



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

Agenda

Planning Committee

Date: **Wednesday 18 February 2015**

Time: **6.00 pm**

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

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Barbara Miller

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

AGENDA

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MINUTES PLANNING COMMITTEE

Wednesday 28 January 2015

Councillor John Truscott (Chair)

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

Absent: Councillor John Boot

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

261 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Boot.

262 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 7 JANUARY 2015.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendment:

1. To note Councillor Hope's apologies.

263 DECLARATION OF INTERESTS

On behalf of all Councillors, the Chair declared a non-pecuniary interest in application number 2014/0612 on the grounds that the applicant is a Member of the Council and application number 2014/1367 on the grounds that the applicant is a relative of a Member of the Council.

264 APPLICATION NO. 2015/0950- TOP WIGHAY, ANNESLEY ROAD, LINBY

Erect 38 No Dwellings and Associated Works.

Councillor Powell proposed, seconded by Councillor Barnfather, a motion to defer determination of application number 2015/0950, to allow for the report to be updated to reflect changes made to comments by statutory consultees, to reflect an amendment to conditions and to allow for a Member Briefing to take place.

RESOLVED:

To defer determination of the application to a future meeting of the Planning Committee.

265 APPLICATION NO. 2014/1367- 33 LODGE FARM LANE, REDHILL

Removal of masonry wall with timber fence and erection of 1.8m timber fence with concrete posts and gravel boards.

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 carried out in accordance with the details set out in the planning application form, location plan, block plan, and fence details in drawn and graphic form received on 5th December 2014. Once erected the fence shall be retained in accordance with the approved details.

Reasons

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

Reasons for Decision

In the opinion of the Borough Council the proposed development would not raise any highway issues, would fit in satisfactorily with the street scene and not have undue impact on neighbouring residential properties or the locality in general. The proposal therefore complies with ENV1 and T10 of the Gedling Borough Replacement Plan (certain policies saved) 2014 and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)

Notes to Applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is

encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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

266 APPLICATION NO. 2014/0612- 71 RAMSEY DRIVE, ARNOLD

New dwelling attached to side of existing house, including alterations to existing parking and garage.

RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION.

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in accordance with the site plan and application forms received on the 19th May 2014 and the revised plans received on 22nd September 2014 drawing no's: RN02 - B and RN01 - B.
3. The dwelling shall not be brought into use until all drives and parking 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. The dwelling shall not be brought into use until the access driveway / parking area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
5. No part of the building/downpipes/eaves/window openings/footings and roof shall be built over or project out or over - hang onto any adopted highway/footway land.

6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details and a samples of the materials to be used in the external elevations of the proposed dwellings. Once approved the development shall be constructed in accordance with these approved details unless otherwise 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 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.
8. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of surfacing of the unbuilt on portions of the site. Once approved the development shall be carried out in accordance with these details.

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 (loose stones etc.)
4. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
5. In the interests of Highway safety.
6. To ensure that the details of the development are acceptable, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure that the details of the development are acceptable, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure that the details of the development are acceptable, 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 of an acceptable size and design in this setting and would have no undue impacts on the visual appearance of the streetscene or on neighbouring amenity. There are no highway safety implications. The proposal therefore complies with Policies ENV1, H7, and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

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 worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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

267 APPEAL DECISION- 12 TAMARIX CLOSE, GEDLING

RESOLVED:

To note the information.

268 PLANNING DELEGATION PANEL ACTION SHEET

RESOLVED:

To note the information.

269 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

270 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

At the request of the Chair, the Service Manager, Planning and Economic Development, provided an update on the recent court of appeal decision in relation to the Westerleigh crematorium application.

The meeting finished at 6.35 pm

Signed by Chair:

Date:

Agenda Annex

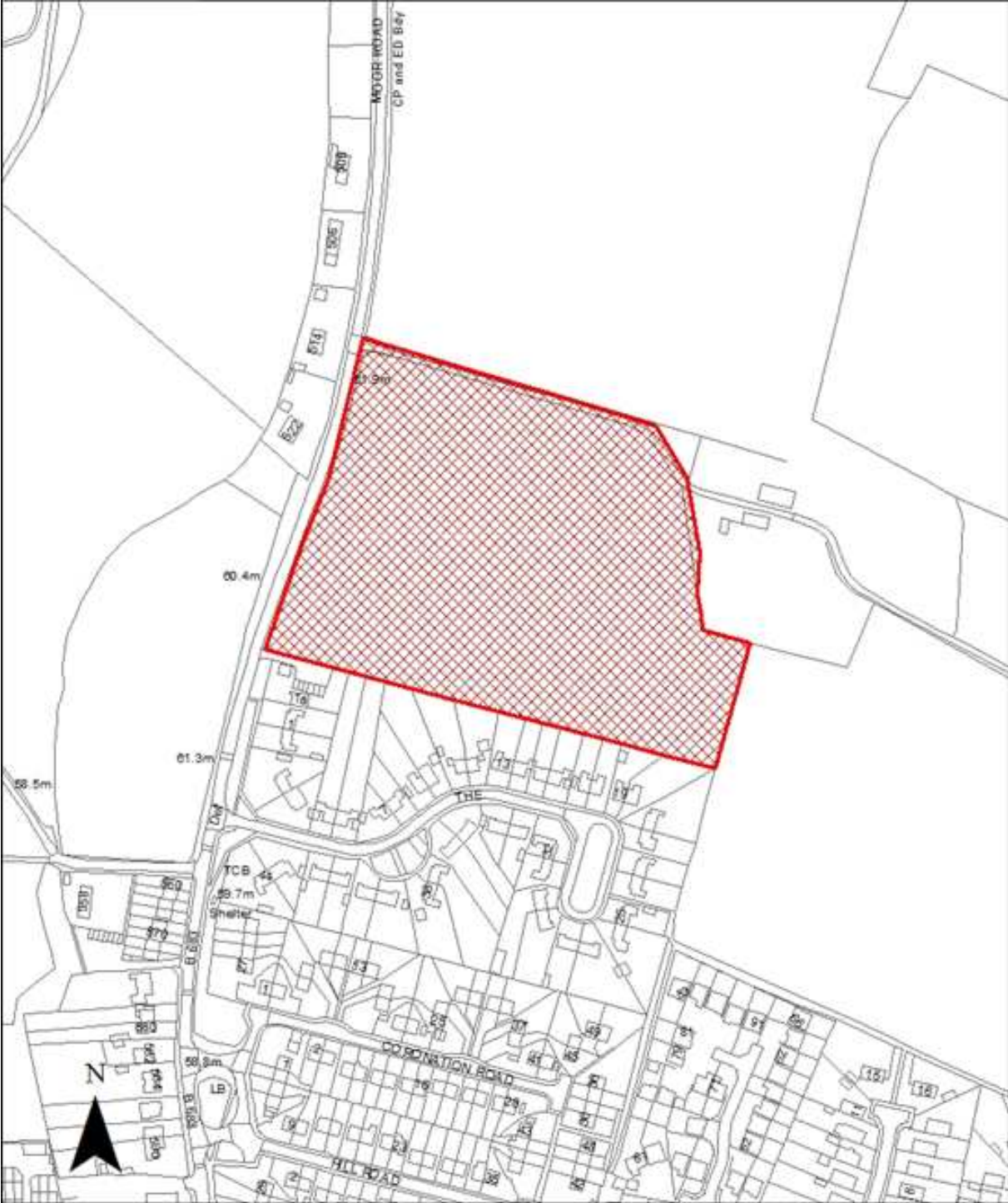
PLANNING COMMITTEE PROTOCOL

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

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Application Number: 2014/0238
Location: Land West Of Westhouse Farm Moor 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:	2014/0238
Location:	Land West Of Westhouse Farm Moor Road Bestwood Nottinghamshire
Proposal:	Proposed residential development for 101 dwelling units, new access, amenity space, open space
Applicant:	Langridge Homes Ltd
Agent:	Geoffrey Prince Associates Ltd
Case Officer:	Nick Morley

Site Description

The application site comprises approximately 3.3 hectares of agricultural land, currently used for arable farming. It is situated directly to the north of residential properties on The Spinney, on the northern edge of Bestwood Village, and to the east of the B683 Moor Road, which forms the boundary of Gedling Borough with Ashfield District.

The development site falls relatively gently by about 9 metres, over a maximum distance of around 237 metres, from the east to west.

The site is bounded on all sides by mature hedgerows, which contain a number of mature trees.

The site is in the single ownership of Langridge Homes Ltd and is part of larger landholding comprising Westhouse Farm and which extends in total to 75 hectares.

The site is identified as 'Safeguarded Land' on the Gedling Borough Replacement Local Plan Proposals Map.

Proposed Development

Outline planning permission is sought for a proposed residential development for 101 dwelling units, new access, amenity space and open space.

All matters, apart from access, are reserved for subsequent approval.

The application is accompanied by a Proposed Phase 1 Site Layout plan, showing how the site could accommodate up to 101 new dwellings, with public open space and a Sustainable Urban Drainage System, including an attenuation pond.

A new vehicular access would be created through the existing hedgerow onto Moor Road, including a new right turn filter lane and pedestrian refuge within the highway. This is shown on the Proposed Site Access plan.

The application is also supported by the following drawings and documents:

- Arboricultural Survey
- Archaeological Desk-based Assessment
- Building for Life 12 Assessment
- Contamination Risk Assessment
- Design & Access Statement
- Extended Phase 1 Habitat Survey
- Flood Risk Mitigation & Drainage Strategy Statement
- Hedgerow Assessment
- Landscape & Visual Assessment
- Planning Statement
- Scale Parameters Schedule
- Site Location Plan
- Site Plan
- Strategic Masterplan for Future Phases
- Topographic Survey
- Transport Assessment & Travel Plan

The following additional information has been submitted during processing of the application in response to comments received:

- Response to NCC Archaeological Comments
- Response to NCC Nature Conservation Unit Comments
- Response to Nottinghamshire Wildlife Trust Comments

Consultations

Unless otherwise indicated, the comments below have been made in respect of the application as originally submitted.

The County Council has been re-consulted selectively on some of the additional information which has been submitted in response to specific technical matters which they have raised regarding archaeological and ecological issues.

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

I have received 34 written representations from local residents, including photographs in support of certain points, which make the following comments:

Development Plan Issues

- Safeguarded land, which is still being farmed, should not be identified for residential development. If this proposal goes ahead, further phases are likely to

follow, ruining the character of the surrounding countryside.

- There are many other areas that should be considered for new residential development, such as renovating derelict buildings or by purchasing and restoring empty properties. More thought needs to go into providing new properties without impacting on villages that are supposed to be Green Belt. Why does there have to be a continual quest to build on the Green Belt? – the Borough Council should consider land that is for sale, such as former Metallifera or White Hart sites on Mansfield Road; Bestwood Business Park on the former colliery and other more suitable land within the Bulwell and Hucknall area.
- There has been significant residential development in and around Bestwood Village for some years, some of which is still ongoing. Residents have already been informed that there may be more potential residential development on the former Coal Board land. If there are any further increases in residential development within the village, this will have an immense impact on the carbon footprint from heating, lighting and vehicles and also place a strain on services provided by the Borough Council, at a time of significantly reduced services due to financial constraints.
- There is over-development in the area, due to it bordering between two Councils. Problems arise due to this, as crime figures, incidents of burglaries and new developments are not shared.
- The village is now encroaching into the rural farmland to the north with this potential development and future phase plans.

Sustainability Issues

- There has been no provision or improvements to essential amenities such as Health Services, GP's, dentists, chemist, shops or facilities for younger children, such as a play park or skate park. The primary school must now be at capacity. There is very little employment availability within the village. This is a small community, with few facilities, and a high level of social need. To date, no housing development in the village has resulted in the wider re-generation of the village facilities.
- Health provision is currently being considered using S106 money 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.
- Any development needs to consider how the school capacity can be increased and 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 is poor, it is hard for families to take children to school outside the village.
- The possibility of re-locating the school from the heart of the village would be an

issue for people living in the centre of the village or to the south.

- There is a poor bus service and access to the NET is over 1 km away, with no access for the disabled. The bus service is subsidised and 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 so narrow, that at times it has to be completely closed for roadworks. With few facilities in the village, transport to access shopping, medical services and leisure is important. This also raises concerns about the provision of affordable housing on the site.
- There are no organisations, groups or facilities for the young teenagers within the village community. This means their only option is to hang around bus shelters, causing problems for residents who live nearby. Elderly residents find this very intimidating.
- This area is prone to flooding from rainfall run-off, including both the north and south ends of Moor Road and under the former railway bridge through Mill Lakes, cutting off access to Butlers Hill tram stop. Surely hard landscaping will exacerbate this, which makes the potential attenuation pond worrying.
- There have been many times when the village has flooded due to the weather climate changes which are affecting the whole country. The village has actually been cut off with no access/egress. This is a high risk for emergency vehicles when this occurs and there are two care homes in the village, plus many elderly residents who may need emergency assistance. Increased housing would lead to increased run-off onto Moor Road.
- The existing sewage system does not extend to the development site and the existing system is at capacity.
- Opportunities to develop former colliery brownfield land for housing should have been taken, rather than extending the Country Park.
- Loss of arable land, currently used for cereal production.

Highway Issues

- The Transport Assessment, which includes the Travel Plan, is unacceptable and unfit for purpose. It has scant detail and no speed surveys have been undertaken. The upgrade of the pedestrian route to the Butlers Hill tram stop is only described as 'potential', but this route is susceptible to flooding and inadequate for disabled persons. Bus stop enhancements are only described as 'possibilities', but there are limited bus services for the village. References of a similar nature occur throughout the report, rather than stating what the development will provide. The site is not situated in a sustainable location.
- The impact of development traffic on off-site junctions (specifically Moor Bridge and the Griffins Head crossroads) has not been assessed properly in the Transport Assessment. Specific criticisms are also made about the calculations, statements and dates used in the report, and it is considered that these cannot

be relied upon as they are either incorrect or out of date.

