrate for the base and banks

of the lagoons must be those that are naturally nutrient poor, such as bare clay or sand; and (3) Details demonstrating how the lagoons will be managed/maintained over the longer term, including adequate financial provision and a named body responsible for management plus production of detailed management plan.

- 16 Before development is commenced there shall be submitted to and approved in writing by the Borough Council a scheme for the provision of new wildlife ponds on site which are located and designed to benefit protected and local biodiversity action plan (LBAP) species such as water vole, great crested newts and common toads. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall include the following features: (1) A plan indicating the location of the ponds, noting that they should be positioned to face north to south, and should be located in close proximity to the River Leen (but outside of the 8m zone from the top of bank of the river); (2) Detailed design of the ponds, noting that the design should aim to provide valuable pond habitat for protected and LBAP species; (3) How the ponds will be filled (surface or ground water), noting that they should not be directly connected to a watercourse to prevent siltation and eutrophication of the ponds; (4) Substrate for the base and banks of the pond must be those that are naturally nutrient poor, such as bare clay or sand; and (5) The ponds should not be planted, but allowed to colonise naturally.
- 17 Before development is commenced there shall be submitted to and approved in writing by the Borough Council detailed plans which incorporate the mitigation measures listed in the Ecology Addendum Report - Phase 1 Habitat of Flood Attenuation Proposals. The mitigation measures shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 18 Prior to the commencement of each phase of development hereby approved a written scheme of archaeological treatment related to that phase shall be submitted to and approved in writing by the Borough Council. The development shall be implemented in accordance with the approved scheme(s), unless otherwise prior agreed in writing by the Borough Council.
- 19 Prior to the commencement of each phase of development hereby approved details of a local labour agreement to cover the construction of that phase of development shall be submitted to and approved in writing by the Borough Council. The local labour agreement shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Borough Council.
- 20 Before development is commenced, a targeted water vole and white clawed crayfish survey of the section of the River Leen adjacent to the proposed development and reptile surveys of the wider site, including the southern

development boundary, shall be undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If water voles, white-clawed crayfish or reptiles are found to be present, the ecological mitigation hierarchy shall be applied i.e. where adverse impacts cannot first be avoided then mitigation measures must be put in place to reduce any adverse impacts. Where mitigation cannot be achieved then similar habitat should be created elsewhere on site, to a greater proportion, to appropriately compensate for the loss and to ensure a net gain of habitat on site. The mitigation measures shall be implemented in accordance with the approved details before development commences.

- 21 Before development is commenced, an ecological survey of the ditch to the north of the site shall be undertaken by an appropriately qualified ecologist to consider the suitability of this habitat to support protected species, including water vole, white-clawed crayfish and great crested newts and the outcome reported to the Borough Council. Where the habitat is considered to be suitable for any one of these species, then a full survey should be undertaken and the ecological mitigation hierarchy applied i.e. where adverse impacts cannot first be avoided then mitigation measures must be put in place to reduce any adverse impacts. Where mitigation cannot be achieved then similar habitat should be created elsewhere on site, to a greater proportion, to appropriately compensate for the loss of the ditch and to ensure a net gain of habitat on site. The outcome of any such survey should be submitted to and approved in writing by the Borough Council and the mitigation measures shall be implemented in accordance with the approved details before development commences.
- 22 Before development is commenced there shall be submitted to and approved in writing by the Borough Council an updated badger survey of the area, undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council before development commences. If any badgers are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.
- 23 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a lighting scheme to ensure the retention of an unlit corridor along the River Leen, around the site boundary hedgerows, and in the vicinity of the tree on the western boundary containing the confirmed pipistrelle bat roost. The approved lighting scheme shall be implemented in accordance with the approved details before development is commenced and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 24 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of the proposed ecological enhancement measures specified in the Ecological Appraisal, October 2012. These measures shall also incorporate features for nesting house sparrows and starlings, and roosting bats, within the fabric of a proportion of the

proposed buildings. The enhancement measures shall be implemented in accordance with the approved details and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

- 25 Prior to the occupation of the final phase of development all works for the new junction onto Papplewick Lane, as shown for indicative purposes only on Drawing no. 0218/F03, revision M, shall be completed.
- 26 No part of the development hereby permitted shall be brought into use unless or until all the improvement works at B683/Linby Lane/Forest Lane junction, as shown for indicative purposes only on drawing no: 0218-F04, revision A, have been completed in accordance with details submitted to and approved in writing by the Borough Council.
- 27 No part of the development hereby permitted shall be brought into use unless or until a scheme to provide a suitable combined cycle and pedestrian route between the site and Hucknall Town Centre has been completed.
- 28 The development hereby permitted shall not be occupied or brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan to be approved and whose details shall be provided and continue to be provided thereafter to the Borough Council for a period of 5 years, commencing with the date of final occupation.
- 29 The Travel Plan Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Borough Council in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Borough Council shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where Travel Plan targets are not being met, including implementation dates to be approved in writing by the Borough Council.
- 30 The Travel Plan Coordinator shall within 3 months of occupation produce or procure a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the Borough Council. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Borough Council.
- 31 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such

bound material for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

- 32 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 33 The wheel washing facilities required by condition 5 above shall be maintained in working order at all times during the construction period for each phase of that development only and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
- 34 A 30 m undeveloped buffer must be retained between the development and the River Leen, except in the location of the pedestrian/cycle link, to ensure that the wildlife corridor function of the river is retained, and to avoid impacts on notable species occurring within the river. The buffer shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 35 The grassland buffer on the eastern side of the northern field (to be developed as the 'Ecology Park') must be retained and protected to ensure that there is no impact on great crested newts. The buffer shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 36 No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.
- 37 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough

Council.

- 38 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
- 2 To define the consent and to ensure that a satisfactory form of development is obtained in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 3 For the avoidance of doubt.
- 4 To provide a degree of flexibility to assist the delivery of the site, that also enables the Local Authority to monitor and manage the supply of housing land.
- 5 To ensure that appropriate measures are taken to protect the local environment in terms of impact on trees; hedgerows and woodland, flora and fauna, water quality, air quality and on the amenity of neighbouring uses, in accordance with the National Planning Policy Framework.
- 6 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 7 To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 8 To ensure a satisfactory development and that flood risk is appropriately mitigated, in accordance with the National Planning Policy Framework, Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 1 of the Aligned Core Strategy Submission Documents.
- 9 To reduce the risk of flooding to the proposed development and future users, in accordance with Policy 1 of the Aligned Core Strategy Submission Documents.
- 10 To prevent the risk of flooding to the development, in accordance with Policy 1 of the Aligned Core Strategy Submission Documents.

- 11 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 12 To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submission Documents.
- 13 To enable future maintenance and emergency access to this watercourse and to allow for amenity and biodiversity corridors along the river valley, in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy Submission Documents.
- 14 To enable future maintenance and emergency access to this watercourse and to allow for biodiversity corridors, in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy Submission Documents.
- 15 To ensure that the proposed lagoons are developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 16 To ensure that the proposed ponds are developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 17 To ensure that the proposed development is undertaken in a way that contributes to the nature conservation value of the site, in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 18 To ensure that the site is surveyed to identify any potential archaeology and if found is appropriately dealt with, in accordance with the National Planning Policy Framework.
- 19 To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
- 20 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.

- 21 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 22 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 23 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 24 To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 25 In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 26 In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 27 To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
- 28 To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
- 29 To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
- 30 To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
- 31 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 32 To ensure surface water from the site is not deposited on the public highway causing dangers to road users, in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 33 In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

- 34 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 35 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 36 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 37 To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 38 To ensure a satisfactory development, in accordance with Policy ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the adopted Local Plan and emerging Aligned Core Strategy, where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Local Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Local Plan.

Notes to Applicant

This decision notice relates to that part of the application site which falls within Gedling Borough, as indicated on the Site Location OS Plan with Authority Areas Shown (drawing no: PL06) submitted on 22nd November 2013.

Your attention is drawn to the attached correspondence from Nottinghamshire County Council, the Environment Agency, Severn Trent Water and the Nottinghamshire Wildlife Trust.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant and agent to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised and providing updates on the application's progress.

Date Recommended: 25th July 2014



Application Number: 2014/0306

Location: Catfoot Squash Club, Catfoot Lane, Lambley.



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2014/0306
Location:	Catfoot Squash Club, Catfoot Lane, Lambley.
Proposal:	Demolition of existing squash club and workshop and construction of new 4 bedroom dwelling and domestic curtilage.
Applicant:	Ms J. Bilton
Agent:	Mr Christian Yorke

Site Description

The application site relates to a former squash club buildings and land situated off Catfoot Lane, Lambley. The existing buildings are two storey and single storey in height. The premises are currently vacant. There is an existing access to the premises from Catfoot Lane. There is a residential property adjacent to the application site. The site is situated within the Green Belt for Nottingham.

Relevant Planning History

Planning permission was granted in July 2012, ref. 2012/0664, for the conversion and change of use of the former private squash club and workshop to a single dwelling.

Planning permission was granted in December 2012, ref. 2012/1185, for the conversion and change of use of the former private squash club and workshop to a single dwelling.

The above applications were considered appropriate development in terms of the actual change of use of the buildings from a former leisure use to residential use. However, applying the correct interpretation of the Fordent case the proposed use of the land surrounding the buildings constituted a change of use and should have been considered as inappropriate development in the Green Belt. Therefore applying the correct interpretation of Fordent very special circumstances should have been demonstrated in order to justify the use of the land for residential purposes and outweigh any potential harm to the Green Belt, and the applications should have been advertised as a departure to the local plan.

However, the timeframe for challenging these decisions has lapsed and the decisions remain as valid and therefore these permissions are extant.

Proposed Development

Full planning permission is sought for the demolition of the existing squash club and workshop on the site and the erection of a four bedroom dwelling on the site. The dwelling would be constructed over various levels providing a lower second floor, a lower first floor, a lower ground floor, a ground floor and a first floor.

The overall footprint of the building would be 158 square metres and would provide an overall floor area of 258.85 square metres.

A detached double garage is also proposed to be provided which would measure 7 metres by 7.6 metres with an overall height of 3.8 metres.

Access to the site would be via the existing access to the site.

A curtilage area would be provided to serve the proposed dwelling, allowing for a driveway area to the front of the garage and a small side and rear garden area.

Consultations

Lambley Parish Council – object to the proposal on the grounds that it is out of keeping with the area.

NCC Highway Authority – The proposal has been submitted with a new access point from the previous proposal. The visibility to the access can only be achieved by lowering the front wall. The boundary wall therefore should be no higher than 0.6m in height to achieve the visibility. The following conditions and note to the applicant are therefore recommended:

1. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.
2. No part of the development hereby permitted shall be brought into use until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
3. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
4. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary.

The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

5. Pedestrian visibility splays of 2.0 metres x 2.0 metres shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
6. No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Note to applicant

The proposal makes it necessary to construct a vehicular verge crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.

Nottinghamshire Wildlife Trust – following the receipt of a protected species survey no objections are raised but require a note to be attached to any grant of planning permission advising the applicant of their legal rights should any bats be found at the site during development.

Local residents have been notified by letter, a site notice has been posted and the application has been advertised in the local press advertising the proposal as a departure from the Replacement Local Plan – No comments have been received at the time of writing. The Statutory consultation period for representations is until 29th July 2014 and any consultation responses will be reported verbally at Committee.

Planning Considerations

The main considerations in the determination of this planning application are whether the proposal accords with Green Belt policy, the impact of the proposal on the open character of the Green Belt, the suitability of the design of the dwelling, the impact on neighbouring properties and the area in general and whether there are any highway safety implications arising from the proposal. The impact of the proposal on possible protected species at the site will also need to be assessed.

At a national level the National Planning Policy Framework 2012, is relevant and states, at paragraph 89:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

At a local level Policy ENV26 (Control over Development in the Green Belt) of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) states: -

'Within the Green Belt, as defined on the Proposals Map, planning permission will be granted for appropriate development, including: -

- a) that which is required for the purposes of agriculture or forestry;
- b) the provision of outdoor sport and recreation facilities and the erection of essential new buildings in association with them;
- c) for cemeteries;
- d) changes of use of agriculture and other buildings to employment and tourism uses which help to diversify the rural economy.

In all cases appropriate development must be located and designed so as not to harm the openness of the Green Belt or the purpose of including land within it.'

Policy ENV29 (Replacement Dwellings in the Green Belt) of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) states;

'Within the Green Belt planning permission for the replacement of existing dwellings that have not been substantially extended will only be granted where the new dwelling is not materially larger than the existing dwelling.

Where a dwelling has been substantially extended, a replacement dwelling will only be granted where the new dwelling has the same or reduced floorspace than the existing dwelling it is to replace.

In all cases, permission will only be granted where the height, bulk, scale and positioning does not adversely affect the openness of the Green Belt or the purpose of including land within it.'

Policy H16 (Design of Residential Development) of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) states:

'Planning permission will be granted for new residential development if the following design criteria are met:

- a. dwellings should be sited and designed to relate to each other and to the roads, footpaths and open spaces in the surrounding layout;
- b. the proposals are of a high standard of design which has regard to the

surroundings and does not adversely affect the area by reason of their scale, bulk, form, layout or materials;

In addition Policy ENV1, (Development Criteria), of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) is also relevant and states:

'Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:-

- a. it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;

The proposal as submitted constitutes a departure to the Replacement Local Plan as it does not accord with the policies and guidance as set out above. The proposal is for the replacement of the existing squash club buildings on the site with a dwelling within the Green Belt and therefore the use of the existing buildings on the site do not fall within the same use class as the proposed dwelling. The proposal therefore is inappropriate development within the Green Belt and therefore very special circumstances are required to be demonstrated in order to justify the development and outweigh any potential harm to the Green Belt.

Whilst I appreciate that the proposal is inappropriate development and therefore a departure to the Replacement Local Plan, I consider that there are very special circumstances in this instance to justify the proposal, as follows.

I am mindful that planning permission was previously granted in 2012 for the conversion of the existing squash club buildings to residential accommodation in the form of a new independent dwelling and as stated above these permissions remain extant. Whilst these works have not been implemented on site, the principle of residential development on the site has, in my opinion, been established.

Had the permission for the conversion of the existing buildings on the site been implemented, the works completed and the dwelling occupied, I am mindful that a planning application could be submitted for the demolition of what would now be termed as a dwelling on the site and for the erection of a replacement dwelling. A proposal such as this would, in principle, accord with Policy ENV29 of the Replacement Local Plan and indeed the guidance as set out above.

I therefore consider that if the conversion of the buildings had been implemented

under one of the previous permissions and the building occupied residentially, in my opinion planning permission would be likely, in principle, to be forthcoming for a replacement dwelling on the site. I consider that it would be unreasonable to expect an applicant to follow the accepted approach of converting and occupying a building in order to warrant a replacement dwelling being allowed, in principle, on the same site.

