



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

# Agenda

## Planning Committee

Date: **Wednesday 27 August 2014**

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Time: **6.00 pm**

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

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For any further information please contact:

**Lyndsey Parnell**

Members' Services Officer

0115 901 3910

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# 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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- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on 6 August 2014.** 1 - 28
- Planning Committee Protocol.**
- 3 Declaration of Interests.**
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- 11 Any other items which the Chair considers urgent.**

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## MINUTES PLANNING COMMITTEE

**Wednesday 6 August 2014**

Councillor John Truscott (Chair)

In Attendance:

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

Absent: Councillor Chris Barnfather and Councillor Mike Hope

Officers in Attendance: N Morley, A Gibson, L Sugden and L Parnell

### **192 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Barnfather and Hope.

### **193 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 9 JULY 2014.**

#### **RESOLVED:**

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

### **194 DECLARATION OF INTERESTS**

Councillor Truscott declared a non-pecuniary interest in Application No. 2014/0655, on behalf of all members of the Planning Committee, on the grounds that the applicant is Gedling Borough Council.

**195 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

The Chair updated Members on the Lymn's Crematorium appeal, which had been recently dismissed, and the submission of the Aligned Core Strategy to the independent inspector. Members asked that thanks be passed to the Officers who had worked on the Aligned Core Strategy.

**196 APPLICATION NO. 2013/1406- LAND NORTH OF PAPPLEWICK LANE.**

Councillor Beeston MBE entered the meeting.

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.

Mr Matthew Stafford of the Co-operative Group spoke in favour of the application.

Ms. Roberta Norris, a resident objector and Parish Council representative, spoke against the application.

Principal Planning Officer, Nick Morley, outlined three additional representations that had been received regarding the indicative landscaping plans, concerns about the height of properties to be built adjacent to existing properties, the proposed cycle lane, noise impact assessments and the potential devaluation of the heritage landscape.

The Principal Planning Officer also drew Members attention to proposed amendments to Conditions 25, 26 and 27, which had been circulated prior to the commencement of the meeting.

**RESOLVED to 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 application not being called in by the Secretary of State and 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 Development shall not begin until a phasing programme for the highway works referred to in condition 26 below has been submitted to and approved in writing by the Borough Council. Development shall be carried out in accordance with the approved phasing programme.
- 26 The following works shall be completed in accordance with details first submitted to and approved in writing by the Borough Council prior to commencement of the respective phase and in accordance with the phasing programme approved pursuant to condition 25:
  - i. Works for the new junction onto Papplewick Lane, as shown for indicative purposes only on drawing no. 0218/F03, revision A.
  - ii. Works at B683/Linby Lane/Forest Lane junction, as shown for indicative purposed only on drawing no. 0218-F04, revision A.
  - iii. A scheme to provide a suitable combined cycle and pedestrian route between the site and Hucknall Town Centre.
- 27 The proposed means of access and routeing for construction traffic shall be submitted to and approved in writing by the Borough Council and implemented as approved; the access shall be provided before the development commences on land to which the reserved matters relates and no other access points for construction traffic shall be provided unless otherwise agreed in writing by the Borough Council.
- 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 To ensure a satisfactory development, in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 26 In the interest of through traffic, highway safety and sustainable travel, in accordance with the National Planning Policy Framework, Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 14 of the Aligned Core Strategy Submission Documents.
- 27 In the interests of highway safety and to protect the amenity of residential areas, in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 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](http://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](http://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.

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**APPLICATION NO. 2014/0306- CATFOOT SQUASH CLUB, CATFOOT LANE, LAMBLEY.**

Demolition of existing squash club and workshop and construction of new 4 bedroom dwelling and domestic curtilage.

**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 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)
- 4 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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- 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](http://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](http://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.

**198 APPLICATION NO. 2014/0587- LAND SOUTH OF COLWICK LOOP ROAD, COLWICK.**

Application withdrawn prior to the meeting.

**199 APPLICATION NO. 2014/0136- LAND SOUTH OF COLWICK LOOP ROAD, COLWICK.**

Application withdrawn prior to the meeting.

**200 APPLICATION NO. 2014/0655- ARNOT HILL PARK, ARNOLD.**

To allow the change of use of land from public park (sui generis) to a pitch for the siting of 2 ice cream vans (A1 use).

**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 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.

## **201 APPLICATION NO. 2014/0669- DBH HOUSE, CARLTON SQUARE, CARLTON.**

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.

**RESOLVED to 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](http://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](http://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.

**APPLICATION NO. 2014/0757- GARAGE SITE, RUTLAND ROAD, GEDLING.**

The Chair declared a non-pecuniary interest in the application, on behalf of all members of the Planning Committee, on the grounds that the applicant is Gedling Borough Council.

Supported housing development of five one bedroom houses and one wheelchair user bungalow with associated hard and soft landscaping.

**RESOLVED to 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 Polices 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](http://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](http://www.groundstability.com).

## **203 FUTURE PLANNING APPLICATIONS**

### **RESOLVED:**

To note the information.

The meeting finished at 7.00 pm

Signed by Chair:  
Date:

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# Agenda Annex

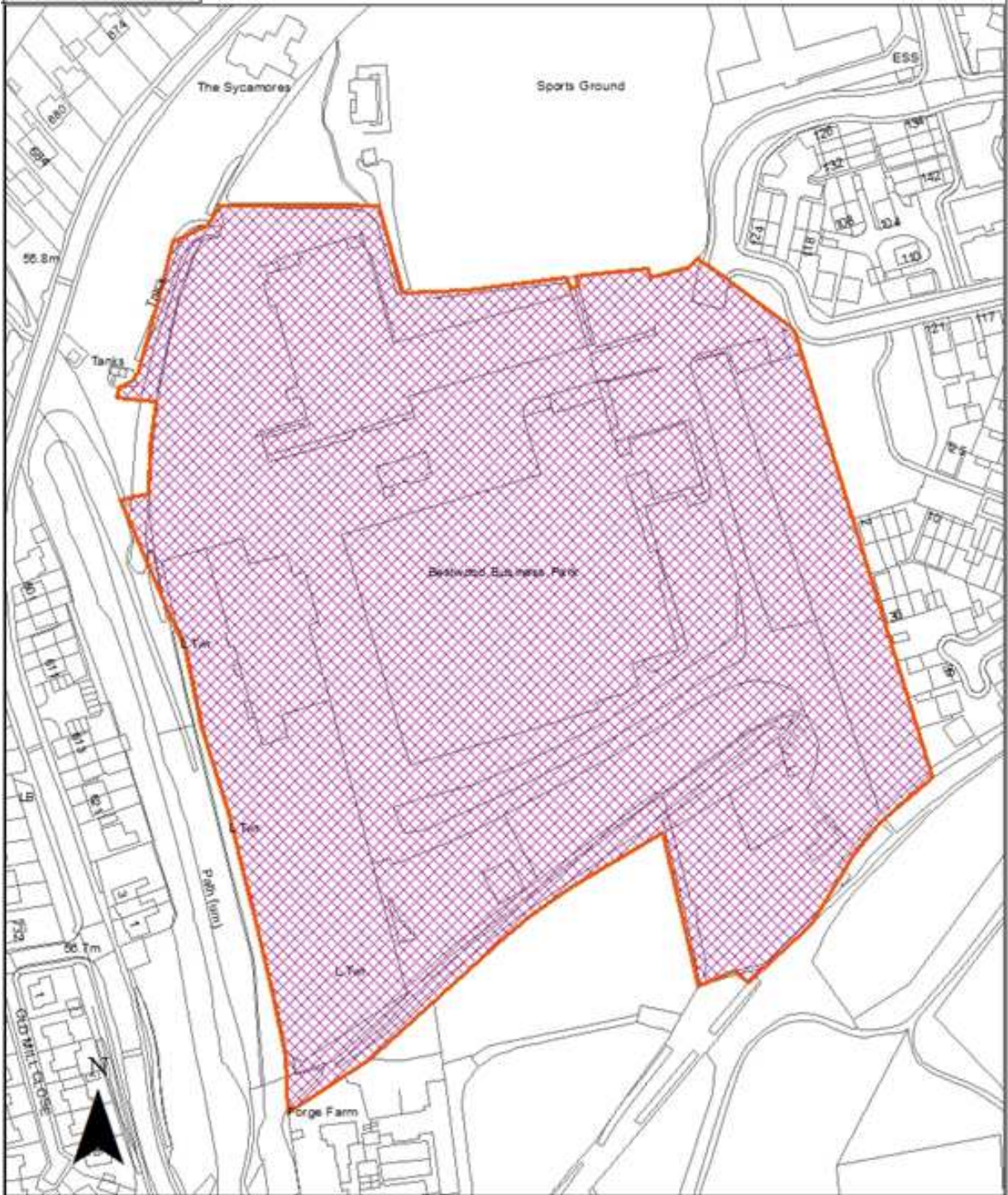
## PLANNING COMMITTEE PROTOCOL

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:** 2014/0214  
**Location:** Bestwood Business Park, Park Road, Bestwood, Nottinghamshire.



**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:** 2014/0214

**Location:** Bestwood Business Park, Park Road, Bestwood,  
Nottinghamshire.

**Proposal:** 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

**Applicant:** St Modwen Developments

**Agent:** RPS Planning And Development

### **Site Description**

The site is irregular in shape and covers an area of approximately 6.2 hectares, accessed off High Main Drive. It is a previously developed colliery and ironworks site within Bestwood Village, currently known as Bestwood Business Park. To the north of the site are playing fields and a sports club. The eastern part of the site is bounded by recent residential development off High Main Drive, to the south is Forge Farm and to the west is a disused railway line.

Overall the site is relatively level, although it does slope slightly down towards its northern boundary. Beyond the sites western boundary is a steep embankment which rises approximately 3 to 4 metres up to the disused railway line, which is now part of the Sustrans National Cycle Route.

There is a row of Leylandii trees that are approximately 20 metres high along the northern boundary of the site with the playing field. A number of trees along the north-west boundary with The Sycamores are protected by a Tree Preservation Order. To the south of the site, there is a belt of dense vegetation and large trees, consisting of hawthorn, dog rose, willow, sycamore, oak and bramble. The western boundary of the site is also tree lined.

The Business Park is currently in use for employment purposes and is located within a protected employment site ("Bestwood Business Park") which is identified as an area of employment retention in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) under Policy E3.

The nearby War Memorial on Park Road is a Grade II Listed Building, whilst the Bestwood Colliery Winding House and Headstocks, located some 500 metres east of the application site, is a Grade II\* Listed Building and a Scheduled Ancient

Monument. Some 200 metres to the west of the site on Mill Lane, is the Grade II Listed Forge Mill. The site also includes a very small part of the Bestwood Village Conservation Area to the east of Moor Road. In addition, the nearby former British Coal Offices, Bestwood Hotel and Park Road Terraces are all included in the Borough Council's List of Buildings of Local Interest.

### Proposed Development

Outline planning permission is sought for the change of use and redevelopment of Bestwood Business Park for residential use. All matters, apart from access, are reserved for subsequent approval.

The proposal consists of 220 dwellings, associated car parking and infrastructure, 10% of the site would be open space, in three separate locations and to include children's play provision. In addition, vehicular access to the development would be provided via the existing access from High Main Drive, a carriageway built to facilitate the adjacent Taylor Wimpey development and the current use of the proposed site.

The application is supported by the following drawings and documents:

- Air Quality Assessment
- Desk-Based Heritage Assessment
- Design & Access Statement
- Employment Land & Marketing Report
- Transport Statement
- Extended Phase I Habitat Survey
- Geo-Environmental Dest Study Report
- Planning Statement
- Report on Existing Noise Climate
- Statement of Community Involvement

The following revised plans and additional information have been submitted during processing of the application:

- Design & Access Statement Addendum
- Illustrative Layout (Phase 1 & 2)
- Framework Travel Plan
- Flood Risk Assessment (Parts 1-4)
- Tree Survey & Plan
- Appropriate Assessment Screening Report
- Biological Records Centre Statement
- Hucknall Road Junction Capacity Assessment
- Proposed Highway Works

The applicant's agents have made the following comments in response to the most recent comments from the County Council as Local Education Authority:

1. In response to these points, the applicant has reiterated its view that it has sought to assist the Local Education Authority in its statutory role of planning for

sufficient school places to meet all reasonable and foreseeable requirements. Whilst this is not the role of the applicant, it has put a number of options forward that it felt had not been looked at all or in sufficient detail.

2. These options included utilising land opposite the school (CISWO land) and has provided contact information to explore that further, it has also pointed out that land exists in the County's ownership adjoining the village and has put forward deliverable options for expansion of the existing school site, and the conversion of grassed areas to all-weather surfaces to provide additional capacity, which it considers have not been adequately considered.
3. The development is forecast to yield 46.2 children of primary school age. Bestwood Village school provision is in part of the Hucknall School cluster of 11 schools. The County Council is adding capacity to the cluster of schools to meet organic growth and other pressures. Bestwood Hawthorne Primary School routinely admits over its existing capacity of 175 places. The County Council is adding capacity at Bestwood Hawthorne Primary School to take it to 210 places with an Admission Number of 30, though that does not appear in the published data for admissions 2014/15.
4. It does not appear in the School Capacity return to the DfE. For 2014/15, capacity remains at 175 and the school over-enrols. The applicant is undertaking to provide the funding to provide the necessary additional school places, all in accordance with the County Council's policies and formulae.
5. Whilst the applicant has indicated genuine deliverable options on how and where capacity can be delivered locally, it has not sought to fetter the County Council in its discretion as to where or which school(s) those places might be provided.

### **Consultations**

Unless indicated otherwise, the following comments were made prior to receipt of the Inspector's report on the Aligned Core Strategy.

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

I have received 5 letters and emails of representation from local residents, which raise objections, concerns or issues on various grounds to the proposed development in response to consultation on the proposals as originally submitted.

#### *Infrastructure Issues*

The biggest concern is for the primary school. It already struggles to accommodate all the local children, class sizes having nearly tripled in the last 10 years, and building work undertaken annually to keep pace. Any development needs to consider how the school capacity can be increased and to ensure this happens at the beginning of the development, rather than having families move in and there being no places at the school. As public transport here is poor, it is hard for families to take children to school outside the village.

Transport is another area of concern. We have a subsidised bus service, which will soon stop running in the evenings and weekends. Pavements are narrow and only in one direction on a road which at times can be very busy and fast. The road is sufficiently narrow that at times it has to be completely closed for roadworks. The footpath leading to the tram stop is overgrown and frequently impassable due to flooding. With few facilities in the village, transport to access shopping, medical services and leisure is important.

Health provision is currently being considered using S106 monies from previous developments. Some initiatives are being developed, which could be supported to continue by further funds. These initiatives are important, where transport to access facilities outside the village is poor, and currently no services are offered in the village.

The bus service is inadequate and there are problems with the schools and the road drainage, following the last development.

Whilst the number of new homes proposed in these plans would certainly have an impact for village residents on things such as health care provision, school places and public transport, St Modwen have made time available to residents to discuss this. Moreover, they have consulted effectively with village residents and groups (including the school and Parish Council) to ensure we are working together to address these need.

### *Highway Issues*

Access into the site is via one road, High Main Drive. This road is heavily populated with school children in the mornings and afternoons. The excess site traffic is a real concern for the safety of the school children at these times. Looking more long term, the additional traffic that the new estate would create again makes this not just a problem whilst the construction phase is taking place.

Concern is expressed about the parking and traffic already on High Main Drive, without the proposed extra housing causing further increases in traffic and parking issues. Despite having traffic calming measures, High Main Drive still experiences speeding vehicles. As the main access to the proposed development would be via High Main Drive, consideration must be given to the number of extra vehicles and the consequent impact this would have on traffic on Park Road and High Main Drive.

Concern is expressed about further houses being built in this area. The amount of heavy traffic that passes through the village daily has increased since the last residential development, particularly on Moor Road and Park Road, and the increase in cars makes parking difficult.

### *Drainage Issues*

Bestwood Village has suffered with flooding in the very recent past. The flooding caused one half of the main access route into the Village to close for several days at a time. This is a real problem for emergency access into the Village and also caused

a real headache for the residents. Adding more houses to an area that already has an over capacity drainage system could cause real problems in the future.

It is difficult to get out of the village after rain and, on occasions, the village has been cut off due to flooding.

#### *Amenity Issues*

Having lived on the adjacent new build estate during its construction, residents do not want to put up with all the problems that this can lead to for another 5 or so years, such as noise, air pollution, dirty streets, dirty cars, excess heavy site traffic etc. As there is a shared boundary and only one access route into the proposed site, this would again become a problem.

The privacy of their homes would be invaded not just while the building is taking place, but once the houses are built.

#### *Ecology Issues*

The village is what it should be, a village, with its treasured wildlife and woodland areas.

#### *Other Issues*

The community understands the need to build houses, and that development is inevitable. This site is at least one likely to be improved by development, since it is currently brownfield land used for industrial purposes and somewhat unattractive. It's location in the village is more central, and local transport links, such as they are, are more accessible. It would be adjacent to other new houses, and there is provision in the plans for open space next to this development. It is considered that residential traffic would be better than the industrial traffic that currently struggles to get through the village.

According to the initial plans, an access is indicated to the Country Park and the footbridge which leads to the tram stop. This would attract anti-social behaviour and increase crime rates in the area.

The proposed development would affect the value of their property, both in the short term and long term. By constructing a housing development, it is a proven fact that the surrounding house prices suffer because of this.

Certain businesses have been refused planning permission because of health and safety, but this no longer seems important. Unoccupied homes around the country should be demolished or renovated instead.

Local residents have been re-consulted on revised plans and additional information submitted. Any additional comments received will be reported verbally.

Langridge Homes – I have received a letter of representation on behalf of Langridge Homes, objecting to this proposal on the following grounds:



Contrary to national and local planning and economic development policies.