- It is questioned whether sufficient highway surveys or assessments have been undertaken to assess the impact of the increased traffic volume on health and safety and whether Moor Road can sustain any more traffic.
- There is a huge increase in traffic going through the village, with busy and problematic junctions at either end of Moor Road. Many of the vehicles are large HGV vehicles or delivery vans. These vehicles travel at speed through the village, as they are wide enough to go over the speed ramps, creating road safety dangers to cyclists and pedestrians. They also add to increased pollution levels to the environment and noise levels.
- Moor Road already carries a high volume of traffic, as it is used to avoid a bottleneck at Hucknall. It would not be able to cope with the increase in traffic generated by the proposed development, which would increase the existing road safety dangers.
- Residents of Moor Road have difficulty exiting their drives due to the volume of traffic through the village and this has caused accidents.
- There has been a planning request for a car park to be built adjacent to the Bestwood Country Park Mill Lakes, but this was rejected because of health and safety reasons regarding access/egress and the impact of increased traffic within the village.
- The lack of a car park at the Bestwood Country Park Mill Lakes leads to vehicles parking on Moor Road near The Spinney and restricting visibility, which is detrimental to road safety.
- When planning permission was sought for an MoT business on the Business Park within the village, this was refused. The owners were informed that the reason for this was increased traffic in the village.
- Forest Lane is a notorious black spot area and there have been several accidents, some of which have resulted in death.

Design Issues

- The Design and Access Statement states that the existing form of development in Bestwood Village is largely two storey housing and bungalows, but no bungalows are incorporated in this development.

Ecological Issues

- The land which is now being considered for development was at one time Green Belt land, which should not be used for building residential properties. There are large oak trees on this land, many of which have stood for a considerable number of years. Building on this land will have a detrimental impact on wildlife. There has been a significant increase in the number of birds of prey and amphibians in and around this land and woodland areas. Surveys have not been carried out at

the optimum times to assess the impact of wildlife.

- Whilst run-off water can flow into the River Leen via the drainage pond, increased flooding would affect the Mill Lakes Park and its wildlife.
- Loss of wildlife habitat. Measures should be taken to preserve and re-establish habitats.

Landscaping, Visual Impact & Arboricultural Issues

- Potential partial loss of historic important hedgerow fronting Moor Road, allowing views into the site of the development.
- Residents of The Spinney would lose their view over the existing farmland.
- The visual impact of the proposed development on the existing public footpath would change the view permanently.

Other Issues

- If ongoing residential development continues, Bestwood will lose the status of a village and just become another urban jungle, eventually merging with Nottingham.
- Apart from a meeting in the village school, no surveys have been undertaken to ascertain the views of local residents.
- Insufficient information has been provided in support to the application.
- The value of adjacent properties will be decreased.

Friends of Bestwood Country Park (FBCP) – understand that Langridge Homes have made an application to build houses on the ‘white field’ next to The Spinney on the edge of Bestwood Village, but also that they have further plans to build on the Green Belt land around it, reaching up towards Bestwood Country Park.

The FBCP has previously objected to such use of Green Belt land, and would like to make sure that its objection will be brought forward to apply to the Langridge application specifically. This is as follows:

- FBCP understand that some of the land proposed for new housing by Langridge Homes in Bestwood Village near Bestwood Country Park is designated green belt. As a group, FBCP is opposed to any development on Green Belt land, and in general would also be concerned about any strain imposed on the Country Park and on the village through any further extensive development in the surrounding area. With regard to the Country Park and its flora and fauna in particular, the FBCP would be concerned about any threat to its remaining adjacent open land and to the wildlife corridors to and from the Park.
- FBCP believes that in the area involved there are 14 birds on the ‘red list’ of

conservation concern, and 19 on the 'amber list'. The extensive additional housing and its proposed location would also drastically increase disturbance to wildlife in adjacent sites, including butterfly colonies, plant life and fungi and further bird species, such as woodlark. The increased burden of human and pet activity (e.g. walkers, cyclists, motorcyclists, dogs, cats) at the site, would undoubtedly have a severe and irreversible negative impact on the area's biodiversity.

- A monitoring exercise undertaken last year by the Notts Biodiversity Volunteers and other teams on the River Leen and Mill Lakes, confirmed the presence of a white-clawed crayfish population. These native crayfish are a critically endangered species. The teams also found brook lamprey, an endangered species, and the rare water vole. FBCP are concerned that the drainage necessary from such extensive new housing as proposed will have an adverse effect on all of the wildlife of the river and the lakes, including these two rare species.

Village Vision (VV) - 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. Though some or all of the land involved in this proposal is termed 'white land', it is nonetheless development of farming land and thus generally considered as green space. VV is unhappy that any such further land should be lost to more housing.
2. The proposed land, north of The Spinney would, if developed, further elongate the village, causing any new housing here to be remote from the village centre and away from any of the amenities.
3. VV is well aware that Langridge own much more land adjacent to this site, also green space, which it would like to develop. Creeping development of 100 or so houses at a time appears to be their tactic, each application, judging by this one, seen to be denying impact on the school capacity, traffic problems at Moor Bridge and Griffins Head crossroads and lack of adequate public transport.
4. Langridge have made no attempt to consult with the local community on their proposals, in particular how they will impact on the village and how such impact might be mitigated.

Bestwood Parish Council – is aware that there is a submission from another developer for 220 houses and believes that this fulfils the Bestwood Village housing requirement, as the quota for the village has been reduced from 500 to 260. However, some properties have already been built and further land at The Sycamores has been allocated, leaving a total of 198.

The Parish Council would much prefer any new development to be on brownfield sites, which is much more preferable to expanding the village boundary.

Ashfield District Council (as adjacent authority) - any comments will be reported verbally.

Nottinghamshire County Council (Education Authority) – comments that as the Borough Council is already aware through the ongoing conversations regarding primary school capacity issues at Bestwood, it is crucial that the County Council is involved in any discussions regarding primary education provision at the earliest stages.

For information, during the Core Strategy preparation a variety of scenarios were presented to the County Council in relation to future growth in Bestwood Village. At the time of these discussions, the County Council made it clear that Bestwood Hawthorn Primary School 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 the scenarios identified.

The education impacts of this site and the proposed development at Bestwood Business Park in combination would need to be mitigated. The County Council has always made it clear that the primary education requirement to provide up to 500 new dwellings in Bestwood Village would yield an additional 105 primary age pupils and as such there would be a requirement for a new primary school on 1.1 hectares of land (either as an annexe to Bestwood Hawthorne or a new school).

As there is no capacity at Bestwood Hawthorne Primary School, the new school would be required to be delivered very early/at the start of the new development to mitigate the primary education impact. As such, it is not appropriate to consider any planning application in this location without the mitigation required for primary education. It is not appropriate to suggest that this matter would be dealt with through the Local Planning Document, as this will take some time to produce and adopt (with no certainty that it would ultimately be adopted).

Whilst the County Council acknowledges that the potential primary school site is currently located within the Green Belt, it is of the opinion that the planning application for Westhouse Farm should include the land identified for a new primary school and be determined on the basis as a departure from the Local Plan.

NHS England – observes that it has reviewed the planning application for the proposed housing development site at Westhouse Farm in relation to the potential impact on primary and secondary care health services.

From the information provided, the Derbyshire and Nottinghamshire Area Team is aware that the application outlines the development of 101 dwellings. The proposal would trigger the need to provide health related Section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in increased service demand, which would not be easily accommodated within existing primary care resources.

It is unlikely that the Area Team would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure

with existing local practices. The Area Team would wish to explore further in conjunction with the CCG and other stakeholders what options are available and ensure value for money for all parties.

There has been ongoing work by the CCG in partnership with NHS England and the local practices to identify the health needs for the Hucknall and Bestwood Village locality to mitigate against the significant housing developments proposed which would lead to additional strain on lists that are already nearing capacity. A health needs assessment has been completed and it has identified that there would be a need for approximately 56,000 additional primary care appointments per annum and a 25% increase in the need for social care in the area by 2022/23.

The local practices are in the process of assessing the options available to them. As the GP practices are independent contractors, the Area Team must work to support them to identify a solution that does not destabilise the local health economy. Options available to the practices include increasing capacity at each premise by extending their existing premises or merging two or more into a single new location. Until all the options have been explored, the Area Team is unable to give a definitive answer to where the contribution would be spent. However, it will ensure that the solution provides the best value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with Section 106 contributions.

Nottinghamshire County Council (Highway Authority) – makes the following comments:

General

Although this application is being considered on its own merits, the Highway Authority is aware that the application could eventually form part of a development of up to 550 [the actual ACS figure is 560] houses. In the long-term interests of all parties involved, consideration of the proposed access arrangements has taken place.

The applicant has demonstrated that within the parameters of the National Planning Policy Framework, the traffic generation of this site as proposed does not have a severe impact on the existing highway network in the vicinity of the development. In addition, the applicant has also made a number of proposals to ensure that the site is sustainable in terms of alternative transport options for residents. These take account of the 12 key objectives of the third Nottinghamshire Local Transport Plan, the Gedling Borough Replacement Local Plan and the Greater Nottingham (Browtove Borough, Gedling Borough and Nottingham City) Aligned Core Strategies Publication Version June 2012.

Proposal

This current application is for outline planning permission only (with access not as a reserved matter).

Access is proposed from Moor Road and follows in principle the pre-application advice provided by the Highway Authority in January 2014. Moor Road is an adopted highway and from the Highway Authority's records it appears that the site within the red line application area borders the extent of the public highway.

There is a public footpath (Bestwood St Albans Footpath Number 3) that runs along the northern edge of the site. It is proposed by the applicant that the footpath would be improved within the site and further upgrades/links outside of the site would be made via the use of appropriate highways infrastructure contributions.

The Transport Assessment produced by BSP Consulting states that the development traffic increases would not result in any detrimental impact on the surrounding highway network. However, there are also proposals for a range of alternative travel options that would have a benefit for residents as well as addressing some of the perceived issues that may be raised by local residents.

These include:

1. Providing pedestrian links and a suitable crossing point to the nearby bus stops

The proposals are welcomed, although the details of any improvements would need to be agreed as part of the overall detailed planning application and there would be a need to incorporate these into any 'Gateway' treatment. It is also noted that the applicant proposes to discuss the provision of travel discounts with local bus operators for new residents.

2. Potential upgrades to the public footpath link to the NET tram stop at Butlers Hill as well as cycle links to the Leen Valley Country Park

The proposals are again welcomed, although the details of any improvements would need to be agreed as part of the overall detailed planning application. The involvement and agreement of the County Council's Rights of Way Section, as well as Sustrans, would be needed at the detailed design stage.

3. Potential new 'Gateway' treatment and extended traffic calming zone for Moor Road

The applicant has made a number of suggestions on how this can be achieved and the Highway Authority welcomes these. The final choice of features would, as the applicant has suggested, be agreed at the detailed design stage.

4. Provision of Travel Information Welcome Packs for all residents

The applicant would, as part of the Travel Plan, provide all new residents with Travel Information Packs which would contain information about local pedestrian and cycling links together with information on local public transport options.

Access onto Moor Road

The applicant has provided details of the proposed access arrangements on drawing number 13152–010 contained within the Transport Assessment document. The general arrangement of the design appears to conform to the various details that the applicant has highlighted with respect to required visibility splays and speed of approaching vehicles, as well as taking account of the accident history of the road. It would also appear to be designed to a standard that would be suitable for the future expansion of the site. The Highway Authority would highlight that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council's Highway Technical Design Manual (6Cs) and it would be the responsibility of the applicant to ensure that this can be achieved.

Whilst the application is for outline permission for the site, the applicant should be aware that the proposals shown on Plan Number 102 within the Transport Assessment document show the existing public footpath running at the northern edge of the site being improved and forming part of the access arrangements to houses. Whilst this in itself may not pose a problem with suitable design, it is feared that the route may be used by residents as a way of accessing Moor Road. This would not be acceptable to the Highway Authority and there would be a need for the applicant to make the necessary provisions to address this concern

Highway Authority Conclusion.

In light of the applicant's evidence and proposals with respect to highway matters the Highway Authority has no objections to the proposal.

Masterplan

Vehicular parking associated with the proposed development should provide 2 off street parking spaces for each 1 – 3 bedroomed dwelling and 3 spaces for a 4 or more bedroomed dwelling. Provision for apartments and flats may be reduced, following consultation with the Highway Authority.

The design speed of the new residential access roads should be 20 mph and the carriageway width of the main spine road should be 6.75 metres with 2 x 2.00 metres footways on either side. The cul-de-sac from the spine road may be 4.8 metres wide and may have 2.00 metres wide footways, service strips, or be of a shared surface nature.

The centreline radius of carriageway would need to be defined by tracking, to allow refuse and emergency vehicles access and egress from the development site.

Carriageway crossfalls should be 1:40 and longitudinal gradients should all be a minimum of 1:100 for flexible paving, 1:80 for block surfacing, in all cases a maximum gradient of 1:20. At junctions, in all cases the gradient should not exceed 1:30 for the first 10 metres of the side road.

Visibility at junctions should be 2.4 metres x 25 metres and 25 metres forward visibility at bends.

Any sustainable urban drainage systems would not be currently adopted by the County Council and would remain the responsibility of the developer/land owner. To ensure these areas are adequately maintained, the Highway Authority would require a maintenance agreement to be set up by way of a Section 106 Agreement; this agreement would also need to cover any non-highway pedestrian/cycle links that are proposed.

The development would be subject to the Advance Payments Code, unless a suitable agreement is entered into with regards to road adoption and the applicant should be advised to contact the Highway Authority at an early stage to discuss this procedure.