In addition, if a replacement dwelling was being proposed on the site, the floor area of the existing building would be used as a guide to calculate the floor area of a proposed replacement dwelling. This would be calculated on the basis of a replacement dwelling not being materially larger than the size of the existing dwelling it is to replace and if the existing dwelling had not been extended, a further 50% of the original floor area of the existing dwelling could be added to the floor area of a replacement dwelling.

I note that the floor area of the building proposed under the previous application, reference 2012/1185, was 190.84 square metres and the floor area of this approved development could theoretically be extended by 50% under policy ENV29 of the Replacement Local Plan which could equate to the overall floor area of the building being 286.26 square metres.

This current proposal would provide an overall floor area of 258.85 square metres, less than the potential floor area which could be implemented. The floor area therefore being provided under this current application would in my opinion accord with policy ENV29 of the Replacement Local Plan which deals with replacement dwellings within the Green Belt.

Furthermore, I am mindful that the footprint of the existing squash club buildings is 169 square metres and the current proposal under consideration would provide a footprint of 158 square metres.

I consider therefore that the built footprint of development on the site would be less than the current buildings on the site, and the floor area of this current proposal when compared with the previously granted scheme, would amount to less development within then Green Belt.

I also consider that the development proposed, given that the buildings equate to less footprint than the existing buildings on the site, will reduce the built footprint on the site which will open up this Green Belt location and therefore improve the character of the Green Belt.

I therefore consider, given the extant permission on the site, as set out above and that the proposal will result in no greater impact on the open character of the Green Belt in comparison to the proposals to convert the buildings to residential use, these create the very special circumstances that in my opinion outweigh any potential harm to the Green Belt.

The proposed dwelling will also be set back from the road edge, which in my opinion will improve the appearance of the site and will result in less of an impact on the open character of the Green Belt.

I am also mindful that the existing building on the site does not have any architectural merit and the building proposed would provide a modern interesting design, which in my opinion, would enhance the area whilst still protecting the open character of the Green Belt.

In respect to the proposed detached garage this would be assessed as a curtilage building to the proposed dwelling. In my opinion given that the garage is of a limited scale and is designed to be in keeping with the proposed dwelling, the garage will result in no undue impact on the open character of the Green Belt or the area in general.

I am satisfied that the proposed dwelling together with the garage result in no undue impact on the immediate neighbouring property with no undue overbearing, overshadowing or overlooking impacts.

I am also satisfied that the proposed development of the site results in no undue impact on the area in general.

I would suggest that should planning permission be granted for the proposal permitted development rights should be withdrawn from the property in order for any future extensions to the property to be assessed in respect to their potential impact on the open character of the Green Belt and on neighbouring properties.

I note that a Protected Species Survey has been undertaken in respect to the proposal and note that Nottinghamshire Wildlife Trust are satisfied that the proposal will result in no undue impact on protected species at the site. The Nottinghamshire Wildlife Trust however have advised that a note should be attached to any grant of planning permission requiring the applicant to stop works at the site in the event that bats are found and for the Bats Conservation Trust to be contacted immediately should this be the case.

In respect to the impact of the development on highway safety given that the existing access is to be utilised in order to serve the dwelling and the Highway Authority has raised no objections to the proposal subject to conditions, I am satisfied that the proposal will not be detrimental to highway safety. I consider however that the conditions suggested by the Highway Authority are attached to any grant of planning permission.

Accordingly, I recommend that planning permission be granted.

Recommendation:

GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

- 2 The development shall be undertaken in accordance with the details as set out within the application forms received on the 10th March 2014, the Design and Access Statement received on the 10th March 2014, the plans received on the 10th March 2014 and the 9th June 2014 and the Protected Species Report received on the 2nd June 2014.
- 3 Before development is commenced there shall be submitted to and approved by the Borough Council precise details and samples of all materials to be used in the external construction of the proposed dwelling. Once these details are approved the dwelling shall be built in accordance with these details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
- 4 Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of enclosure of the site. The approved means of enclosure shall be erected before the dwelling is first occupied, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council as Local Planning Authority.
- 5 Before development is commenced there shall be submitted and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted.
- 6 The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
- 7 Before development is commenced there shall be submitted to and approved in writing precise details of the means of surfacing of the unbuilt in portions of the site. Once these details have been approved the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
- 8 No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43 metres are provided in accordance with details to be first submitted to and approved in writing by the Borough Council as Local Planning Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.
- 9 No part of the development hereby permitted shall be brought into use until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council as Local Planning Authority.
- 10 No part of the development hereby permitted shall be brought into use until

the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to, and approved in writing by, the Borough Council as Local Planning Authority.

- 11 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- 12 Pedestrian visibility splays of 2.0 metres x 2.0 metres shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
- 13 No part of the development hereby permitted shall be brought into use until the access driveway, parking and turning area is constructed with provision to prevent the unregulated discharge of surface water from these areas to the public highway in accordance with details first submitted to and approved in writing by the Borough Council as Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 14 No works permitted under Class A, B, C, D and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2008)
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- 6 To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2008)
- 7 To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2008)
- 8 In the interests of highway safety.
- 9 In the interests of highway safety.
- 10 In the interests of highway safety.
- 11 In the interests of highway safety.
- 12 In the interests of highway safety.
- 13 In the interests of highway safety.
- 14 To protect the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local plan (Certain Saved Policies 2008).

Reasons for Decision

Whilst the proposed development does not strictly accord with the guidance as set out within the National Planning Policy Framework 2012 and the policies contained within the Replacement Local Plan (Certain Policies Saved 2008), I consider that there is a justification for the development in order for the development to be acceptable within this Green Belt location. I am satisfied that the proposed development of the site results in no undue impact on the Green Belt, neighbouring properties, highway safety or protected species.

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property

Search Service on 0845 762 6848 or at www.groundstability.com.

Your attention is drawn to the attached comments from the Nottinghamshire Wildlife Trust.

The proposal makes it necessary to construct a vehicular verge crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.

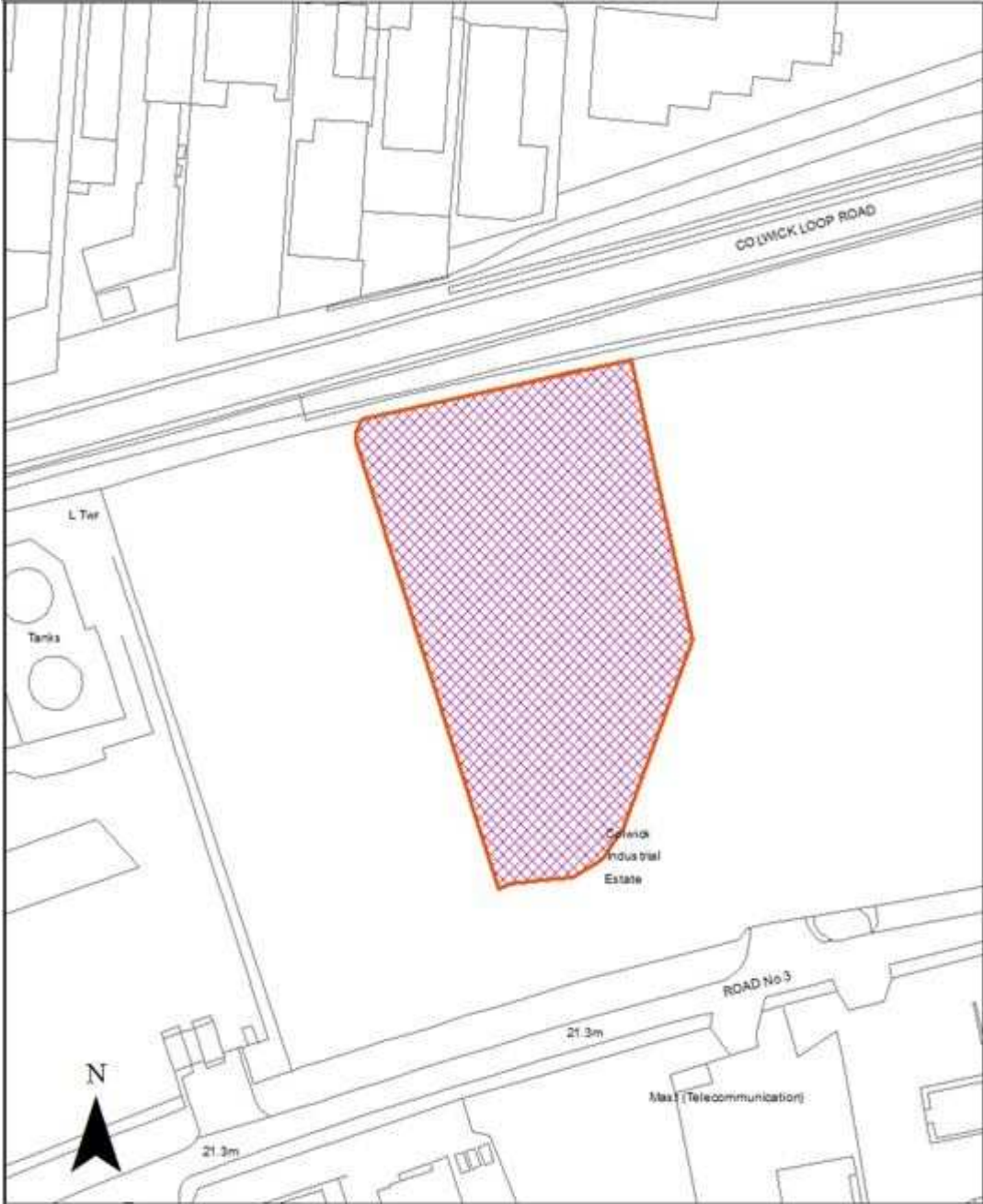
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

Date Recommended: 22nd July 2014



Application Number: 2014/0587

Location: Land South Of Colwick Loop Road Colwick



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2014/0587

Location: Land South Of Colwick Loop Road Colwick

Proposal: Variation of Conditions 6, 10 and 11 of planning permission 2013/0497 for new Public House, including re-siting of building and rearrangement of approved layout.

Applicant: Sainsburys Supermarkets

Agent: Indigo Planning Ltd

Background

The application raises complex planning issues because the site is located within the Development Proximity Zone (DPZ) of Total Lindsey Oil Refinery Terminal. For these reasons this application is being referred to the Planning Committee for decision.

This application is intrinsically linked to another application on this agenda, at the same site, 2014/0136DOC

Site Description

The application site relates to former petroleum storage sites on land south of Colwick Loop Road, Colwick. Colwick Loop Road bisects the site and the industrial estate to the south from additional industrial properties to the north, and the residential area of Netherfield beyond.

The application site is brown field land and occupies a piece of land that has a boundary with Colwick Loop Road. It is approximately 70m to the east of the boundary to the Total Lindsey Oil Refinery terminal. The site was formerly part of the Chevron Fuel Terminal. To the south of the site is Road No. 3 and other industrial units, beyond which is the River Trent.

Planning permission was granted under 2013/0497 for a Marston's restaurant/pub and a drive through restaurant. The public house was granted detailed planning permission, whilst the application for drive through restaurant was in outline form only (with access included)

The public house will be traditional in design, and would have a mix of external finishes comprising of brick, render and wood cladding. The duo-pitched roofs would be covered using slate coloured tiles. Details of the restaurant/takeaway's unit layout, scale, appearance and landscaping would need to be submitted as reserved

matters.

The application was accompanied by various technical reports including an off- site risk Assessment which considered the risk posed by the presence of the adjacent Total Lindsey Oil Refinery. The Total site constitutes a hazardous installation to which PADHI methodology is relevant. PADHI (planning advice for developments near hazardous installations) is the name given to the methodology and software decision support tool developed and used in HSE. It is used to give land use planning (LUP) advice on proposed developments near hazardous installations.

PADHI uses two inputs to a decision matrix to generate either an Advise Against or Don't Advise Against response, based on:

The zone in which the development is located of the three zones that HSE sets around the major hazard (low, medium and high risk)

The 'sensitivity level' of the proposed development which is derived from an HSE categorisation system of 'development types'.(with residential being more at risk than a workplace)

The Health and Safety Executive advised against granting planning permission as the site lies within the DPZ of the Total depot where the development of the uses proposed is considered unacceptable in principle, because of the potential risk to customer and staff.

This council resolution to grant planning permission had to be referred to the Secretary of State because of the HSE objection. However the HSE did not pursue the matter at that time and consent was granted.

The present application seeks to vary the position of the approved public house, to reduce the risk posed by the proposed development. A full explanation of why the changes have been made is described in the accompanying planning application 2014/0136DOC which is also included on the agenda.

Essentially the revised plans seek to re- site the approved public house on its plot, with consequent revisions to the parking layout. This constitutes a variation of condition 6 and 10 on the original planning permission, as these required the development to be carried out in accordance with the approved details. Details relating to cycle parking provision have also been submitted, which require condition 11 to be varied.

Condition 6 stated that:

The public house and restaurant shall be developed in accordance with drawings, APL-02 Rev. A (Location Plan) A-PL-30 B (Marstons Public House and Restaurant Plan), 0055/12/ 02 02 C Site Plan, 0055/12/ 02 04 C Elevations, 0055/12/ 02 05 B Fence Locations + Details and Pergola Details, 0055/12/ 02 03 A Floor and Roof Plan and Marstons Public House and Restaurant Detailed Planting Plan GC.818000.303 A.

Condition 10 stated that:

The Public House shall not be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan 0055/12/0202 Rev C. The

parking/turning/servicing areas shall not be used for any purpose other than purpose thereafter.

Condition 11 stated that:

The Public House shall not be brought into use until the cycle parking layout as indicated on drawing 0055/12/0202 Rev C has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

The approved plans under 2013/0497 showed a building with its main customer entrance and principle elevation facing west, with an outdoor customer areas to the south. Customer parking was to be provided to the south and west of the building, with deliveries to a service area to the north of the building alongside but at a lower level than Colwick Loop Road. This layout would have presented the main building frontage to the new site access road leading from Colwick Loop Road.

The layout proposed by this application pivots the building so that it would lie with its sides at an angle to the site boundaries. The principal elevation and main customer entrance would face south east, with the service yard to the North West. Customers' outdoor area would be to the south east and east of the building. The parking and access arrangements would be slightly changed from that approved as a result of this realignment. Under the original plans a total of 54 car parking spaces would be provided. As part of the revised siting of the public house, the car parking would be increased by 3 spaces to 57.

The principal change to passing views from Colwick Loop Road would be of a largely diamond shaped building orientated across a square plot. From the proposed new access road the side of the building would be angled and separated from the road by a triangular landscaped area.

Consultations

Health and Safety Executive - HSE advised against the granting of the original planning permission for the public house and restaurant (2013/0497) and was not involved in setting any of the conditions associated with the planning permission which the Council subsequently granted. HSE have no further comments to make on this application regarding the variation of conditions.

Total Lindsey Oil Refinery Ltd – No response received.

Nottinghamshire County Council Highways:- There are no highway objections to the minor amendments proposed by this application.