Premature pending the preparation and adoption of the Allocations and Development Management DPD, and the bringing forward of alternative employment sites in the Borough as set out in the Aligned Core Strategy. The development plan comprises the Gedling Borough Replacement Local Plan (Adopted July 2005). Policy E3 'Retention of Employment' states that this site is to be retained for its specified employment use, and that the expansion, conversion or redevelopment of land and premises for employment uses will be permitted provided that the development would not cause traffic, amenity or conservation problems.

In the supporting text to Policy E3, Para 4.12 adds: 'Land off Park Road has been included within this village envelope to consolidate the existing employment use of the former British Coal Workshops. It is not new land for employment use, which is why it is not included in Policy E1. However, this site has to compete with more attractive industrial locations closer to the M1 Motorway that have purpose built industrial accommodation and site layouts, and operations less constrained by residential property. It is therefore proposed that the former British Coal Workshops site be split to provide employment use at the west of the site and residential use at the east. This will help to ensure an employment land availability in tune with the needs of the market whilst providing a residential land allocation that contributes to the need to allocate a range and choice of residential sites.'

In his Report on the Public Inquiry into the Replacement Local Plan the Inspector stated that the redevelopment of this site for (more) housing would be to the detriment of the village's character and sustainability, and can and should make a valuable contribution to the local economy.

Part b of Policy 3 specifically addresses redevelopment or use of the retained sites for other purposes. It states:

'b. Planning permission will not be granted to redevelop or use sites or premises as listed above and in Policy E1 for other purposes unless:

- (i) The retention of the site or premises for its specified employment use has been fully explored by extensive marketing and advertising without success:  
and
- (ii) The proposed use would cause no traffic, amenity or conservation problems.

It is noted that the application is supported by an Employment Land and Marketing Report, which aims to address the above requirements to justify a change of use. Whilst this report notes that the site is underutilised, provides poor quality accommodation, and represents a tertiary location, the report does not, in the opinion of Langridge Homes, conclusively demonstrate that the site should be redeveloped for other uses. In particular:

The report fails to recognise that as the country emerges from one of the steepest recessions in our recent history that manufacturing industry is once again a key component of growth in the economy, nationally and regionally, and in particular across the Midlands region;

The report appears not to fully understand that regeneration is a fundamental aim of the Borough Council, and that as a Key Settlement for growth (ref: ACS, Policy 2 Spatial Policy), then there is a unique opportunity to develop a regeneration strategy for Bestwood to bring about environmental improvements, new and improved community and neighbourhood facilities, improvements to existing housing conditions, as well as retaining and providing new local employment opportunities. The Bestwood Business Park now represents the only remaining employment site in Bestwood – as part of a regeneration strategy for Bestwood, it is strongly believed that this site should be retained for employment uses and a pro-active approach adopted. A Masterplan should be prepared to guide long term investment in the site (supported by public sector funding where necessary) to provide new, modern premises together with environmental improvements. Indeed, the site represents an opportunity for the Local Enterprise Partnership (LEP) which is responsible for local economic growth to get involved by bringing together relevant stakeholders including the County and Borough Councils, Parish Council, the landowner/developer and current occupiers to create the conditions to encourage investment in order to create modern premises and contribute towards creating a sustainable settlement close to the edge of the main built up area of Nottingham;

Whilst the report notes that the site is currently 61% occupied and provides 60 jobs, the report does not provide any indication of what will happen to the current occupiers and to existing employees.

With regards to the ACS, which has reached the Public Examination stage with further Proposed Changes (March 2014) now subject to a 6 week public consultation period, it is acknowledged that the policies of the ACS now carry increasing weight. In the policies of the Aligned Core Strategies (Publication Version) Bestwood is identified as a Key Settlement for Growth, where there is also an emphasis on regeneration (refer Policy 2 Spatial Strategy). If this site were to be redeveloped for housing then Bestwood would be left without any employment sites and a key ACS objective of regeneration and economic development, would not be met in the case of Bestwood.

Policy 4 Employment Provision and Economic Development part h states:

- 'h) appropriately managing existing employment sites and allocations to cater for the full range of employment uses by:
- i. ensuring the allocations most attractive to the employment market remain available for employment uses;
  - ii. retaining good quality existing employment sites (including strategic employment areas) that are an important source of jobs, and sites that support less-skilled jobs in and near deprived areas, or have the potential to provide start up or grow-on space; and
  - iii. considering the release of sites that do not meet criteria (i) and (ii).

It is considered that the Bestwood Business Park meet Parts (i) and (ii) of this policy, and in particular the final section of (ii) in so far as the Bestwood Business Park is an

existing employment site which supports less-skilled jobs in and near deprived areas or has the potential to provide start up or grow – on space. As such, it is a locally valuable site which is required to meet the identified regeneration aims of Bestwood.

With regards to Gedling's Economic Development Strategy, it is noted that the loss of this site to residential development would be contrary to this strategy, the aim of which is to contribute to a vibrant and prosperous Greater Nottingham, ensuring that the Borough has access to services, jobs and opportunities. It identifies five main priority areas of work:

- Reducing unemployment and worklessness;
- Raising local skills levels to meet the needs of employers;
- Regenerating town and neighbourhood shopping centres;
- Improving access to jobs and training through Infrastructure developments;
- Stimulating enterprise and the right conditions for business.

The loss of this site for employment uses would be contrary to the achievement of these objectives.

Section 1 'Building a Strong, Competitive Economy' of the NPPF is also relevant to the consideration of this site. Para 19 states that the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. It specifically identifies as a key requirement of Local Plans to identify priority areas for regeneration, infrastructure provision and environmental enhancement. Bestwood is clearly a priority settlement in Gedling in need of regeneration and this is confirmed in the ACS which identifies it as a Key Settlement for growth.

Para 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Given the strong focus on regeneration at Bestwood, the loss of over half the employment land to housing in the Replacement Local Plan, and the lack of any alternatives, then it is clear that this site should be retained in employment use, and a more pro-active approach adopted to marketing and investing in the infrastructure, premises and environment of the site.

The potential loss of this site for employment purposes also needs to be considered in the light of Gedling's overall employment land requirements. With the recent decision to grant planning permission for 830 houses at Teal Close in the south of the Borough, this has led to a loss of 10 ha of allocated employment land (from 17 ha to 10 ha). At the same time, the employment land allocation (6 ha) at Gedling Colliery is unlikely to come forward until towards the end of the plan period at the earliest. Similarly the employment allocation at Top Wighay (10 ha) is also unlikely to materialise until well into the second half of the plan period. As such it is imperative that existing sites under Policy E4 of the Replacement Local Plan, including the Bestwood Business Park are safeguarded and retained in employment use.

Pending the bringing forward of these employment sites, then the loss of this site for employment use would be premature. It would also be premature pending any

consideration of changes to Policy E3 through the Allocations and Development Management DPD.

### *Conclusions*

In conclusion, as part of the regeneration strategy for Bestwood there is a need to ensure a balanced approach to its economic, social and physical regeneration. Part of this strategy must be to support and retain existing employment land. As such the Bestwood Business Park should be retained for employment purposes. The Bestwood Business Park is well located at the southern end of the village with good access to the strategic road network without heavy goods traffic having to pass through the village. It represents a good, sustainable existing location for employment uses. A more pro-active approach is required, potentially involving the LEP to facilitate long term investment in this site to create modern premises and also to bring about environmental improvements. Further, any consideration to bring about a change of this site should be undertaken as part of the process for the preparation of the Allocations and Development Management DPD, and having regard to the timescales for bringing forward other key employment sites in the Borough.

Village Vision - the following comments are made on behalf of Village Vision, which is a properly constituted community group made up of residents of Bestwood Village. It is considered that these comments reflect those of a considerable proportion of village residents, obtained following lengthy consultation on a number of issues, one of which was further housing development in the village:

1. The proposed land is brownfield and currently contains a number of business premises where, it is understood, relocation has been discussed with the developer. Development here is preferable to a greenfield site.
2. The position of the proposed development is in a relatively central position in the village, close to existing amenities and adjacent to an existing development.
3. Whilst the number of units proposed (220) would impact on the community's resources and facilities, in particular the school where there are currently no spare places for village children, St Modwen have sought to consult with the community as to how these issues can be addressed through S106 agreements and this is to their credit.

I have also received additional comments from Village Vision regarding potential S106 agreements:

#### *Primary Education*

The village school is oversubscribed currently and even without further housing, there are school projections of particularly large class sizes for future years. One additional classroom has already been built following previous development and a further one is in the course of construction for September this year. Even with these additions, the capacity of the school going forward will be under serious

pressure, particularly as room for extension is severely limited. Village Vision would be looking to maximise payments under this heading, as this issue is perhaps the priority challenge when considering any further housing development.

### *Health*

Bestwood Village is currently a community without any health facility, though due to extensive campaigning with NHS England and the local CCG, a weekly children's clinic is due to start in September. Village Vision would be looking for services through this development to be enhanced in the future.

### *Open Space Provision*

Facilities for secondary school ages is poor, and Village Vision would wish this to be given consideration, with a view to providing a suitable outside ball park/exercise facility.

### *Transport.*

Bestwood Village currently has a very poor bus service and attempts to improve this have so far failed to materialise. From the traffic point of view, peak times in the day sees serious congestion on Moor Road, which is not improved by the 14 'road humps' there as cars pass through the village between the City and Papplewick. Alternative traffic calming measures would provide a smoother flow here.

Bestwood St Albans Parish Council – no objections, subject to any comments that might be received from local residents.

These comments have been re-iterated, following re-consultation.

Ashfield District Council (as adjoining Authority) – Ashfield District Council raises concerns in relation to the proposed development on the following grounds:

Uncertainty in relation to allocations in the Gedling Emerging Core Strategy and that the application appears premature given the ambiguity around site allocation. The cumulative impact of the proposed development, together with other applications in the area, such as Westhouse Farm, would be detrimental to the residents of Ashfield in amenity terms and, as such, Ashfield District Council would object.

Should this application be viewed as fulfilling housing requirement in isolation, Ashfield District Council could be more supportive. The proposal would still however impact upon Ashfield's infrastructure, including schools, community facilities and public transport.

However, it is recognised that the site is brownfield and would represent an appropriate site for residential development, given the surrounding uses.

Gedling is advised that affordable housing provision should reflect Hucknall's local need for two and three bedroom houses and two bedroom apartments, given the development's proximity to Hucknall. For a development of this size, affordable housing provision would be expected to be 15% of the proposed number of dwellings, equating to 33 dwellings to reflect the local need for two and three bedroom houses and two bedroom apartments. Ashfield District Council expects to be involved in any Section 106 negotiations as per the emerging protocol [approved by cabinet on 19th June, 2014] between the two authorities, should the proposal be approved. Ashfield District Council would seek nomination rights to a proportion of affordable housing. Provision would also be required in relation to the public realm, health provision, education and highway improvements (specifically in relation to junction improvements for Moorbridge). Intensification of the use of the Moorbridge junction would have a significant impact upon both Hucknall itself and residents travelling into Nottingham. Ashfield should be involved in Section 106 negotiations prior to determination of the application.

Given the amended housing requirement within the Aligned Core Strategy modifications for 260 dwellings within Bestwood, due to the size of the village and its limited services and facilities, only one of the two current applications for housing in this area should be permitted.

Nottinghamshire County Council (Strategic Planning) – the County Council makes the following comments:

#### *National Planning Policy Context*

The County Council notes that one of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development, which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

### *Local Planning Context*

The Aligned Core Strategy has recently undergone Examination and consultation on Main Modification.

Policy 2: The Spatial Strategy of the Greater Nottingham Aligned Core Strategy proposes a strategy of urban concentration with regeneration, with most development to be located in or adjoining the main built up area of Nottingham, with development adjacent to the Sub Regional Centre of Hucknall aimed at regeneration and supporting its role and significant growth at identified Key Settlements. Through the January 2014 Further Proposed Changes, Bestwood Village is identified as a Key Settlement where housing growth should be concentrated.

It is considered that the proposed development is in accordance with emerging Policy 2 in that the site is located within the existing development boundary of the Key Settlement of Bestwood Village and is sequentially preferable to other sites on safeguarded land, or in Green Belt.

### *Developer Contributions*

Should the application proceed, the County Council will seek developer contributions relating to the County Council's responsibilities in line with the Council's adopted Planning Contributions Strategy and the Developer Contributions Team will work with the applicant and Gedling Borough Council to ensure all requirements are met.

Nottinghamshire County Council (Education Authority) – comments that the County Council is only able to access funds to provide additional school places from two sources:

1. DfE/Education Funding Agency (EFA) basic need allocations, which are calculated and designed to meet the demands on school places created by the existing population.
2. Education contributions sought from land owners and developers, via the local planning authority, used to mitigate the impact of new housing on the local infrastructure

It is important to note that DfE/EFA do not regard the demand arising from new housing developments to constitute 'basic need' and expressly require the County Council as LEA to report via its annual School Capacity Return, how many places are provided using the two different sources of funding. If places are required as a result of new housing, DfE/EFA expects that these places are provided through Section 106 agreements.

The County Council calculates the required mitigation by examining the capacity of schools likely to serve the new housing development. If additional places are required, they can be provided in two ways: as an extension to an existing school, to which a per pupil cost multiplier is applied; or through building a new school to serve the development, in which case, the use of a cost multiplier is not appropriate, given the need to provide a complete school in order to mitigate the impact of the housing.

Bestwood Hawthorne Primary School serves a distinct village community. It is distributed over two sites, separated by church and churchyard, with one site being the original, Victorian village school and the other, an extension built in the 1950/6's. This latter site has more recently had a single classroom extension built onto it as a result of earlier housing developments which attracted Section 106 education contributions.

As the village population grew, the school capacity to cope with the demand became compromised and plans were put in place to extend the school further to meet this 'basic need' for places.

When asked to comment on the Borough Council's plans for the district, in the Autumn of 2013, the County Council then, and have subsequently and consistently confirmed, that any further housing in the Bestwood village area would require the site for, and building of, a new school, either as a replacement to the existing school, or as a completely new school, depending on the eventual number of houses required in the area. In particular, the County Council's comments made it very clear that the existing site of the village school would be unable to sustain any further development without the provision of additional land.

During several meetings with St Modwen's, the developers of the Bestwood Business Park, the County Council has been keen to provide support to the process of moving towards their submission of a planning application. Discussions have centred around the fact that the existing school did not have the capacity to be expanded further to accommodate the additional children who would need places as a result of the development. St Modwen's have made use of the County Council's planning strategy documents to calculate the cost of providing additional primary and secondary school places.

When assessing the potential for expanding the school for basic need purposes, the County Council came to the conclusion that the maximum the site could accommodate is a 210 place primary school. The design and planning for how this should be achieved have been completed and building work will provide the additional places needed by September 2014. Restrictions on the further development of the existing school site include a need to comply with Section 77 of the School Standards and Framework Act 1998, with additional due regard to the historical interest placed on both existing sites of the school – original Victorian/Edwardian village school and the 1950s/60s addition which is an example of a 'Spooner' building. As well as being sited on two distinct areas, the school site suffers from being on multiple levels, with steep access to some of these.

After further meetings, at least one on-site, St Modwen's presented a plan to extend the school by building a second floor on top an existing building by using a system of



stilts. The County Council's experienced design and property team believe this to be completely unworkable and this response was submitted to Gedling Borough Council in June, 2014.

During discussions, the County Council discovered that land opposite the school was available for purchase but, as this would require additional funding, the County Council would not be able to make that purchase, in order to potentially build an annexe of additional classrooms. In the County Council's continuing efforts to assist with the planning process, it would like to suggest a variation on the straight cash contribution option. Due to timing issues and the absence of County Council funds with which to purchase the land it is suggested that St Modwen's purchase this land on the County Council's behalf and clear it of contamination and, as a result, the County Council would reduce the total Section 106 cash by half of the final purchase price of the land opposite the school, the land would then be transferred to the County Council at the appropriate time. On this basis it is assumed that the Section 106 contribution sought would be in the region of £955,580, depending on the purchase price of the land opposite. The Section 106 contribution would also include contributions for secondary school places.

The County Council's conclusion is that, unless suitable land is made available on which to build additional classroom provision, it would not be able to provide a sufficiency of pupil places to accommodate the primary school aged children generated by the Bestwood Business Park housing development and would find it necessary, therefore, to object to the application.

The County Council has made additional comments, following receipt of the Inspector's report on the Aligned Core Strategy.

The County Council have been working closely with Gedling Borough Council in relation to the future education requirements to mitigate the proposed growth identified within the Aligned Core Strategy. A series of options were identified by Gedling Borough Council for the potential for growth at Bestwood, with options ranging from approximately 200 to 500 new dwellings in this area. During these discussions, the County Council identified the education requirements for each option to mitigate the education impacts of the new development.

It was made clear at the time of these discussions that the local primary school, Bestwood Hawthorn, was at capacity with commitments already made to expand it to the site's capacity to meet the needs of the existing community and as such a new primary school would be required for all scenarios identified.

Following the Independent Examination of Gedling Borough Council's Aligned Core Strategy, Main Modifications were published for public consultation which identified Bestwood Village as having the potential for 260 new dwellings. The Inspectors Report has now been published (July 2014) which recommends that this figure is amended to 'up to 500' new dwellings plus existing commitments.

To put these changes in context, 260 new houses would generate approximately 55 primary pupils and 42 secondary pupils. Developments culminating in 500 new dwellings would generate approximately 105 primary pupils and 80 secondary pupils.

In light of the ongoing discussions regarding the County Council's education requirements in terms of the increased requirement to provide up to 500 new dwellings in Bestwood, the County Council would like to set out our education requirement for the Bestwood Village area as follows:

1. The provision of a 105 place primary school located on 1.1 hectares of land;
2. A financial contribution of £1,380,800 towards the provision of an additional 80 secondary school places (80 x £17,260).

To provide context/clarity to the above requirement:

The National Planning Policy Framework (NPPF) is clear in that Sustainable Development is about changes for the better. Two of the three roles (economic, social and environmental) identified by the Government relate to infrastructure and local services:

Economic Role: ...coordinating development requirements, including infrastructure”

Social Role: ... creating a high quality built environment with accessible local services...”