Nottinghamshire County Council's Planning Contributions Strategy

In accordance with the above document, the proposed development would be subject to a contribution of £70k, together with any mitigation works that would be required. This needs to be secured as part of a Section 106 Agreement.

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

- Details of the new road.
- Any garage doors to be set back specified distances from the highway boundary.
- Suitable access arrangement; the provision of pedestrian links and a crossing point to nearby bus stops; the provision of potential upgrades to the public footpath link to the NET tram stop and cycle links to the Leen Valley Country Park; and the provision of a new 'Gateway' treatment and extended traffic calming zone for Moor Road.
- Wheel washing facilities.

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

Nottinghamshire County Council (Rights of Way) – observe that the application may impact upon Bestwood St Albans Parish Footpath No.3, which runs alongside the northern boundary of the site.

Whilst not an objection, the County Council would require that the availability of the path is not affected or obstructed in any way by the proposed development at this location, unless subject to appropriate diversion or closure orders. The County Council should be consulted on any re-surfacing or gating issues and the developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

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).

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 the water environment from pollution. The site is located on the Lenton Sandstone formation, which is a Principal Aquifer and is situated within the Source Protection Zone 3 of water supply, as defined in the Agency's 'Policy and Practice for the Protection of Groundwater'.

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

Nottinghamshire County Council (Nature Conservation Unit) – makes the following comments regarding nature conservation issues:

Original Comments

The proposals will not affect any designated nature conservation sites. The nearest Local Wildlife Site, Mill Lakes Bestwood (2/231) is located around 150m to the south-west, whilst the nearest SSSI, Linby Quarries, is around 3.4km to the north.

- An Extended Phase 1 Habitat Survey has been completed in support of this application. This makes recommendations for a number of further surveys for protected species. However, the area in which the Extended Phase 1 Habitat Survey was carried out is at least four times larger than the area being developed into a housing estate, and includes habitats not present within the development area. It is therefore recommended that the applicant's consultant ecologist give this consideration and re-evaluate which surveys are actually required, given that the majority of the surveyed area is not being developed.
- In any event, the results of these surveys are required prior to the determination of the application, so that the potential impacts can be properly assessed.
- In the event that planning permission is granted, conditions should be used to

cover the following matters:

- o That bat and bird boxes would be incorporated into the new buildings on the the housing estate;
- o That a detailed landscaping plan is produced, utilising native species appropriate to the local area within areas of open space and boundary planting;
- o That no vegetation clearance takes place during the bird nesting season (which runs from March to August inclusive);
- o That measures are put in place for the protection of retained vegetation.

Revised Comments

The letter from Middlemarch Environmental (10th April 2014) confirms that the development site is a smaller part of a wider survey area, and that impacts on protected species appear unlikely, provided that appropriate mitigation is put in place. Therefore, in addition to the mitigation measured recommended in the Nature Conservation Unit's letter dated 12th March 2014, the following measures should also be secured by condition:

- The production of a 'bat friendly' lighting scheme to ensure that artificial lighting avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat (including the balancing pond);
- A pre-commencement walkover survey of the site is undertaken to ensure that badgers have not moved into the site;
- The covering of excavations or installation of ramps, and the capping of pipes of 15cm diameter or greater overnight, to prevent mammals becoming trapped during construction works;
- The production and implementation of a reptile method statement, to ensure the field margins are cleared sensitively.

Nottinghamshire Wildlife Trust (NWT) - makes the following comments:

Original Comments

The NWT has reviewed the Extended Phase 1 Habitat Survey and whilst having no objection in principle to the application and generally supporting the approach to survey and assessment, would like to make the following comments on this document:

Nature Conservation Sites

In relation to Local Wildlife Sites, the NWT considers that development impacts are highly unlikely due to the location of the proposed development.

Habitats

The NWT would wish to seek confirmation that the boundary hedges to the south, east and west would be retained and, preferably, enhanced for biodiversity where possible.

The report suggests inclusion of nest/ bat roost features within the development. Further to this, NWT recommends nesting opportunities for specific species including house sparrows and swifts. A range of bat tubes and access panels are now available that would provide roosting opportunities for those species of bat that inhabit buildings [a possible source of bird and bat boxes/bricks has been provided].

Regarding other possible enhancements, the NWT would wish to see opportunities for wildlife maximised in relation to the open space at the south-west corner of the site (this feature appears to be a SuDS system). The NWT wishes to draw attention to its own architect's biodiversity guide, which describes additional features that could be incorporated in the built environment.

Such enhancements are encouraged in paragraph 118 of the National Planning Policy Framework.

Species

The report contains a number of recommendations in relation to additional surveys (bats, badgers, great crested newts and reptiles). The NWT queries whether these have been carried out or whether the recommendations relate to the wider area (it is noted that the report includes a much larger area and the NWT presumes this proposal is the first phase of a larger scheme).

The NWT recommends the use of condition(s) to secure advice in relation to nesting birds and terrestrial mammals.

Possible Sherwood potential Special Protection Area (SPA)

This site lies within the 5 km buffer zone identified in Natural England's Indicative core area & 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.

Revised Comments

The NWT has reviewed the letter from Middlemarch Environmental (10th April 2014). This provides an assessment of the ecological impacts of the scheme in relation to the development parcel subject to this planning application (the submitted ecological report covered a wider area).

The NWT considers this information is adequate and is aware that the recommendations for detailed ecological surveys (e.g. for reptiles etc) relate to adjacent development parcels which are outside the red line boundary of this application.

Should the application be approved, the NWT would recommend the use of condition(s) to secure advice in the letter dated 10th April in relation to:

- Provision of enhancements, including details (type, number and location) of bat and bird boxes (R1).
- Precautions to protect nesting birds during construction phase (R4).
- Pre-works phase check for badgers (R5).
- Precautions to protect terrestrial mammals (R6).

With regard to the possible Sherwood potential Special Protection Area (SPA), the NWT wishes to reiterate that this site lies within the 5 km buffer zone identified in Natural England's Indicative core area & 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 updated note dated March 2014.

English Heritage – no comments, as the application does not fall under the relevant statutory provisions for notification in this instance.

Nottinghamshire County Council (Archaeological Advice) – has made the following comments:

Original Comments

Aerial photographs of the site have revealed a small number of cropmarks within the proposed development area, including a possible trackway and a former field boundary; a palaeochannel of the River Leen; and possible ridge and furrow earthworks in fields to the west of the proposed development area.

Given the presence of undated cropmarks within the development area, alongside Late Iron Age/Romano British earthworks and possible ridge and furrow earthworks within the wider area, the possibility of uncovering remains from these periods cannot be ruled out.

It was therefore originally advised, on the basis of the information supplied in the archaeological desk-based assessment provided, that further evaluation was needed here. Accordingly, it was recommended that the applicant supply additional information on the buried archaeological resource, including a further archaeological field evaluation and geophysical survey, possibly with a subsequent scheme of trial trenching.

Revised Comments

After further discussion with the applicant's archaeological consultant, the County Council has amended its original advice:

The current application only deals with 'Phase 1' of the site which is approximately 3.3 hectares in size and located in the south-west corner of the overall site. As this outline application only seeks to establish the principle of the development along with a site access point, the County Council is happy for an archaeological scheme of investigation to be secured as a Reserved Matters condition. This archaeological scheme of investigation should include post-determination evaluation, beginning with a scheme of geophysical survey in the first instance, possibly with a subsequent scheme of trial trenching and/or archaeological monitoring, as deemed necessary.

Public Protection (Land Contamination & Travel Plan) – make the following comments:

Contaminated Land

The applicant submitted a letter report giving an initial opinion regarding the risk from land contamination. Having reviewed the letter, Public Protection confirms that it would concur that the site is unlikely to be affected by significant contamination. As such, Public Protection would have no further comment regarding this part of the development.

Should a follow up application be made that includes the farm buildings, then this would need further assessment.

Air Quality

The applicant has submitted a Transport Assessment and Travel Plan. Having reviewed Section 5: Travel Plan; 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 (including a commitment to incorporate provision for dwellings to have dedicated outside electric power points; to allow residents to charge electric/hybrid vehicles into the future).

However, Public Protection would consider it appropriate to ensure that during development issues relating to construction dust are managed to an agreed level. As such, it is recommended that a condition requiring the submission of a dust management plan is imposed on any permission.

Urban Design Consultant – requested a Building for Life assessment in order to judge the proposal in a clearer way, but made the following comments initially:

Original Comments

The layout has a structure with a spine access and roads off, which address the site boundaries.

There are some areas where the potential streetscene could be made more interesting at the detailed stage, including reducing the visual impact of parked vehicles so that they do not dominate parts of the street frontage.

A few private drives terminate with a row of garaging, which is not a desired design

solution and the distance between some rear elevations on the illustrative layout are too short.

Connectivity with the surrounding area should also be considered.

Additional Comments (Building for Life Assessment)

Generally concurs with the submitted assessment, but comments with regard to meeting local housing requirements that it is important that there is a mix of housing that reflects local need, which should be agreed with Housing Strategy.

Housing Strategy (HS) - would require 30% affordable housing in the Bestwood St Albans submarket area. HS's starting point would be that 70% of this should be for either social rent or Affordable Rent, with the remainder for shared ownership, so this would give 21 units for rent and 9 for shared ownership.

However, if the application is granted, HS would want to consult with the Parish Council and the local community about what type of affordable housing is needed before entering into a Section 106 Agreement. It may be that HS would accept a commuted sum in lieu of some or all of the affordable housing contribution.

Parks & Street Care – no comments received.

Planning Considerations

The key planning considerations regarding this application are how the proposed development relates to current national and local planning policy, whether it would meet the main principles of sustainable development.

The other main planning considerations which must be assessed are the impact of the proposed development on:

- Highway Safety
- Residential Amenity
- Design
- Ecological
- Landscape, Visual Amenity & Arboriculture
- Pollution & Contamination
- Heritage
- Planning Obligations

These planning considerations are assessed below, as are other issues raised.

Relevant Policies & Background Information

This planning application is for the construction of 101 dwellings, new access, amenity space and open space on safeguarded land adjacent to the village of Bestwood, which is identified as a 'key settlement for growth' in Policy 2 of the Aligned Core Strategy.

National Planning Policies

National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development (paragraphs 11-16). With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

- NPPF Section 4: Promoting sustainable transport (paragraphs 29-41)
- NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47-55)
- NPPF Section 7: Requiring good design (paragraphs 56-68)
- NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)
- NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126-141)

With regard to plan-making, decision-taking and implementation, the following sections and annex of the NPPF are most relevant to this planning application:

- NPPF: Ensuring viability and deliverability (paragraphs 173-177)
- NPPF: Planning conditions and obligations (paragraphs 203–206)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

Local Planning Policies

Gedling Borough Council at its meeting on 10th September 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The adopted ACS will form Part 1 of the new Local Plan for Gedling Borough (Part 2 of the new Local Plan is in preparation). It is considered that the following policies of the ACS are relevant:

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 1: Climate Change
- ACS Policy 2: The Spatial Strategy
- ACS Policy 3: The Green Belt
- ACS Policy 8: Housing Size, Mix and Choice
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 11: The Historic Environment
- ACS Policy 14: Managing Travel Demand
- ACS Policy 15 (Transport Infrastructure Priorities);
- ACS Policy 16: Green Infrastructure, Parks & Open Space
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure
- ACS Policy 19: Developer Contributions

The ACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts of the ACS. The Claimant seeks an order quashing the ACS so far as it relates to the quantum and distribution of new housing in the Council's area and so far as it provides for the review of Green Belt boundaries. The Borough Council is vigorously defending against this challenge.

The challenge is largely to ACS Policy 2 (The Spatial Strategy, which sets out housing targets and broad locations for new housing) and Policy 3 (The Green Belt). The hearing date is set for March 2015, with the outcome not expected until later in the spring and so, of course, the outcome of the legal challenge is uncertain at the present time. The fact that there is now a challenge to the ACS is a material consideration and so must be taken into account when determining this application and considering the ACS. So both the ACS, and the current challenge to it, are material considerations. The Borough Council is entitled to give what weight it considers appropriate and rational to the ACS, bearing in mind that it forms part of the development plan. With regard to the current legal challenge, again, the Borough Council must decide what weight this should be given, as it is a material consideration.

In order to try to assist, in the analysis below of the relevant policies, I have pointed out those which I believe and suggest should be given significant weight and this includes highlighting those policies which I consider have a sound evidence base, notwithstanding the fact that there is now a challenge to part of those policies.

Policy 2 of the ACS sets out the strategy of urban concentration with regeneration together with the settlement hierarchy to accommodate growth which is distributed through this policy. Policy 2 includes both strategic allocations and strategic locations with Bestwood Village identified as a strategic location for up to 560 dwellings in the latter category. This policy is based on sound evidence as set out in the Strategic Housing Land Availability Assessment for Gedling Borough, the Appraisal of Sustainable Urban Extensions Study (Tribal 2008) and the Sustainable Locations for Growth Study (Tribal 2010). In relation to the distribution of homes the Inspector conducting the examination into the ACS reported at paragraph 91:

“Bestwood Village. Mod 14 proposes to lower the number of new dwellings proposed from up to 500 to up to 260.....Bestwood is estimated to be less than half a mile from Nottingham's main built up area and in need of regeneration. Given the uncertainty surrounding Gedling's largest sites which were identified in its earlier Local Plan but not progressed, the above locational factors and the need for a range of small and large sites to ensure speedy delivery of new homes, I consider that Mod 14 as drafted should not be made. Policy 2.3 c) in Gedling i) Bestwood Village should read “up to 500 homes” as in the ACS Publication Version ”

ACS Policy 3 reflects a two stage approach to reviewing Green Belt boundaries in order to meet the amount and location of housing set out in ACS Policy 2. The strategic stage assessed broad areas around Greater Nottingham based on the Nottingham – Derby Green Belt Review (2006), and the aforementioned two Tribal Studies. The second stage of the Green Belt review will entail a site by site process

to define detailed Green Belt boundaries through the Local Plan Part 2, using criteria set out in ACS Policy 3. The Inspector found ACS Policy 3 to be sound, subject to a modification to give more direction for Part 2 Local Plans to clarify that non-Green Belt sites are preferred before Green Belt sites. This modification was incorporated into the adopted ACS Policy 3. The Inspector at paragraph 112 of her report states:

“The possible need to alter Green Belt boundaries has been apparent for some time, and a Nottingham-Derby Green Belt review was undertaken in 2006 for regional planning purposes”.