Planning Considerations

The site has planning permission already and this application seeks to re- orientate the approved building on the site. Accordingly only the following policies are relevant to the determination of this proposal:

National Planning Policy Framework

Paragraphs 56-68 (Requiring good design)

Gedling Borough Replacement Local Plan (Certain Policies Saved 2008)

ENV1 (Development Criteria)
ENV3 (Development on Contaminated Land)
ENV8 (Development affecting hazardous substance sites)

It is also considered that the following policy of the ACS is also relevant:

Policy 10: Design and Enhancing Local Identity

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD) which it considers to be sound and ready for independent examination. Following the examination hearings, Gedling Borough Council published main modifications to the ACSSD for public consultation. The Inspector conducting the examination has now issued her report on the examination of the ACSSD. In conclusion the Inspector states that with the recommended main modifications the ACSSD meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (with the recommended main modifications) in comparison to previous stages. The emerging plan is at a very advanced stage of preparation and outstanding objections have been resolved to the satisfaction of the Planning Inspector.

Taking into account the above planning policy context, it is my opinion that the main planning considerations in relation to the determination of this application are:-

The visual impact of the revised siting of the approved building, and whether matters of parking and servicing are satisfactory.

Whether the risk posed by the presence of the adjacent fuel oil terminal to the staff and customers of the proposed public house/restaurant would be unacceptably high (also known as societal risk)

Visual impact of proposed re-siting and acceptability of parking changes

The proposed re-siting of the building would have no adverse impact on the visual appearance of the area. The alteration in the number of car parking spaces within the site and the revised layout would also have no adverse impact on the visual appearance of the site. I also note that the Local Highway Authority has not raised any issues in relation to the proposed alterations. The details provided to discharge condition 11 in relation to cycle storage for customers and staff comprises 5 cycle "hoops" at the edge of the car park. These details are also acceptable.

I therefore consider that the proposed alterations would comply with both national and local planning policies.

Risk Posed by the Total Lindsey Oil Refinery

The current application seeks to re-site the building, although it will still lie within the DPZ of the oil storage depot. The Health and Safety Executive (HSE) state that they

advised against granting the granting of the original planning permission and was not involved in setting the conditions, and therefore have no comments to make.

The revised layout does not alter the proximity issues, but in the event of an uncontrolled explosion event from the oil depot, in physical terms the customers using the outdoor space would be largely within the lee of the public house building and as such would be partly protected from any blast from the Total site which lies to the west. In addition the number of door and window opening in the elevation facing facing towards the oil depot have been minimised to reduce the risk to customers inside the public house building.

Conclusion

In design terms the revised siting of the building is acceptable. The parking and manoeuvring provision remain satisfactory.

The building would still lie close to the oil depot and therefore still attracts a recommendation of Advise Against under HSE guidance. However the development has already been granted planning permission by this Council, in full recognition of the concerns of HSE. The re-orientated building would ameliorate the risk posed to customers by providing shielding to outdoor customers and parenting a less vulnerable façade towards the Total site.

Because of the HSE standing guidance about the proximity of the building to a hazardous installation, this application would still need to be referred to the Secretary of State prior to issuing an approval. This would again allow the HSE an opportunity to challenge the recommendation on safety grounds, and prevent permission being granted.

Recommendation:

Grant Planning Permission subject to the following conditions.

Conditions

- 1 The public house hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved in relation to the restaurant element.
- 2 Application for the approval of any of the reserved matters (namely appearance, layout, landscaping and scale) required for the restaurant element shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The restaurant element hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved.

- 4 The public house or restaurant element shall not be brought into use until either: a) The hazardous substances consent for the Total Lindsey Oil Refinery Ltd has been revoked, or b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report.
- 5 The restaurant element shall not exceed 452 square metres (Gross External Floor Area).
- 6 The public house and restaurant shall be developed in accordance with drawings, A-PL-02 Rev. A (Location Plan) A-PL-30 B (Marstons Public House and Restaurant Plan), 0055/12/ 02 02 D Site Plan,0055/12/ 02 04 D Elevations, 0055/12/ 02 05 C Fence Locations + Details and Pergola Details, 0055/12/ 02 03 A Floor and Roof Plan and Marstons Public House and Restaurant Detailed Planting Plan GC.818000.303 B
- 7 Prior to the public house being first brought into use precise details of the play equipment to be installed within the play area, together with a timescale for its installation shall be submitted to and approved in writing by the local planning authority. The play equipment shall be installed in accordance with the approved details and timescale, and shall be retained thereafter in accordance with the approved details.
- 8 The approved planting scheme, fencing, pergola and surfacing materials to be used within the soft and hard landscaping scheme submitted in relation to the public house shall be provided prior to the to the public house being first brought into use, or to a timescale to be prior agreed in writing by the local planning authority. The fencing, pergola and surfacing materials shall be retained thereafter in accordance with the approved details.
- 9 Prior to the public house being first brought into use precise details of any minor artefacts and structures such as external benches, refuse or storage units and lighting together with a timescale for their installation shall be submitted to and approved in writing by the local planning authority. Any proposed lighting scheme shall also include details of the spread of light beyond the site boundaries and the hours of illumination. Any minor artefacts or structures shall be installed in accordance with the approved details and retained thereafter.
- 10 The Public House shall not be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan 0055/12/02 02 Rev D. The parking/turning/servicing areas shall not be used for any purpose other than purpose thereafter.
- 11 The Public House shall not be brought into use until the cycle parking layout

as indicated on drawing 0055/12/02 02 Rev D has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

- 12 The Public House or Restaurant element shall not be occupied until a Full Travel Plan for that respective element has been submitted to and 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 unless otherwise agreed in writing by the Local Planning Authority.
- 13 Details of measures to prevent the deposit of debris upon the adjacent public highway during the construction of both the proposed Public House and Restaurant element shall be submitted to and approved in writing by the LPA prior to the commencement of development of the respective elements(excluding any site clearance and remediation works as required by condition 20). The approved measures shall be implemented in accordance with the approved details prior to any construction works commencing on the respective phase and retained in situ until the respective element has been constructed.
- 14 The proposed development shall not be brought into use until the following works have been provided in accordance with details that have been first agreed with the Local Highway Authority and shall be carried out to the satisfaction of the Local Planning Authority.; (a) A new signalised junction has been provided on to the Colwick Loop Road. (b) Highway Improvements have been provided at Colwick Loop Road / Road No1 junction. (c) Highway improvements have been provided at A612 / Burton Road / Shearing Hill junctions.
- 15 The Public House and Restaurant elements shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures: (a) as a minimum, proposed floor levels will be set with a freeboard of 600mm above existing ground levels. (b) Other than in those areas where levelled or graded access is required to or from a building or to provide vehicular access into and between the respective elements, external finished ground levels will be no less than 300mm below the proposed floor level of the nearest building. (c) Where local flooding occurs surface water runoff is to be routed away from the buildings along the footways and roadways to the drainage system. The mitigation measures for each respective element shall be fully implemented prior to occupation of the respective element.
- 16 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme providing an evacuation plan for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The

approved scheme for the respective element shall be fully implemented and subsequently maintained.

- 17 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme to provide flood resilience design for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 18 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a surface water drainage scheme for the respective element, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The respective scheme for each element shall subsequently be implemented in accordance with the approved details before the respective element is occupied. The scheme shall also include: (a) The utilisation of sustainable drainage techniques, including rainwater harvesting and permeable paving; (b) Limitation of the runoff rate to a 10% betterment from the existing drainage conditions as detailed in a letter dated 16th September 2013 from Morgan Tucker, limiting discharge to 5.3l/s/ha (QBAR); (c) Water quality management to be incorporated within the design, with two forms of treatment prior to discharge from the site; (d) Demonstration through hydraulic calculations that appropriate attenuation is to be provided to limit the rate of runoff from the site. (e) Confirmation of responsibility and management of the drainage features on construction of the scheme.
- 19 Prior to the commencement of development of the Public House (excluding any site clearance and remediation works as required by condition 20) a scheme for the safe refuge of any residents during an extreme event has been submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The scheme shall be fully implemented and subsequently maintained.
- 20 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance) an investigation and contamination risk assessment report relating to the respective element detailing those areas and / or contaminants not covered within the Ground Conditions Chapter of the submitted Environmental Statement shall be provided to the Local Planning Authority. If the information submitted with the application or within this additional report indicates that remediation is necessary, details of a remediation scheme for the respective element shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include all works to be undertaken, remediation

objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the respective element. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that agreed in writing with the Local Planning Authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.

- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the 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.
- 22 The Public House and Restaurant element hereby approved shall not be brought into use until full details of a Local Employment Partnership has been submitted to and approved in writing by the Local Planning Authority, this shall include details of how the partnership shall be sustained for the life time of the development. The partnership shall be implemented in accordance with the approved details prior to either element being brought into use. Evidence shall be submitted to the Local Planning Authority that the partnership has been established.

Reasons

- 1 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004 and to allow sufficient time to enable either the revocation of the relevant Hazardous Substance Consent for Total Lindsey Oil Refinery Ltd or for the Borough Council as Local Planning Authority to have confirmed in writing that the risk posed by the Total Lindsey Oil Refinery to be acceptable.
- 2 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 The Borough Council as Local Planning Authority is not satisfied that the risk posed by the adjacent Total Lindsey Oil Refinery is acceptable to allow the occupation of the proposed public house/restaurant and the proposed drive through restaurant. This condition will enable the public house/restaurant and the proposed restaurant/takeaway to be occupied only if the relevant

hazardous substances consent for both the Total Lindsey Oil Refinery Ltd have been revoked or if the Borough Council as Local Planning Authority has confirmed in writing that it is satisfied that the so as to allow the development to be occupied whilst the adjacent Total Lindsey Oil Refinery is still in operation.

- 5 For the avoidance of doubt and to ensure that the gross external floor area of the unit is set at outline stage so that the impact of the proposed development is within the parameters indicated within the assessments that have accompanied the application.
- 6 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 7 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 8 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 9 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 10 In the interests of highway safety.
- 11 To encourage sustainable forms of transport.
- 12 To encourage sustainable forms of transport.
- 13 In the interests of highway safety.
- 14 To ensure improve the capacity of the local highway network, in the interests of highway safety.
- 15 To reduce the risk of flooding to the proposed development.
- 16 To enable a safe means of egress from the site during an extreme flood event.
- 17 To reduce the impact of flooding on the development.
- 18 To prevent the increased risk of flooding, both on and off site and to manage surface water in a sustainable manner.
- 19 As living accommodation, ancillary to the use, is proposed then a safe refuge must be provided.
- 20 To ensure the site is suitable for use.
- 21 To ensure that there is no mobilisation/ migration of contamination into the

underlying aquifer.

- 22 To ensure that the uses once operational employ local people.
- 23 To assist in satisfying energy demand from renewable energy sources, in line with paragraph 17 of the National Planning Policy Framework.

Reasons for Decision

The proposed development accords with the relevant policies of the Local Plan and the National Planning Policy Framework.

Notes to Applicant

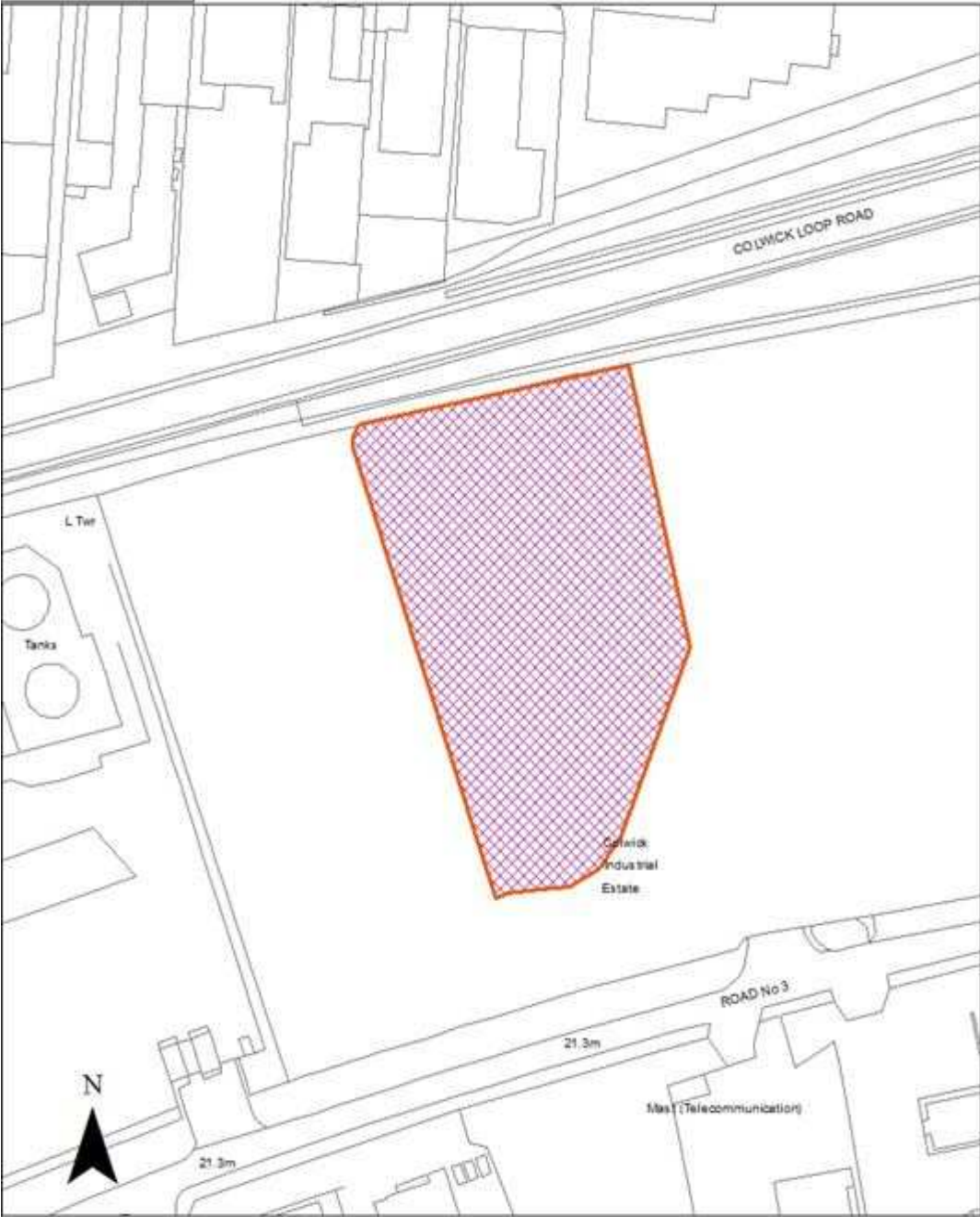
For the purpose of the above conditions the following words and expressions shall be used, and unless otherwise stated elsewhere in the conditions shall have the following meaning: The proposed public house with dining facilities, managerial residential accommodation at first floor, car parking, landscaping and pedestrian access running east west between the retail element and the new access road comprise the "Public House". The proposed restaurant element to the south of the public house area is defined as the "Restaurant element". For the purposes of this application the reference to details required prior to the commencement of development (except in relation to condition 20) shall exclude remediation works required under the remediation scheme approved under condition 20. Planning Statement - The Borough Council has worked positively and proactively with the applicant to secure a revision to the proposed siting of the public house in order to assist the applicant in making an application to discharge condition 4, in the opinion of the Borough Council, the authority has acted in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

Date Recommended: 11th July 2014



Application Number: 2014/0136

Location: Land South Of Colwick Loop Road, Colwick.