Paragraph 72 of the NPPF states that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

Give great weight to the need to create, expand or alter school; and  
Work with schools promoters to identify and resolve key planning issues before applications are submitted”

The County Council's requirements for education provision are set out in the Planning Obligations Strategy, which was reviewed in 2013 and adopted by the County Council in April 2014.

#### Primary School Provision

The County Council plan in areas to enable maximum flexibility in providing places, each of the planning areas consist of a group of schools who have historically seen pupil/preference movement between their respective catchment areas. There is no surplus capacity within the area to accommodate the primary age pupils generated from the proposed 500 new dwellings in Bestwood, which will yield 105 primary age children in total.

#### Secondary School Provision

The secondary catchment school for Bestwood is Holgate Academy which became an Academy in 2013, however the County Council remain responsible to financially support the provision of any additional accommodation needed to meet the demand for places resulting from basic need (existing communities) or new housing developments. Holgate Academy is currently progressing with plans to extend the school to ensure sufficient places are available to accommodate the existing population. The likely developments in Bestwood consisting of up to 500 new dwellings is anticipated to generate 80 secondary school age children and as such a financial contribution is required to ensure the needs of the future population are met in this regard.

*Education requirements in relation to the current planning application on land at Bestwood Business Park (2014/0214)*

Planning application 2014/0214 would yield a requirement for 46 primary school places and 35 secondary school places. To mitigate the impacts that the development would have on secondary school provision, the County Council requests a contribution of £604,100 (35x £17,260).

As stated previously, there is no capacity to accommodate the primary age children arising from this development alone and as such a primary school is required to be delivered at the early stages of any development which takes place in the Bestwood area.

This proposed development alone would yield a requirement for 3 primary classrooms and associated facilities/infrastructure (hall, kitchen etc.) which would equate to a half-form entry primary school.

As part of recent discussions with the applicant and Gedling Borough Council, the availability of a small area of land was identified as having the potential to accommodate an annexe to the existing Bestwood Hawthorne primary school, however, the applicant has not been forthcoming in relation to the potential acquisition of this land for the provision of the annexe.

The County Council have considered pursuing the option of purchasing this particular piece of land to provide the required annexe, however, in light of the Inspectors Report recommending the provision of up to 500 dwellings in this area and the submitted planning application for 101 dwellings to the north of Bestwood Village, the parcel of land would not be of an adequate size to mitigate the impacts of the developments as a whole and as such would not provide the most strategic and sustainable option for the future primary education provision in the Bestwood area.

Due to the significant issues surrounding the future primary education provision in Bestwood, as highlighted above, this planning application cannot be considered in isolation, especially in light of the current planning application on land to the north of Bestwood and the recent Inspector's Report. As such, to ensure that future primary school provision is delivered in the most cost effective and timely manner, it is essential that a strategic approach is pursued. It is suggested that the developers/landowners for the Bestwood area enter into discussions regarding this matter with the aim to formalising an agreement which identifies a suitable area of

land to accommodate a new primary school and the timings for the delivery of the number of classrooms required to mitigate the impacts of the individual development.

The County Council would like to reiterate that the requirement is placed on the applicant to mitigate the impact of their housing development on the local infrastructure and whilst a financial contribution is welcomed to assist in mitigating the impacts that the development will have on the areas primary provision it would not provide sufficient funding to fully mitigate the impacts of the proposed development at Bestwood Business Park and until an acceptable solution is reached the County Council objects to the planning application in terms of primary education provision.

Nottinghamshire County Council (Highway Authority) – made the following interim comments on the application as originally submitted:

#### *Travel Plan*

The Highway Authority requested that the sections on targets, travel plan management and monitoring needed updating to reflect the latest NCC Travel Plan Guidance.

#### *Transport Assessment (TA)*

The Highway Authority advised that the proposed development is acceptable in principle, as there would be no adverse impact on the County's roads. However, some minor alterations to the proposed site access from High Main Road were requested, as the original layout was considered to be substandard for providing access to 220 dwellings from a single point of access.

The Highway Authority would normally only permit more than 150 dwellings from a single point of access, even with an emergency access. However, following discussions with the applicant's highway consultants, the Highway Authority advised that it may be in a position to accept the proposed development from a single point of access if the carriageway leading to the site can be widened to 7.3 metres and the southern side footway to 3 metres or more to accommodate the emergency vehicles in the event of an emergency (High Main Road already has wider footways to address this issue).

The impact of the proposed development on the Hucknall Road/Moor Road junction should also be assessed by the City Council.

#### *Revised plans & Additional Information*

The Highway Authority has made the following comments in respect of the revised plans and additional information submitted:

#### *Travel Plan*

The developers have submitted a revised Travel Plan (Revision D).

There are a number of outstanding points in the revised travel plan:

As requested, the targets have been amended to trip generations from the TA. However, trip generation-based targets in TA's are normally based on a TRICS sample of sites where there is no Travel Plan. As such, the Highway Authority would expect a site with a Travel Plan to improve on such trip generations – with those from the TA set out as the maximum from the site.

The appointment of the Travel Plan Co-ordinator (TPC) should match the monitoring period. This is not clear from the existing document. The Highway Authority also asked for interim contact details for the TPC role which has not been included. This is important to ensure that NCC can liaise with the site, as it develops ahead of first occupation.

There is reference to a traffic survey (Section 5), but this does not appear to tie up with Section 8 (in terms of when these would occur, how they would be reported etc).

The element on fall-back measures would most appropriately be an extension of the Travel Plan and monitoring period for a further five years, if targets are not met.

If a revised Travel Plan taking into account the above comments is not submitted, then the Highway Authority recommends that appropriate conditions [specific details of which have been provided] be added to any planning permission for the site to ensure an appropriate Travel Plan can be secured.

The Travel Plan will contain a requirement for the TPC to produce monitoring reports that the Highway Authority suggests should be produced annually for five years after implementation. The Travel Plan will need to include for extending the monitoring period (and period of employment of the TPC) in the event that either the build-out rate takes longer than anticipated or the target is not reached, whichever is the longer. This would need to be reflected in the monitoring fee, otherwise the Council risks having to undertake monitoring at its own expense. The Travel Plan as it stands does not provide information on the anticipated build- out rate and makes no reference to extending the monitoring period if necessary.

This being the case, the monitoring fee would be either of the following:

1. Undertake a review of annual monitoring reports, engage in dialogue regarding the monitoring report, targets and triggers with the TPC, carry out general liaison with the site wide TPC and collate and issue information regarding initiatives within Nottinghamshire relevant to the site in conjunction with the TPC: £1,280 per annum.
2. As above, plus undertake and analyse annual household travel surveys: £1,440 per annum.

The minimum total cost will therefore be either £7,040 (option 1) or £7,920 (option 2), based on the minimum 5-year monitoring period. As noted above, this charge will

rise by the appropriate amount per annum for each subsequent year in which monitoring is required. This will need to be secured as part of the S106 agreement for the site.

### *Public Transport Infrastructure*

In accordance with the National Planning Policy Framework, 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 possible improvements to public transport facilities assessed come to a total of £50,500.

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 [specific details of which have been provided].

### *Pedestrian/Cycle Links*

The proposal indicates improved pedestrian and cycle links for the site. The submitted information proposes a link to the Sustrans route to the west, and a link to Bestwood Country Park to the south. The Highway Authority considers that these links are appropriate measures, but also recommends that the pedestrian link across the Moor Road/Park Road junction from the site to the school to the north is also improved. It is considered that these new/improved links can be provided as part of a sustainable transport improvement scheme via an appropriate condition [specific details of which have been provided].

### *Development Proposal*

With regards to the junction of Park Road with High Main Drive, and the junction of Moor Road with Park Road, the County Council's Traffic Systems Network Manager (South), is satisfied that these would operate within capacity. Also, it is considered that the proposal would not have a detrimental impact on the County Council's highway network in the vicinity of the site.

The Highway Authority is in receipt of a plan (Revision C) indicating the proposed layout of the vehicle/pedestrian link from the development site onto the existing highway network. There is proposed to be a revised priority junction onto High Main

Drive. The Highway Authority considers that the proposed plan indicates that a satisfactory new junction onto High Main Drive can be provided to serve the development.

Taking into account the above, and in addition to the conditions/conditions previously stated, the Highway Authority considers that a residential development is acceptable from a highway point of view as a satisfactory junction onto High Main Drive can be provided to serve the site, and as mitigation measures have been identified to limit the impacts that the proposal would have on the highway network in the vicinity of the development.

A number of appropriate conditions are recommended [specific details of which have been provided], regarding

Parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays, and drainage.

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

No part of the development to 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.

No development hereby permitted shall commence until wheel washing facilities have been installed on the site.

There are also a number of notes for the applicant [specific details of which have been provided].

Nottingham City Council (Highways) – The site proposals have been discussed with the consultants acting on behalf of the applicant. Insofar as the proposal impacts on the city highways network and junction, the City Council is satisfied with the submission details and any associated works required as a result on Nottingham City highways.

Public Protection (Ground Conditions & Contamination) – make the following comments:

#### *Contaminated Land*

Public Protection has reviewed the Geo-Environmental Desk Study Report and is satisfied with the findings and conclusions.

Further on-site assessment is required to characterise the site and refine the Conceptual Site Model. It is recommended that the scale and scope of these works is agreed with the Council before they begin. Therefore, to ensure that the site is suitably assessed, remediated and verified, the imposition of appropriate conditions is recommended.

## *Air Quality*

Public Protection has reviewed the Air Quality Assessment Report and is generally satisfied with the findings and conclusions; that the development itself would not have a significant effect on the local air quality.

That said, Public Protection would consider it appropriate to ensure that during development issues relating to construction dust are managed as per Section 6.5 of the Air Quality Assessment Report and recommend the imposition of an appropriate condition.

Public Protection is currently working on a planning guidance document that tries to define what sustainable development means in the context of air quality, and how this might help decrease pollution levels, by incorporating mitigation measures into scheme design as standard.

Having reviewed the Travel Plan, Public Protection considers that most of the proposals included in the plan would help to mitigate and thus make the development sustainable, from an air quality point of view.

It is also requested that the developer considers including into the plan the commitment to incorporate provision for residential dwellings (with dedicated parking) to have dedicated outside electric power points; to allow residents to charge electric/hybrid vehicles into the future.

Housing Strategy - confirm that following detailed appraisal of the site, and advice taken by the Council from an independent expert, Housing Strategy concur with the applicants that 7.5% affordable housing should be required on this site.

If the other contributions increase, then affordable housing should be decreased to compensate. If the other contributions decrease, then the opposite should apply and the level of affordable housing should be increased. In either case, the residual land value in the appraisal should remain constant.

Housing Strategy is happy with the proposed tenure split in the affordable housing of 70% social rent or Affordable Rent, and 30% low cost home ownership. Housing Strategy reserve judgement on the type and size of affordable housing to be provided, and will seek to agree this at reserved matters stage. Housing Strategy does not regard the indicative unit mix in the appraisal as being final.

Parks & Street Care – comment that no off-site contribution is required if the full 10% open space is provided on site, as presented in the development plan, which will include equipped children’s play provision. Details of the 10 year maintenance contribution have also been provided [which would be secured via a S106 agreement].

Nottinghamshire County Council (Landscape & Visual Impact) – the County Council has no major comments to make at this stage, but would reiterate the comments made by the Countryside Management Team, that the spread of the mature trees to be retained on the site boundaries needs to be clearly shown on the Tree survey



so that these trees can be properly accommodated in the development proposals and they can be adequately protected during the course of the works to BS 5837:2012.

It is recommended that the applicants Design and Access statement makes reference to the high quality Public Open Space and landscaping within the site, mature tree planting is also shown on the visualisations of the site and the illustrative layout.

Additional information is required in the Design and Access Statement about how the proposed Green Infrastructure will be maintained and how the cost of this will be met. This Green Infrastructure is essential to the success of the scheme and to mitigate the landscape and visual impacts of the proposal.

The applicant's landscape strategy and Paragraph 3.12 of the planning statement make reference to an aim 'to introduce species representative of the local landscape which provides opportunities for biodiversity'. To this end the species list is attached for the Sherwood Landscape Character Area in which the site is located.

#### *Revised Plans & Additional Information*

The County Council has no additional comments to make concerning landscape and visual impact issues. Extra information has been added to the Design and Access Statement Addendum, concerning how the proposed green infrastructure will be maintained, and more detail has been provided concerning the landscape proposals for the site.

Nottinghamshire County Council (Countryside) – makes the following comments in relation to the County Council's interest in Bestwood Country Park:

#### 1. Access

The developers have proposed two pedestrian/cycle connections, one to the Country Park through the south western boundary and one to the east to the Sustrans Route 6, which is also managed by the Park in this area. The County Council welcomes these proposals, which will link the housing estate to the Park and the wider access network. The County Council has had satisfactory on-site discussions about the position of the links and the basis of the design and, subject to approval of the details, do not foresee any particular problems. The links would be built on County Council land at the developer's expense (from the transport allocation, it is understood), so would need to be to an adoptable standard and incorporate anti-motorcycle provision whilst accommodating DDA compatible access. The County Council cannot afford to construct the access points itself, so without a full developer contribution the boundaries would unfortunately have to stay closed.

#### 2. Drainage

The Design and Access Statement (DAS) mentions a strip being left undeveloped to protect a brick drainage culvert. The County Council welcomes this as it takes, inter alia, the drainage from the southern part of the Country Park to an outfall

ditch on County Council land on the other side of Moor Road. The County Council has concerns about the capacity of this ditch to take additional water from the development without causing a problem. Accordingly, the County Council would advise that a comprehensive surface water drainage strategy is a condition of any permission to ensure drainage can be accommodated.

In addition, the DAS does not mention the connecting culvert from the Country Park that runs under the site. A similar sterile strip to that proposed for the brick culvert is required to protect it and allow future maintenance. The County Council has made the developers aware of this drainage easement, but it still needs to be recognised in the layout and drainage strategy.

### 3. Trees

The tree survey plots the position of boundary trees on adjacent land. Many of these are currently quite young, but there are some significant old oaks whose branches overhang the boundary by a considerable extent in G33-34. The indicative layout shows these close to housing and were it to be implemented this would inevitably give rise to complaints of shading (particularly as they are on the southern aspect) and safety. This has happened further up with houses on the High Main estate where the County Council has had to expend considerable sums felling trees due to householder complaints. The tree survey does not accurately plot the crown spread of the trees – this is vital information to advise on a housing layout that does not compromise the retention of significant boundary trees. There will also be a similar issue with trees on the railway embankment to the east, so again housing would need to stand off from the boundary to prevent future complaints. The County Council would be happy to advise further on this aspect.

### 4. Boundary treatment

This is a detail, but nonetheless important for the eventual setting of the development and the park. The industrial fencing that surrounds the site (much of it not on the legal boundary) should be removed as the development progresses and be replaced by something more suitable for a Country Park setting. Often this is forgotten and an unsightly mess of old fencing in various stages of dilapidation is left in situ with an overgrown no-mans-land between it and the new back garden fences. As well as being unsightly, this oversight again engenders complaints about weeds and vermin and control is usually complicated due to a mismatch in ownership boundaries.

Nottinghamshire County Council (Nature Conservation) – makes the following detailed ecology comments on the application as originally submitted:

The proposed development will not affect any statutorily designated nature conservation sites; the nearest such site, Sellers Wood SSSI, is located around 2.8km to the south-west. In addition, no locally designated sites would be directly affected by the proposals, although one Local Wildlife Site (LWS), Hucknall Disused Railway (2/156) forms part of the western boundary of the site.

A desktop study has been carried out as part of the site surveys, although it should be noted that this did not include consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC) at Wollaton Hall); as a result, the presence of the LWS was not identified. There is also a risk that protected species records from the locality have also been missed.

An Extended Phase 1 Habitat Survey has been out at the site (during August 2013). In summary, this found the site to be of low nature conservation value, and no evidence of, or potential for protected species was identified. More specifically, none of the buildings on site or trees forming the site boundary were considered to have potential to support roosting bats.

Overall, no significant ecological impacts are likely to occur, provided that the following mitigation measures are secured through appropriate conditions:

A small section of scrub requires removal to facilitate the development, so vegetation clearance should take place outside the bird nesting season (which runs from March to August), unless otherwise authorised following a survey by an ecologist.

Measures should be put in place to ensure that retained vegetation around the site boundary is protected, to include appropriate root protection zones.

Artificial lighting should avoid light spill onto site boundaries and retained vegetation, so a detailed lighting scheme should be produced.

The development offers the potential to provide local enhancements for biodiversity. To this end, the following details should be secured through appropriate conditions:

The production of a detailed landscaping scheme; this should make use of native species of trees and shrubs appropriate to the local area, especially around the site boundary and in areas of public open space. In addition, the attenuation basins and other open areas should include areas of wildflower meadow (using seed mixes of native genetic origin), and opportunities for the inclusion of ponds, or permanent standing water within the attenuation basins, should be explored.

The production of a scheme for the incorporation of integrated bird and bat boxes within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow, starling and swift.

#### *Revised Plans & Additional Information*

Following re-consultation on the additional information provided, the County Council is satisfied that data search with the NBGRC has not thrown up any additional issues and that the Habitats Regulations Assessment (Appropriate Assessment Screening) does not identify any likely significant effects in relation to the 'prospective' Sherwood SPA.

Nottinghamshire Wildlife Trust (NWT) – the NWT has reviewed the Extended Phase 1 Habitat Survey and whilst having no objections in principle, makes the following comments on the application as originally submitted:

#### *Desk Study*

NWT notes that the Nottinghamshire Biological and Geological Records Centre (NGBRC) was not consulted as part of the desk study informing the conclusions of the report. This organisation holds detailed and up to date information regarding species records and sites of interest for nature conservation and NWT is of the opinion that this data is important and should be considered within the report.