The proposed development is on land which was safeguarded for possible future development within the adopted RLP and not within Green Belt and so the challenge to ACS Policy 3 is of less relevance to this particular proposal.

In conclusion, ACS Policies 2 and 3 are soundly based on robust evidence and, subject to modifications, the Inspector found them to be part of a sound plan. Accordingly, ACS Policies 2 and 3 should be given significant weight.

Turning to other relevant ACS Policies referred to in this report, ACS Policies 10 and 16 are based on the landscape character approach advocated in the NPPF and based on robust evidence contained within the Greater Nottingham Landscape Guidelines. Accordingly, ACS policies 10 and 16 are considered to be underpinned by sound evidence on landscape character and should be given significant weight.

ACS Policy 14 sets out a hierarchical approach to managing travel demand and the strategic transport impacts of the ACS has been modelled by independent consultants MVA using the Greater Nottingham Transportation Model. The result of the modelling demonstrates areas of pressure on the network for which mitigation measures will be required using the hierarchical approach set out in ACS Policy 15. As such, it is considered that ACS Policy 14 is soundly based and should be given significant weight. ACS Policy 15 prioritises new transport infrastructure in accordance with ACS Policies 2 and 14 and, for the reasons set out above, is also considered sound.

ACS Policy 17 (Biodiversity) seeks to protect and enhance local biodiversity in line with the evidence provided within the Nottinghamshire Local Biodiversity Action Plan and should be given significant weight.

ACS Policy 1 deals with flood risk and is supported by evidence set out in the Greater Nottingham Strategic Flood Risk Assessment and the Greater Nottingham and Ashfield Outline Water Cycle Strategy. Consequently, it is considered that this policy can be given significant weight.

It should be noted that planning policies in the adopted ACS replace certain policies in the RLP, as set out in appendix E of the ACS. The new Local Plan will comprise the adopted ACS and the Local Plan Part 2, which will include non-strategic site allocations and development management policies and will fully replace the adopted RLP. Gedling Borough published a consultation document called Gedling Borough Local Planning Document Issues and Options in October 2013. Further informal consultation on options for the Part 2 Local Plan is taking place through a series of

workshops being held throughout January/February 2015. It is anticipated that a Local Plan Part 2 Publication Draft will be published in October 2015.

The application site comprises safeguarded land designated in the adopted RLP and the site has been considered through the SHLAA process. The SHLAA has assessed this site alongside the adjoining land at Westhouse Farm (in the same ownership) under one site (site reference 27) as 'suitable if policy changes'.

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policies of the RLP are most relevant to this proposal:

- RLP Policy C2: Community Facilities for New Development
- RLP Policy ENV1: Development Criteria
- RLP Policy ENV3: Development on Contaminated Land
- RLP Policy ENV31 (Safeguarded Land);
- RLP Policy ENV42 (Aquifer Protection);
- RLP Policy ENV43: Greenwood Community Forest
- RLP Policy H8: Residential Density
- RLP Policy R3: Provision of Open Space with New Residential Development
- RLP Policy T10: Highway Design and Parking Guidelines

In accordance with paragraphs 14 and 215 of the NPPF, significant weight should be given to Local Plan policies ENV42, H8 and R3, as these are up to date and consistent with the NPPF. RLP Policy ENV31 is not considered completely up to date with the NPPF and should have moderate weight attached to it.

Additionally, the following Supplementary Planning Documents and Guidance (SPD's and SPG's) are relevant:

- Open Space Provision SPG (2001)
- Affordable Housing SPD (2009)
- Parking Provision SPD (2012).

In determining planning applications, the degree of weight given to each document depends on whether they are up to date and whether or not specific elements of them have been superseded.

Prematurity

The National Planning Practice Guidance and the accompanying NPPF Technical Guidance 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; and
- The Local Plan is at an advanced stage, but has not yet been adopted.

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

The ACS identifies Bestwood Village as a Key Settlement and a strategic location for housing growth and includes plans which provide an indication only of where development might take place. The allocation of housing sites at Bestwood will come through the Local Plan Part 2. As stated above, consultation on the Issues and Options stage of the Local Plan Part 2 was undertaken in Oct/Nov 2013. Based on sites assessed through the SHLAA process, this document sought views from consultees on which sites around Bestwood should be developed. Progress on the Local Plan Part 2 is set out above and it is anticipated that the Submission Draft Local Plan Part 2 will be published in October 2015. However, as the Local Plan Part 2 has not been published it cannot be said to be at an advanced stage and therefore has no material weight in Policy terms.

The proposed site has been considered through the recent masterplanning exercise finalised in early 2014, which is intended to provide supporting evidence to the Local Planning Document and will inform the allocation of sites in the next stage of its preparation. This masterplanning work carried out by independent consultants has included engagement with the local community in Bestwood and is a material consideration in determining this proposal. The key conclusions and recommendations from the masterplan report for Bestwood are set out below.

ACS Policy 2 identifies Bestwood Village as a strategic location for housing growth and some greenfield land within the Green Belt will be required if up to 560 dwellings are to be provided. ACS Policy 3 provides guidance on Green Belt review for the emerging Local Plan Part 2 document and prioritises non Green Belt sites before Green Belt locations. The proposal adjoins the settlement of Bestwood on its north western edge and is located on safeguarded land and is not in Green Belt. Whilst not falling within the built up part of the settlement, the proposed location is, according to ACS Policy 3, in the second preferred category for locating development around Key Settlements and does not require the release of Green Belt. The proposal is consistent with the locational strategy in the ACS, but cannot be considered prejudicial to the outcome of the Local Planning Document as this is not sufficiently advanced.

The site has been previously identified as having potential for housing having been considered through the SHLAA process (considered suitable subject to policy changes). The proposed site has also been considered during the recent masterplanning study which is intended to provide supporting evidence to the Local Planning Document. The findings from the recent masterplanning exercise are also material to this planning application. Findings include:

- In terms of strategic directions for growth, the north-west of the village is the most suitable direction if green field development is required.
- Growth to the north-west appears suitable and would minimise impact on the Green Belt by using safeguarded land.
- The Consultant's preferred option would be to maximise development on brownfield sites within the village. However, some development would be

- required to the north of the village extending along Moor Road.
- These conclusions are based on a recommended density of 25 dwellings /ha which is considered suitable taking into account local character, housing types, the need for sensitive landscaping in a semi-rural location and need for open space.
- A replacement primary school on a new site should be provided in a location accessible to both the existing and new development.

In summary, the consultants conclude that in addition to brownfield sites within the settlement, including Bestwood Business Park, some development would be required to the north-west of Bestwood and also that there would need to be the provision of a new primary school on an accessible site.

In this context, it should be noted that this proposal for housing on the safeguarded land could be planned in such a way as to not prejudice the possible expansion of the site onto further land at Westhouse Farm. A separate planning application has also been submitted by the same applicant to provide land for a new primary school on an adjacent site under the same ownership which would meet the future education needs arising from both the application site and also elsewhere across the village (education provision is specifically considered later in this report).

In summary, it is considered that the criterion in the NPPF (as set out above) for justifying refusal on prematurity grounds has not been met in this particular case.

Housing Land Supply

The Five Year Housing Land Supply Assessment (as at 31st March 2014) identifies that there is a 4.31 year 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. This would include safeguarded land policy and, as such, in this case ENV31 is considered out of date. However, while the policy wording of Policy ENV31 is out of date, the site remains designated as safeguarded land.

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

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

Accordingly significant weight needs to be given to the NPPF and ACS Policy A in terms of the presumption in favour of development and to the need to have a 5 year supply of housing.

Safeguarded Land

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

“The safeguarded land identified on the Proposals Map should be treated as Green Belt and planning permission will not be granted for development which would prejudice its later comprehensive development”.

RLP Policy ENV31 also states that the appropriateness for development will be established by considering proposals as if they were in Green Belt.

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

The safeguarded land subject to the proposal is located adjacent to Bestwood Village which is identified as a ‘key settlement for growth’ in Policy 2 of the ACS. This proposed site is on safeguarded land specifically excluded from Green Belt and identified for potential longer term development needs. Significant weight needs to be given to the NPPF in terms of the presumption in favour of development and to the need to have a 5 year supply of housing.

Sustainability Considerations

Infrastructure

The Affordable Housing SPD sets differential requirements for affordable housing depending on the sub-market the site is within. This site is within the Bestwood St Albans sub-market and as such 30% of the dwellings should be affordable. This would result in about 30 affordable dwellings being provided in accordance with the SPD. The planning application states that 30% would be for affordable housing. This approach is in accordance with the affordable housing elements of ACS Policy 8 and the Affordable Housing SPD.

Density

Policy H8 of the RLP sets out the Borough Council’s requirements for residential density. In this location, the minimum density requirement is 30 dwellings per hectare. The applicant indicates that the density of the site is around 30 dwellings per hectare (inclusive of open space and amenity space, meaning that the net density excluding open space would in fact be higher).

However, the masterplanning work indicates that taking into account local characteristics, the semi-rural village location, and the need for sensitive landscaping and open space, a density of around 25 dwellings per hectare is most appropriate (net of public open space or land for services such as schools). However, the masterplan acknowledges that density would need to be judged on a site by site basis. The applicant states that within the site a range of densities would exist, with generally lower densities along the Moor Road frontage and at the countryside edge. In general, I am satisfied therefore that the proposal accords with RLP Policy 8.

Open Space

Policy R3 of the RLP requires that residential development should provide at least 10% local open space to serve the development. The proposed development provides for a level of open space, the details of which would need to meet the provisions of RLP Policy R3 and the Open Space Provision SPG.

Utilities

The Infrastructure Delivery Plan indicates that the main sewer along Moor Road may need upsizing and this is also identified as a priority in the masterplan exercise. The applicant's supporting information refers to ongoing work with STW in order to assess sewerage capacity and the need for any improvements.

Transport and access

The applicant considers that the location is sustainable and accessible to public transport with bus services 141 (City Centre) and 228 (Hucknall – Bestwood - Bulwell) providing an hourly bus service. Butlers Hill Tram stop is located approximately 1 km away and is accessible via a public footpath from Moor Road through Leen Valley Park. The location is close to Cycle Route 6.

The Highway Authority has no objection to the proposals on highways grounds and comments that the applicant has demonstrated that the traffic generation of the site would not have a severe impact on the existing highway network in the vicinity of the development. The Highway Authority welcomes the following proposals put forward by the applicant to promote more sustainable travel options, which would need to be secured via a Section 106 Agreement for Integrated Transport Improvement Contributions:

- Providing pedestrian links and a suitable crossing point to the nearby bus stops;
- Potential upgrades to the public footpath link to the NET tram stop at Butlers Hill as well as cycle links to the Leen Valley Country Park;
- Potential new "Gateway" treatment and extended traffic calming zone for Moor Road; and
- Provision of Travel Information Welcome Packs for all residents.

A single access from Moor Road is proposed. The access would be 6.5 metres wide with visibility splays in excess of 42 metres and a setback of 2.4 metres. The Highway Authority considers that the general arrangement of the access appears to conform to the various details highlighted by the applicant, including visibility splays,

speed of approaching vehicles and also that the accident history of the road has been taken into account. The Highway Authority also notes that the access would appear to be designed to a standard that would be suitable for the future expansion of the site. However, the Highway Authority adds that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council's Highway Technical Design Manual (6C's) and an appropriate condition to this effect is set out in this report.

Having taken account of the Highway Authority's comments, I have considered the proposals against ACS Policies 14 and 15. Policy 14 seeks to reduce travel demand by locating development in accordance with the ACS locational strategy for new development set out in ACS Policy 2. ACS Policy 14 then goes on to set out a hierarchical approach to delivering sustainable transport networks. ACS Policy 15 states that where development gives rise to the need for additional transport infrastructure, it should be prioritised in accordance with the locational strategy in ACS Policy 2. Part 2 of ACS Policy 15 requires new development on its own or in combination with other development to include a sufficient package of measures to encourage non-car borne modes of travel, but requires that any residual car trips arising from the development should not unacceptably compromise the efficient operation of the wider transport system.

The proposal accords with ACS Policy 2, which identifies Bestwood Village as a strategic location for housing growth thereby according with both ACS Policies 14 and 15, which seek to integrate planned housing growth with sustainable transport provision and investment priorities. The Highway Authority welcomes the proposals set out by the applicant to encourage more sustainable travel options, which accords with the provisions in ACS Policies 14 and 15 to promote sustainable travel modes. With respect to traffic impacts, the Highway Authority considers that the proposal and its resultant car borne traffic would not lead to a severe impact on the existing highway network. Accordingly, I consider that the proposal accords with ACS Policies 14 and 15.

Education

The applicant is willing to provide a 1.5 hectare site for a full size primary school on adjacent land which is in a location accessible to both the proposed housing development and the rest of the village, and is also willing to make a financial contribution to the school facilities. Various options are being discussed with the Education Authority as to the size of the new school. The applicant has submitted an outline application for the new school which will be subject to a report to a future Planning Committee.