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2014/0136

Location: Land South Of Colwick Loop Road, Colwick.

Proposal: Construction of A4 public house with restaurant facilities & associated managerial residential accommodation at first floor (full application)& A3 restaurant or A5 hot food takeaway (outline application), discharge of condition 4.

Applicant: Sainsbury's Supermarket

Agent: Agent Indigo Planning Ltd

Background

The application raises complex planning issues because the site is located within the Development Proximity Zone (DPZ) of Total Lindsey Oil Refinery Terminal. For these reasons this it was resolved at Planning Committee that the discharge of condition 4 of planning permission 2013/0497 should be approved by Planning Committee.

This application is intrinsically linked to another planning application on this agenda, 2015/0587.

Site Description

The application site relates to former petroleum storage sites on land south of Colwick Loop Road, Colwick. Colwick Loop Road bisects the site and the industrial estate to the south from additional industrial properties to the north, and the residential area of Netherfield beyond.

The application site is brown field land and occupies a piece of land that has a boundary with Colwick Loop Road. It is approximately 70m to the east of the boundary to the Total Lindsey Oil Refinery terminal.(TOIL) The site was formerly part of the Chevron Fuel Terminal. To the south of the site is Road No. 3 and other industrial units, beyond which is the River Trent.

Planning permission was granted under 2013/0497 for a Marston's restaurant/pub and a drive through restaurant. The public house was granted detailed planning permission, whilst the application for drive through restaurant was in outline form only (with access included)

The public house would be of traditional design, and would have a mix of external finishes comprising of brick, render and wood cladding. The duo-pitched roofs would

be covered using slate coloured tiles. Details of the restaurant/takeaway's unit layout, scale, appearance and landscaping would need to be submitted as reserved matters.

The application was accompanied by various technical reports including an off- site risk Assessment which considered the risk posed by the presence of the adjacent Total Lindsey Oil Refinery. The Total site constitutes a hazardous installation to which PADHI (Planning Advice for Developments near Hazardous Installations) methodology is relevant. PADHI is the name given to the methodology and software decision support tool developed and used by the Health and Safety Executive (HSE). It is used to give land use planning (LUP) advice on proposed developments near hazardous installations.

PADHI uses two inputs to a decision matrix to generate either an Advise Against or Don't Advise Against response, based on:

the zone in which the development is located of the three zones that HSE sets around the major hazard (Inner. Middle or Outer);
the 'sensitivity level' of the proposed development which is derived from an HSE categorisation system of 'development types' .(with residential classed as more sensitive than workspace)

In addition to this modelling there is a Development Proximity Zone around specific hazardous Installations (such as TOIL) which attract further scrutiny by HSE.

The Health and Safety Executive advised against granting planning permission to 2013/0497 as the site lies within the DPZ of the Total depot on the grounds that in principle the uses proposed were unacceptable because of the potential risk to customer and staff.

However the Council resolved to grant Planning Permission to 2013/0497, as a condition could be imposed addressing that specific matter. Condition 4 of the permission allows the development to proceed if the risks to the customers and staff of the PH, restaurant and takeaway can be addressed, such as by preventative and protective measures.

Condition 4 states:-

"The public house or restaurant element shall not be brought into use until either:

a) The hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been are revoked, or

b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report."

The reasons for the condition were:-

“The Borough Council as Local Planning Authority is not satisfied that the risk posed by the adjacent Total Lindsey Oil Refinery is acceptable to allow the occupation of the proposed public house/restaurant and the proposed drive through restaurant. This condition will enable the public house/restaurant and the proposed restaurant/takeaway to be occupied only if the relevant hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been revoked or if the Borough Council as Local Planning Authority has confirmed in writing that it is satisfied that the so as to allow the development to be occupied whilst the adjacent Total Lindsey Oil Refinery is still in operation and the relevant hazardous substance consent for Chevron Ltd has been revoked.”

This discharge of condition application seeks to discharge part b) of the above condition by demonstrating that the risks to customers and staff of the public house/restaurant is not so great as to prohibit the development proceeding whilst Total continue to occupy the adjacent site. The application is accompanied by a technical report by Arup (consultant surveyors/engineers). The issues are summarised as follows:-

The Total site stores and distributes fuel in 9 tanks which forms a fire and explosion risk.

The risk assessment focusses on petrol as this has a lower flash point than the kerosene and diesel also kept on the site.

The site has Hazardous Substances Consent to store 6.7 million litres of petrol in 4 tanks.

The risks arising from a fire or explosion at the Total site are blast injuries, fragment injuries, and thermal radiation injuries.

Risk assessment focusses on the ALARP standard - As Low As Reasonably Practicable.

A risk assessment depends on the type of construction, the state of repair and the health of the nearby population (including how easily they can escape)

A risk of more than 10 in a million per year would mean the advice is against allowing a development, whilst a risk of 1 in a million per year.

The Total site is manned 24/7 and receives fuel along a pipeline from rail wagons 2km away. Bulk delivery occurs 3 times per week. Road tankers distribute the fuel from the Total site.

Tank filling is monitored and has alarms. The filling automatically shuts down after the second alarm.

The fuel tanks are single skin of welded steel with either fixed or floating roofs. If the tanks were overfilled the fuel would spill out of vents in the roof and run down/cascade down the sides of the tanks.

During periodic emptying and cleaning there is a risk of vapour ignition, leading to a fire.

A catastrophic failure of the tank would result in spillage and fire.

The fuel tanks are surrounded by a bund 1m high which has a capacity of 110% of the largest tank.

The bund and the site have vapour detectors.

The bund wall has nozzles dispensing foam to contain vapour and inhibit fire.

The Buncefield fuel depot fire was caused by petrol over spilling a tank, resulting in a vapour field which ignited.

Consultations

Health and Safety Executive

We expressed our serious concern that the Council were prepared to rely on a future risk assessment to be provided by the applicant, rather than HSE's advice in this case.

We are unable to provide any comments on the methodology or results of such a risk assessment study.

We note that the provision of a bund is being considered and that this may help to mitigate the risk. However, it does not change HSE's advice in this case and it is a matter for the Council to decide on the adequacy of any measures proposed to discharge condition 4.

Total Lindsey Oil Refinery Ltd

The reason for the imposition of condition 4 was to ensure that there was a full assessment of the risks associated with siting the proposed development within the inner zone. We do not believe the assessment that, in risk terms, the whole of development site lies within the middle zone.

We have concerns over the adequacy of the ARUP report and we have set out in summary below the basis of these. In addition we are also concerned over the proposed mitigation measures and the changes that seem to have been suggested to the form of development. In our opinion the report, particularly when it is considered with the proposed mitigation measures and changes to the development falls short of providing the support that is required in order to discharge condition 4.

Risk Assessment

We would again like to emphasise that it is not in our interest to over-state the risks involved for the proposed development, and as such our only concern is to ensure that any neighbours, old or new, are protected so far as is reasonably practicable.

As set out in section 6 of the Arup Report, the Buncefield incident in 2005 demonstrated that contrary to most experts' understanding at the time, significant explosion overpressures can be generated from the ignition of a vapour cloud caused by overfilling petroleum storage tanks like those at our Nottingham Terminal. As a direct result of this new understanding, the HSE introduced the DPZ specifically to restrict new developments close to these types of terminal so that, as far as possible, members of the public were not put at risk should another incident occur.

As you are aware we, objected to the application for planning permission (Ref 2013/0497) and the HSE also advised the Council against granting permission on safety grounds due to the proximity of the proposed development to our Nottingham Terminal. At the time planning permission was granted, planning permission records that the Council were not satisfied that the risk posed by our Nottingham Terminal is acceptable to allow the occupation of the proposed public house/restaurant and the proposed drive through restaurant. We see nothing in the Arup Report which should change your view that occupation of the proposed development would expose members of the public to an unacceptable and avoidable risk.

If the numbers of people using the proposed development estimated by the Arup Report (section, 4.1 and 4.2) are accurate, the proposed development introduces 140 people at peak times at the Public House, and 40 people at its peak within the Drive Through into the hazardous zones surrounding our Nottingham Terminal. As noted in the same sections of the Arup Report, these have both attracted an “Advise Against” from PADHI+ due to the risks involved.

We query the accuracy of these maximum occupancies; the Floor & Roof Plan Ref 0055/12/0202 Rev A indicates internal seating for 149 patrons, plus standing room, external areas and a play room. The version of the site plan submitted with the original application suggests that the scheme was in fact designed to accommodate 180 customers plus staff. In addition we query why the permitted development includes what appears to be shown as a 3 double bedroom flat above the public house, if, as Arup have assumed, a live in manager and his/her partner are the only people likely to be in residence. This suggests to us that the developers, if not Arup have assumed that family accommodation will be required at the public house.

As pointed out in section 5.7 of the Arup Report, it is correct that the terminal has suitable on-site and off-site emergency plans. However, these plans have been designed to deal with the likely off-site impacts taking in to account the existing use of land neighbouring the terminal, not the land use or the introduction of up to 180 members of staff and public who may be brought in to close proximity of a major hazard by the proposed development. The proposed development will substantially alter the character and extent of the emergency response required by both our Nottingham Terminal and the emergency services in the event of a major incident, this has not been addressed in this report.

With reference to section 7.2, the Arup report states that pipeline risks do not apply. However, the pipelines are in close proximity to the proposed development, and we consider that a release from the pipelines could impact anyone in and around the Drive-Through Restaurant and/or the Public House.

Regarding sections 7.2.2 and 7.2.3, while it is correct to state that the risk of igniting diesel or kerosene is much lower than for Motor Spirit, it is incorrect to state that it “will not ignite, even with a naked flame”. For example if hot works, such as welding, were being undertaken then this could result in ignition. As such, releases of diesel and kerosene should have been considered.

We note the overall Individual Risk figures calculated in section 7.6 but would like to highlight some of our concerns about the assumptions used in the report to justify these figures. These assumptions have a material impact on the figures quoted within section 7.6 and as such, we do not believe that the Council should not be rely upon them to draw the conclusion which the Arup Report invites to the effect that the proposed the development should be treated as if it were in the Middle Zone, even without considering any of the additional risk mitigation measures which they have considered in sections 8 and 10.

There is a problem with the ignition probabilities stated within section 7.3, as some of the figures quoted refer to ignition probabilities for off-shore releases. A key factor in

determining the probability that a release will be ignited is whether the release is contained within an area that controls ignition sources, obviously the controls in an off-shore environment are more extensive than could be the case on-shore, consequently, the risks of ignition off-shore are significantly lower. Although our Nottingham Terminal controls ignition sources on site, for both tank overfills and catastrophic tank failures it is important to note that product/vapour could leave site and migrate to areas where there would be no control of ignition sources. The product/vapour could be exposed to things off site such as spark ignition engines, people smoking, and non-intrinsically safe equipment.

This greatly increases the probability of a release being ignited and this should have been properly reflected in the figures used. For risk assessment purposes, it should have been assumed that the probability of ignition of a large off-site product/vapour release in to an uncontrolled environment such as that presented by the proposed development would be much greater than that used within the Arup report, and would in fact tend towards 1.0 (see PSLG final report Appendix 2 paragraph 133 page 106). In effect, it should be assumed for the purposes of the calculations that in the circumstances being considered, ignition of product/vapour escaping from the Nottingham Terminal on to the proposed development is a virtual certainty. 3

With regard to Appendix A, the overall approach does not address the full range of possible initiating events that could lead to a tank overfill situation. The PSLG Final Report Appendix 2 Figure 22 states that a risk assessment should “Systematically identify all initiating events and related enabling events/conditions that could (if all other measures fail) lead to the harm being considered and document the scenarios for each”. The Arup report does not do this. For example it does not address the failure of the tank gauging system as an initiating event (as occurred at Buncefield), nor the incorrect hosing up of railcars.

In addition there are some errors with the assumptions made, for example the failure rate for the Bund Vapour Sensors of 1/50 is not appropriate as the sensors installed are not SIL rated, it is the independent trip system that is SIL rated. As we have previously pointed out, whilst both systems are reliable it is only the trip system that is SIL rated highly reliable.

In addition The Event Tree shows two separate layers of protection for the bund sensor alarm and the operator emergency stop action. However, as stated in PSLG Final Report Appendix 2 paragraph 97 “... the alarm itself is only part of the protection layer. The full protection layer needs to include the alarm, the operator, the machine-operator interface, any communications systems”. Therefore the alarm and operator action need to be combined into a single layer of protection.

The PSLG Final Report also states in paragraph 96 that where the alarm is delivered through the BPCS, the risk reduction factor of the alarm layer should be limited to at best 10 in accordance with clause 9.4.2 of BS EN 61511-1. Therefore, in our view, the combined bund sensor alarm and operator emergency stop action should have a combined probability of failure of at best 0.1.

With reference to Appendix B, in order for credit to be taken for a control measure for catastrophic tank failure it must either prevent the tank from catastrophically failing,

or mitigate the consequences such that the occupants of the proposed public house and drive through restaurant are not exposed to an ignited pool fire. However several of the controls which have been taken credit for in the Event Tree would not do this.

As stated in section 5.2 of the Arup report, the nature of a catastrophic tank failure is that it is sudden. As such detection of the event is of limited benefit. As stated above the full protection layer needs to consider both detection and the actions that will prevent or mitigate the event. In relation to a catastrophic tank failure, detection does not help prevent the catastrophic failure (it has already happened), and due to the sudden nature of the event there is very little, if any, time to put into effect an off-site evacuation plan. As such detection provides very little reduction in risk.

With regard to bund containment success, HSE guidance and good practice dictate that it is normal to assume that for 100% of catastrophic tank failures some of the contents of the tank will overtop the bund due to the wave effect. Despite substantial amounts of research having been undertaken and published by the HSE and others on this topic to support this conclusion, the Arup Report only assumes that this occurs with a probability of 0.125. This is, at best, a very optimistic assumption to make.

The Arup report also assumes that in the event that the bund has not contained the product from the catastrophic tank failure, foam can be applied to keep vapours on site. However, the foam suppression system is only directed within the bund. Therefore, it cannot be used to apply foam to product that has overtopped the bund. As such no credit should be taken for this control measure with regard to the overtopped product following a catastrophic tank failure.