In particular, the NGBRC would be able to give details of the Local Wildlife Sites (LWS) present within the study area – a quick count has shown that there are at least seven of these sites within 500m of the proposed development site, including Hucknall Disused Railway which is located immediately adjacent to the proposed development. LWS's are afforded protection due to their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a national, regional and local context, making them some of our most valuable urban and rural wildlife areas. As a minimum, measures should be put in place to ensure protection of these sites during construction works, with a condition put in place that building materials and machinery are kept as far away as possible from Hucknall Disused Railway LWS at any time prior to or during works.

It is also possible that NGBRC may hold important data regarding species records for protected species in addition to those identified through NBN Gateway and discussed within the report. Should this be the case, the potential impact of the development on these species will need to be considered.

#### *Possible Sherwood potential Special Protection Area (SPA)*

This site lies within the 5km buffer zone identified in Natural England's Indicative core area and the RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an 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. However, these considerations have not been addressed within the ecological report.

#### *Best Practice*

NWT suggests that adoption of best practice for the following species during construction:

##### **Bats**

Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately for further advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species

Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

Lighting for the site should be directed to where it is most needed to avoid light spillage which could impact on bat species foraging along boundary features.

### Badger

Trenches should be covered at the end of each working day or include a means of escape for any animals. Any open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access.

### Reptiles

Whilst the report did not identify any areas suitable for reptiles at the time of the survey, the development area is a brownfield site with scrub present and adjacent to a disused railway line. There is therefore a possibility that reptiles could migrate onto the site and as such we would suggest that an ecologist should be present to supervise careful removal of any areas of vegetation or piles of rubble.

### Birds

In order to avoid impacts to nesting birds, NWT request that all vegetation clearance and demolition work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time, then a suitably qualified ecologist should be on site to survey for nesting birds. All birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (as amended).

### *Site enhancements*

NWT would ask that consideration be given to enhancing the built environment for wildlife. Bird boxes could be incorporated into the new building to provide nesting opportunities for species including house sparrows and swifts.

NWT also suggests that access for bats could be incorporated into the new development. A range of bat tubes and access panels are now available that will provide roosting opportunities for those species of bat that inhabit buildings.

NWT would welcome and expect to see the inclusion of areas within the open space provision which would enhance the value of the site for nature conservation. These could include areas of species-rich grassland, new native hedgerows and permanently wet areas which would provide a variety of habitats for many different species.

These enhancements would be examples of an opportunity to incorporate biodiversity in the development which is encouraged in paragraph 118 of the National Planning Policy Framework.

### *Revised Plans & Additional Information*

The NWT has made the following comments in respect of the revised plans and additional information submitted:

As requested, the NGBRC has been consulted and the likely impact on LWS and protected species has been assessed. It is concluded by the applicant's ecological consultant that none of the LWS's would be affected by the proposed scheme, as the former coal workshop site is already developed, and the new development will be contained wholly within this land. NWT agrees that the development is unlikely to directly impact on LWS's due to barriers to dispersal and lack of immediately connected suitable habitat on the development site. However, NWT reiterates its recommendation that measures should be put in place to ensure protection of the Hucknall Disused Railway LWS during construction works, with a condition put in place that building materials and machinery are kept as far away as possible at any time prior to or during works.

The consultant also states that the only reptile records in the NGBRC data were common lizard (*Zootoca vulgaris*), both observed on or next to the disused railway line in 1991 and 1992 respectively. The closest record was 400m to the south, with the other 600m away. NWT agrees that as these records are over 20 years old, there is a possibility that common lizards may no longer be present. However, NWT has had 2 more recent anecdotal records of common lizard from 2013 and 2014 occurring on Bulwell Forest Golf Course LWS, less than 1km to the south of the site. With this in mind, NWT is still of the opinion that there is a possibility that reptiles could migrate onto the site and, as such, would suggest a condition be included which requires that an ecologist should be present to supervise careful removal of any areas of vegetation or piles of rubble, in particular when working close to the boundary fence adjacent to the disused railway line.

NWT agrees that the development will not impact on the additional protected species identified in records provided by the NGBRC for water vole, white clawed crayfish and brook lamprey, as there is no suitable habitat present on site.

In response to NWT's request, the consultant has carried out a Habitats Regulations Appropriate Assessment Screening Report to assess the potential impacts of the proposed residential development on the potential Sherwood Forest Special Protection Area (pSPA). Both potential direct and indirect impacts have been examined and NWT agrees with the findings that it is unlikely that there will be any significant effect on the pSPA as a result of the proposed development.

NWT's additional recommendations regarding best practice measures with respect to birds, bats and badgers, as well as biodiversity enhancements remain unchanged from its original response.

Environment Agency – advises that the proposed development would be acceptable, subject to the imposition of planning conditions requiring the following details:

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 (specific details of what the scheme should demonstrate have been provided).

A remediation strategy that includes components to deal with the risks associated with contamination of the site (specific details of the required components have been provided and additional advice).

Measures to deal with any contamination not previously identified, which is found during development.

These conditions are required in order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect controlled waters.

Severn Trent Water should be consulted and requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Severn Trent Water – 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.

English Heritage – does not wish to offer any comments on this occasion and recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Nottinghamshire County Council (Archaeological Advice) – no observations or recommendations to make.

NHS Nottinghamshire County – any comments received will be reported verbally.

Nottinghamshire Police (Force Architectural Liaison Officer) – any comments received will be reported verbally.

### **Planning Considerations**

The key planning issues in relation to the consideration of this application are:

- Whether the proposal is premature to the Local Plan (comprising the ACSSD and the Local Planning Document now in preparation);
- Housing land supply;
- Whether the Bestwood Business Park should be retained in employment use;
- Whether the development is Sustainable;

The proposal also raises other planning issues in relation to proposed density, highway matters, landscape and countryside, pollution and contamination, impact on amenity, impact on heritage and ecological considerations, these aspects are also considered below under the relevant headings.

## Relevant Policies and Background Information

### *National Planning Policies*

The following core planning principles of the National Planning Policy Framework are relevant to this proposal:-

- Presumption in favour of sustainable development (paragraphs 11 – 16)
- Building a strong, competitive economy (paragraphs 18 – 22)
- Delivering a wide choice of high quality homes (paragraphs 47-55)
- Requiring good design (paragraphs 56-68)
- Meeting the challenge of climate change, flooding and coastal change (paragraphs 93 – 108)
- Conserving and enhancing the natural environment (paragraphs 109 – 125)

The following saved policies of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008) are relevant to this proposal:-

- RLP Policy ENV1: Development Criteria
- RLP Policy ENV 42 Aquifer Protection
- RLP Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes
- RLP Policy H8: Residential Density
- RLP Policy H16: Design of Residential Development
- RLP Policy T10: Highway Design and Parking Guidelines
- RLP Policy E3: Retention of Employment
- RLP Policy R3: Provision of Open Space with New Residential Development
- RLP Policy C2: Community Facilities For New Development

In accordance with paragraphs 14 and 215 of the NPPF, significant weight should be given to RLP Policies: ENV1, H7, H8, H16, E3, ENV42, R3, T10 and C2 as these are up to date and consistent with the NPPF.

Additionally, the following Supplementary Planning Documents are relevant:

- Affordable Housing SPD (2009); and
- Parking Provision SPD (2012).

### *Aligned Core Strategy Submission Document*

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 policies are relevant:

- ACSSD Policy A (Presumption in Favour of Sustainable Development);
- ACSSD Policy 1 (Climate Change);
- ACSSD Policy 2 (The Spatial Strategy);
- ACSSD Policy 3 (The Green Belt);
- ACSSD Policy 4 (Employment Provision and Economic Development)
- ACSSD Policy 8 (Housing Size, Mix and Choice);
- ACSSD Policy 10 (Design and Enhancing Local Identity);
- ACSSD Policy 14: (Managing Travel Demand);
- ACSSD Policy 16 (Green Infrastructure, Parks & Open Space);
- ACSSD Policy 17 (Biodiversity)
- ACSSD Policy 18 (Infrastructure); and
- ACSSD Policy 19 (Developer Contributions).

Relevant proposed modifications to the ACSSD (which were published for consultation until 30<sup>th</sup> April) include:

- MM1 – Insertion of Policy A: Presumption in Favour of Sustainable development
- MM2 – Changes to Policy 1 Climate Change which seek to ensure all new developments manage surface water drainage in a sustainable manner
- MM14 - relating to Policy 2 setting out a reduced strategic housing allocation at Bestwood of up to 261 dwellings (reduced from up to 500 plus commitments of 79)
- MM18 relating to Policy 3 which now includes a sequential approach to selecting sites at key villages with a preference for sites within the village followed by other non-Green Belt sites and lastly Green Belt sites.
- MM19 relating to ACS Policy 4 and consequential changes to text which clarify that in relation to the protection of employment land the Policy should clearly apply to retaining existing good quality employment sites.

In recommending the main modifications, the Inspector accepted all of the proposed modifications put forward by the Council's with one exception which is directly relevant to this proposal, as the Inspector has not accepted the proposed reduction to the housing provision at Bestwood Village (MM14 set out above). The Inspector considers that the housing provision for Bestwood should not be reduced and recommends it remains at up to 500 plus existing commitments as in the ACSSD

submission draft. Consequently, Policy 2 as proposed to be changed by MM14 should not be given significant weight, but rather weight may be given to the ACSSD policy 2 as originally submitted (for 500 dwellings at Bestwood plus existing housing commitments).

The ACSSD provides an overall planning strategy for Gedling Borough and in so doing provides a housing figure of 7,250 dwellings to be provided for in Gedling Borough between 2011 and 2028. As well as identifying strategic sites, the ACSSD identifies the Key Settlements of Bestwood, Calverton and Ravenshead as broad locations for housing growth.

#### *Local Planning Document and Master Planning*

The Local Planning Document for Gedling Borough is being prepared within the planning strategy context of the ACSSD and will identify smaller non-strategic housing sites including at the Key Settlements. The Local Planning Document is at a very early stage of preparation having been subject to public consultation on an Issues and Options document in October/November 2013. Together the ACSSD (anticipated for adoption in the autumn of 2014) and the Local Planning Document for Gedling Borough (likely to be adopted in late 2015) will comprise the Local Plan for Gedling Borough. In order to support the preparation of the Local Planning Document for Gedling Borough the consultants URS were commissioned to undertake master planning work in the Key Settlements. The Final Report Bestwood Village was published in April 2014. This master planning study is a material planning consideration but carries little weight in policy terms.

#### *Employment land Study and Strategic Housing Land Availability Assessment*

The site assessment part of the Nottingham City Region Employment Land Study (NCRELS 2007) has identified Bestwood Business Park as being of average market appeal with many buildings showing their age but may offer cheaper alternatives to modern premises by offering larger yards and circulation areas. The NCRELS 2007 Study recommends that the Bestwood Business Park is retained.

The Bestwood Business Park site has been assessed through the Strategic Housing Land Availability Assessment (SHLAA) process which assesses the site as not being suitable because it is a protected employment site under the adopted RLP Policy E3.

#### Prematurity

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 proposed development would prejudice the outcome of the Plan making process.

It should be noted that both criterion in the NPPG listed above need to be satisfied to meet the prematurity test.

In terms of plan preparation, consideration needs to be given to both the ACSSD and the Local Planning Document which together comprise the emerging Local Plan for Gedling Borough. 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 the recommended main modifications being made and therefore outstanding objections have been addressed.

While the ACSSD has been found sound by the Inspector, this site is of a size which is not addressed by the ACSSD. The allocation of sites of this size will come through the Local Planning Document. Consultation on the Issues and Options version of the Local Planning Document was undertaken in October - November 2013. This Issues and Options document identified potential housing sites that were considered suitable in the SHLAA but did not identify Bestwood Business Park as the SHLAA assessment was based on the site being not suitable as it is a protected employment site. To conclude therefore, the NPPG criteria relating to the stage the plan has reached is not relevant to the ACSSD as the identification of such sites like the Bestwood Business Park are within the remit of the Local Planning Document. Whilst the Local Planning Document has been subject to early consultation in the form of an Issues and Options document, it is at a very early stage of its preparation and cannot said to be at an advanced stage and therefore has no material weight in policy terms. Therefore the Local Plan is not at an advanced stage.

The key question is whether the proposal is so significant that it would be prejudicial to the outcome of the Local Plan. The NPPG refers to both scale and location of development in this regard and whether this would be sufficient to predetermine the location of development in the Local Plan.

This proposal for 220 homes together with the addition of existing commitments would go some way to meeting the Inspector's recommended housing provision of 500 additional houses (plus commitments). In terms of location, the proposal at Bestwood Business Park would be in accordance with the ACS locational strategy as Bestwood Village has been identified as a Key Settlement for growth in ACSSD Policy 2.

The Inspector has endorsed the main modifications to ACSSD Policy 3, which gives guidance on Green Belt review and sets out a preferred sequence that gives priority to sites within settlements followed by non-Green Belt options and lastly by sites in Green Belt. The proposal is located on a previously developed site within the settlement of Bestwood and would fall within the most preferred category for locating development within Key Settlements and is therefore consistent with the locational strategy in the ACSSD and also with RLP Policy H7 which permits residential development within the urban area subject to it not being contrary to other policies in the Plan including RLP E3 dealt with below.

Turning to the question of scale, to be considered premature the site would have to

be of a substantial scale and the Local Planning Document at an advanced stage of preparation. In my view the proposal is not so substantial and given that the Local Planning Document is not at an advanced stage of preparation then neither of the criteria set in the NPPG (as set out above) can be satisfied.

The site has been previously considered through the SHLAA process but was not considered suitable as it is a protected employment site under RLP Policy E3. However, the proposed site has been considered during the recent master planning exercise (URS Final Report Bestwood Village April 2014) which is intended to provide supporting evidence to the Local Planning Document and to inform site selection. The URS Final report Bestwood Village recommends that the redevelopment of the Bestwood Business Park is their preferred location for housing development.

The proposal is consistent with the locational strategy in ACSSD Policy 2, which identifies Bestwood as a Key Settlement for growth and significant weight can be given to the Inspector's recommendation that it should accommodate up to 500 homes plus commitments.

To conclude, I consider that neither criterion in the NPPG for refusing this application on prematurity grounds are met for both the ACSSD and the Local Planning Document and therefore the proposal cannot be refused on these grounds.

#### Housing Land supply

The Five Year Housing Land Supply Assessment (March 2013) identifies that there is only just over 3 years supply of deliverable housing sites within the Borough. 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.

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 in considering the proposal for redeveloping the Bestwood Business Park significant weight needs to be given to the NPPF (paragraph 14) and ACSSD Policy 1A in terms of the presumption in favour of development and to the need to have a 5 year supply of housing.

#### Need for Employment Land

In terms of the overall supply of employment land for Gedling Borough, the ACSSD Policy 4 requires as a minimum that 10 hectares of new industrial and warehousing land is identified in Gedling Borough. Taking into account the reduction in the supply as a result of the planning permission at Teal Close (minus 10 ha) and the proposed modification to include Gedling Colliery as a strategic location for a minimum of 2 ha of employment land the net resultant employment land supply is about 19 hectares. The Inspector supports MM9 to allocate a strategic site for housing and employment at Teal Close. The Inspector also considered the thrust of ACSSD Policy 4 and its employment provisions sound.

The Employment Background Paper (June 2012) supporting the ACSSD calculates that future demand for industrial land in Gedling is negative or in other words less industrial land will be required in future than is provided by the current stock even taking into account planned losses (for example at Rolleston Drive, Arnold). This is because the manufacturing sector is expected to continue to decline in terms of employment albeit at a slower rate than in the past. Since the publication of the Employment Background Paper June 2012 a further proposal resulting in the redevelopment of employment land for other purposes needs taking into account involving about 6 hectares of industrial land at the Colwick Industrial Estate (due to the planning permission for the food superstore granted in 2013; application no: 2013/0500). This redevelopment at Colwick Industrial Estate amounting to 6 hectares cumulatively together with this proposal at the Bestwood Business Park (6 hectares) would result in a reduction to the stock of industrial land of about 12 hectares. As stated above, the forecast net requirement for industrial sites and premises in Gedling Borough is negative (it is forecast that overall some 12 ha less land is required as compared to the existing stock). The cumulative loss from this proposal together with the Colwick permission (12 ha) is broadly in balance with the forecast decline in the existing stock (12.1 ha).

However, the Employment Land Background Paper (June 2012) looks across the whole of Greater Nottingham where it is calculated that net demand between 2011 - 2028 for industrial and warehousing land will be about 80 hectares. Allowing for industrial land that has been taken up (33.5 hectares) the net demand across Greater Nottingham is 47 hectares. To this 47 hectares an allowance is added to maintain a continuous supply of industrial land (about 33 ha) to give a net requirement of about 80 hectares across Greater Nottingham. When considered against the total supply of employment land across Greater Nottingham (220 hectares) then the supply is far greater than the net requirement (80 hectares). On this basis the Employment Background Paper (June 2012) calculates that a minimum of about 80 hectares of employment land should be made available across Greater Nottingham between 2011 and 2028. Based on its share of the total supply of industrial and warehousing land in Greater Nottingham, Gedling Borough's contribution is set at a minimum figure of 10 hectares as set out in ACSSD Policy 4.

As stated above, the supply of industrial/employment land in Gedling Borough is 19 ha. This is more than the requirement but it is anticipated that some of this 19 ha is suitable for office type development for which ACSSD Policy 4 sets out a separate requirement of 22,300 sq. m of floor space for Gedling Borough (crudely estimated to require around 5.75 ha of land). The Employment Land Background Paper June

2012 at paragraph 132 states that:

“The supply of employment land in Gedling will be critically reviewed as part of its ongoing local plan preparations, and it is anticipated that some existing employment sites are likely to be redeveloped for housing.”