Flood Risk

The proposed development site is located within Flood Zone 1 (a 1 in 1000 year probability) and is at little risk of flooding. The proposal includes a sustainable urban drainage system to manage surface water runoff, which would ultimately discharge to the River Leen. The drainage rates would be managed through the incorporation of an attenuation pond, which would need to limit surface water run-off to a level

which is acceptable to the Environment Agency. In this context, the masterplanning work undertaken in 2014 noted that in the past there has been surface water flooding along Moor Road to the north of the village and therefore the incorporation of SuDS would be consistent with the masterplan.

The Environment Agency has no objections to the proposals, but confirms the need for a sustainable surface water scheme to be secured by a condition along the following lines:

- Submission of a surface water drainage scheme based on sustainable drainage principles which would limit water runoff to the equivalent of a greenfield runoff rate; and the capacity to accommodate surface water run-off on site up to 1:100 year event plus an allowance for climate change.

Having taken into account the advice of the Environment Agency, appropriate conditions meeting their requirements are set out in this report. Subject to these conditions, I am satisfied that the proposal meets the requirements of Section 10 of the NPPF and Policy 1 of the ACS.

Landscape

The proposed development site is located within the Sherwood Landscape County Character Area as identified by Nottinghamshire County Council in the Nottinghamshire Landscape Guidelines. These guidelines were updated and are set out in the Greater Nottingham Landscape Character Assessment (GNLCA) which includes the site within the Killarney Estate Wooded Farmlands Policy Zone (SPZ02) and also adjoins the River Leen Corridor Policy Zone (ML018) which adjoins Moor Road.

The Killarney Estate Wooded Farmlands is described as having an undulating area with a north-south ridgeline running through it. It tends to have medium sized fields which are arable. It also includes the restored Bestwood Colliery and Killarney Park Residential Estate. The landscape character is assessed as moderate with moderate sensitivity. The River Leen Corridor is low lying and flat to gently undulating area with strong linear features including the River Leen and disused railway. It includes important features including Mill Lakes, but these are not highly visible being surrounded by woodland.

A Landscape and Visual Assessment has been submitted with the planning application and reflects the main points set out in the GNLCA. This Landscape and Visual Assessment concludes that there is potential to minimise any potential landscape and visual effects and makes a series of recommendations. I consider that these recommendations can be secured through a suitable condition requiring a detailed planting and landscaping scheme to be agreed by the Council at the more detailed design stage. I conclude that the proposal would meet the requirements of ACS Policies 10 and 16.

Agricultural Land

The Agricultural Land Classification map shows the land as being Grade 3B and 4,

which suggests that it is not particularly good quality farm land which needs to be safeguarded from development.

Conclusion

Whilst the Local Planning Document will allocate smaller non-strategic housing sites, this document is insufficiently advanced to merit a refusal on the grounds of prematurity. Significant weight will need to be given to the NPPF in terms of the presumption in favour of development and the need to increase housing supply. The proposal to develop the safeguarded land generally accords with the locational strategy of the ACS and the recommendations of the 2014 masterplanning work. In addition, the site is generally acceptable in principle subject to any appropriate mitigation in relation to the potential impacts on local services and facilities including those located within Ashfield.

Highway Safety Considerations

The relevant planning policies which need to be considered in relation to highway matters are set out in Section 4 of the NPPF and Policies ENV1 and T10 of the RLP.

Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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.

Detailed approval is sought as part of this application to establish the creation of a new vehicular access, off Moor Road.

I appreciate the concerns which have been expressed by Village Vision and local residents with regard to highway safety. However, I note that the County Council as Highway Authority is satisfied that the applicant has demonstrated that, within the parameters of the NPPF, the traffic generation of this site as proposed would not

have a severe impact on the existing highway network in the vicinity of the development. In addition, the applicant has also made a number of proposals to ensure that the site is sustainable in terms of alternative transport options for residents.

In summary, the Highway Authority has no objections in principle to the creation of the new access to serve the proposed development, subject to the imposition of appropriate conditions and an Integrated Transport Improvement Contribution.

With regard to the internal access, parking and turning arrangements, details of these would be required for consideration at the reserved matters stage, if outline planning permission is granted, and would be expected to accord with Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Development SPD.

Amenity Considerations

The relevant planning policies which need to be considered in relation to residential amenity are set out in Policy 10 of the ACS and Policy ENV1 of the RLP.

Policy 10 of the ACS 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.

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 ACS.

Whilst I appreciate the concerns which have been expressed with regard to highway safety, it has already been noted above that the Highway Authority has no objections in principle to the proposed development and I do not consider that the proposed development would have a significant adverse effect on the amenities of adjoining occupiers or the locality in general by reason of the level of traffic generated.

With regard to air quality, I note that Public Protection recommends the imposition of an appropriate condition to mitigate any issues with dust from the site during the construction period.

Details of the layout and design of the proposed development would be required for consideration at the reserved matters stage, if outline planning permission is granted, and I am satisfied that the proposed development could be designed so as not to have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy 10 of the ACS and Policy ENV1 of the RLP.

Design Considerations

The relevant planning policies which need to be considered in relation to design are set out in Sections 6 and 7 of the NPPF, Policies 8 and 10 of the ACS and Policy ENV1 of the RLP.

Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that local planning authorities should plan for a mix of housing.

Section 7 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and are visually attractive as a result of good architecture and appropriate landscaping.

Policy 8 of the ACS requires that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

Policy 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. The most relevant design elements in this instance include the layout; density and mix; impact on the amenity of nearby residents and the incorporation of features to reduce opportunities for crime and anti-social behaviour.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

Details of the appearance, landscaping, layout and scale of the proposed development would be required for consideration at the reserved matters stage, if outline planning permission is granted. I am satisfied, therefore, that the proposed development could be designed so as to take account of the comments made by the Urban Design Consultant and Housing Strategy with regard to the layout, appearance and housing mix in accordance with the aims of Sections 6 and 7 of the NPPF, Policies 8 and 10 of the ACS and Policy ENV1 of the RLP.

Density considerations have already been addressed under Sustainability Considerations above.

Ecological Considerations

The relevant planning policies which need to be considered in relation to ecological matters are set out in Section 11 of the NPPF and Policy 17 of the ACS.

Section 11 of the NPPF advises, at paragraph 118, 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.

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

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

Whilst I appreciate the concerns expressed by the Friends of Bestwood Country Park, I note that neither the County Council's Nature Conservation Unit nor the Nottinghamshire Wildlife Trust consider that the proposals would affect any designated nature conservation sites and that appropriate mitigation measures for any protected species, together with biodiversity enhancements, could be secured by the imposition of appropriate conditions.

With regard to the possible Sherwood potential Special Protection Area, I note that the addendum to the Ecology Report concludes that the existing habitats within the site do not appear suitable for woodlark or nightjar.

I am satisfied, therefore, that the proposed development would protect existing areas of biodiversity interest and provide new biodiversity features.

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

Landscape, Visual Amenity & Arboricultural Considerations

The relevant planning policies which need to be considered in relation to landscape and arboricultural matters are set out in Section 11 of the NPPF, Policies 10 and 16 of the ACS and Policy ENV43 of the RLP.

Section 11 of the NPPF states at paragraph 109, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy 10 of the ACS states, amongst other things, that new development will be assessed with regard to its potential impact on important landscape views and vistas and that, outside settlements, new development should protect, conserve or where appropriate enhance landscape character. In broad terms, this also reflects the aims of Section 11 of the NPPF.

Policy 16 of the ACS states that a strategic approach will be taken to the delivery, protection and enhancement of Green Infrastructure and requires, amongst other things, that Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Area (GNLCA).

In addition, Policy 16 of the ACS identifies that the application site is located within part of the Sub-Regional Green Infrastructure Corridor, which should be protected and enhanced. The Policy goes on to state that priority for the location of new or enhanced strategic Green Infrastructure will be given to locations for major residential development identified in Policy 2 of the ACS (see Sustainability Considerations above), the Strategic River Corridor of the Trent, the Greenwood Community Forest and Urban Fringe Areas.

Policy ENV43 of the RLP states that prior to granting planning permission for development within the Greenwood Community Forest area, the Council will seek to negotiate with developers to secure new tree or woodland planting as part of the development.

With regard to the Greenwood Community Forest and Green Infrastructure, I note that the Design and Access Statement states that planting schemes would be designed to create a structure and setting for the new development and would be used to form spatial definition, enhancement of the streetscape and to provide 'green corridors'. Proposed hedgerows along the eastern boundary of the site would form a landscape buffer and enhance and form a green corridor around the perimeter of the site, by joining up with the existing mature hedgerows, whilst also helping to screen the development from the adjacent open countryside.

As already noted (see Sustainability Considerations), a Landscape and Visual Assessment has been submitted which reflects the main points set out in the GNLCA.

With regard to landscape character, I am satisfied that the majority of the existing hedgerows and trees along the site boundaries would be retained and enhanced as part of any development, which would provide both good visual amenity and screening. In addition, the retained hedgerows would allow the wildlife corridors to continue to function and provide connectivity through the landscape.

With regard to visual impact, whilst the proposed development would have some visual impact on existing residents on The Spinney and Moor Road, I am satisfied that views into the site would still be reasonably screened by those parts of existing hedgerow and trees which are to be retained.

Details of the landscaping of the proposed development would be required for consideration at the reserved matters stage, if outline planning permission is granted.

I am satisfied, therefore, that with regard to landscape, visual amenity and arboricultural considerations, the proposed development would accord with the aims of Section 11 of the NPPF, Policies 10 and 16 of the ACS and Policy ENV43 of the RLP,

Pollution & Contamination Considerations

The relevant planning policies which need to be considered in relation to pollution are set out in Section 11 of the NPPF and Policies ENV3 and ENV42 of the RLP.

Section 11 of the NPPF states, at paragraph 109, 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 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.

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 ENV42 of the RLP states that planning permission will not be granted for development which would be liable to cause contamination of the groundwater in the aquifers, unless measures can be carried out as part of the development to prevent such contamination taking place.

I note that Public Protection considers that the site is unlikely to be affected by significant contamination and has no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that during development issues relating to construction dust are managed to an agreed level.

In addition, I 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, including a commitment to incorporate provision for dwellings to have dedicated outside electric power points in order to allow residents to charge electric/hybrid vehicles into the future.

The site is located on the Lenton Sandstone formation, which is a Principal Aquifer and is situated within the Source Protection Zone 3 of water supply. Whilst having no objection in principle, I note that the Environment Agency recommends the imposition of an appropriate condition, if permission is granted, to deal with the risks associated with contamination of the site in order to protect the water environment from pollution.

It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and Policies ENV3 and ENV42 of the RLP.

Heritage Considerations

The relevant planning policies which need to be considered are set out in Section 12 of the NPPF and Policy 11 of the ACS.

Section 12 of the NPPF states at paragraph 126, 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.

Policy 11 of the ACS 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.

Archaeology and cultural heritage issues have been assessed within the Archaeological Desk-Based Assessment and the Design and Access Statement.

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.

After further discussion with the applicant's archaeological consultant, I note that the County Council's Archaeologist raises no objections, subject to the imposition of an appropriate condition to ensure that further investigation is undertaken on an area of potential archaeological interest.

I am satisfied, therefore, that the proposed development would accord with the aims of Section 12 of the NPPF and Policy 11 of the ACS.

Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations are set out in paragraphs 173-177 and 203-206 of NPPF, in relation to plan-making and decision-taking, Policies 18 and 19 of the ACS and Policy C2 of the RLP.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation,

provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

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

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

Policy 18 of the ACS 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 ACS 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.

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.

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

- Affordable Housing
- Public Open Space
- Healthcare Facilities
- Integrated Transport Improvements
- Educational Facilities

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.

Other Issues

- I note the comments of Village Vision regarding lack of consultation by the applicant with the local community. However, I am aware that the applicant wrote to the Parish Council shortly after submission of the application and indicated that they would welcome the opportunity to meet with the Parish Council during the consultation period and to attend a public meeting, which duly took place in April 2014.
- The metallifactory site has had the benefit of outline planning permission for residential development since October 2008, although this has recently expired. Work on a new Lidl store on the former White Hart site is now well advanced. The Borough Council also resolved to grant outline planning permission for residential development on the remaining part of the Bestwood Business Park in August 2014.
- I am satisfied that sufficient information has been provided in support of the application.
- Loss of view or the impact of the proposed development on the valuation of existing properties are not a material planning considerations.

Conclusions

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate.

In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

Planning obligations are being sought in accordance with the requirements of the NPPF.

The application does need to be referred to the Secretary of State for Communities and Local Government.

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 Affordable Housing, Open Space, Healthcare Facilities, Integrated

Transport and Educational Facilities; and subject to the following conditions:

Conditions

1. Application for the approval of the reserved matters shall be made to the Borough Council not later than three years from the date of this permission.
2. The vehicular access hereby permitted shall be constructed in accordance with the Proposed Site Access drawing (13152-010), deposited on 28th February 2014.
3. Prior to the commencement of the development hereby approved a written assessment of the nature and extent of any potential or actual contamination shall be submitted to and approved in writing by the Borough Council. This assessment shall 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. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site.
4. In the event that remediation is required to render the development suitable for use, a written remediation scheme and timetable of works shall be submitted to and approved in writing by the Borough Council. The scheme shall then be implemented in accordance with the approved details. Prior to the development being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action) must be submitted to and approved in writing by the Borough Council.
5. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a Dust Management Plan. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan shall be implemented in accordance with the approved details.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the new road, including longitudinal and cross sectional gradients, visibility splays, Traffic Regulation Orders, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. 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.
7. Before development is commenced there shall be submitted to and approved

in writing by the Borough Council details of: (1) a suitable access arrangement, as shown for indicative purposes on drawing number 13152-010; (2) the provision of pedestrian links and a suitable crossing point to the nearby bus stops; (3) the provision of potential upgrades to the public footpath link to the NET tram stop at Butlers Hill, as well as cycle links to the Leen Valley Country Park; and (4) the provision of a new 'Gateway' treatment and extended traffic calming zone for Moor Road. 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. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of wheel washing facilities to be used by vehicles entering and leaving site during the construction period. The approved wheel washing facilities shall be maintained in working order at all times during the construction period 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.
9. 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, unless 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 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) 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.
11. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of an archaeological scheme of treatment. The scheme shall include post-determination evaluation beginning with a scheme of geophysical survey, possibly with a subsequent scheme of trial trenching and/or archaeological monitoring, as deemed necessary. The scheme shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.