Within Appendix C there is an error with the Arup report with regard to inerting tanks, the tanks are not inerted before cleaning commences, in fact the very purpose of the cleaning the tank in the first place is to remove residual product. There also seems to be double counting within the Event Tree as it takes credit for both the "atmosphere properly inerted" and "atmosphere properly controlled", giving a combined figure of $0.005 \times 0.02 = 0.0001$. Industry history of incidents involving flammable atmospheres when cleaning tanks would suggest that the likelihood is in fact much higher than this, and as such, we consider that the Arup Report has underestimated the risks.

It is correct to state (see Appendix C5) that the tank roofs are designed to fail preferentially. However, what this means in practice is that despite their weight, in the event of an internal explosion, the roofs can be ejected a considerable distance, possibly resulting in damage to adjacent equipment or neighbouring properties. This occurred in an empty tank during the Buncefield incident resulting in the tank roof splitting in to two sections weighing over 1.5 tonnes each, being ejected over a distance of approximately 50m onto a neighbouring property.

With regard to Appendix E, the overall approach does not address the full range of possible initiating events that could lead to a Road Tanker Overfill, for example it does not address the failure of the BPCS as an initiator, nor does it address driver errors such as failure to swap the hose to a new compartment. Incidents of these types have all occurred in recent years. In addition, some of the assumptions used are incorrect. For example the Terminal Automation System is not SIL rated and as such to use an assumption that it will only attract a failure rate of 1/100,000 is not

credible. While it is agreed that drivers should promptly operate the manual shutoff system, recent industry experience suggests that this is not as reliable a control as would be expected. As such the assumption used of 0.005 is felt to be overly optimistic.

The matters set out above are such as to cast significant doubt upon the risk assessment in the Arup Report and its conclusions that the proposed development should be treated as if it were in the "middle" Consultation Zone. As we stated in letters regarding the initial application for planning permission, the systems in place at our Nottingham Terminal facility meet the safety requirements applicable to our operations but that does not detract from the requirement to fully and properly consider the risks to the public created by their presence immediately adjacent to that site. We ask that planning permission is refused for these applications.

The "low and tolerable risk" assumed in the report is based upon a number of inaccuracies, such as duplicate tank level gauging which is not the case. The result is once again to understate the level of risk by a significant degree.

Additional Mitigation Measures

At section 10 of the Arup Report a number of recommendations have been made by Arup by way of additional mitigation measures. We are unable to comment upon the proposed mitigation measures in detail but it appears to us that these recommendations, if accepted by the Council, will require amendments to the development that was approved by the Council (reference 2013/0497). That permission lists in condition 5 the approved drawings and requires that the development is carried out in accordance with those drawings.

For instance the mitigation measures proposed show, what we interpret to be, two emergency fire exits situated in the western elevation of the proposed public house, suggesting an evacuation route to the car park, towards our Nottingham Terminal. One obvious point to make is that in the event of an emergency event at our Nottingham Terminal, these exits and the main entrance on the southern elevation may become unusable, it is not clear to us what the Arup Report is recommending in respect of those doors.

In addition this change and others suggested seem to us to be more than minor material amendments to the planning application and could, if that is the case, require either a further planning application or a variation to condition 5 to amend the drawings referred to in that condition. If the applicants are suggesting (although this is not clear) that the mitigation measures and changes to the form of development suggested are required in order to meet their risk assessment then they will need to show how these can be accommodated within the existing planning permission. Alternatively we assume that a further planning application or section 73 application to vary condition 5 will be made and determined before condition 4 is considered.

We have the following additional points on the proposals:

1. In the absence of any detailed drawings regarding the design of the Drive-Through restaurant, it is not possible for us to comment as to how any recommendations in

the Arup Report may relate to that building, we envisage that will be a matter for the Council to consider at a later stage. But further details are required if the Council are to be properly assess this aspect of the proposed development against any potential risk;

2. The proposal is to install metal window frames rather than the originally proposed wooden frames and toughened glass also requires full consideration by the Council. We are not qualified to offer a view; on any specific design parameters to be complied with save to question whether this change falls within the approved development proposals. We are also concerned that the report does not assess the effects on the windows to other elevations to this building which, whilst not facing the facility, could be subject to blast effects that would not be mitigated by using toughened glass and metal frames solely of the western facade. We believe that should also be considered;

3. A number of the approved plans indicate external seating arrangements in the south west corner of the public house garden, clearly that is an external area where customers are likely to congregate, it is unclear what the Arup Report Recommends in respect of those areas;

4. No proposals to apply for planning permission or amend the approved details have been made in respect of the suggested further mitigation measures set out in Section 8 of the Arup Report. It is not clear to us what the effect of the suggested guttering around the storage tanks or the earth bund are said to be. Having reviewed Appendix H and Appendix I we can see no mention of the likely risk reductions associated with either proposal. In addition these proposed works are not on land either owned or in the control of the applicants. It would not be appropriate to further condition any discharge of condition 4, if these proposals do form part of the risk assessment then they must be discounted. If that is the case then we would expect to see consideration of any resulting changes to the risk assessment in either a revised report before the Council considers the application any further;

5. When considering Appendix G, the comments made above in relation to tank overspill still apply. In addition in order to comply with BSEN61511, to take full credit for a second SIL2 rated overfill prevention system, a fully independent loop would need to be installed including not just the gauge (sensor), but also the logic solver, and final element. This does not seem to have been included within the mitigation measures that are propose in the Arup report.

Summary

In summary, it is our position that a duty of care is owed to the people who will work and visit these planned developments, and a key aspect to this duty is to ensure the risks to these people are as low as is reasonably practicable. The Arup Report makes a number of inaccurate assumptions some of which contradict information already provided by our Nottingham Terminal to the Council and Arup such as for ignition probabilities where Arup apparently continue to ignore HSE guidance. In addition, those mitigation measures that are proposed (although it is not clear from the report if they form a part of the assessment) could require either a further planning application to be made or a section 73 application to vary condition 5 to be

made or works on land that the applicants have no control over. As it is, it remains our view that this report should not be relied upon as a demonstration that the risks to the proposed development are acceptable.

Totals specific comments as detailed above in were forwarded to the agents and Arup have submitted further information, in a letter dated 31st March 2014. This addresses specific points raised by Total and the Planning Officer. The specific issues are summarised below

1. The societal risk calculations have been tested at 180 maximum occupancy in the public house (up from 140) and the other occupancies increased pro rata. This 180 figure allows for full occupancy plus some standing/waiting. Please see point 2 below for the combined result.
2. By increasing the maximum occupancy to 180, the occupancy of the small residential apartment would automatically be increased to 4. The combined result of the changes to points would be to alter the increase in societal risk from 6.0% to 7.1%.
3. Section 7.2.2 of our report could be clarified to read as follows
'The quantities of diesel stored are not limited by the Hazardous Substances Consent. Liquid diesel at ambient temperatures and pressures is very difficult to ignite, even with prolonged contact with a naked flame. Diesel is also excluded from Land Use Planning around Large Scale Petrol Storage Sites [4] and so this scenario would be judged not to have any material effect on the conclusions and diesel is excluded from the analysis.'
4. Section 7.2.3 of our report could be clarified to read as follows
'The quantities of kerosene stored are not limited by the Hazardous Substances Consent. Kerosene has a significantly higher flash point than motor spirit. Kerosene is also excluded from Land Use Planning around Large Scale Petrol Storage Sites [4] and so this scenario would be judged not to have any material effect on the conclusions and kerosene is excluded from the analysis.'
5. We have tested an increase in the probability of an off-site ignition of a petrol vapour cloud from 0.76 to 0.9 to study the effect of Total's viewpoint. Please see the combined result at point 8
6. The Arup report addresses the failure of tank gauges directly and in detail. The incorrect hosing up of rail cars might cause the wrong product going into a storage tank but would not alter the likelihood of overfilling. Incorrect hosing up is much more of a cross-contamination issue and a commercial risk for Total.
7. A5 could be clarified as follows:-
'spills into the bund result are detected by the bund vapour sensors. Although these passive devices are regularly tested, a conservative probability of failure on demand or 1/50 is adopted.'
8. We have tested an increase in the probability of an employee failing to activate an emergency stop from 0.02 to 0.1 as suggested by Total. The

combined effect of testing Total's assertions in points 5 and 8 are to increase the individual risk of Scenario A (Overspill) from 1.65E-06 to 5.84E-06, i.e. by a factor of 3.5. However, this change would not alter the conclusions of our report.

9. Our calculations estimate the individual risk of staff and patrons in the public house and the drive thru restaurant after catastrophic tank collapse. The precautions to prevent catastrophic collapse are, inter alia, good design, construction quality control, compatible product storage, effective maintenance, regular inspection and prescribed non-destructive testing. The catastrophic failure rates used in our assessment are for these types of storage tanks are those recommended by the Health and Safety Executive and take all the above risks into account.
10. The probability of wave action overtopping the bund depends on many issues, for example, the capacity of the failed tank in relation to the bund capacity, the amount of product in the tank at the time of failure, the damping effect of the pipework and other tanks in the bund. The majority of the motor spirit tanks are much smaller than the bund capacity and it is judged that, combined with the fact they will not normally be full, leads to the judgement that in only 1 in 8 (0.125) catastrophic failures will wave overtopping take place.

However, the probability of significant wave action has been tested at 0.5 (rather than the 0.125) and the annual frequency has increased by the expected factor of 4. However, as this is not a dominant scenario, it would have no effect on our conclusions.
11. The use of the word 'inerting' has been corrected to 'purging'. The dangers of both flammable and toxic atmosphere when a petrol storage tank is emptied for cleaning an inspection are well recognised and especial care is to keep the atmosphere below flammable limits. However, the probability of failing to purge has been increased from 0.005 to 0.25 by way of a sensitivity test. The individual risk increases by the expected factor of 50 but, as this scenario was, and still is, of limited contribution to the combined risk, our conclusions are unaffected. Even a 50 times increase in the frequency of this scenario has no material effect on our conclusions.
12. If the probability of the driver failing to activate the emergency stop button has been tested at a very conservative 0.02 (1 in 50), the risk only increases marginally. The risk calculation is dominated by the scenario where the ullage is incorrectly stated on tanker arrival and so the risk only increases by a few per cent. The Arup calculations agree with the historical failure rate reported by Total and our conclusions stand.
13. The result of the sensitivity changes discussed above are shown in the results tables after and previous below for the 'Status Quo' i.e. before any additional mitigation measures. Although the individual risks would increase by a factor of 3, they are still applicable to the middle zone and so the conclusions of the Arup report of January 14 report are unaffected.

Planning Considerations

The site has planning permission already and this application seeks to discharge only condition 4 which relates to the risk posed to customers and staff by the nearby fuel storage depot. Accordingly only the following policies are relevant to the determination of this proposal:

It is my opinion that the main planning considerations in relation to the determination of this application are:-

Whether the risk posed by the presence of the adjacent TLOR terminal to the staff and customers of the proposed public house/restaurant and the restaurant/takeaway unit would be unacceptably high (also known as societal risk)

Whether the measures proposed mitigate societal risk to an acceptable level.

Risk Posed by the Total Lindsey Oil Refinery

The site is located within the Development Proximity Zone (DPZ) of Total Lindsey Oil Refinery Terminal. The HSE originally advised against granting planning permission for the development because of its proximity to the oil terminal and the potential risk posed should an explosion occur at the site. However the final decision rested with this Council as the local planning authority, and it resolved to grant permission.

After the resolution to grant planning permission was made by the Planning Committee, the HSE still had the power to ask that the application be “called in” for decision by the Secretary of State. The HSE chose not to pursue that option, and accordingly consent was granted. At the time the original application was under consideration the HSE indicated that they would consider reviewing its advice if a suitably worded condition were to be included in any permission which would prevent the occupation of the site whilst the Total site remained. Or it was proven that the societal risk arising from that site was at an acceptably low level.

Accordingly condition 4 was imposed, as detailed above.

The applicants have submitted an assessment of the risk posed by the Total site and Total have reviewed the assessment and have raised a number of issues regarding the assumptions made in the report which affect the risk levels that the applicants have calculated.

The HSE have not been willing to comment on the methodology, calculations, assessments and conclusions of the Arup report as they are “not resourced to provide consultancy services.”

I am mindful of the requirement of paragraph 186 and 187 that Local Planning Authorities should work proactively with applicants and should approach decision making in a positive way and look for solutions rather than problems.

I note that the report submitted advises that the proposal due to the assessment of risk carried out that the proposal is comparable with development being in the HSE middle zone, developments in these locations would attract a ‘Don’t Advise Against’

response from the HSE.

Consideration needs to be given to the societal risk posed by the development before a recommendation on whether the risk posed is acceptable.

Whether the measures proposed mitigate societal risk to an acceptable level.

The information submitted as part of this discharge of condition application assesses the following mitigation measures:

1. Installation of duplicate gauges in Total's petrol tanks.
2. Installation of guttering to the edge of the petrol tanks.
3. Construction of an additional bund, outside the Total site to the east of the proposed development.
4. Alterations to the facades of the buildings facing towards the Total site.
5. Revision to the layout of the new development.

The installation of Duplicate gauges would reduce the risk of explosion to 1 in 500. However this would involve works to land outside the applicants control and duplicate existing gauges.

The addition of guttering to the top of the petrol tanks would prevent overspill fuel from cascading down the tank which can cause a dangerous vapour cloud. (one of the major causes of the Buncefield fire). However this would involve works to land outside the applicant's control.

The addition of a new bund (in addition to the bund at Total's site) would prevent pooled overspilled fuel getting closer to the new development. However the Arup report considers that this would have limited benefit due to the presence of the existing Total bund.

The applicants have advised that they intend to install blast proof glass in windows and glazed doors facing the Total site, which, in the event of an explosion, prevent shards of glass injuring customers/staff at the development site. In addition it is planned to change window frames facing Total's site to metal from timber.

The original approved plans for the public house show a building with fire doors and windows facing the Total site with the main entrance and outdoor seating to the south elevation. Officers have negotiated a revision to the layout of the public house (which are subject to planning application 2014/0587) such that it is proposed to re-orientate it so that its entrance and customer outdoor spaces face to the south east. The design of the building and access are unchanged. Such a revision has a significant impact as it the building would physically protect staff and customers inside the building, and those using the outdoor space.

As indicated above the revised siting of the public house is the subject of an accompanying planning application 2014/0587, which is included for determination on this agenda

The approved plans for the drive through restaurant/takeaway are in outline only so

such considerations can be taken into account when a subsequent detailed application is made.

Conclusion

The societal risk to users of the approved new development has been demonstrated to be at an acceptable low level, providing the siting of the public house building is revised in accordance with the details proposed under planning application 2014/0587. None of the other suggested mitigation measures are required as their benefit would be extremely limited.