Having taken into account the potential removal of the Bestwood Business Park from the current stock of industrial land, and even when this “loss” is considered cumulatively with other recent and anticipated losses of employment land, it is considered that the remaining allocations and existing stock of employment sites in Gedling Borough is sufficient to meet the demand for employment land needs over the ACSSD plan period (for both industrial and office) and also contribute to maintaining a “frictional” margin.

#### *Loss of Bestwood Business Park for Employment*

Policy E3 of the Local Plan and Policy 4 of the emerging ACSSD (as amended by MM19) also need to be considered in relation to the proposed change of use of the Bestwood Business Park.

Part b of RLP Policy E3 of the Replacement Local Plan states:-

- b. Planning permission will not be granted to redevelop or use sites or premises.., for other purposes unless:-*
  - i. the retention of the site or premises for its specified employment use has been fully explored by extensive marketing and advertising without success; and*
  - ii. the proposed use would cause no traffic, amenity or conservation problems.*

Policy 4 h) of the ACSSD provides criteria for managing existing employment sites so as to cater for the full range of employment uses by:

- i) ensuring the allocations most attractive to the employment market remain available for employment uses;*
- ii) retaining good quality existing employment sites that are an important source of jobs; and sites that support less-skilled jobs in and near deprived areas or have the potential to provide start up or grow on space;*
- iii) considering the release of sites that do not meet criteria i) and ii)*

RLP Policy E3 requires that proposals for reusing existing employment sites must demonstrate first that their retention for employment has been fully explored by extensive marketing and advertising without success. The NPPF at paragraph 22 advises that planning policies should avoid the long term protection of employment land where there is no reasonable prospect that the site being taken up for that purpose. In the context of paragraph 49 of the NPPF, it is not considered that RLP Policy E3 is a “blanket” protection policy as it gives flexibility to reuse employment sites for other purposes subject to evidence the site has been marketed without

success. Consequently it is considered that RLP Policy E3 is in accord with the NPPF and should be given due weight.

The applicant has provided supporting evidence that the premises have been actively marketed constantly and consistently over a long period but the site has never achieved an occupancy rate greater than 85% and typically occupancy rates have been between 60% and 85%. Currently occupancy is just under 61%. The applicant considers that this is well below the average occupancy rate over the wider Nottingham area which they estimate at 94%.

The applicants also point out that the site has a relatively low density of development with large storage areas and that only about 60 people are employed on this 6 hectare site reflecting the low level of activities on site and that the site is not significant locally or in the wider context of Greater Nottingham.

The applicant's case also rests on the condition of the site in that the site and premises are no longer capable of meeting the modern needs of business. ACSSD Policy 4 h) is more flexible towards releasing sites than RLP Policy E3 as it seeks to retain only good quality employment sites in accessible locations and sites that support less skilled jobs in and near deprived areas. In this context, the supporting information contained within the Employment Marketing report submitted by the applicant makes a number of points on the site's characteristics as follows:

- the site is in a tertiary location constrained in terms of access to the strategic road network;
- there is poor road access along the B683;
- the site is not well related to other established industrial areas;
- site configuration is poor; and
- the condition of premises is poor and buildings will be reaching their design life over the next 10 years.

It is noted that the NCRELS report, which dates from 2007, does concur with many of these points particularly on location and access, but recommended retention and in so doing provided commentary to the effect that the second hand buildings built around the 1970s were showing their age but offer cheap alternatives to modern premises. The relatively low employment density on the site is also noted and this is backed up by views of the local community during the recent master planning exercise in that the consensus was that relatively few local people were employed on the site (URS Final Report Bestwood April 2014). The URS Report also recommends against the re-provision of employment land at Bestwood should the Bestwood Business Park be redeveloped for housing.

I have considered the proposal against the criteria in ACSSD Policy 4 (as amended by MM19) and note the contents of the last sentence in supporting paragraph 3.4.19 of the ACSSD and proposed changes to this paragraph provide guidance on interpretation of ACSSD Policy 4 criteria in the following terms:

Local Plans will protect existing employment land and premises which:

- safeguard well-located land that continues to meet the needs of modern

businesses, (for instance by having good access to the transport network and labour markets and being premises capable of economic reuse) especially larger sites that may be considered strategically important;

safeguards locally valuable sites that are required to meet identified regeneration aims.

As well as commenting on the poor location and access characteristics of the site, the submitted Employment Marketing report provides a detailed buildings condition survey. This makes a number of observations about the unsatisfactory condition of buildings on the site which the report notes date from the 1960s and which are now reaching the end of their design life. The report considers that the condition of the site is poor and it no longer meets the needs of modern businesses. It is also considered in the same report that there is no prospect of future redevelopment for employment uses which is not considered economically viable. Given this evidence, I would accept that the site is not well-located, not of a good quality or capable of economic reuse and therefore does not meet the relevant criterion in ACSSD Policy 4 (as amended by MM19).

In terms of the criterion in ACSSD 4 relating to supporting less skilled jobs close to deprived areas, the evidence suggests that the current site does not support many jobs (about 60) which is corroborated by the views of local people as reported through the URS master planning work (i.e. that few local people were employed on this site). Furthermore the URS master plan report does not recommend replacement of the Bestwood Business Park if it is redeveloped for housing. It is concluded that the Bestwood Business Park site is not an important source of local jobs and therefore is suitable for release under the criterion in Policy ACSSD 4 (as amended by MM19).

RLP Policy E3 requires sites to be extensively marketed without success before they can be released. The Employment Marketing report accompanying the planning application concludes that the site has been marketed constantly and consistently over a long period but despite these efforts it has never been fully occupied and not more than 85% full. Currently the site has an occupancy level of 61% with only around 60 employees on site. The Employment Marketing report refers to prospective new tenants being offered favourable terms including lower rents and shorter terms of notice but despite this the site has remained under occupied and lower rents have led to diminishing returns over time making investment more difficult to sustain. The NCRELS 2007 recommendation to retain was based at least in part on their view that the aged buildings could offer cheap accommodation. However, the recent marketing exercise and experience since 2007 would suggest otherwise. In this context it is worth noting the applicant's view that there is a considerable range and choice of second hand employment premises across the wider Greater Nottingham area providing effective competition.

It is acknowledged that according to the applicant about 61% of the site remains occupied. However, in relative terms when compared to other sites in the wider area the evidence provided by the applicant suggests that the site is relatively under occupied in comparison with others. In this context, and on the basis of a recent site visit, I would concur that the Bestwood Business Park is under occupied despite the



active marketing of the site. Given this, I am reasonably satisfied that despite evidence of active marketing it has not been successful and therefore the proposal meets the criterion for release under RLP Policy E3.

In conclusion, significant weight should be given to ACSSD Policy 4 which is much more recent than RLP Policy 3. In my view it no longer meets the requirements of modern business, is of a low quality and is not significant regionally or locally in terms of employment. I am satisfied therefore that the site meets the criteria for releasing it for other non-employment purposes set out in ACSSD Policy 4 as proposed to be modified and in RLP Policy E3. Furthermore in terms of future needs for employment land there is sufficient employment land supply to meet the ACSSD Policy 4 requirements to 2028.

### Sustainability Issues

Key to the sustainability of the development is to ensure that measures are in place to encourage sustainable modes of travel to and from the site and that the development is sustainable in environmental terms and resilient to climate change. The development will need to be acceptable in terms of any impacts on services, resources and facilities in the locality and provide mitigation measures if necessary as well as to contribute to necessary services and facilities required in order to support it. Relevant policies include C2 and R3 of the RLP, Policies 2, 14, 16, 18 and 19 of the ACSSD (with main modifications) and paragraphs 203-206 of the NPPF.

The URS master planning work (Final Report Bestwood Village April 2014) provides information on likely infrastructure requirements and the following key elements are identified (they are listed in no particular order):

- A new primary school should be developed on land to the north of the village
- Prioritise sewer infrastructure improvements;
- Incorporate sustainable urban drainage systems in new development as standard;
- Provide a mix of housing by type and tenure – a specific need to provide housing suitable for elderly people;
- Adhere to the minimum standard provision of providing 10% open space within new developments;
- Seek contributions to existing bus services; and
- Development should seek to provide cycle and pedestrian links to the wider area

Ashfield District Council considers that the application is premature to the emerging ACSSD and has also raised concerns about cumulative impact from this development and other applications in the area on the services and facilities in Ashfield District. However, Ashfield District comment that should this application be viewed as fulfilling the housing requirement in isolation then it could be more supportive but the proposal would still impact on Ashfield's infrastructure including schools, community facilities and public transport. Ashfield District considers that provision should be made towards the public realm, health, education and highway improvements.

Ashfield District also requests that they be involved in any section 106 agreements in accordance with the Gedling Protocol (Gedling Protocol for Addressing Cross Boundary Impacts of Development approved by Cabinet on 19<sup>th</sup> June).

The issue of prematurity to the emerging ACSSD has been dealt with above. In terms of cumulative impact the Inspector has considered the cumulative impact of proposed growth on Hucknall through the ACSSD examination process and concluded that there was unlikely to be an adverse impact on the wellbeing of Hucknall. The impact of this proposal on specific services and facilities and the necessary contributions to education, health, highway improvements and the public realm are dealt with below.

The Gedling Protocol 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.

### *Accessibility*

The site is located within Bestwood Village. Bestwood Village is identified as a key settlement for growth. This Key settlement is considered a sustainable location for growth (for up to 500 homes, plus existing commitments as per the ACSSD) and is accessible to a range of services, facilities and employment opportunities. This Key Settlement has regular bus services linking to Nottingham and to Hucknall. Bus stops are located within 400 m of the site on Park Road, Bestwood. The NCT NET service stop at Moor Bridge is also 1.7 km away and accessible along existing pedestrian routes and also by bus. The Transport Assessment states that pedestrian connections will be provided to the existing pedestrian routes and that the location is well served by regular bus services that go to a range of destinations including, Hucknall, Nottingham and Bulwell.

Sustrans National Cycle Route 6 runs along the western part of the site connecting Hucknall and Nottingham via Bestwood Village. The Transport Assessment indicates that there is an opportunity to provide cycle connections to the NCR 6 Route and to Bestwood Country Park. The Highways Authority considers that cycle links to the Country Park and NCR 6 are necessary together with a pedestrian link to Moor Road/Park Road junction from the site to the school to the north and recommends an appropriate condition is attached. The Highways Authority also seeks contributions of £50,500 be secured towards improved public transport infrastructure including real time poles, shelters, raised kerbs and enforceable clearways at various stops.

The Highways Authority also comment that the submitted travel plan in support of the application needs improvement but are satisfied that a suitable travel plan can be secured through suitable conditions.

I am satisfied therefore that the location is accessible to a wide range of services and

facilities in Hucknall and also in Nottingham in accordance with ACSSD Policies 2 and 14. Necessary improvements to public transport infrastructure have been identified and can be secured in accordance with ACSSD Policies 18 and 19.

### *Education*

I note the comments from the County Council and also the findings of the URS Master Planning work in relation to the current capacity of the village primary school (Hawthorne Primary School), that there is no scope to expand within the existing school site. Whilst there is a clear difference of opinion on this matter between the County Council and the applicant, funding has been offered through a Section 106 Agreement in accordance with the County Council's obligations strategy.

The ability to provide the necessary primary school places within the village is in my view a significant factor to granting planning permission for this development. In my opinion, not appropriately catering for the required primary school places within the village would be against the principle of sustainable development, as it would involve children from the development having to travel outside of the village to attend a school where places are available at that moment in time. Not providing the places within the village would be out of kilter with the purposes of planning to achieve sustainable development. Paragraph 7 of the National Planning Policy Framework highlights that the social role that the planning system should perform is:

'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local facilities that reflect the community's needs and support its health, social and cultural well being'

The most recent correspondence from the County Council refers to the changing circumstances caused by the recommendation of the Inspector not to accept the modification to reduce the housing provision for Bestwood, but to maintain it at 500 houses plus existing commitments as in the ACSSD.

Whilst welcoming the applicant's proposed contributions to both secondary and primary school places, the County Council are of the view that this application cannot be considered in isolation, especially in the light of the current planning application to the north of Bestwood Village. In this context, it should be noted that earlier negotiations with the applicant's and the County Council were based on the lower housing requirement and provision of an annex facility which the County Council now confirm is no longer an option if the higher housing target is to be met.

It is accepted that there has been a very recent change of circumstance and, as a consequence of the Inspector's recommendation, it is necessary for the parties to continue to negotiate the options for meeting the required level of primary school places arising from this development together with those primary school places that would arise from the higher strategic level of housing growth so as to come to an acceptable solution.

Notwithstanding the comments of the County Council as Local Education Authority, in my view it is important to consider all the merits of this particular planning

proposal. I am mindful of the recent appeal decision at Park Road, Malmesbury (ref: APP/Y3920/A/11/2159115), where the Inspector considered similar issues. In that case the Inspector concluded that:

“However, that is not to say I share the Council’s view that the current absence of any solution to the existing primary school capacity problem is reason enough to refuse planning permission for the development now proposed. The implications of that approach would be that all new residential development of any significance could be prevented by the consequential demand for places at local schools, irrespective of how desperate the need for more housing may be.

The Council has a duty to provide sufficient quantities of housing, and a duty to provide the population of its area with sufficient school places. I understand and applaud its attempts to ensure that both are delivered in a timely and integrated manner, but the planning system recognises that due assessment of a wide range of (often conflicting) considerations needs to be made in respect of each proposal for development.”

On that basis, given that the ACS Inspector has accepted that development at Bestwood is both suitable and required in order to meet the Borough’s housing needs, and that this proposal would regenerate a brownfield site and contribute to the delivery of a 5 year housing supply, in my opinion it is not reasonable to expect the redevelopment of this site to be required to seek the approval and agreement of third parties with regards to land which is currently not allocated for development and is partly within the Green Belt. On that basis, and recognising the other considerations in respect of this proposal, I do not recommend that planning permission be solely refused on this ground.

If Members resolve to support the recommendation and the Education issue cannot be resolved through the Section 106 process, then the application would need to be re-presented to Planning Committee.

#### *Healthcare*

Whilst the formal comments of NHS England have not been received, the applicant has indicated in the Planning Statement a willingness to contribute towards off-site healthcare enhancements, subject to need and justification. Any such requirements will be clarified during the S106 agreement process.

#### *Affordable Housing*

The site is located within the Bestwood St Albans Viability Sub Market where the Affordable Housing Supplementary Planning Document policy requires 30% affordable housing. However, the Affordable Housing SPD does allow for consideration of the affordable housing contribution in light of the overall viability of the scheme. The level of affordable housing and other developer contributions are subject to negotiation as part of the section 106 planning obligations process.

Ashfield District Council comments that affordable housing provision should reflect Hucknall’s local need for two and three bedroom apartments, given the

development's proximity to Hucknall. Affordable housing provision would be expected to be around 15% of the proposed number of dwellings and Ashfield District would wish to be involved in any section 106 negotiations as per the emerging Gedling Protocol mentioned above. Ashfield also state that they would wish to seek nomination rights to a proportion of the affordable housing.

At the pre-application stage the applicant indicated that they would provide for 20% affordable housing subject to viability testing. The applicant has provided a viability appraisal of the scheme which indicates that the scheme is unable to provide the full affordable housing requirement. Subsequently following careful consideration of the applicant's viability evidence the Council Housing Strategy Manager has agreed that the scheme could support 7.5% affordable housing units together with the S106 requirements to other services and facilities, although this figure will be dependent upon the final education contribution that is sought, which in line with our Affordable Housing SPD could reduce the amount of affordable housing to be provided, as affordable housing is considered through the assessment of viability.

In relation to Ashfield securing nomination rights for a proportion of the affordable housing on site I do not consider this request by Ashfield District to be appropriate or feasible as such affordable housing needs must be related to Gedling Borough's housing needs. The exact mix, tenure and type of housing will be addressed at the reserved matters stage.

#### *Public Open Space*

Policy R3 of the RLP requires that residential development on 0.4 of a hectare and above should include a minimum of 10% local open space which would equate to around 0.62 hectares. The proposed open space to be provided is in excess of this requirement and therefore I consider that the proposal accords with RLP Policy R3 and ACSSD Policy 16.

#### *Sewerage*

According to the Flood Risk Assessment, Severn Trent Water Ltd. has confirmed in principle that a foul water connection from the development can be made via the connection on the existing site to the main sewer along Moor Road. Whilst concerns were raised about the sewerage capacity in the area in the URS master planning report, these were to alert planners to potential issues for further consideration. The response from the statutory provider addresses these concerns.

#### *Fluvial Flooding*

According to the Environment Agency's Flood Map the site is located within Flood Zone 1 and is considered to have a low risk of fluvial flooding. The River Leen and Daybrook Strategic Flood Risk assessment flood outline models indicate that the site is safe even in the event of a 1:1000 annual chance flood event. However this Strategic Flood Risk Assessment notes that the River Leen is susceptible to flood

risk further downstream due to water runoff. The application is supported by a Flood Risk Assessment that concludes that the development is in a low risk area for fluvial flooding. I would agree that the proposal is in an area of low probability of flooding and accords with the sequential test for locating development in low risk flood zones as set out in the NPPF and ACSSD Policy 1 (as amended by MM2).

### *Surface water flooding*

The Environment Agency's flood map for surface water flooding indicates that there are areas of the site that are at risk of surface water flooding during the 1:30 and 1:200 year event flood risk events. The Flood Risk Assessment accompanying the application proposes the incorporation of drainage systems and gullies that will intercept over land flows from outside the site area to prevent ingress to the site. Within the site, surface water drainage systems will be designed to cope with surface water run off to standards acceptable to the Environment Agency. The surface water drainage system proposed includes attenuation ponds which will be designed to limit water runoff to greenfield rates in the event of a storm event. This is consistent with the Environment Agency's requirement for water runoff. It is worth noting that the restriction of water runoff to the equivalent of a greenfield runoff rate would represent a considerable improvement on the existing arrangement. Managing surface water runoff in this sustainable way would accord with ACSSD Policy 1 (as amended by MM2).