12. Before development is commenced, including vegetation clearance or ground works, the existing trees and hedgerows to be retained shall be protected in accordance with the details specified in the Arboricultural Survey, February 2014, by Middlemarch Environmental Ltd. The means of protection shall be implemented in accordance with the approved details for the duration of the construction period, 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 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat (including the balancing pond). The scheme shall be implemented in accordance with the approved details, unless 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 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, swallow and swift. 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.
15. Before development is commenced, including vegetation clearance or ground works, there shall be submitted to and approved in writing by the Borough Council a reptile method statement to ensure the field margins are cleared sensitively. The method statement shall be implemented in accordance with the approved details before the development is first commenced, unless otherwise prior agreed in writing by the Borough Council.
16. No vegetation clearance or ground works shall be undertaken until the site has been walked by an ecologist to ensure that badgers have not moved onto the site. If any badgers are found to be present, details of any mitigation measures that may be deemed necessary shall be submitted to and approved in writing by the Borough Council before vegetation clearance or ground works commence. The mitigation measures shall be implemented in accordance with the approved details before development commences.
17. No removal of hedgerows, trees or shrubs 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.

18. 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 mammals that may fall into the excavation to escape, and any pipes over 150 mm in diameter should be capped off at night to prevent mammals from entering them.
19. The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
20. 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.
21. 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, which shall consist of native species, ideally of local provenance, where possible; (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.
22. 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.
23. Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards. The garage doors shall be retained to this specification for the lifetime of the development, 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. 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 2014).
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 2014).
5. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
6. 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 2014).
7. To ensure an adequate form of development in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. 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 the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
11. To ensure the appropriate investigation and recording of archaeological features, in accordance with Section 12 of the National Planning Policy Framework and Policy 11 of the Aligned Core Strategy for Gedling Borough (September 2014).
12. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned

Core Strategy for Gedling (September 2014).

14. To enhance biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
16. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
17. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
18. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
19. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
22. To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
23. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014)

and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), 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 Development 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 Development Plan.

Notes to Applicant

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

The Environment Agency advises that condition 8 should not be altered without its prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.

The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site, as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

The Environment Agency advises that SuDS involve a range of techniques, including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

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

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant to discuss issues raised, 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.

The County Council Rights of Way require that the availability of the Bestwood St Albans Parish Footpath No.3, which runs alongside the northern boundary of the site, is not affected or obstructed in any way by the proposed development at this location, unless subject to appropriate diversion or closure orders. The County Council should be consulted on any re-surfacing or gating issues and the developers should be aware of potential path users in the area, who should not be impeded or endangered in any way.



Application Number: 2014/0950

Location: Land Fronting Wighay Road Linby 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:	2014/0950
Location:	Land Fronting Wighay Road Linby Nottinghamshire
Proposal:	Erect 38 No Dwellings and Associated Works
Applicant:	Strata Homes Ltd
Agent:	
Case Officer:	Nick Morley

Background

This application was deferred at the meeting of the Planning Committee on 28th January 2015 for further clarification on highway matters and for a Technical Briefing to be arranged for Members.

A Technical Briefing was held on 11th February 2015.

Site Description

The application site comprises approximately 1.59 hectares of disused agricultural land, situated to the north of residential properties on Wighay Lane, Hucknall, which are located within jurisdiction of Ashfield District Council. The site is bounded to the north, east and west by agricultural land at Top Wighay Farm. Linby village lies approximately half of a mile to the east, just past the nearby Robin Hood railway line.

The land immediately to the east of the site was previously occupied by brickworks, including a clay pit, in the 19th Century, and is now a Local Wildlife Site (LWS).

The development site falls relatively gently by about 4 metres, over a distance of around 175 metres, from the north-west to the south-east; and by about 1 metre, over a distance of around 130 metres, from north to south.

The site is bounded on all sides by mature hedgerows, which contain a number of mature trees.

Relevant Planning History

The site forms part of a wider area at Top Wighay Farm, which is allocated for residential development in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

A Development Brief for Top Wighay Farm was adopted by the Borough Council in 2008.

Policy 2 of the Aligned Core Strategy for Gedling Borough (ACS) includes provision for a Sustainable Urban Extension at Top Wighay Farm for up to 1,000 homes. This is a strategic allocation, of which the current application site forms a small part of the southern eastern corner.

Proposed Development

Full planning permission is sought for the erection of 38 dwellings and associated works, with the main access off Wighay Road and 2 private drives serving the first 8 plots, which would front onto Wighay Road. There would also be 3 cul-de-sacs providing potential access to the adjacent allocated land.

The proposed development would consist of 34 detached, four bedroom, properties and 4 semi-detached, four bedroom properties. All the proposed properties would have their own driveways, with either detached or integral garages. With regard to scale and massing, 22 of the proposed properties would be two storeys in height, with a maximum ridge height of 8.5 metres, whilst 12 would be two storeys with rooms in the roof, having a maximum ridge height of 10.75 metres, and 4 would be three storeys, with a maximum ridge height of 10metres.

With regard to appearance, details submitted as part of the application indicate the proposed means of enclosure, which includes the use of 1.2 metres high black railings, 1.9 metres high brick screen walls and piers with timber infill panels and 1.8 metres high close boarded fencing. External finishes would comprise red brick, buff stone facing or render elevations with grey or terracotta roof tile. Driveways and paths would be surfaced in tarmac or buff paving slabs respectively.

With regard to landscaping, most of the existing hedges and trees to the site boundaries are shown as being retained, apart from where the main access and 2 private drives would be created through the hedgerow fronting Wighay Road, which the Arboricultural Impact Assessment states would necessitate the loss of 4 existing trees, 3 groups and a hedgerow. Parts of the existing hedgerows around the site boundaries would be trimmed back, with any gaps filled with new planting or 1.8 metres high fencing, as appropriate. Proposed new planting is indicated on the landscape masterplan.

In addition to the layout, house type, materials, enclosure and landscape drawings and details submitted, the application is also supported by the following documents:

- Arboricultural Impact Assessment
- Archaeological Desk Based Assessment
- Control of Dust and Noise Statement
- Design and Access Statement
- Noise Impact Assessment
- Phase 1 Habitat Survey and Desk Study
- Phase 2 Geotechnical and Environmental Report

Planning Statement
Statement of Community Involvement
Statement on Flooding and Drainage Issues
Sustainability Statement
Transport Statement and Travel Plan

The following revised plans and additional information has been submitted during processing of the application in response to comments received:

Additional Site Investigation Report for plots 8 and 9
Archaeological Geophysical Survey Report
Botanical Species List
Existing and Proposed Levels drawing
Flood Risk Assessment
Garage plans and elevations
Ground Level Tree Assessment (Bat Survey)
Landscape and Visual Impact Assessment
Landscape Masterplan (updated)
Landscape Planting Plans
Materials Layout drawing (subsequently updated to reflect amended Site Layout drawing below)
No Dig Drive Details
Phase 1 Geotechnical and Environmental Desk Study
Potential Bat Roost Surveys
Proposed Footway
Remediation Strategy
Response to Ecological Comments
Roped Access Investigation
Site Layout drawing
Viability Appraisal

The site boundary has also been extended slightly to the east and into the LWS to provide grassed banking at the side of the proposed access road. This is because the proposed road would in places need to be approximately a metre above the existing ground levels.

Following the revised comments from the Highway Authority an additional drawing has been submitted showing a new footway along the northern side of Wighay Road, extending from the roundabout to the west, across the frontage of the site, and to a point where it meets the existing footway to the east of the site. This could have been dealt with by a condition, as these would be highway works, which the Highway Authority could undertake as statutory undertaker. However, due to the potential impact on hedging to the front of the development site, it was considered necessary to carry out re-consultation, with those already consulted. This re-consultation expires on 13th February 2015.

Consultations

Unless otherwise indicated, the comments below have been made in respect of the application as originally submitted.

Internal sections and other consultees have been re-consulted selectively on some of the additional information which has been submitted in response to specific technical matters which they have raised.

Any further comments received following re-consultation on the additional drawing showing a new footway along the northern side of Wighay Road, will be reported verbally.

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

I have received 2 emails of representation from local residents, which make the following comments:

Development Plan Issues

The proposed access onto Wighay Road does not conform to the development plan for the area.

Highway Issues

Wighay Road is a fast, busy road throughout the day, carrying all types of traffic from push bikes to HGV's. The junction of Wighay Road and Knightsbridge Avenue is at best a dangerous junction. For obvious reasons, the traffic survey only highlights reportable accidents. The reality is there are at least 2 or 3 accidents each year at this junction and at peak times it is a particularly difficult junction to negotiate.

Again, the survey relates to traffic using the junction for a 30 minute period in the morning. It does not look at the traffic levels between 4.00 and 6.00 pm, when the road is particularly busy around the Knightsbridge Gardens junction. The same applies for residents either trying to get on or off their driveways. The addition of a further junction only 30 metres away would compound the problem and lead to potentially more accidents. The proposed means of access to the development should be reconsidered to reduce the risk level.

What consideration has been given for the residents opposite the development entrance to make accessing their driveways safe? A number of existing residents on Wighay Road are multiple car users. At present, the second and third cars of the households are parked half on the pavement and half on the road, although this assists the flow of traffic along Wighay Road. If all the residents were to park correctly, the flow of traffic would be hampered and the line of sight for vehicles pulling out of Knightsbridge Gardens would be compromised further.

Wighay Road is a narrow road, there is no pavement on the north side and access at the proposed junction would not be safe.

The local comprehensive school is less than half a mile away from the proposed

development, leading to a increased amount of pedestrian and cycling youngsters using the roads and pavements in these areas around 8.30 am and 3.30 pm each weekday. What precautions will be taken to ensure the safety of the school children, not only during the construction phase but afterwards, bearing in mind the comments above.

It is inevitable that there will be school children living within these new properties. Within the proposal, there is no mention of a pavement to the north side of Wighay Road or any safe means of crossing the road. Without these in place the area becomes at greater risk of a serious accident. What measure will be taken to prevent this?

The proposed 38 houses appear to be viewed in isolation to the development of the whole site, the prospect of cars from 1000 houses using this access would be dangerous. The original plan for the site clearly stated that access must be strictly from Annesley Road. The increase in traffic since the development plan was produced makes adherence to the plan regarding access essential.

Design Issues

Three storey houses are not appropriate and would be completely out of character, as the immediate area consists of two storey, semi-detached, properties.

Other Issues

The sustainability statement is farcical. Where is Wighay Village, the local hospital, leisure centres, medical centres and shops? which it states are all within easy walking distance.

Why has Ashfield District Council been consulted on Tree Preservation Orders, but not Gedling?

Can the ecology report be believed, when it refers to 48 houses and Ashfield District Council?

What consideration has been given to the residents living immediately opposite the proposed junction, in relation to the decreased value of their properties that this development will have on them.

This application should not be considered for determination until the applicant produces information which is reliably accurate; access to the site is of paramount importance on safety grounds and the development plan must be strictly adhered to.

Additional Comments made on Revised Plans & Additional Information or post Planning Committee Agenda for 28th January 2015

David Wilson Homes have purchased land at Top Wighay to construct 120 houses and it is now appropriate that a traffic assessment for the site is

conducted.

The Highway Authority has objected to the Strata application and road safety issues are now an even bigger concern.

The Borough Council should reject the current planning application, until the site is considered as a whole.

Proposed Footway

I have received one additional representation from a local resident, who would prefer not to have any dwellings built on the site, but whose main objection is to the removal of the trees and hedgerow, which border the site and Wighay Road, in order to create a 2 metres wide footpath.

These trees and hedgerow are an important part of the area, as they support local wildlife and are in keeping with this part of Hucknall and the neighbouring village of Linby.

In addition, these trees would offer some privacy to the houses on Wighay Road, which are located opposite the proposed new houses.

Linby & Papplewick Primary School – the Headteacher has expressed his deep concerns with regards to the application on the following grounds:

The Design and Access Statement states that “Wighay is a small village, but provides a wide range of amenities... There are a number of ... schools...”. However, there is no Wighay Village with schools. The housing would be in Linby Village, which does not have a range of amenities and only one school, which is over subscribed. This development would give approximately 10 pupils of primary age, which is an increase of 8% to Linby and Papplewick Primary School’s pupil population. The school is already full and oversubscribed.

All the local schools in Hucknall are at capacity, and so there would be problems with school places for children from these dwellings, which are all large family dwellings and so one would expect above 0.22 children of primary age per dwelling. Careful consideration, forethought and strategic planning needs to be addressed with regards school places for any development of houses on Top Wighay.

The Headteacher is also very concerned about the proposed access onto Wighay Road and the effect on traffic volume, and safety of travel to and from school for pupils.

Linby Parish Council (LPC) – objects to the proposed development on the following planning policy grounds:

Procedural Matter

The address for the application site should be “Wighay Road” and not “Annesley Road”, which gives a false impression of the sites location.

Context to Objection

The objections are raised in respect of the detrimental impacts that the proposed development would have on the area, having regard to the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the adopted Aligned Core Strategy (ACS), the Gedling Borough Replacement Local Plan (RLP) and the Top Wighay Development Brief 2008 (the Development Brief).