Recommendation:

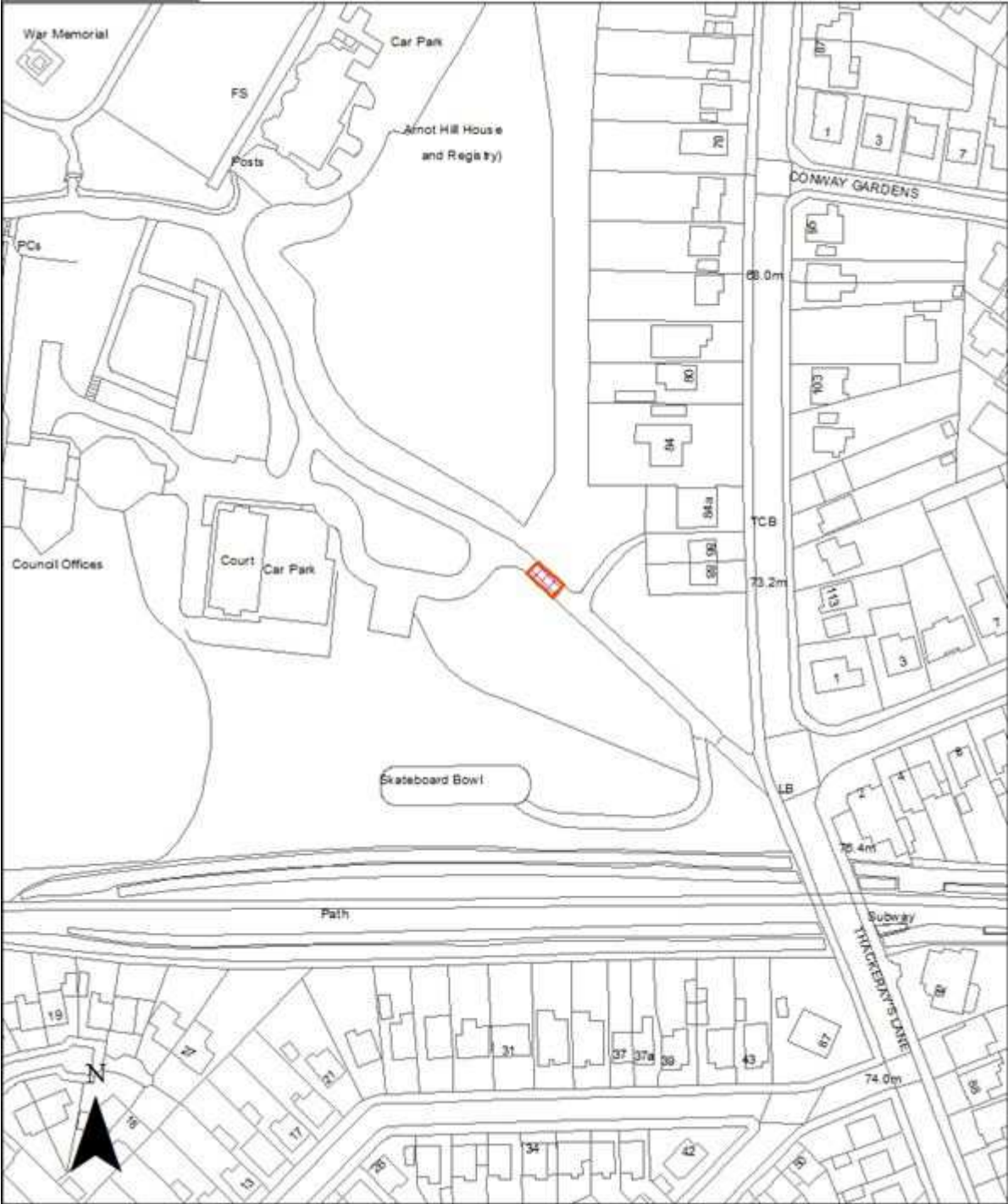
Approve the report submitted to discharge condition 4 of 2013/0497 subject to the public house being re-sited in accordance with the plans approved under 2014/0587 .

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Application Number: 2014/0655

Location: Arnot Hill House, Arnot Hill Park, Arnold.



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2014/0655

Location: Arnot Hill House, Arnot Hill Park, Arnold.

Proposal: To allow the change of use of land from public park (sui generis) to a pitch for the siting of 2 no. ice cream vans (A1 use).

Applicant: Mrs Jane Richardson

Agent:

This application is being brought to Committee due to the applicant being Gedling Borough Council.

Site Description

The application relates to two areas of land within Arnot Hill Park. One is located to the south east corner of Park close to the Arnot Hill Road entrance/exit point of the park. There are residential properties bordering the site immediately to the north and east. There are also a ball court and skate boarding bowl in close proximity to the site. The second site lies to the north west of the park close to the Nottingham Road entrance/exit, a public car park and the bowling green. The nearest residential properties are to the west of the park on Nottingham Road. The park is located within an area identified for the protection of open space in the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Relevant Planning History

An application seeking planning permission for the use of the land for the siting of 2 no. ice cream vans was deposited in September 2013 – application ref. 2013/1121.

Proposed Development

Full planning permission is now sought for the change of use of two areas of land, one to the south western corner and one to the north eastern corner of the site (Sui Generis) to allow the siting of 2 no. ice cream vans (A1).

The proposed maximum hours of summer time trading between 1st April and 1st October would be 9am to 8pm and 9am – 5 pm between 1st October and 1st April winter time trading.

An email was received on the 23rd June 2014 confirming that the ice cream van would leave the site at the end of each trading day.

A supporting statement has been received on the 26th June 2014.

Consultations

Nottingham County Council (Rights of Way Officer) – No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not been registered.

Nottinghamshire County Council (Highway Authority) – No highway concerns are raised.

Gedling Borough Council (Planning Policy) –. No comments have been received.

Nottinghamshire Police Architectural Liaison - No concerns are raised with the proposals. Such proposals would add to the natural surveillance of the park area during the times states and help to reduce the opportunities for Crime & Disorder.

Gedling Borough Council (Licensing) -. No comments have been received.

Gedling Borough Council (Food, Health and Safety) – It is requested that traders who sell the ice cream are registered to operate as a food business with a local authority and that they have been inspected.

Gedling Borough Council (Public Protection) – It is considered unlikely that there would be any environmental protection issues associated with this development.

Gedling Borough Council (Parks and Street Care) - No comments have been received.

Neighbouring properties have been consulted and a site notice posted - No comments have been received.

Planning Considerations

The main planning considerations in the determination of this application are whether the proposal would have any material impact on the amenities of neighbouring residential properties and whether there would be an undue impact on the recreational or sporting potential or quality of the public open space.

At the national level the National Planning Policy Framework (NPPF) (March 2012) is relevant. The following core principles are relevant to this planning application: -

1. Building a strong and competitive economy (paragraph 18 - 22)
11. Conserving and enhancing the natural environment (paragraphs 109 – 125)

Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 109 of the National Planning Policy Framework states the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

At the local level the following policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are relevant: -

- ENV1 – Development Criteria
- R1 – Protection of Open Space.
- R2 – Accessible Public Open Space.

Policy R1 of the Replacement Local Plan states planning permission should not be granted for development on land that is used as open space. Exceptions to Policy R1 that are listed is where the development would enhance or improve the recreational or sporting potential or quality of the site or if the proposed development is ancillary to the use of the site as a playing field and would not adversely affect the quality or quantity of pitches.

Policy R2 states that planning permission should not be granted for development which would adversely affect access to protected open space. The mobile catering units should not obstruct users in the park.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD) which it considers to be sound and ready for independent examination. Following the examination hearings, Gedling Borough Council published main modifications to the ACSSD for public consultation. The Inspector conducting the examination has now issued her report on the examination of the ACSSD. In conclusion the Inspector states that with the recommended main modifications the ACSSD meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (with the recommended main modifications) in comparison to previous stages. The emerging plan is at a very advanced stage of preparation and outstanding objections have been resolved to the satisfaction of the Planning Inspector.

It is considered that the following policies are relevant:-

- Policy 13 – Culture, Tourism and Sport
- Policy 16 – Green Infrastructure, Parks and Open Space.

In line with the guidance held within the NPPF significant weight should be placed on the need to support economic growth. The design and access statement states that the proposal is intended to generate income for the Borough Council and allow for trading activity on the park. It is my opinion that the proposal would create local business opportunities and would support economic growth in line with the aims of the NPPF.

I am mindful of the positions of proposed ice cream vans located close to the Arnot Hill Road entrance to the park and in proximity to the existing ball court and skate board bowl and close to the Nottingham Road entrance near the bowling green and existing car park. Given that the units would not be permanently sited, would remain ancillary to the main use as a recreational facility it is my opinion that the proposed development would accord with the aims and objectives of Policy R1. It is also my opinion that the provision of refreshment facilities for users of the park may result in an increase in footfall of visitors to the recreation ground which could result in a positive impact on the numbers of service users to the protected open space.

I note the location of the proposed ice cream van to the south east corner in relation to the nearest residential properties some 30m to the east on Arnot Hill Road and the ice cream van to the western side of the park to the nearest dwellings some 56m to the south west on Nottingham Road.

However, given the hours of operation outlined in the Design and Access Statement, which can be secured by the imposition of a condition should permission be granted, that the units will leave the site every day and taking account of the distances between the proposed siting of the ice cream vans and the nearest residential properties, I am satisfied that that the proposal would not result in any undue impact on the residential amenity of neighbouring properties.

Issues such as noise and litter would be controlled through Environmental Legislation.

Given the above considerations I am satisfied that the proposed development would have no undue impact on the Protected Open Space, the amenity of nearby residential properties or on highway safety. In my opinion the proposed development would accord with the guidance contained within the NPPF and the aims and objectives of Policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) and recommend that planning permission be granted.

Recommendation:

GRANT PLANNING PERMISSION subject to the following conditions:-

Conditions

- 1 The development must be begun not later than three years beginning with the

date of this permission.

- 2 The mobile ice cream vans shall only be located on the site as shown outlined in red on the site location plan received by the Borough Council on the 28th May 2014.
- 3 The ice cream vans shall leave the site at the end of each trading day; the trading hours shall be in summer time between 1st April and 1st October between 9am to 8pm and in winter time between 1st October and 1st April between 9am to 5 pm between winter time trading.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents or the wider street scene. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 and R2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

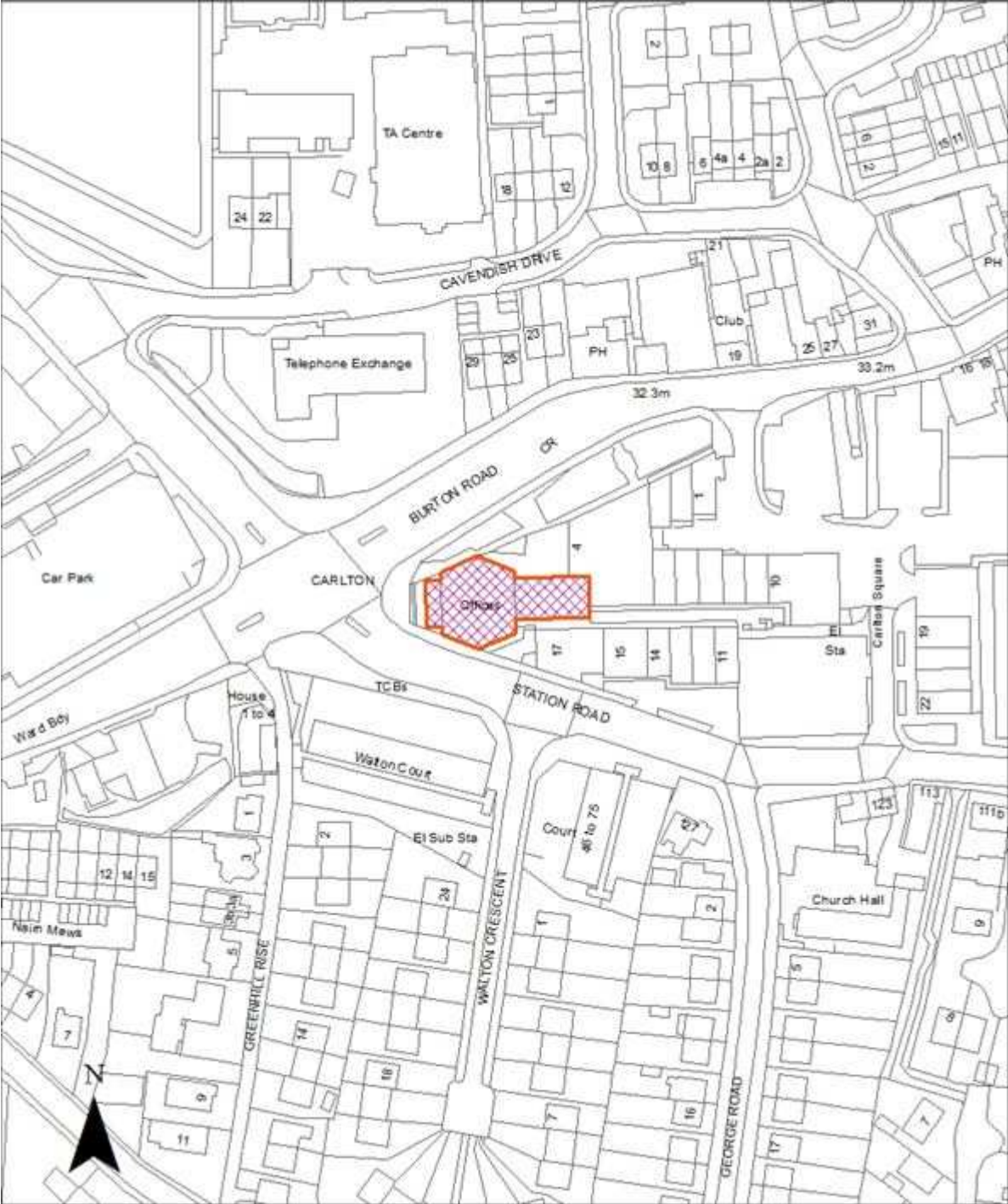
Planning Statement - Planning Officers have worked with the applicant during the consideration of the application thereby resulting in an acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

Date Recommended: 22nd July 2014.



Application Number: 2014/0669

Location: DBH House, Carlton Square, Carlton.



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Report to Planning Committee

Application Number: 2014/0669

Location: DBH House, Carlton Square, Carlton.

Proposal: Conversion of existing top floor plant space including construction of additional new lightweight extension to create 12no new Housing Association flats with associated works to external fabric.

Applicant: Mr Chris Peet

Agent: Mr Steven Milan

Site Description

The application site relates to the vacant DBH House, a former office building, and an associated area of public car park within the Carlton Square District Shopping Centre. The premises are located to the west of Carlton Square District Shopping Centre and form a focal point on the corner of Station Road and Burton Road. The shopping precinct is a two-storey construction with a flat roof and a central pedestrian concourse which terminates at the second entrance to DBH House. The property is set over 5 floors with a hexagonal ground floor element including a mezzanine level, three main floors above, a top floor containing mainly plant machinery space, and a double height space above the third floor at the eastern end. To the south of the premises are prominent 7-storey blocks of flats on the opposing side of Station Road. To the north of Burton Road is a three-storey flat roof pre-fab office building set at a higher level. The application site incorporates the car park to the east of Carlton Square, with access from Station Road, which contains a current capacity of 46 Car parking spaces. The application falls within an area of land at risk of flooding.