The Environment Agency considers that for the proposed development to be acceptable a condition should be imposed that prevents development from starting until a surface water drainage scheme based on sustainable drainage principles is submitted and agreed. The Environment Agency confirms that surface water run-off should be limited to greenfield rates and that capacity to accommodate surface water through the proposed attenuation ponds should be able to cope with the 1 in 100 year event plus an appropriate allowance for climate change.

The Highways Authority also requests a condition that all driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface waters and necessary attenuation measures.

In relation to groundwater flooding, the applicant considers that there is no risk to the development from groundwater flooding. The site is located on a principal aquifer regarded as a Source Protection Zone 3. Any potential risk to the principal aquifer will need to be assessed at the detail design stage which will address the policy intent of RLP Policy ENV 42. In this context the Flood Risk Assessment notes that there is a considerable opportunity to decrease the risk of groundwater pollution to the aquifer by the removal of existing and historic industrial buildings.

The Environment Agency confirms that the site is located within a Source Protection Zone 3 for public water supply and overlies a principal aquifer. The Environment Agency also notes that the submitted GEO-Environmental Desk Study (Atkins) identifies several potentially contaminating historic uses. Accordingly, the Environment Agency requires a condition requiring a remediation strategy to be prepared and which amongst other things will include a preliminary risk assessment taking into account previous uses of the site and potential contaminants. Based on

results, the strategy will need to provide an options appraisal and detail necessary remediation measures. A further condition is requested, requiring that during development any contamination not previously identified becomes evident, then no further development shall be carried out until a remediation strategy is agreed in order to protect groundwater quality.

A culvert transects the development site and provides the conduit for surface drainage from the residential areas to the east. The culvert to the east was reinforced with new pipes as part of the Taylor Wimpey development. It is therefore recommended that further detailed investigation of the culvert within the development site takes place at the detailed design stage.

In response to the comments of the County Council's Countryside Manager, the addendum to the Design and Access Statement also includes comments as to the proposed treatment of the main culvert from the east to west and the culvert from the Country Park. The drainage/culvert arrangements are all addressed in the revised Flood Risk Assessment.

In summary, with the conditions suggested by the Environment Agency and the Highways Agency in relation to surface water drainage and groundwater protection, I am satisfied that the proposal accords with ACSSD Policy 1 (as amended by MM2) and RLP ENV 42.

### Density

Policy H8 of the RLP sets out the Borough Councils requirements for residential density. In this location the minimum density requirement is 30 dwellings per hectare. The applicant indicates that the gross density of the site is around 36 dwellings per hectare. The density should be calculated by excluding only the following:

- Major distributor roads;
- Primary schools;
- Open spaces serving a wider area; and
- Significant landscape buffer strips.

The URS masterplanning work indicates that taking into account local characteristics, the semi-rural village location and need for sensitive landscaping and open space, a site wide density of around 25 dwellings per hectare is most appropriate in Bestwood. On this basis, the proposed density of 36 dwellings per hectare is significantly higher than that recommended by the consultants. It is noted that the location is within the settlement of Bestwood where densities range from 34–77 dwellings per hectare with recent developments such as the Taylor Wimpey residential development to the east being towards the higher end of the range.

The URS masterplan report for Bestwood Village is a material consideration although it carries relatively limited weight in policy terms. Density considerations must be must be balanced against other considerations including site viability, design considerations and local characteristics of the area. The NPPF emphasises the need to take into account the local characteristics of an area in considering

issues such as density. The Gedling Borough Urban Design Officer is generally satisfied with the design and density of the proposal. On balance I consider that the density of 36 dwellings per hectare is appropriate on this site which is consistent with RLP Policy H8 that seeks to achieve densities of not less than 30 dwellings per hectare.

### Highway Considerations

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.

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. 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 design of the vehicular access into the site. This has been assessed by the Highway Authority which, following the submission of additional information, considers that a satisfactory junction onto High Main Drive, with a single point of access, can be provided to serve the site.

The imposition of appropriate conditions is recommended to secure mitigation measures to limit the impacts that the proposal would have on the highway network in the vicinity of the development; to provide appropriate public transport infrastructure improvements; and to ensure an appropriate Travel Plan can be secured.

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).

I note the comments of Ashfield District Council regarding the need for junction improvements at Moor Bridge as a consequence of intensification of use. However, this has been the subject of a Junction Capacity Assessment which concludes that the Bestwood Road/A611 Moor Bridge/A611 Hucknall Road signal junction currently operates with spare capacity during the am and pm peak periods and that the impact



of the development traffic on the capacity of the junction is negligible and, therefore, no mitigation is considered necessary. Nottingham City Council Highways has confirmed that it is satisfied with the Assessment.

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 and the Parking Provision for Residential Development SPD.

### Landscape & Countryside Considerations

The relevant planning policies which need to be considered in relation to the protected trees within the site are set out in Policies ENV2 of the RLP.

Policy ENV2 of the RLP states, amongst other things, that where landscaping is required as part of new development it should complement the facilities on the site, retain and enhance established features and reflect the character of the surrounding townscape.

In my opinion, the new landscaping which would be provided within the site as part of the proposed development can only enhance the existing situation, bearing in mind that apart from a small group of trees which extend into the south-eastern part of the site from the boundary, the site consists of buildings, concrete and tarmac. Although this particular group of trees would need to be removed as part of any development, I am satisfied that their loss would be negligible in relation to the overall contribution the trees make to the wider landscape and would be more than mitigated by the additional tree planting proposed.

The main issue, therefore, is to ensure that the existing trees around the boundaries of the site, particularly to the Country Park, many of which overhang the site, are adequately safeguarded. In this respect, I note that the revised illustrative layout demonstrates that the site can be developed without impinging on the Root Protection Areas of these trees and the potential impact of shading issues on new dwellings can be addressed at the reserved matters stage.

I consider, therefore, that the proposed development would accord with Policies ENV2 of the RLP.

### Pollution & Land Contamination Considerations

The relevant planning policies that need to be considered in relation to pollution are set out in Policies ENV3 and ENV11 of the RLP and Sections 4 and 11 of the NPPF.

Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built, on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

Policy ENV11 of the RLP states, amongst other things, that planning permission will not be granted for pollution generating development which would result in unacceptable risk to the health and safety of residents or users of nearby properties; unacceptable nuisance to users or residents of nearby properties or the surroundings in general by reason of smoke, fumes, gases; or harm to the natural environment or the landscape.

Paragraph 35 of the NPPF states, amongst other things, that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Paragraph 39 of the NPPF goes on to states, amongst other things, that if setting local parking standards for residential and non-residential development, local planning authorities should take into account an overall need to reduce the use of high-emission vehicles.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by preventing new 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. Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.

### *Ground Conditions & Contamination*

I note that Public Protection is satisfied with the findings and conclusions of the Geo-Environmental Desk Study Report, but that further on-site assessment is required to characterise the site and refine the Conceptual Site Model. To ensure this, Public Protection recommends that the scale and scope of these works is agreed with the Council before they begin. Therefore, to ensure that the site is suitably assessed, remediated and verified, the imposition of appropriate conditions is recommended.

As such, I would concur with the recommendations of the Public Protection section that specific conditions are imposed on any planning permission to ensure that issues relating to land contamination are fully assessed in the future.

### *Air Quality*

An Air Quality Assessment Report has been submitted as part of the application, and I note that Public Protection has confirmed that it is generally satisfied with the findings and conclusions, subject to the imposition of a condition requiring the submission of a Dust Management Plan to control potential air pollution.

I also note that Public Protection considers that most of the proposals included in the Travel Plan would help to mitigate and thus make the development sustainable, from an air quality point of view.

It is considered, therefore, that the proposed development would accord with Policies ENV3 and ENV11 of the RLP and Sections 4 and 11 of the NPPF.

### Amenity Considerations

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 (as modified by MM25).

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

Whilst there is likely to be an increased amount of traffic activity, both during the construction period and afterwards, in relation to that generated by the site at the present time, I am satisfied that the proposed development 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.

I note that Public Protection has requested the imposition of a Dust Management Plan to control potential air pollution and I am satisfied that any adverse noise issues which may arise can be controlled under Environmental Health legislation.

I do not consider that there would be any adverse loss of amenity to the nearest residential properties on High Main Drive, Wren Drive or Hopkinson Court in terms of overlooking, overshadowing or overbearing issues, based on the details shown in the illustrative layout which was submitted with the application. The potential impact on adjacent residential properties would be addressed in detail at the reserved matters stage.

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 (as modified by MM25) and Section 11 of the NPPF.

### Heritage Considerations

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 (as modified by MM26) states, amongst other things, that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or 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.

Archaeology and cultural heritage issues have been assessed within the Desk-Based Heritage Assessment.

I am satisfied that the proposed development would not have any undue impact on the setting or significance of the closest nationally designated assets to the application site or to any of the locally designated assets, as specified in the Site Description. I also note that no archaeological assets would be affected.

Whilst a small part of the application site lies within the Bestwood Village Conservation Area, I note that this is indicated as open space on the Illustrative Layout and am satisfied that there would be no effect on the Conservation Area or its setting.

I note that the County Council makes no observations on archaeological grounds and share the view expressed in the Heritage Assessment that the potential for any below ground archaeological remains that may be affected by the proposed development is low.

I am satisfied, therefore, that the proposed development would accord with the aims of Policy 11 of the ACSSD (as modified by MM26) and Section 12 of the NPPF.

### Ecological Considerations

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.

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 possible and improvements to the network benefit biodiversity, including at a landscape scale, 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 firstly mitigate and if not possible, 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.

I note that additional information has been provided in response to the comments of the County Council's Conservation Team and the Nottinghamshire Wildlife Trust and that no objections are raised to the proposed development in principle, subject to the imposition of appropriate conditions to enhance or minimise any potential impacts on biodiversity.

I also note that both the County Council and Nottinghamshire Wildlife Trust agree with the findings of the Habitats Regulations Appropriate Screening Report that it is unlikely that there would be any significant effect on the potential Sherwood Forest Special Protection Area as a result of the proposed development.

I am satisfied, therefore, that the proposed development would:

Protect and expand existing areas of biodiversity interest.

Provide new biodiversity features

Support the management and maintenance of created habitat through the use of planning conditions

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.

### 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.

The current position in relation to the Heads of Terms for the Section 106 Agreement between the applicant and the Borough Council is for financial contributions towards the following:

Health Care Facilities  
On-site Open Space Maintenance  
Integrated Transport Measures  
Primary Education Contribution  
Secondary Education Contribution

With regard to the provision of affordable housing, and following a detailed appraisal of the site, I note that Housing Strategy concur with the applicants that 7.5% affordable housing should be required on this site.

If the other contributions increase, then affordable housing should be decreased to compensate. If the other contributions decrease, then the opposite should apply and the level of affordable housing should be increased. In either case, the residual land value in the appraisal should remain constant.

#### Other Issues

One of the core planning principles in the NPPF is that planning should encourage the effective use of land by reusing land that has been previously developed, such as the current application site (brownfield land).

Whilst I note the concerns about possible anti-social behaviour and increased crime rates as a consequence of the pedestrian access arrangements, these must be balanced against the actual recreational and sustainability benefits of providing connectivity from the proposed development to the Country Park and local transport routes.

The potential devaluation of existing properties is not a material planning consideration.

#### Secretary of State Referral

I am satisfied that the Secretary of State for Communities and Local Government

does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

### Conclusion

In conclusion, this proposal cannot be considered premature to the emerging ACSSD. The Inspector considers that Bestwood Village is a sustainable key settlement for up to 500 dwellings plus existing commitments. This proposal for 220 homes would be well within the housing limit recommended by the Inspector. Gedling Borough does not currently have a five year supply of housing and significant weight should be given to policies in the NPPF and ACSSD Policy A in terms of the presumption in favour of development and the need to have a five year supply of land for housing. This proposal would be expected to commence within 5 years and contribute to the 5 year housing supply.

The site is located on previously developed land within the settlement of Bestwood and accords with the provisions of MM18 recommended by the Inspector which requires a sequential approach to be taken to the selection of sites when reviewing Green Belt and gives priority to sites within settlements before Green Belt is released.

The proposal would result in the loss of employment land, but it is considered that the site no longer meets the requirements of modern business, is of a low quality and is not significant regionally or locally in terms of employment. The site meets the criteria for release set out in ACSSD 4 and there is sufficient employment land supply within Gedling Borough to meet future requirements set out in the ACSSD Policy 4.

The application generally accords with relevant national and local policies regarding highways, landscape, countryside, pollution, land contamination, amenity, heritage, and ecology.

As outlined above, I am satisfied that the Secretary of State for Communities and Local Government does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, if Members are minded to accept the recommendation.

### **Recommendation:**

**That the Borough Council GRANTS 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 Public Transport, Travel Plan Monitoring, Educational Facilities, Health Facilities, Affordable Housing, Open Space; and subject to the following conditions:**

### **Conditions**



1. Application for the Approval of the first phase 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 vehicular access hereby permitted shall be constructed in accordance with the Proposed Highway Works drawing (1144-01 Rev C), deposited on 4th July 2014.
3. Unless otherwise agreed by the Borough Council, development on any phase must not commence until details for that phase relating to the following have been complied with: Site Characterisation An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Borough Council. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Borough Council. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme shall be implemented in accordance with the approved details.
4. In the event that remediation is required to render the development suitable for use in any phase, the agreed remediation scheme shall be implemented for that phase in accordance with the approved timetable of works under condition 3 above. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Borough Council.
5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above and, where remediation is necessary, a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall

be implemented as approved.

6. Before development is commenced on any phase, including site clearance and demolition works, there shall be submitted to and approved in writing by the Borough Council a Dust Management Plan for that phase. The Plan shall be produced and carried out in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance).
7. 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.
8. 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 phases 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.
9. Before development is commenced on any phase there shall be submitted to and approved in writing by the Borough Council details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays, and drainage (hereinafter referred to as reserved matters) for that phase. All details submitted to the Borough Council for approval shall comply with the County Council's Highway Design and Parking Guides which are current at the time the details are submitted. 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.

10. Prior to the commencement of any phase of development hereby approved there shall be submitted to and approved in writing by the Borough Council a site level survey plan for that phase of development showing existing and proposed site levels. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced on any phase there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for that phase of 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) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.
12. Before development is commenced on any phase there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of foul sewage for that phase. 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 improve public transport infrastructure in the vicinity of the site. The scheme 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.
14. Before development is commenced on any phase there shall be submitted to and approved in writing by the Borough Council details of all external lighting, including levels of illumination, to be provided adjacent to the site boundaries and retained vegetation for that phase. The external lighting shall be provided 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.

15. Before development is commenced on any phase there shall be submitted to and approved in writing by the Borough Council details of a scheme for the incorporation of integrated bird and bat boxes within the fabric of a proportion of the houses for that phase; bird boxes should target species such as house sparrow, starling and swift. The scheme shall be implemented in accordance with the approved details before the development is first brought into use on that phase and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. 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.
17. No vegetation clearance or ground works shall be undertaken until the site has been walked by an ecologist, and any refugia which could be used by reptiles have been subject to hand searches. If any reptiles are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council. The mitigation measures shall be implemented in accordance with the approved details before development commences.
18. 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.
19. 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.
20. 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.

21. The Travel Plan Coordinator shall within 3 months of first 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 consistently throughout the monitoring period with future travel initiatives, including implementation dates to the satisfaction of the Borough Council.
22. No part of any phase of the development hereby permitted shall be brought into use until all drives and parking areas for that phase 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.
23. No part of any phase of the development hereby permitted shall be brought into use until the access driveways and parking areas for that phase 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.
24. The wheel washing facilities required by condition 7 above shall be maintained in working order at all times during the construction period for each phase of development and shall be used by every 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.
25. The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out 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.
26. 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.

27. 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.
28. Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture shall be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately for further advice and any advice must be followed before any further demolition work takes place.
29. During the construction phase, if any trenches are left open overnight, they should be left with a sloping end or ramp to allow badgers or other animals that may fall into the excavation to escape, and any pipes over 200 mm in diameter should be capped off at night to prevent animals from entering them.

## **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. For the avoidance of doubt.
3. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
6. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework.
7. 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.

8. 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.
9. 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).
10. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
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 promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
14. 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.
15. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
16. 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.
17. 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.
18. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
19. To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.

20. To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
21. To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
22. 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).
23. 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).
24. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
25. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
26. 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).
27. To ensure a satisfactory development, in accordance with Policy ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
28. 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.
29. 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.

### **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**

Your attention is drawn to the attached correspondence from Nottinghamshire County Council, the Environment Agency, Severn Trent Water, Nottinghamshire Wildlife Trust and the Borough Council's Public Protection Section.