Reasons for Objection

LPC acknowledges that notwithstanding the sound planning reasons put forward by a number of objectors to the allocation of the Top Wighay Farm site for development, which is in conflict with the Borough Council's strategic policy of "*urban concentration with regeneration*", the ACS has nevertheless been adopted by the Borough Council, following main modifications in light of the Inspector's Report. LPC's objections do not therefore relate to the principle of development of the application site for housing, but rather to the detailed proposals that have been submitted in isolation from any development proposals for the remaining and substantive part of the wider allocated site.

Background

Detailed planning applications should be supported by detailed and accurate information in respect of the various development and environmental considerations relating to the type and scale of development being proposed. In this way, both the Borough Council and local residents are able to understand the proposed development and make representations.

In this respect, the Design and Access Statement (DAS) is littered with errors and inaccuracies and fails to address many key aspect of the proposed development, including, in summary, references to "Wighay Village", existing landscape features, incorrect consultants, regeneration, the existence of the Development Brief, unresolved drainage and highway connectivity issues, no facilities or hospital within easy walking distance, the fact that the LWS is protected by planning policy, limited variety of house types, inaccurate description of the layout, cohesive architectural style, all of which have resulted in a poorly conceived scheme.

Piecemeal Development

The application site comprises 1.59 hectares of a 35.6 hectare site, of which 8.5 hectares is earmarked for employment use. It is crucial on a site of this scale that a coherent approach to the site's development is adopted to ensure that the comprehensive development of the overall site is not compromised.

Policy ENV1 of the RLP sets out the requirements that proposals are expected to meet if they are to be acceptable in planning policy terms, including that proposals do not prejudice the comprehensive development of a development

site. The RLP advises developers that they should contact the landowners of adjacent sites to seek a comprehensive solution. A similar objective is contained within the Development Brief, which seeks to ensure that the design of the Top Wighay Farm development is not insular and is fully integrated within the wider Hucknall Urban Area.

The proposed development makes no attempt to provide an integrated solution to the development of the overall site. No Masterplan has been produced to show how the wider site would or could be developed in conjunction with the application site and, to the extent that the proposals include three potential access points to the neighbouring land that could utilise the proposed access off Wighay Road, the proposed new priority junction is designed to serve only 38 dwellings and there is no detail regarding the suitability of the junction to serve a more significant number of dwellings. Furthermore, trees and hedgerows are proposed along the site boundaries in the location of the internal roadways.

Highways & Traffic

The proposed access onto Wighay Road is also contrary to the Development Brief, which states that only two vehicular access points will be permitted to the overall site, at the roundabout where the A611 meets the B6011 and off Annesley Road.

The ACS and the Development Brief require a Transport Assessment (TA) to be submitted as part of any planning application for the site. The purpose of the TA is to ensure that the transport infrastructure is planned for the overall site in a comprehensive manner. The Transport Statement and Travel Plan submitted does not comprise a full TA and, given that the access arrangements to the site require a holistic approach, is not fit for purpose.

There are serious traffic problems in the villages within the environs of the application site. The roads are so busy, that they are already dangerous and any additional traffic discharging onto Wighay Road, close to the centre of Linby village, would exacerbate the existing traffic problems. Parents cannot access the school or village centre safely and children have to be driven to school rather than walk, as it is too dangerous to cross the road. The school cannot employ a crossing patrol to ease the situation, as that's too dangerous also.

At the ACS hearing sessions, the Highway Authority assured both LPC and the Inspector that any future development proposal(s) on the Top Wighay Farm site would involve sustainable travel solutions. The Highway Authority also confirmed that this would take account of the need to access sites by walking and cycling, and that in order to achieve this, the Highway Authority would look to alter the existing highway. There are no safe cycle or walking routes currently in the immediate area of the application site. There is also no means for school children to safely cross Wighay Road at the current time. There is nowhere for parents to safely drop off or pick up children from school, which results in chaos and potential dangers in the village twice daily. Near misses, emergency stops and road rage incidents are becoming the norm within the village. The school,

parents and pupils, as well as villagers, are all concerned by the situation and , in the absence of a detailed TA dealing with the traffic and highway situation in a comprehensive manner, these current issues and concerns would be exacerbated by the proposed development.

LPC would like to stress that its concerns are not a speed issue, but rather the volume that is currently discharging onto this narrow road and the impact that an additional 38 dwellings (at least) would have on Wighay Road and the surrounding highway network in the absence of comprehensive improvements to the existing highway arrangement. It was never designed to accommodate this level of usage and is already dangerous.

LPC was further assured at the hearing sessions that a fully detailed TA would be carried out prior to any detailed planning applications being approved. However, this does not form part of the proposals.

Design & Landscaping

The NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and is indivisible from good planning. Planning decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping and respond to local character and history, reflecting the identity of local surroundings. The RLP and ACS contain policies that seek to achieve similar objectives.

The DAS sets out the design principles and concepts that have been applied to the proposed development and seeks to make the case that the proposals comprise high quality development, both in architectural and landscape terms, in accordance with the NPPF. The DAS advises that there are a variety of house types laid out in a relaxed building form, which respects and reflects the site's location, demanding a bold design that would create a distinctive character for the site and an architectural style that is cohesive and considered. This is plainly not what the development would achieve.

The proposed development includes five housing types, two of which are identical in terms of their external appearance and therefore, in reality, there are only four house types proposed. The house designs reflect the conceptual approach to design based on "anywhere street". That is to say, they do not respond to local character and they are not locally distinctive. They are in fact standard house types built for any location. In this, the conceptual approach to the design is flawed and fails to adopt the clear principles of good design.

In addition, the layout of the development is of poor quality.

Notwithstanding that the strongest grouping of trees are located along the Wighay Road frontage and that one of the key aspects of sustainable development is the integration of new development into existing landscapes, taking account of important landscape features, the proposals involve the removal of 7 existing trees (out of 17) along the Wighay Road frontage and, more

importantly, the removal of the larger specimens that make the greatest contribution to the landscape character of this part of the site. In addition, the hedgerow along Wighay Road would be removed. These trees and hedgerows make a significant contribution to the character and quality of the wider landscape and their removal would be detrimental to the visual amenity of the area.

The DAS explains that the layout of the housing is developed around a basic perimeter block structure, which is evident from the proposed site layout plan. The grid layout fails to respond positively to the opportunities presented by the site, including its rural setting, existing trees and hedges and its relationship to the adjoining LWS. The site is poorly laid out and does not respond well to the topography and character of the surrounding countryside. In the absence of a high quality development, it is difficult to envisage how this development would integrate with the surrounding area and create the impetus for the achievement of high quality development on the substantive parts of the site.

In residential amenity terms, the houses proposed within the central part of the site face directly towards each other over a distance of only 20 metres. This is insufficient to avoid concerns of overlooking and loss of privacy and would create a poor residential living environment for the future occupants of these dwellings.

The massing of the dwellings is also ill-conceived. Notwithstanding that there are no full three-storey dwellings within the local area, a number of two and a half and three storey dwellings are proposed within the development. These are 'dotted' throughout the development and pay little respect to the character of the wider area or to the creation of a high quality development for the site. One of the streetscenes is particularly revealing in just how poor the development would appear as it fronts onto Wighay Road. The differing heights and widths of the dwellings look disjointed and are in stark contrast to the relatively uniform row of houses on the south side of Wighay Road, facing towards the application site.

In addition, the proposals do not include for any affordable housing and no open space provision is shown.

With regard to affordable housing, it is suggested that a commuted sum payment would be made for affordable housing in lieu of units on the site itself, equating to 20% of the total housing provision. However, the ACS and Development Brief require a housing mix incorporating 30% affordable housing.

With regard to open space, it is suggested that the surrounding areas include a variety of open spaces with pockets of informal managed tree areas and a grassed meadow area to the eastern side of the site. However, the land to the east of the site comprising the LWS is outside of the applicant's control and in the absence of an overall site Masterplan there can be no guarantees where any future provision of open space would be and what form it would take. Given that the proposed development is solely of family housing, this appears to be a glaring omission.

Ecology

The Phase 1 Habitat Survey and Desk Study found that the site supports habitat and species of conservation value, including species rich hedgerows with trees and suitable habitat for breeding birds. In addition, the site has potential to support protected species, including bats.

Despite the conclusions and recommendations of the ecology report, a significant number of trees and hedgerows are to be removed as part of the development. This would seriously undermine the ecological value of the site. Moreover, the recommended follow-up surveys have not been undertaken and therefore the extent of harm to biodiversity resulting from the development is unknown. The detrimental impact of the proposed development on the nature conservation value of the site is exacerbated by the limited ecological enhancements proposed for the site, including the lack of maintenance of habitat connectivity through the retention of boundary trees and hedgerows.

This is in clear conflict with the NPPF, which advises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. Similar objectives are contained in the RLP, ACS and Development Brief, in which measures are promoted to encourage biodiversity and to pay particular attention to the impacts upon the Wighay Road Grassland LWS.

Conclusions

For the above reasons, the proposed development is in clear and direct conflict with the development plan, with national planning advice, and with the Development Brief for the site, which is designed to promote a high quality development for the site.

Planning permission should therefore be refused in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

The following additional comments have been made on the revised plans & additional information submitted or post publication of the Planning Committee Agenda for 28th January 2015:

Flood Risk Assessment Report (November 2014)

1. Paragraph 5.3 in the drainage report is misleading, as flooding in the area has been prevalent for many years affecting Wighay Road and Linby village. In June 2007, it was widely documented that houses on Wighay Road and Ward Avenue in Hucknall were flooded.
2. Linby has also experienced several floods in the last 10 years. There seems no mention how to limit flows into the catchments for watercourses routed towards Linby [photograph submitted to evidence the recent flooding in Linby Village].

Highways & Traffic

3. LPC is concerned that the application is going ahead without the support of the Highways Authority. The reason for highways not supporting the application are that County Highway's made assurances to the Inspector at the ACS Examination that the development of Top Wighay should be accompanied by a comprehensive Master Plan for the entire site, rather than piecemeal development.
4. At the Core Strategy hearing sessions, the Highway Authority assured both the Parish Council and the Inspector that any future development proposal(s) on the Top Wighay Farm site would involve sustainable travel solutions. As it stands presently, there will be no pavement on Wighay Road where the site will be adjoining and yet family homes are proposed. How is a mum with baby buggy and young toddler by her side expected to safely cross the road? LPC would suggest that at peak times, which of course includes school times exit, on foot would be virtually impossible.
5. The planning application appears to contravene the principles of the 6C's Design Guide. The Borough Council refers to the document and states the reason that a Transport Assessment was not required is because it falls under the threshold of 50 homes. However, the guide is made up of many factors. It states in the guide that it aims to meet the following specific policy objectives:

"Road and personal safety: To achieve developments that:
 are safe for all users;
 promote road safety; and
 reduce personal safety risks (whether real or imagined)."
6. The guidance also states under the section "The impact on highways and transportation infrastructure": To make sure the:

highways and transportation infrastructure is not adversely affected by developments, including safety and congestion;
7. Under the section Part 3 Design Guidance it states:

create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so;
8. Under the section - access to A- and B-class roads, it states we will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

roads with a speed limit of 40mph or less which are essentially rural in nature;
9. On all the points above, LPC feel the applicant has not addressed any of the safety issues with regard this application and that the local authority has not ensured the safety issues have been addressed.

Ashfield District Council (ADC) - objects to the application on the following grounds:

Significant concern is raised with regard to the proposed access. The proposed layout allows for access into the wider allocation. No information relating to the

capacity of the existing infrastructure has been submitted, and whilst this would be assessed by the County Council as Highway Authority, it would be prudent to consider the suitability of the proposed access to serve the wider allocation needs as part of this application.

The access also needs to be considered regarding its suitability in terms of the capacity of the immediate road network to accommodate a significant vehicular access onto Wighay Road. Concern is raised without sufficient information with regard the two proposed shared private drives, which would be accessed off Wighay Road, which has a 40 mph limit.

It is acknowledged that this is a housing allocation in the local plan and therefore the principle of residential development is established. However, it is considered that given the limited size of this proposal and the strategic nature of the site as a sustainable urban extension, that the proposed piecemeal approach to developing the site would not deliver optimum comprehensive development. Furthermore, it diminishes the opportunity to enable the securing of appropriate developer obligations to facilitate the infrastructure required for full and proper access to services and facilities provided within the main settlement of Hucknall.

Whilst there is no objection to the principle of the development, ADC considers that a holistic approach to realise the long term aspirations for the site needs to be taken at this preliminary stage.

Furthermore, the NPPF seeks to ensure that development is planned positively. The Aligned Core Strategy for Gedling Borough states that the Top Wighay Farm allocation would support the regeneration of this sub-regional centre (Hucknall) and has a duty to cooperate with ADC to ensure that the facilities and services required are delivered. Gedling Borough Council has a duty to cooperate with ADC on cross-boundary issues and this should be a key consideration in any future decision made on this site.

ADC expressed its concern at the EIP regarding the impact of development at Top Wighay Farm on the infrastructure of Hucknall. It remains a relevant and significant consideration that any development within Gedling Borough should not “mop-up” any existing infrastructure capacity in Hucknall, whilst providing no ongoing support for infrastructure. Given the location of the proposed development, on the boundary of Hucknall, the application should consider and, through the Section 106 Agreement, make appropriate provision for the infrastructure of Hucknall. The Greater Nottingham Infrastructure Delivery Plan in relation to Top Wighay Farm identifies a requirement for:

Transport – apart from the two access junctions, integrated transport/walking and cycling package, including potential bus links to Hucknall NET/railway station.

Healthcare.

A primary school on the Top Wighay Farm allocation and contributions towards secondary schools in Hucknall.