Relevant Planning History

A Prior Notification under Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 was refused for the change of use of the office building into residential flats. The reason for the decision was the adverse transport and highways impacts of the development as the proposal did not provide sufficient car parking to serve the development (ref: 2014/0042PN).

Class J provisions allows for the change of use of offices to residential without the requirement of Planning Permission provided there are no:

- a) transport and highways impacts of the development;
- b) contamination risks on the site; or

c) flooding risk on the site.

Proposed Development

Full Planning Permission is sought for the conversion of the existing top floor plant space including the construction of an additional lightweight extension to create 12no Housing Association flats with associated works to the external fabric of the building. The development incorporates the change of use of the car parking to the east of Carlton Square from a public car park to private car park to serve the proposed development. This development would require planning permission and cannot be considered under the provisions of Class J.

Should planning permission be forthcoming the agent has indicated that the existing use and internal configuration of the office block would be subject to an application under class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 to change the use of the building from office to 28 residential flats. In order to accord with the requirements of Class J the existing public car park needs planning permission to change the use from public to residential in order to overcome the reasons for refusal of the previous application ref: 2014/0042PN.

The conversion and extension to the roof top incorporates a predominantly glazed flat roof extension which would result in an increase in roof height of 4.1 metres to the front of the building.

The proposal incorporates the replacement of the existing glazing for aluminium double glazing, spandrel panels in 'lookalike' dummy glazing, occasional coloured 'accent' panels, the clean-up of the existing brickwork, a new lightweight canopy addition to the front entrance and the upgrading of the existing ground floor walls.

A Design and Access Statement has been submitted with the application.

Consultations

Nottinghamshire County Council (Highway Authority) – The Highway Authority have assessed the whole site and the change of use of the building.

It is proposed to purchase an unused part of the shopper's car park to create 44 car parking spaces for the flats. This is a welcomed result to nil parking which was being proposed at Pre Application stage. However, this area will need to be controlled via a permit or barrier system to prevent all day parking for the staff in Carlton Square shops etc.

In view of the above the Highway Authority would have no concerns, subject to a condition referring to the parking areas being made available for use for the occupants of the flats, being maintained in a hard bound surface and the parking bays being delineated.

Planning Policy -

This is a planning application for a conversion and extension of an existing plant space on the top floor level to create 12 Housing Association flats.

The application site is located within Carlton Square District Shopping Centre as identified on the Proposals Map of the Replacement Local Plan (2005).

List of policies and background information:

National Planning Policy Framework:-

- 6. Delivering a wide choice of high quality homes (paragraphs 47-55)

Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008):-

- Policy ENV1: Development Criteria
- Policy H10: Extensions
- Policy H11: Conversions and Change of Use to Residential

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD) which it considers to be sound and ready for independent examination. Following the examination hearings, Gedling Borough Council published main modifications to the ACSSD for public consultation. The Inspector conducting the examination has now issued her report on the examination of the ACSSD. In conclusion the Inspector states that with the recommended main modifications the ACSSD meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (with the recommended main modifications) in comparison to previous stages. The emerging plan is at a very advanced stage of preparation and outstanding objections have been resolved to the satisfaction of the Planning Inspector.

Key issues:

Policy H10 of the Replacement Local Plan states planning permission should be granted for extensions to dwellings provided:

- a) the appearance of the proposal is in keeping with the scale and character of the dwelling to be extended and its wider setting; and
- b) the proposal would not cause unacceptable harm to the amenities of nearby residents.

Policy H11 of the Replacement Local Plan states planning permission should be granted for the changes of use of other buildings to residential provided:

- a) all dwellings are self-contained with independent access arrangements;
- b) the proposal would not cause unacceptable harm to the amenities of nearby residents; and
- c) appropriate provision of parking is made.

The conversion and extension of an existing plant space on the top floor level should

meet the criteria set out in Policy ENV1 of the Replacement Local Plan.

Summary:

The proposal would meet the criteria set out in Policies ENV1, H10 and H11 of the Replacement Local Plan.

Public Protection – Advised verbally to refer to the comments made on application 2014/0042PN.

There are no proposals to excavate anywhere on the site (this is of importance as this office is built on the site of a Chromium Plating Works). As such there are no comments to make.

Neighbouring Properties were notified and a Site Notice posted and no letters of representation were received as a result.

Planning Considerations

The relevant national policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development. The core principles set out in the guidance states at paragraph 17: -

Planning should: ‘proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs’.

In particular the following chapters are relevant in considering this application:

6. Delivering a wide choice of quality homes (paragraphs 47 – 55)
7. Requiring Good Design (paragraphs 56 – 68)

When delivering sustainable development paragraph 19 states:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’

Section 7 of the NPPF states inter-alia; that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are also relevant: -

Policy ENV1 – Development Criteria

Policy H11 – Conversions and Change of Use to Residential

The Gedling Borough Council Parking Provision for Residential Development (SPD) is also relevant when considering car parking provision for new development.

Principle of Development

As the application site is located within the urban residential area of Carlton within close proximity to Carlton District Shopping Centre and public transport links to Nottingham City there would be no objection in principle to the residential change of use of the premises. Given the location of the development it is my opinion the proposal would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community.

Highway Safety and Residential Car parking Standards

As outlined in the Design and Access Statement it is the intention of the agent to utilise the provisions under Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 to change the use of the existing office building to create 28 Flats. In order for the development to be acceptable under this legislation the change of use of the public car park to a private residential car park needs to be approved in order for the development to meet the requirements of the above legislation.

In order to secure a satisfactory development and to consider the impact on highway safety I consider it to be reasonable to attach a condition to any approval requiring the Prior Approval Application to be assessed and approved before the implementation of this permission. This would enable consideration of the impacts of the development as a whole in relation to car parking provision.

It is my opinion that the change of use of the redundant area of public car park to provide a private car park to serve the flats would be acceptable from a highway safety viewpoint. I also consider there to be sufficient public car parking available in the two other car parking areas to serve the needs of Carlton Square District Shopping Centre. I note that the Highway Authority have not objected to the change of use of the car park from public to private.

The net result of the Full Planning Application and the Prior Approval application would be to provide a total of 40 residential flats. When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The SPD would require 0.8 unallocated car parking spaces to serve each residential flat. When referring the details of the development the total requirement for off street car parking would be 36 unallocated car parking spaces. I note that the development incorporates the change of use of 44 redundant public car parking spaces and that this provision would be adequate to satisfy the requirements of the SPD.

I note the comments from the Highway Authority where no objections are raised with respect to the car parking or highway safety. Should planning permission be forthcoming I would suggest attaching conditions requiring a detailed plan of the car

park showing the car parking spaces clearly delineated to be submitted to and approved by the Council before the development commences. I also consider it reasonable to require precise details of a secure access system or management strategy (i.e. barrier or permit system) to be provided for the shared car park in order to prevent all day car parking for users of Carlton Square District Shopping Centre.

The impact on the character of the area and on neighbouring residential amenity

I consider that the scale and design of the proposed extension to the roof would be in keeping with the existing property and would not detract from the architectural characteristics of the surrounding area. I note that the existing building is in a prominent location and acts as a 'gateway' into Carlton Square District Shopping Centre. I consider that the proposed external changes and improvements would result in a visually attractive building, an improvement to the existing property, and would add to the overall quality of the area.

I am satisfied that given that relationship with the existing property with the surrounding area that there would be no undue impact on the residential amenity of nearby properties.

Flood Risk

Given that the development is a change of use of an existing building and that the floor levels are to remain as existing I am satisfied that the proposal accords with the requirements of the Environment Agency Standing Advice and there would be no additional flood mitigation measures required in relation to this development.

Conclusion

Given the above, it is considered that the proposed development would result in a more visually attractive building that would bring into use a currently vacant unit. It is also considered that the change of use would provide sustainable development that would provide a wider choice of homes to serve the local community. There are no highway safety implications as a result of the development. Given the above considerations I recommend that Planning Committee grants planning permission.

Recommendation:

GRANT CONDITIONAL PLANNING PERMISSION, subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the submitted plans, application form, and Design and Access Statement received

on the 5th June 2014 drawing no's: 20-003, 20-002, 20-001, 1063-01, 20-004, 25-001, and 25-002 and the revised site location plans received on 20th June 2014.

- 3 No part of the development hereby permitted shall be implemented until the Change of Use of the existing office building into 28 flats has been approved using the provisions within Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 4 Before development is commenced there shall be submitted to and approved in writing by the Borough Council a precise layout plan of the private car park showing individual spaces marked out. Once approved the development shall be carried out in accordance with these details and be retained for the life of the development unless otherwise agreed in writing by the Borough Council.
- 5 Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of a secure access system or management strategy (i.e. barrier or permit system) to be provided for the shared private car park serving the flats. Once approved the development shall be carried out in accordance with these details and be retained for the life of the development unless otherwise agreed in writing by the Borough Council.
- 6 No part of the development hereby permitted shall be brought into use until the parking areas are available for use for the occupants of the flats. The car park shall remain surfaced in a bound material with the parking bays clearly delineated. The parking, areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.
- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the materials to be used in the external elevations of the proposed development. Once approved the development shall be constructed in accordance with these approved details unless otherwise agreed in writing by the Borough Council.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a comprehensive and complete development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 4 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

- 5 To ensure that adequate off-street parking provision is available to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 7 To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general and is acceptable from a highway safety viewpoint. The proposal therefore accords with policies H11 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application and during Pre Application discussions to address adverse impacts identified by officers to address concerns in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

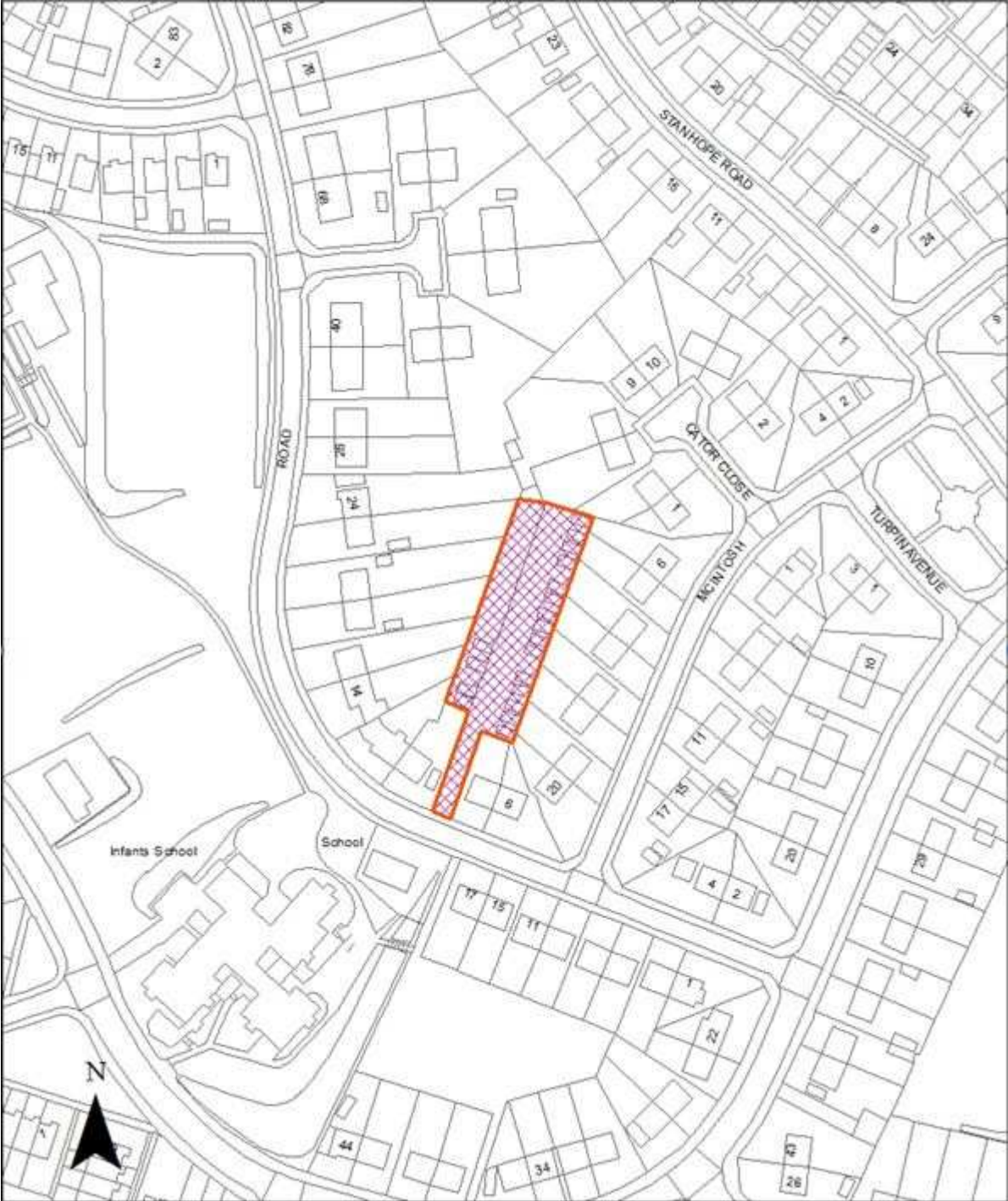
Date Recommended: 24th July 2014

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Application Number: 2014/0757

Location: Garage Site, Rutland Road, Gedling.



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026
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Report to Planning Committee

Application Number: 2014/0757

Location: Garage Site, Rutland Road, Gedling.

Proposal: Supported housing development of 5no. 1 bedroom houses and 1no. wheelchair user bungalow with associated hard and soft landscaping

Applicant:

Agent:

The Owner of the Application site is Gedling Borough Council and in line with the Council's Constitution this application has been referred to Planning Committee

Site Description

The application site relates to a former garage court with access between no's 8 and 10 Rutland Road. The 19 garages that used to be on site have been demolished and removed from the site. The application site has approximate dimensions of 60 metres x 20 metres. The site is bounded on all sides by the rear gardens of residential properties on Rutland Road, McIntosh Road and Cator Close with the boundaries defined by close-boarded panelled fencing. The application site itself is level; however, the land to the west rises in level and the land to the east drops in level. Effectively, the residential properties to the west on Rutland Road are at a higher level and the properties on McIntosh Road are at a lower level. There is a right of access through the site leading to a rear access to no.7 Cator Close in the north corner of the site.

Relevant Planning History

Full Planning Permission was granted for a supported housing development of five one bedroom houses and one wheelchair bungalow with associated soft landscaping in March 2014 Planning Application: 2013/1528.

Proposed Development

This application is a re-submission of the previous approval granted under planning application 2013/1528. The re-submission has been made to allow for the potential access to the rear of 5 Cator Close.

The major change from the previous approval is the location of Plot 6 in relation to

the newly created potential access to 5 Cator Close.