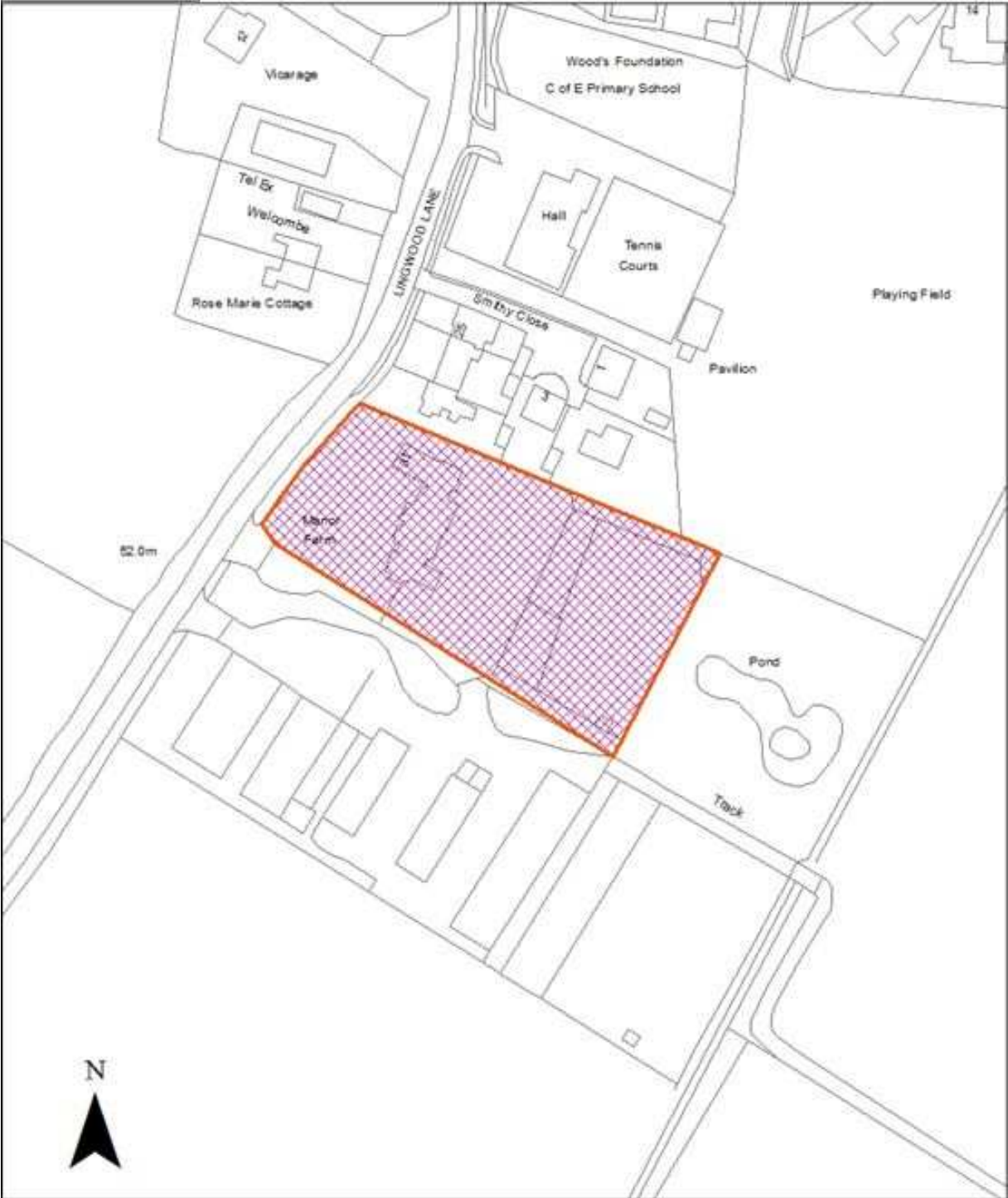
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://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](http://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.

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**Application Number:** 2014/0698  
**Location:** 31 Lingwood Lane Woodborough Nottinghamshire NG14 6DX



**NOTE:**  
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## **Report to Planning Committee**

<b>Application Number:</b>	2014/0698
<b>Location:</b>	31 Lingwood Lane Woodborough Nottinghamshire NG14 6DX
<b>Proposal:</b>	Remove condition 5 of planning consent no. 1991/0127 (agricultural tie).
<b>Applicant:</b>	Mrs W Kemp
<b>Agent:</b>	Mr Peter Diffey

### **Site Description**

The application relates to Manor Farm, 31 Lingwood Lane a large detached property situated on the east side of Lingwood Lane on the edge of Woodborough Village. The property has 4 bedrooms, a self contained annex, a farm office and double garage. To the south of the site are agricultural buildings, previously forming Manor Farm, served by a separate access.

The property is located within the Nottinghamshire Green Belt and lies just outside the infill boundary and Conservation Area for Woodborough village as identified on the proposals map for the Replacement Local Plan (2005).

### **Relevant Property History**

Outline Planning Permission was granted on 28/04/93 for the erection of one dwelling (App. No. 91/0127). This was subject to a S106 Agreement.

An application for Reserved Matters was approved on the 19/10/93 (App. No. 93/1120).

Building of the dwelling commenced in 1998 and completed in 2010 (Building Regs app. no. 98/0435).

### **Proposed Development**

The application seeks planning permission to remove planning condition No. 5 imposed on the original grant of outline planning permission for the house (App. No. 91/0127) which states:-

'The occupation of the dwelling shall be limited to a person solely or mainly employed or retired from employment on the adjoining holding and in agricultural as

defined in Section 336 of the Town and Country Planning Act 1990 or in forestry or a dependent of such person residing with him or her or a widow or widower of such a person.'

The permission was also subject to a Section 106 agreement requiring the occupancy of the dwelling to be for a person engaged in agriculture and specifically in the farming activity of the adjoining holding (beef farming which extended to some 210 acres).

Information has been submitted to support the claim that there is no longer an established need for an agricultural tenancy. This states, amongst other things:

The agricultural holding was worked as a single holding from 1993. The viability of the holding declined over that period because of changes in farming practice and the present farm has become unviable. The owner (the applicant) now contracts out the farmland to an adjacent farm business. Because of this change in management many of the farm buildings have become redundant; at present alternative uses for the buildings are being investigated. In the future parts of the farm may be disposed of.

As the farm buildings are no longer generally used for agricultural purposes the house no longer acts as a necessary dwelling to manage, supervise and provide security for these buildings.

As the farmland is no longer managed by the applicant and as the applicant does not permanently live in the farmhouse the dwelling has become surplus and redundant.

The Section 106 agreement and associated condition were imposed partially because they were offered by the applicant and partially because, at that time, the Council were not convinced that the farm would be a profitable agricultural holding and they wished to ensure the dwelling was tied to the property because of the special circumstances associated with granting permission for a dwelling in the Green Belt and to ensure the best opportunity existed to make the holding viable.

A marketing report has been produce by Savills. The dwelling has been marketed with a 30 per cent discount on the open market guide price since July 2013. Adverts have been placed in the Farmers Guardian and the Nottingham Evening Post.

Following discussions with this office the Agent has submitted an amended red line site plan to correspond with the site granted permission in 1991.

### **Consultations**

Woodborough Parish Council – Objection, agricultural tie should remain.

A site notice has been posted and adjoining neighbours notified – One letter received as a result, in summary:

Have consulted with neighbours, the majority of whom have lived in the village for many years, and the consensus is that we are opposed to the lifting of the restriction.

We are concerned that the removal of the agricultural tie will have a long term effect on the use to which the land is put and that this will impact significantly on the character of the village.

We note that despite the fact that planning permission to build a house on the site was granted to Mr Taylor, the previous owner, some 20 years ago, on the basis of the need for housing for those working the farm, the house itself was built by the present owner and completed sometime after the original planning permission was granted, the style and size of the house is not such as one might expect given planning permission granted on the basis of agricultural need and occupancy in the past has been sporadic.

Notwithstanding these observations, we believe that keeping the agricultural tie will preserve the intended integrity of the farm and surrounding farmland and help ensure that arable farming continues to be a significant part of the village landscape.

### **Planning Considerations**

The main planning consideration in the determination of this application is whether sufficient justification exists for the removal of the planning condition imposed when the property was first granted permission in the 1990s.

At national level Section 9 'Protecting Green Belt Land' of the National Planning Policy Framework (NPPF) is relevant to this planning application. At local level Policy ENV26 of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008) which set out the types of development which are considered appropriate in the Green Belt.

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 policy is relevant:

Policy 16 'Green Infrastructure Parks and Open Space' which requires that 'existing and potential Green Infrastructure corridors and assets are protected and enhanced'.

As the building is of permanent construction the proposal would not be inappropriate in terms of Green Belt policy as it would involve the retention of an existing building in residential use and would not therefore prejudice the openness of the Green Belt.

Appendix A of the Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS 7) previously provided advice on agricultural occupational dwellings. This PPS7 has now been replaced by the NPPF and its accompanying National Planning Policy Guidance (NPPG). Unlike Annex A of PPS7, the NPPG does not provide specific guidance on agricultural occupational dwellings. However, I consider that the guidance in Annex A is relevant, in particular advice in paragraph 3 stating that in order to sustain an agricultural dwelling it must be supported by a functional need and for the enterprise to be financially viable. PPS7 also recognised that changes in farming may affect the need for dwellings which are subject to occupancy conditions and if such conditions are no longer relevant the dwellings should not be kept vacant.

In terms of financial viability the property has been marketed since July 2013 at a 30 percent discount on the open market price on the basis that it is subject to the agricultural occupancy condition. The marketing report submitted states that there has been no interest from any individuals who can comply with the existing condition. The property was originally granted in 1991, I consider that the change in circumstances since the original permission was granted mean that the holding is no longer financially viable to support the dwelling.

I note the farmland is no longer managed by the applicant and therefore the functional need for an agricultural dwelling at the holding is also no longer required.

On the basis of this information this would demonstrate that there is no longer a need for a dwelling for an agricultural worker at this holding and therefore I consider that a removal of the condition is justifiable.

### **Recommendation:**

**Grant Consent to Remove Condition 5 of Planning Permission Number 1991/0127**

### **Reasons for Decision**

In the opinion of the Borough Council insufficient demand exists to justify the retention of the planning condition restricting the occupation of the dwelling. The removal of the condition would be in accordance with the advice as set out in the National Planning Policy Framework.

### **Notes to Applicant**

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.





**Application Number:** 2014/0579

**Location:** 294 Spring Lane, Lambley, Nottinghamshire, NG4 4PE.



**NOTE:**  
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## **Report to Planning Committee**

<b>Application Number:</b>	2014/0579
<b>Location:</b>	294 Spring Lane, Lambley, Nottinghamshire, NG4 4PE.
<b>Proposal:</b>	Change of Use at Aspect Court from B1 office unit to D1 nursery/daycare unit.
<b>Applicant:</b>	Mr & Mrs Roland Spencer
<b>Agent:</b>	Mr John Chrich

The application is being reported to the Planning Committee as the applicant is an elected member.

### **Site Description**

The application site relates to 294, Spring Lane, which is also known as Aspect Court. The building is a barn conversion which was undertaken in 2006. The building was previously occupied as a B1 (a) office. The access to the site is via Spring Lane, there is an in and an out access arrangement to the site. There is an existing car parking area serving the building. The building sits some distance to the rear of 300, Spring Lane, a residential property. There are other residential properties adjacent to the site along Spring Lane. The site is situated within the Green Belt for Nottingham.

### **Proposed Development**

Full planning permission is sought for the change of use of 294, Spring Lane from an office use falling within Class B1 (a) (Business Use) to a children's day nursery falling within a Class D1 (Non Residential Institution) use.

No extensions or external alterations are required to the premises.

The existing access arrangements and the parking area serving the building will be utilised. There are in total 21 car parking spaces which includes 2 disabled car parking spaces.

No external play area is proposed to be provided to serve the nursery.

### **Consultations**

Lambley Parish Council – no objections.

NCC Highway Authority – no objections.

Following the receipt of comments from neighbouring residents in respect to the traffic issues arising from the proposal the following comments were received;

The nursery would require 1 car parking space per 6 children which would amount to 6 spaces based on 32 children at the nursery. The number of staff proposed are 10 which are full and part time, therefore all staff will not be there at the same time, however if 10 staff were at the site at the same time and required a car parking space, 10 spaces would be used by staff which would leave 3 remaining spaces and therefore there is more car parking being provided at the site than actually required.

Neighbouring residents have been notified by letter and a site notice has been posted – I have received two letters of representation as a result. The contents of these letters are summarised below:

There is no required need for another day nursery in the area.

The proposal may jeopardise other businesses within the area as there would be competition.

The data stating traffic movements is misleading and unrealistic as it makes the assumption that children at the nursery will stay all day.

There is no outdoor play area being provided. This is a requirement by Ofsted. If a play area is provided, this could restrict traffic flows and parking. No details have been put forward which specify the age groups of the children that the nursery will cater for and it is this which will determine the number of staff on duty at any one time.

No information has been put forward in respect to the traffic movements to and from the site.

There will be a lack of parking to serve the facility and traffic movements are likely to be much higher than the previous use of the site.

Buses to the site are infrequent and given the operating times of the premises it is possible that all staff will need a car parking space.

If the access roadway is blocked by one visitor, this could lead to traffic backing up onto Spring Lane.

The proposal could result in accidents along Spring Lane.

There is a lack of information in which to determine the application.

### **Planning Considerations**

The main considerations in the determination of this planning application are whether the proposal is appropriate development within the Green Belt, the impact of the proposal on the open character of the Green Belt, the suitability of the proposed use in this location, the sustainability of the use, the impact on neighbouring properties and the area in general and whether there are any highway safety implications arising from the proposal.

As such the following policies are relevant in the determination of the application:

National Planning Policy Framework 2012:

NPPF Paragraphs 18 - 22 (Building a strong, competitive economy)

## NPPF Paragraphs 79 to 92 (Protecting Green Belt Land)

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

### Policy C3 (Nursery Facilities)

#### Gedling Borough Aligned Core Strategy

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 considered 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 therefore that the following policies are relevant:

- ACS Policy A (Presumption in Favour of Sustainable Development);
- ACS Policy 3 (The Green Belt);
- ACS Policy 12 (Local Services and healthy Lifestyles)

#### Appropriateness of the proposal in the Green Belt

I am satisfied that the proposed change of use of the building, given that the proposal relates to the re-use of a building and the building is of a permanent and substantial construction, constitutes appropriate development within the Green Belt and therefore very special circumstances are not required to be demonstrated in an attempt to justify the proposal.

I am also mindful that as the roadway and the car parking area into the site are existing, the proposal does not relate to a change of use of the surrounding land and therefore these areas do not need to be assessed as part of this planning application as being inappropriate development, for which special circumstances would need to be demonstrated.

#### Impact on the open character of the Green Belt

In my opinion given that the proposal relates to the use of the existing building, the proposed use of the building will result in no greater impact on the open character of the Green Belt than the existing use of the premises.

I note that the site is served by an in and out access road to the premises and a car parking area also serves the building. In my opinion as these elements are existing, the use of these areas will result in no greater impact on the open character of the Green Belt than the existing use of these areas for access and car parking purposes.

#### Suitability and sustainability of the proposal

The NPPF places emphasis on supporting sustainable economic growth and both the NPPF and ACS Policy 1A refer to a presumption in favour of sustainable development.

Policy C3 of the Replacement Local Plan permits change of use to a day nursery provided residential amenity is not unduly affected; there is adequate parking/access and adequate enclosed garden space. ACS Policy 12 seeks to locate community facilities within centres where appropriate or in locations accessible by a range of sustainable transport modes. Similarly, paragraph 6.17 of the Replacement Local Plan which supports policy C3 of the Replacement Local Plan stresses the importance of nursery facilities being accessible by public transport but notes that sites removed from local centres may be acceptable subject to other requirements set out in Policy C3.

The site is located on Spring Lane which is served by a frequent bus service and a bus stop is within walking distance of the site. The site is also close to the urban area of Arnold and to a significant amount of new housing development which has taken place on the Ashwater Drive/Spring Lane which is almost opposite on the other side of Spring Lane.

I would therefore consider that the site is reasonably accessible by bus and that the site being in close proximity to a sizable residential area is within walking/cycling distance of its likely catchment area.

Given the above therefore I am satisfied that the site is suitable for the proposed use as a nursery and the site is located within a sustainable location.

#### Impact on neighbouring properties

I am satisfied given the location of the building in question and the fact that the proposal relates to the internal use of the building only and its proximity to neighbouring properties, there will be no undue impact on neighbouring properties.

I am satisfied that the use of the access roadway and the parking area to serve the nursery will result in no undue impact on the amenity of neighbouring properties, given that these areas served a previous commercial use and the distance of these areas to neighbouring properties.

#### Impact on Highway Safety

I note that the Highway Authority has raised no objections to the proposal. I also note following the referral of the comments to the Highway Authority by neighbouring residents in respect to highway issues affecting the site, the Highway Authority

remain of the opinion that there will be no highway safety issues arising from the proposal and there is an adequate amount of car parking to serve the nursery.

I note the comments of the neighbouring resident in respect to the lack of information supplied in respect to the age groups of the children that the nursery will cater for. I consider given that the application specifies that there will be a maximum of 10 staff and 32 children, the actual ratio of the amount of children to staff could be accommodated within these specified numbers and there would remain an adequate amount of car parking and drop off points within the site to accommodate the level of staff and children proposed to be at the site at any one time.

I am therefore satisfied, given the above, that there would be no highway safety issues arising from the proposal.,

### **Other considerations**

I note that policy C3 states under criterion (c) that an adequate amount of play space should be provided to serve a nursery and the proposal under consideration does not include the provision of any outdoor play areas to serve the nursery.

I appreciate that the proposal does not include the provision of an outdoor play area and therefore the proposal would not accord with criterion (c) of policy C3. I do not however consider that it would be reasonable in this instance to refuse permission on the grounds of the lack of an outdoor play area to serve the nursery facility given that the building is of an adequate size to accommodate a play area within the building and I consider therefore that this would partially fulfil the aims of criterion (c) of policy C3.

Should Members be minded to grant planning permission for the proposed conversion of the existing building to a nursery it is likely that a subsequent application would be required to be submitted for an outdoor play area to serve the nursery facility. Should in the future a proposal be put forward for an outdoor play area to be provided to serve the nursery facility this would need to be assessed on its own merits in terms of the appropriateness of such a proposal and its potential impact on the open character of the Green Belt and indeed on neighbouring properties.

I also note that a neighbouring resident has alleged that Ofsted require an outdoor play area to be provided to serve the nursery. I would advise that this would be controlled under separate legislation and should this be the case, planning permission would not override any legal matters affecting the application site and the proposal put forward.

The issues regarding potential competition with existing nursery accommodation within the area is not a material consideration in the determination of the application.

Accordingly for the reasons outlined above I recommend that planning permission be granted.

## **Recommendation:**

**GRANT PLANNING PERMISISON:** 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 15th April 2014, the plans received on the 15th April 2014, the plan received on the 30th May 2014, the Planning Statement received on the 15th April 2014 and the e-mail received from the applicant's agent confirming that paragraph 5.6 of the Planning Statement should specify that there would be a maximum of 10 full time and part time staff employed at the nursery.
3. There shall only be a maximum of 32 children accommodated at the premises at any one time.
4. The premises shall only be used as a children's nursery falling within a Class D1 (Non-Residential Institutions) use under The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 and for no other use.

### **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 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**

The proposal is appropriate development within the Green Belt, results in no undue impact on the open character of the Green Belt or neighbouring properties and the proposal is acceptable from a highway safety viewpoint. The proposal therefore accords with policies contained within the Aligned Core Strategy, the National Planning Policy Framework and largely accords with policy C3 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

## **Notes to Applicant**

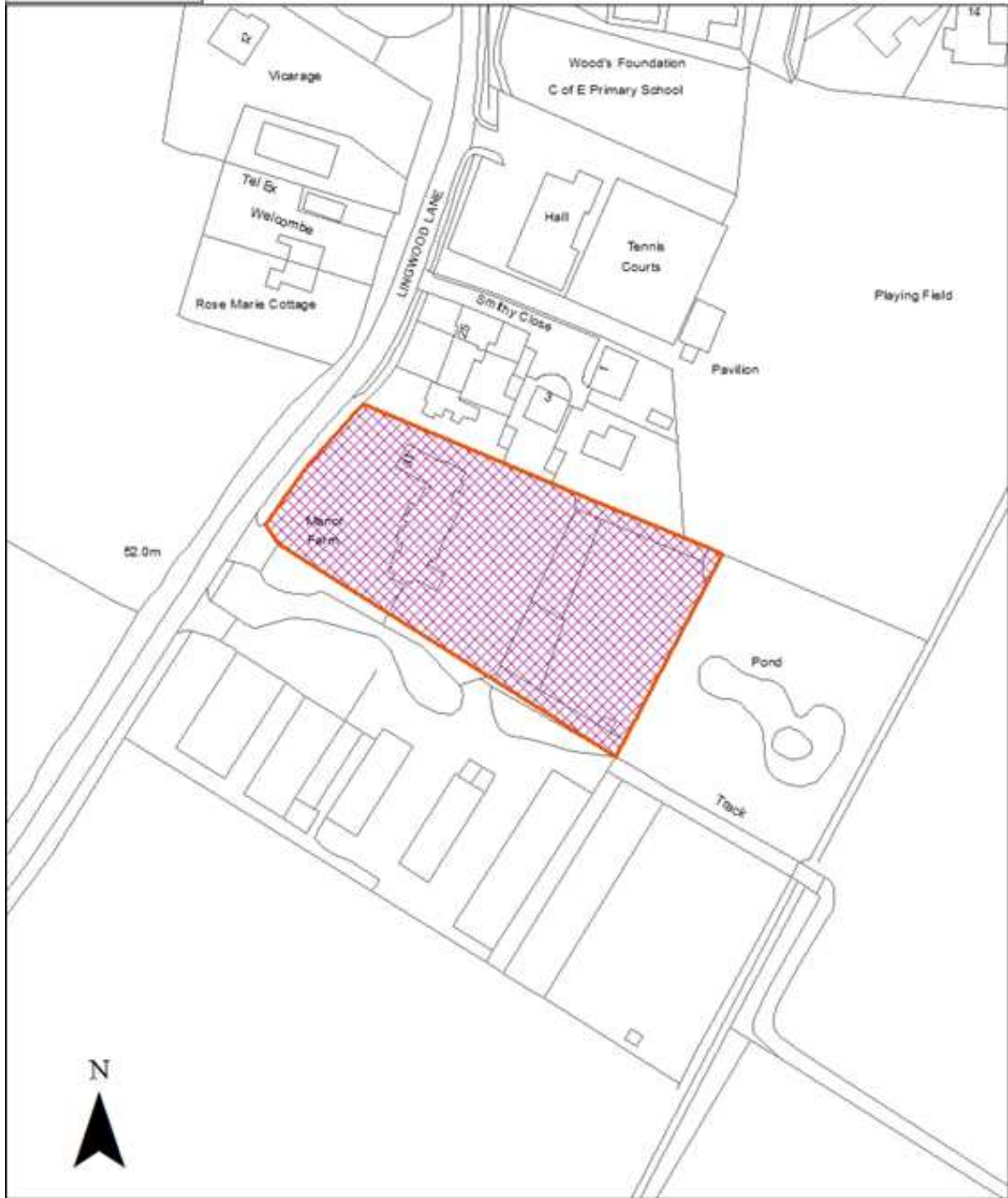
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.





**Application Number:** 2014/0698

**Location:** 31 Lingwood Lane, Woodborough.



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## **Report to Planning Committee**

<b>Application Number:</b>	2014/0698
<b>Location:</b>	31 Lingwood Lane, Woodborough.
<b>Proposal:</b>	To Discharge Section 106 Agreement – Planning Application Reference 1991/0127.
<b>Applicant:</b>	Mrs W Kemp
<b>Agent:</b>	Mr Peter Diffey

### **Background**

This item for decision is linked to the Planning Application No. 2014/0698 on this Agenda. Should Planning Permission be granted to remove condition 5 of Planning Consent No. 1991/0127 then it will be necessary to discharge the linked Section 106 Agreement.

### **Summary**

Delegated Authority is sought by the Corporate Director to authorise the Council Solicitor and Monitoring Officer to discharge the Planning Obligation agreed with the Borough Council that required the occupation of 31 Lingwood Lane by a person, or their dependents, employed in agriculture on the adjoining holding.

Condition 5 of the outline planning permission for the dwelling restricted the occupation of the dwelling to a person solely or mainly employed or retired from employment on the adjoining holding. The Planning Obligation that was agreed required:

1. The occupation of the Proposed New Dwelling comprised in the Development shall be limited to a person solely or mainly employed or retired from employment on the adjoining holding and in agricultural as defined in Section 336 of the Town and Country Planning Act 1990 or a dependent of such person residing with him or a widow or widower of such a person.
2. The Farm Holding shall at all times hereafter be retained and used only as a single agricultural unit at a size of not less than 210 acres and shall not be reduced in such size without the consent of the Council.

Since the Planning Obligation was agreed, evidence has been forwarded to the Borough Council that, in my opinion, demonstrates that insufficient demand exists to justify the retention of the planning condition restricting the occupation of the

dwelling. The removal of Condition 5 has therefore been recommended. In the circumstances I also consider that it would be unreasonable to restrict the Farm Holding to be used only as a single agricultural unit of a size not less than 210 acres. Consequently it is recommended that delegated authority be granted to the Corporate Director to authorise the Council Solicitor and Monitoring Officer to undertake the necessary works to finalise a Deed of Discharge for the S106 in totality.

**Recommendation:**

That Delegated Authority be granted to the Corporate Director to authorise the Council Solicitor and Monitoring Officer to Discharge the Section 106 Planning Agreement dated 23 April 1993, Planning Application reference 1991/0127.

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**Application Number:** 2013/0563

**Location:** 1 Nottingham Road, Ravenshead



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## **Report to Planning Committee**

**Application Number:** 2013/0563

**Location:** 1 Nottingham Road, Ravenshead

**Development:** Demolition of existing car showroom (Use Class Sui Generis) and erection of a convenience store (Use Class A1) with associated landscaping, car parking and servicing.

Planning permission for the above development was refused on 20<sup>th</sup> November 2013 on the grounds that in the opinion of the Borough Council and the County Council, as Highway Authority, the proposed development would result in an increase in turning and manoeuvring at the existing vehicle accesses on a heavily congested junction during peak hours causing traffic dangers and difficulties on the adjoining highways for both drivers and pedestrians. The proposed development would not provide adequate space within the site for manoeuvring of vehicles and for delivery vehicles, which would interfere with the safety and free flow of traffic on the adjoining highway. The increase in the use of the right turn entrance into the site from Main Road, by virtue of its proximity to the junction and limited visibility over the brow of the hill, would interfere with the safety and free flow of traffic on the adjoining highway.

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been allowed. In reaching this decision, the Inspector concluded that paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual effects on the network are severe. In the opinion of the Inspector the proposed access arrangements, including the proposed off-site safety measures, would enable traffic to enter and leave the site without significant detriment to highway safety or the free flow of traffic. The residual impacts would not be severe and the proposal would therefore accord with the aims of the NPPF.

**Recommendation:**

That the information be noted.

## **ACTION SHEET PLANNING DELEGATION PANEL 4th July 2014**

2014/0256

5 Denbury Court Mapperley Nottinghamshire

To use part of green space as parking slot & allow dropped kerb.

The proposed development would have no adverse impact on the amenity of the surrounding area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0523

Victoria Park Way Netherfield Nottinghamshire

Application to amend condition 17 of Planning Permission 2013/0267

The proposed amendment would raise no implications in relation to retail policy.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0434

Lodge Farm Calverton Nottingham

Proposed new manege for personal use only.

Very special circumstances can be derived from the limited impact that the development would have on the openness of the Green Belt, that enable the development to be approved.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**Parish Council to be notified of decision**

2014/0560  
Unit 22 Hazelford Way Newstead Village  
Change of Use from B Class to Plant Hire Yard

The proposed development would have no adverse impact on amenity and therefore is acceptable within this industrial estate.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**Parish Council to be notified of decision**

2014/0585  
9 Fraser Road Carlton Nottingham  
Two storey rear extension to existing dwelling

The proposed development would not have a significant enough impact on the residential amenity of neighbouring properties to warrant refusal of the application.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0586TPO  
21 Ethel Avenue Nottingham NG3 6HD  
T2 - Yew. Raise crown/cut back overhanging vegetation over adjacent unadopted roadway/footpath. Make good where possible historic poor pruning cuts (branch stubs).  
T1 - Larch. Fell to ground level.

The proposed works would not be acceptable.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.



2014/0623

Replacement Tall Trees Newstead Abbey Park Nottingham Road  
Replacement of two dwellings and one alternative dwelling

The proposed replacement dwelling would have no greater impact on the openness of the Green Belt than the existing built development at the site.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**Parish Council to be notified**

**JC 4th July 2014**

**ACTION SHEET PLANNING DELEGATION PANEL 11th July 2014**

2014/0359

47 Mount Pleasant Carlton Nottingham

Proposed demolition of existing dwelling and the proposed development of 4 No. 3 bedroomed semi detached houses and associated parking.

The proposed development would have no adverse impact on the amenity of the surrounding area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0535TPO

27 Fairfields Drive Newstead Nottinghamshire

Thin all trees

Insufficient information has been provided to determine whether the proposed works to trees are acceptable,

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0585

9 Fraser Road Carlton Nottingham

Two storey rear extension to existing dwelling

The proposed development would have no adverse impact on the amenity of the surrounding area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0588

Jackie Bells Tavern 114 Victoria Road Netherfield

Proposed Change of Use of Former Jackie Bells PH to Residential (9 Flats)

**Application withdrawn**

2014/0629  
3 Orchard Drive Calverton Nottinghamshire  
Single storey front extension

**Application withdrawn**

2014/0668  
70,72 & 74 Meadow Road Netherfield Nottinghamshire  
Erect two storey two bed detached dwelling

The proposed development would have no adverse impact on the amenity of the surrounding area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**11th July 2014**

**ACTION SHEET PLANNING DELEGATION PANEL 18th July 2014**

2014/0252

Burntstump Inn Burntstump Hill Arnold  
Alterations to existing external areas.

The proposed development would have no undue impact on the openness of the Green Belt, the surrounding area, the amenity of nearby residential properties or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued. **SS**

Parish to be notified by standard letter following issue of decision. **SS**

2014/0517

30 George Road Carlton Nottinghamshire  
Erect timber framed pagoda

The proposed development would have no undue impact on the residential amenity of adjacent properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork. **SS**

2014/0581

65 Wood Lane Gedling Nottingham  
Proposed extensions to an existing bungalow - revised plans

The proposed development would have no undue impact on the residential amenity of adjacent properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork. **SS**

**ACTION SHEET PLANNING DELEGATION PANEL 25th July 2014**

2014/0579

294 Spring Lane Lambley Nottinghamshire

Change of Use at Aspect Court from B1 office unit to D1 nursery/daycare unit.

The application was withdrawn from the Agenda due to change of use issues relating to its Green Belt location.

2014/0643

Barn To The Rear of 108 Bridle Road Burton Joyce

Conversion of existing brick barn to dwelling.

The proposed development would be an acceptable re-use of an agricultural building. Given the acceptability of the re-use of the building for residential purposes, the existing nature of the land to form the residential curtilage to the property and that conversion to residential may be permitted under Class MB of the Town and Country Planning General Permitted Order 1995 as amended it is considered that these form the very special circumstances to warrant the change of use of the land surrounding the building.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork. SS

Parish Council to be notified SS

2014/0648

43 Milton Drive Ravenshead Nottingham

Proposed extension to dwelling including new double garage

The proposed development would have no adverse impact on the street scene.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork. SS

Parish Council to be notified SS

2014/0649

77 Godfrey Street Netherfield Nottinghamshire

Proposed erection of 5 No. Townhouses

The proposed development would have no adverse impact on the surrounding area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

SS

2014/0666

63 Woodchurch Road Arnold Nottingham

Demolition of existing garage and conservatory and erection of dwelling (Revised details following approval reference 2013/0894).

The proposed development would have no adverse impact on the surrounding area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0707

Meadow View Fisheries Meadow View Farm Crookdole Lane

Erection of 1No Agricultural Worker's Dwelling.

The application was withdrawn from the agenda in order to enable further consideration for the justification of the new agricultural workers dwelling.

2014/0698

31 Lingwood Lane Woodborough Nottinghamshire

Remove condition 5 of planning consent no. 1991/0127 (agricultural tie).

**The Panel recommended that the application be determined by Planning Committee as the application raises issues in relation to agricultural workers dwelling ties and imposition of such conditions.**

**JC 25th July 2014**

## ACTION SHEET PLANNING DELEGATION PANEL 1st August 2014

2014/0606

Homeless Hotel 22-24 Balmoral Road Colwick  
Proposed 2-storey rear extension forming 3 No. additional bedsits

The proposed development would have an adverse impact on the amenity of neighbouring properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0697

Land To Rear Of 42 Grange Road Woodthorpe Nottinghamshire  
2 storey dwelling with 2 bedrooms and integral garage with access from Tennyson Road

The proposed development would have an adverse impact on the amenity of the surrounding area and also on neighbouring occupants.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0680

22 Pinfold Crescent Woodborough Nottingham  
Front extensions to garage and bungalow, replacement of conservatory with dayroom and replacement of flat roof with pitched roof.

The proposed development would have no adverse impact on the surrounding area or on neighbouring properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0686

89 Swallow Crescent Ravenshead Nottingham  
Change of use from gas easement to residential curtilage

The proposed development would have no adverse impact on the surrounding area or on neighbouring properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2014/0061PN

Land South Of Longdale Lane Ravenshead

Prior notification for change of use of existing agricultural building to a dwelling including creation of domestic and vehicle parking

This item was brought to the Delegation Panel as an item for information as it has been submitted under class MB of the Town and Country General Permitted Development Amendment (Order) (2014)

It will be reported as an item for information at a later planning committee

**JC 1st August 2014**



## ACTION SHEET PLANNING DELEGATION PANEL 8th August 2014

2014/0537

30 Midland Road Carlton Nottinghamshire

The proposed development requires the clearing of the very overgrown site and the erection of 3 no. new dwellings - a detached house with an integral garage and two semidetached houses with parking spaces to the front.

The proposed development would have no undue impact on the streetscene, the residential amenity of adjacent properties or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**SS**

2014/0554

Dont Buy A New Pc 116 Burton Road Carlton

Change of use from newsagents shop (A1) to estates and letting agents (A2)

The proposed development would have no undue impact on the vitality and viability of established shopping centres, the residential amenity of nearby properties or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued.

**SS**

2014/0589

The Firs Blidworth Way Papplewick

Stables

The proposed development would not alter the appearance or character of this part of the Green Belt or have any undue impact on its openness. Nor would it have any undue impact on the residential amenity of adjacent properties or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**SS**

2014/0632

108 Bridle Road Burton Joyce Nottingham

Demolition of existing dwelling and erection of new replacement dwelling.

The proposed development would have no undue impact on the openness of the Green Belt or have any undue impact on the residential amenity of adjacent properties, the character and appearance of the site and wider area, or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**SS**

**NM**

**8th August 2014**



## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 27 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.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2013/1010	Land adj Oakdene, Georges Lane, Calverton.	Change of use of agricultural field to create natural burial ground with associated car park.	TBC
2014/0169	Gedling Care Home, 23 Waverley Avenue, Gedling.	Demolition of care home & construction of 14 apartments, car parking & landscaping.	8/10/14
2014/0238	Land West of Westhouse Farm, Moor Road, Bestwood.	Residential development for 101 dwelling units, new access, amenity space, open space.	17/9/14
2014/0273	Land Corner of Longdale Lane & Kighill Lane, Ravenshead.	Residential development.	17/9/14

2014/0559	The Cavendish Pub, Cavendish Road, Carlton.	Demolition of existing pub & redevelopment of site to create 38 dwellings.	17/9/14
2014/0587	Land South of Colwick Loop Road, Colwick.	Variation of Conditions 6, 10 & 11 of 2013/0497 for new Public House, including re-siting of building & rearrangement of approved layout.	17/9/14
2014/0136 DOC	Land South of Colwick Loop Road, Colwick.	Construction of A4 public house with restaurant facilities & managerial residential accommodation & A3 restaurant or A5 hot food takeaway - discharge of condition 4.	17/9/14
2014/0605	300 Spring Lane, Lambley.	Change of use of annexe to independent dwelling & erect new garage.	TBC
2014/0665	Land 96 Plains Road, Mapperley.	Residential development.	17/9/14
2014/0740	Land adj Bradstone Drive, Spring Lane, Lambley.	Temporary access & enabling earth works to create development platform & residential development of up to 150 houses with associated access, landscaping & public open space.	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.



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