Full Planning permission is now sought for a supported housing development of five one bedroom houses and one wheelchair user bungalow with associated landscaping.

Vehicle access to the site would be from the existing access between no's 8 and 10 Rutland Road. The access measures 4.25 metres in width and would be constructed from blocked paved suds. A bin store would be located in the south corner of the site adjacent to the rear boundaries of no's 6 and 8 Rutland Road and no.20 McIntosh Road.

A hard-surfaced access drive would be sited adjacent to the west boundary of the site retaining the access to no.7 Cator Close. The west side boundary of the site would be defined by a retaining structure covered in planting with a 2 metre high panelled fence above. The remaining east and north boundaries of the site would also be defined by 1.8 – 2.0 metre high panelled fencing.

The 5 no. 1 bedroom dwellings would form a staggered terrace to the north of the site with maximum footprint dimensions of 22.9 metres x 7.2 metres. The individual dwellings would have footprint dimensions of 6.3 metres x 4.5 metres. The properties would incorporate dormer windows in the front elevation and roof lights in the rear elevation roof slope. The ridge height of the dwellings would be 6 metres. The eaves height to the rear elevation of the dwellings would be 3.9 metres and the eaves height on the front elevation would be 4.1 metres. The bottom window frame of the roof lights would be set above finished floor level by approximately 2 metres.

There would be an associated unallocated car parking court serving the 5 no. 1 bedroom dwellings, consisting of 5 no. off street car parking spaces located to the south of the dwellings.

The 1 no. 2 bedroom wheelchair bungalow would have footprint dimensions of 11 metres x 7.6 metres and would be sited adjacent to the south corner of the application site. The ridge and eaves heights of the proposed bungalow would be 4.8 metres and 2.35 metres respectively. The bungalow would have an attached carport on the south side elevation with footprint dimensions of 5.4 metres x 3.6 metres and a pitched roof with ridge and eaves heights of 4.2 metres and 3.2 metres respectively. The development also incorporates a visitor car parking allocation adjacent to the carport.

A Design and Access Statement has been submitted with the proposal stating that all initial tenants would be for independently living supported housing. Details on the restricted access and the previous use of the site have been put forward as a consideration when considering the access reduced width.

Consultations

Nottinghamshire County Council (Highway Authority) –

It is understood that the end dwelling has been set back to allow access to a rear

garden of 5 Cator Close (as does no7 Cator Close) These dwellings appear to have access rights as they did when the garages were on this land.

There are no further highway conditions to add, and my previous comments and conditions from application ref: 2013/1528, still apply: -

The proposal is to construct 6no. dwellings to be served from a Private drive, and to remain private. The dwellings are to be used to house occupants as part of a supported living complex.

For private developments of six dwellings or more, we will serve a notice on the applicant with an assessment of the cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontagers' interests. The cost of this will reflect the cost of the proposed street works and the applicant should construct the works to an appropriate standard. However, because APCs have been served and money has been paid or retained, we are not indicating any future intention to adopt and maintain the street works at public expense.

The applicant should clearly indicate that the development roads are to be private, we will also require

The applicant will be required to deposit a map with us under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.

The applicant will be required to erect road signs indicating that the roads are un-adopted and to maintain the signs for as long as the roads remain un-adopted, all at their expense;

The applicant will be required to provide evidence that they have made clear to potential purchasers of the dwellings on un-adopted roads what the status of the road will mean to them in practice; and

The applicant will be required to provide evidence that they have secured future maintenance of the roads, for example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;

The applicant will be required to indemnify the Highway Authority against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980, where the road joins together two adopted highways; and

The boundary between the private road and the publicly-maintained highway to be clearly marked by a concrete edging or similar.

Note: The indemnity should normally be a legal covenant placed on the properties to prevent petitioning. We must approve the wording of the covenant.

The applicant should remember the implications both for himself and house purchasers if we do not adopt the roads, for example:

future maintenance liabilities;
public liabilities
street cleansing;

lack of specific pedestrian facilities;
lack of or poor standard of lighting, drainage and so on;
we have no powers under the Highways Act; and
the police have no powers to remove obstructions.

Poorly-maintained private areas can also detract from the quality and appearance of a development.

Conditions

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan dwg no. 2175/P 102F. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

There shall be no occupation of the proposed dwellings until such time as a suitable maintenance agreement is in place to cover the proposed private drive development.

Reason: To maintain the areas which are not highway land.

The applicant will be required to enter into a S106 agreement which states that the dwellings are strictly for Supported living only.

Reason: To reduce the car movements using a sub-standard access.

Severn Trent Water – No comments received, any comments received will be reported verbally to Planning Committee.

Public Protection – no further observations.

Neighbouring Properties were notified and a Site Notice posted and no letters of representation have so far been received. Any comments received after 22nd July 2014 will be reported verbally at Planning Committee.

Planning Considerations

The relevant national planning policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development. The core principles set out in the guidance states at paragraph 17: -

Planning should: 'proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs'

In particular the following chapters are relevant in considering this application.

6. Delivering a wide choice of quality homes (paragraphs 47 – 55)
7. Requiring Good Design (paragraphs 56 – 68)

When delivering sustainable development paragraph 19 states:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

Section 7 of the NPPF states inter-alia; that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are also relevant: -

- Policy ENV1: Development Criteria;
- Policy ENV2: Landscaping;
- Policy H7: Residential Development on Unidentified Sites Within the Urban Area and Defined Village Envelopes;
- Policy H16: Design of Residential Development;
- Policy T10: Highway Design and Parking Guides.

The Gedling Borough Council Parking Provision for Residential Development (SPD) is also relevant when considering car parking provision for new development.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD) which it considers to be sound and ready for independent examination. Following the examination hearings, Gedling Borough Council

published main modifications to the ACSSD for public consultation. The Inspector conducting the examination has now issued her report on the examination of the ACSSD. In conclusion the Inspector states that with the recommended main modifications the ACSSD meets the criteria for soundness in the NPPF.

Consequently, the Borough Council, in determining planning applications, may attach significant weight to the policies contained in the ACSSD (with the recommended main modifications) in comparison to previous stages. The emerging plan is at a very advanced stage of preparation and outstanding objections have been resolved to the satisfaction of the Planning Inspector.

It is considered that the following policies are relevant:

Policy 2: The Spatial Strategy;

Policy 8: Housing size, mix and choice; and

Policy 10: Design and Enhancing Local Identity.

Criterion a, c, and d of Policy ENV1 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout and materials. Development proposals should include adequate provisions for the safe, convenient access and circulation of pedestrians and vehicles, and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 and criterion c. of Policy H16 of the Replacement Local Plan. These policies state inter-alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use, within the urban area and the defined village envelopes, provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

Taking into account the above policy documents and policies I consider that the main considerations in relation to the determination of this application relate to whether the changes to Plot 6 would materially alter the scheme and result in any significant undue impact on neighbouring amenity. The following are the key issues in assessing the application: -

- the development is acceptable in principle;
- there would be any adverse impact on highway safety;
- there would be adequate off street car parking to serve the development;
- the impact of the development on the character and appearance of the area;
- there would be any adverse impact on neighbouring residential properties that surround the site.

Principle of the development, density and layout

As the application site is located within the urban residential area of Gedling and is previously developed brown field land there would be no objection in principle to the redevelopment of the site for residential purposes. Given the development would be in an established urban residential area it is my opinion the proposal would be sited in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community.

I am also of the opinion that the application site is of sufficient size to accommodate the 6no dwellings with the layout proposed with-out appearing cramped or over-intensive.

Highway Safety and Residential Parking standards

When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The SPD would require the 1 bedroom properties to provide 1.1 unallocated car parking spaces per dwelling and the Wheelchair bungalow with 1 allocated space would require an additional 0.5 unallocated space. When referring to the details of the development the total requirement for off street car parking would equate to 6 no. unallocated car parking spaces with 1 no. allocated car parking space for the wheelchair bungalow. I am satisfied that the development accords with the SPD and provides sufficient off street car parking provision.

I note the comments from the Highway Authority with regard to the requirements to enter into a maintenance agreement with the Highway Authority to cover the proposed private drive development. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring the developer to enter into such agreement before development is first commenced.

The previously developed site was occupied by 19 garages. Whilst I note that the access to the site is slightly reduced when considered against highway guidance, given that the new development would provide 7 vehicle car parking spaces the potential vehicle movements associated with the development would be a reduction on the previous use of the site. I am therefore satisfied that the proposed development would not result in any increased impact on highway safety and would be an improvement to the previous use of the site in terms of vehicle traffic.

I note that the Design and Access statement refers to the development being for supported housing and the Highway Authority's request for the applicant to enter into a S106 agreement to limit the use of the dwellings to supported housing; however this requirement has not been substantiated by the Highway Authority. It is my opinion, given that the proposed development accords with the Gedling Borough Council's Parking Provision SPD for residential development and that the development would result in potential reduction in car movements on the site the imposition of a condition or a Section 106 agreement limiting the use of the site for supported housing would be over onerous and there is no justification to support this requirement.

The impact on the character of the area and on neighbouring residential amenity

I consider that the scale and design of the properties would be in keeping with the existing properties and would not detract from the architectural characteristics of the surrounding area. Given the application site would be enclosed I am satisfied that the development would be satisfactory within the existing streetscene.

I note that the topography of the land drops in level towards the properties located on McIntosh Road that back onto the site and the potential for an undue impact in terms of overlooking, overshadowing and overbearing on neighbouring amenity. It is my opinion that the design of the scheme carefully considers the topography of the land and the location of the neighbouring residential properties to minimise any undue impact on neighbouring amenity. No.16 McIntosh Road has the shallowest garden depth however; given the location of the single storey bungalow to the south of the site with a pitched roof sloping away from the shared boundary and a gable to gable distance of some 11.5 metres, it is my opinion that this element of the scheme would not result in any undue impact in terms of overshadowing and overbearing. I also note that the proposed row of single bedroom dwellings would incorporate dropped eaves heights on the rear elevation to minimise overbearing and overshadowing impact with roof lights serving the upper floor rear elevation roof slopes to prevent any undue overlooking impact.

I note and that plot 6 would be approximately 1 metre closer to the rear boundaries of no's 6 and 8 McIntosh Road when compared with the previous approval. Given the established boundary treatments and the distances between the properties I am satisfied that this amendment would not result in any additional undue impact on the residential amenity of these properties when compared with the previous approval that remains extant.

Given the careful consideration of the relationships between the proposed development and the neighbouring residential properties it is my opinion that the proposed development would result in no undue impact on neighbouring amenity in terms of overbearing, overshadowing or overlooking impact.

Should planning permission be forthcoming I would suggest attaching conditions requiring details of the materials, enclosure, and landscaping of the site to be submitted before development is commenced in order to secure a satisfactory development which reflects the characteristics of the area.

I note the comments from the neighbouring property with regard to the potential nuisance due to odours of the bin stores. However I am satisfied that the boundary treatments and distances to neighbouring properties is satisfactory to mitigate any potential undue odours from the bin store. I also note that public protection concur with this view.

Conclusion

Given the above, it is considered that the principle of residential development for supported housing is acceptable due to the proposal having no detrimental impact on the character and appearance of the area or on the amenity of neighbouring residential properties. The proposal would also result in a reduction of potential car movements, compared with the previously developed site, to the benefit of highway

safety. It is my opinion that the minor amendment to Plot 6 would not result in any additional undue impact when compared to the previous approval. Accordingly for these reasons I recommend that Planning Committee grants planning permission.

Recommendation:

GRANT CONDITIONAL PLANNING PERMISSION, subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the submitted plans received on the 13th June 2014 drawing no's 2175/P300, 2175/P201 A, 2175/P300, and 2175/P200D, 2175/P103A and 2175/P102J.
- 3 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- 4 No part of the development hereby permitted shall be brought into use until the access driveway/parking/turning area (s) is constructed with the provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area (s) to the public highway in accordance with details first submitted to and approved in writing by the Borough Council. Once approved the development shall be carried out in accordance with these details. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 5 No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan drawing no: 2175/P102G. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles.
- 6 Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of surface water and foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council.
- 7 Before development is commenced there shall be submitted to and approved by the Borough Council precise details and samples of all materials to be used in the external construction of the proposed dwellings. The dwellings shall be built in accordance with the approved details unless otherwise agreed

in writing by the Borough Council as Local Planning Authority.

- 8 Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the means of enclosure of the site. Thereafter the means of enclosure shall be erected and retained in accordance with the approved details.
- 9 Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The approved landscape shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
- 10 The car parking provision shall be provided in accordance with the approved plan received on 19th February 2014 drawing no: 2175/P 102 J showing the layout of the unallocated and allocated car parking spaces to serve the development. The parking provision shall be retained in this manner for the life of the development unless otherwise agreed in writing by the Borough Council.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To reduce the possibility of deleterious material being deposited on the public highway.
- 4 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 5 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 6 To ensure a satisfactory development in accordance with the aims of Sections 10 and 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy Submitted Documents.
- 7 To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 8 To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain

Saved Policies 2008).

- 9 To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).
- 10 In the interests of road safety, in accordance with the aims of The Gedling Borough Council Parking Provision for Residential Developments (Supplementary Planning Document May 2012).

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general and is acceptable from a highway safety viewpoint. The proposal therefore accords with policies H7, H16 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application and during Pre Application discussions to address adverse impacts identified by officers to address concerns in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Date Recommended: 22nd July 2014



Report to Planning Committee

Subject: Future Planning Applications

Date: 06 August 2014

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Control.

App No	Address	Proposal	Possible Date
2013/1010	Georges Lane Burial Ground Calverton	Change of use of agricultural field to create natural burial ground with associated car park	TBC
2014/0214	Bestwood Business Park Park Road Bestwood	Outline planning application for residential development of up to 220 dwellings, open space, landscaping, attenuation areas, access roads, associated works and demolition of the existing buildings. Detailed approval is sought for access arrangements from High Main Drive, with all other matters to be reserved	27 th August 2014
2014/0238	Land West of Westhouse Farm Moor Road Bestwood	Proposed residential development for 101 dwelling units, new access, amenity space, open space	TBC
2014/0169	Gedling Care Home 23 Waverley Avenue Gedling	Demolition of the care home and construction of 14 apartments, car parking and associated landscaping	17 th September 2014
2014/0273	Land At Corner Of Longdale Lane And	Site for residential development	27 th August 2014

	Kighill Lane Ravenshead		
2014/0559	The Cavendish Public House, Cavendish Road, Carlton	Demolition of existing Public House and construction of 38no new dwellings (8no 1 bed units, 24no 2 bed units and 6no 3 bed units)	TBC
2014/0740	Land Adjacent Bradstone Drive, Spring Lane, Lambley	Hybrid Planning application comprising: Part A Full planning application for creation of temporary access and enabling earth works to create development platform, Part B Outline planning application for residential development of up to 150 houses with associated access, landscaping and public open space. Approval sought for access. All other matters reserved	TBC

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

Recommendation:

To note the information.