Contributions towards the Hucknall town centre improvements, which ADC anticipated to be three thousand pounds per unit. No dialogue has been entered into with ADC.

The Heads of Terms set out as part of the proposal identifies the provision of a commuted sum equivalent to 20% of the total number of units. Gedling Borough Council's Affordable Housing SPD identifies that a provision of 30% of total units should be provided. No justification for the reduced provision has been submitted.

The Design and Access Statement states that Gedling Borough Council has confirmed that no affordable housing is required on this site and a commuted sum payment in lieu of these units is the preferred option. It is unclear how this assessment has been made, however, as the proposal is an urban extension to Hucknall, the demand for on-site affordable housing should be explored with both Gedling Borough Council and ADC. ADC's housing needs study identifies that there is a demand for affordable housing within Hucknall.

It is considered that the proposal, without a sufficient affordable housing provision, is contrary to both Gedling Borough Council's Affordable Housing SPD and Part 6, paragraph 50 of the NPPF. The proposal fails to plan for a mix of housing which widens opportunities for home ownership and create sustainable, inclusive and mixed communities. The SPD identifies that affordable housing is required within the Gedling Rural North area and whilst the NPPF identifies that an off-site provision or financial contribution of broadly equivalent value may be appropriate, this has to be robustly justified. The rationale for seeking an off-site contribution is not currently provided.

ADC therefore objects to this proposal, as it would have a detrimental impact on Ashfield infrastructure to the detriment of both existing and future occupiers as the proposal does not address wider infrastructure issues or mitigate against the impact of the proposed development upon Ashfield District. Furthermore, through the lack of affordable housing provision within the site, the proposal would not deliver a cohesive and mixed community, contrary to the requirements of the NPPF.

Nottinghamshire County Council (Highway Authority) – recommended that the application as originally submitted be refused on the following highway safety grounds:

1. The two private drive access points from Wighay Road serving plots 1 to 8 do not show the achievable visibility onto the B6011.
2. All the private drive access points should be a minimum of 6.00 metres in length, if up and over garage doors are to be installed. Currently, the majority scale at 5.50 metres, which would result in cars overhanging what would presumably become public highway, to the detriment of pedestrian safety.
3. The Highway Authority (HA) has previously expressed a desire for the layout to allow for links into the wider Top Wighay Farm development, which is welcomed, but the links should abut the boundary of the site, as the HA would not wish to see ransom strips formed, which could prejudice future development.

4. The configuration of plots 8 and 9 are not acceptable. The front door access to plot 8 is on the radius of the main access into the site and would result in delivery vehicles parking as close as possible to the door (on the radius) to the detriment of highway safety. The private drive access serving plot 9 should be at right angles to the carriageway to aid visibility for vehicles exiting the plot.
5. The private drive serving plot 29 is too remote from the dwelling and would result in vehicles parking on street obstructing the visibility splay.
6. The visibility splay for all internal junctions should be shown and safeguarded.

However, should the above items be amended and re-submitted, the HA would look upon the application favourably.

In addition, the HA requested that it should be noted that comments made by the County Council at the Aligned Core Strategies Examination in Public (EIP), were that the development of Top Wighay Farm should be accompanied by a comprehensive Master Plan for the entire site rather than piecemeal development. A 'fresh' Transport Assessment (the previous one being 2005) is required to establish the transport impacts of the whole development and a strategy for delivery of any necessary transport mitigation.

Discussions were also held at the EIP regarding the possibility of introducing traffic management measures in the villages to minimise any adverse impacts of increasing traffic levels. The HA was not able to give the Inspector any firm detail (which would be established as part of the Transport Assessment for the planning application) in this regard, except to say that the HA thought a scheme of traffic management/speed reduction/road safety would probably cost in the order of 250,000 pounds. At the EIP, the HA also advised that a similar scale of intervention would be necessary for either the Top Wighay Farm or the Land North of Papplewick Lane planning applications, whichever site was delivered first.

Careful consideration will need to be given to the overall (Top Wighay Farm Master Plan) layout, as the HA would not wish to encourage access from the overall site directly onto Wighay Road. Though a link should be provided in the grand scheme, it should be unattractive and torturous to undertake, thereby promoting entry and exit via any new access off the roundabout junction.

The HA has also confirmed that it would be unreasonable for the County Council to request financial contributions for a development of this stature. However, this stance should not set a precedent for future small scale development associated with Top Wighay Farm. Small piecemeal development would have a negative impact on the sustainable delivery of the Top Wighay Farm site.

Revised Plans

Further to receipt of the amended details, the HA has confirmed that the layout is now acceptable from a highway point of view.

A point to clarify is the acceptance by the HA of the 2.00 metres by 58 metres visibility splay to the west from the private drive access point serving plots 1 – 5. The speed limit on Wighay Road at this point is 40 mph and the site constraints are such that it is not possible to achieve the required 65 metres splay.

Interrogation of the link data held by the County Council has shown that the mean speed on Wighay Road is actually 32 mph. This allows the visibility splay to be reduced to 54 metres. However, agreement has been reached with the applicant that where possible the 2.4 metres by 65 metres splay would be provided, only reverting to 2.00 metres by 54 metres where absolutely required.

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

The provision of a new priority junction and two dropped kerb access points.

All drives, parking and turning areas to be surfaced in a hard bound material.

Any garage doors to be set back specified distances from the highway boundary.

Any soakaway to be located at least 5 metres to the rear of the highway boundary.

No part of the development to be brought into use until the driveways, parking and turning areas are constructed with provision to prevent the unregulated discharge of surface water from these to the public highway.

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

Revised Comments (7th January 2015)

The HA submitted the following revised highway observations on 7th January 2015:

As this current application remains undetermined, and now the Aligned Core Strategy (ACS) has been adopted (subject to the legal challenge), the HA feels that it must remove its previous recommendation for approval.

At the ACS Examination in Public (EIP), the County Council stated that the development of Top Wighay should be accompanied by a comprehensive Master Plan for the entire site rather than allow piecemeal development and that it would look for a fresh Transport Assessment (the previous being dated 2005) to be produced to establish the transport impacts of the whole development and thereby enabling the HA to establish a transport mitigation strategy.

At the EIP, the HA discussed the possibility of introducing traffic management measures in the surrounding villages to minimise any adverse impacts of increasing traffic levels. Without a comprehensive Master Plan and updated Transport Assessment, the HA would not be in a position to establish a transport mitigation strategy for the Top Wighay site.

To allow this piecemeal development would contradict the statements made by the County Council at the EIP and would set a precedent for future developments on the allocated Top Wighay site to come forward without the need for producing a Transport Assessment, therefore the HA recommends that the application be refused.

Revised Comments (28th January 2015)

Further to ongoing discussions, the HA confirmed that it has no objections to the principle of the proposed development.

Apart from the imposition of an additional condition requiring the provision of a footway along the boundary of the site and Wighay Road, the HA re-iterated its previous comments, as outlined above, with regard to visibility, conditions and notes.

The Highway Authority has also confirmed that any further development resulting in a cumulative total of 50 houses would require a full Transport Statement for the whole of the Top Wighay Farm site. As that in itself would involve 1000 houses, a full Transport Statement for the whole site would be required.

Any further comments received following re-consultation on the additional drawing showing a new footway along the northern side of Wighay Road, will be reported verbally.

Network Rail (NR) - with reference to the protection of the railway, Network Rail has no objection in principle to the development, but indicates the following requirements, which must be met, especially with the close proximity to the development of an electrified railway:

The access for the development is approximately 400 metres from the Linby Station level crossing; level crossing safety must be considered as part of the increased traffic. NR requests that no part of the development should cause any existing level crossing road signs or traffic signals, or the crossing itself, to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

NR advises that in particular the level crossing should be the subject of conditions, the reasons for which include the safety, operational needs and integrity of the railway. For the other matters, NR would be pleased if an informative could be attached to the decision notice.

By way of clarification, NR has subsequently confirmed that it would be sufficient for the above information to be conveyed to the applicant by means of an informative attached to any decision notice and that as the site is not within close proximity of the railway boundary, a method statement is not necessary.

Environment Agency (EA) – initially observed that in the absence of an acceptable Flood Risk Assessment (FRA), the EA objects to the grant of planning permission and recommended refusal for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in the Technical Guide to the NPPF. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. *Provide a sustainable drainage system that meets with NPPF Guidance.*

According to the NPPF Guidance, a Sustainable Urban Drainage Systems (SuDS) scheme should reduce the impacts of flooding; remove pollutants; and provide benefits to amenity, recreation and wildlife. The FRA also refers to the potential use of a pumped system. The EA does not support the use of pumps in surface water system due to the impact of failure. The EA recommends that the necessity for a surface water pump is designed out as early as possible within the scheme.

2. *Calculate existing greenfield runoff rates.*

The EA recommends that a site specific analysis of the greenfield runoff rates is undertaken as it estimates the site to have the SAAR factor of approximately 720mm and a soil type of 1 according to the Winter Rain Acceptance Potential (WRAP) Map. These factors will likely result in a lower Qbar than assumed in the FRA and thus the EA recommends that the drainage rates are limited to existing greenfield runoff rates.

3. *Provide site specific percolation tests to demonstrate the potential for infiltration.*

The FRA assumes poor draining ground conditions from a desk based investigation. The EA recommends that site specific analysis should confirm whether or not infiltration is possible and thus confirm that the site is complying with the drainage hierarchy and Requirement H3 of the Building Regulations 2000.

However, this objection can be overcome by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and, where possible, reduces flood risk overall. If this cannot be achieved, the EA is likely to maintain its objection to the application. Production of an FRA will not in itself result in the removal of an objection. The EA's objection will be maintained until an adequate FRA has been submitted.

Revised Flood Risk Assessment

Following re-consultation on the revised FRA, the EA comments as follows:

The EA acknowledges that infiltration is recommended as the preferred means of

disposing of surface water from the site. However, at this stage, infiltration testing has not yet been undertaken.

If the results of the infiltration testing confirm that infiltration is not a viable means of disposing surface water from the site then, based on the information provided, it is unclear how the proposed development will incorporate SuDS and, therefore, the EA object to the grant of planning permission and recommend refusal on this basis.

To overcome this objection, the EA requires assurance that either an infiltration type drainage strategy would be used to manage the surface water from the site or, alternatively, the proposed site layout should be suitably revised to provide space for above ground SuDS.

The EA asks to be re-consulted on the above additional information and will maintain its objection until adequate additional information has been submitted.

Specific additional advice on SuDS has been also been provided by the EA.

Additional Information on Surface Water Disposal

It has been established that an infiltration type drainage strategy is not a viable means of disposing of surface water from the site and therefore, based on the information provided, the EA considers it is unclear how the proposed development will incorporate SuDS. The EA continues to object to the grant of planning permission and recommends refusal on this basis.

The EA requires assurance that a suitable above ground SuDS scheme can be incorporated throughout the proposed development.

Despite the subsequent submission of additional information in this respect, the EA still considers that the limited SuDS) features proposed are insufficient and maintains its objection solely in this respect.

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.

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

Nottinghamshire County Council (Nature Conservation Unit) – makes the following comments on the ecological report, which need to be addressed before this application can be determined:

The wider site, of which the application sites forms part, is designated as a Local Wildlife Site (Wighay Road Grassland). This LWS is around 3.3 hectares in size and, if permitted, the development would result in the loss of around 1.6 hectares

- approximately half. Whilst surveys indicate that the development area is fairly species-poor, confirmation is sought that the species list provided is a comprehensive list of all herbaceous species in that area. Furthermore, the report states that *“all species associated with the LWS designation are present in the area to the east of the site”*; however, this area does not appear to have been surveyed, so it is unclear how this conclusion has been reached.

It is stated in the report that trees on the site were identified which may have the potential to support bat roosts, and that should these trees be affected by the development, further ‘Stage 1’ bats surveys are recommended. With reference to the site masterplan, the Nature Conservation Unit (NCU) is unclear if any trees requiring further survey are to be affected, and requests further information in this respect.

Bat activity surveys are recommended in the report. The results of these surveys need to be provided, or reasoning as to why they are not deemed necessary.

There is no reference made to the possible presence of reptiles, despite apparently suitable habitat being present on site. Further comment is requested, along with details of any surveys and/or mitigation that may be required.

The site drainage plan appears to indicate a buried surface water storage area and ground re-grading within a section of the site outside that which has been covered by the ecology surveys (and seemingly also the application red line boundary), and which would appear to necessitate the removal of an area of established scrub which could otherwise be retained. This is therefore queried. Furthermore, this area is, the NCU believes, a natural hollow (or possibly an artificial hollow, but a hollow nonetheless), and it is therefore queried whether this could be used as a natural soakaway or attenuation feature for surface water drainage.

Despite the fact that a significant part of the LWS would be lost under the proposals, no mitigation for this loss appears to be offered, noting that the NPPF states that planning permission should not be granted unless impacts can be avoided, mitigated against or compensated for (in that order). Given the retention of the eastern part of the LWS, the NCU would expect that this would be brought under favourable management to enhance its value, and to mitigate the overall loss in area. Details to this effect are therefore required.

A number of generic enhancement measures are listed in the report. In addition to these, I would expect that additional measures, such as the incorporation of bird and bat boxes into the fabric of a proportion of the buildings on site should also be provided. It is also noted that these enhancement measures are only suggestions, and therefore some assurances are required that they will actually be delivered.

In addition, a Landscape Masterplan has been provided. It is requested that those trees proposed to be planted around the site boundary (i.e. adjacent to the existing hedgerows or along the site access road) are native species from the list provided.

Revised Layout Plans & Response to Ecological Comments

With regard to the revised layout, it appears that the proposed banking would have a fairly minor additional impact on the LWS, and could be mitigated through the measures outlined (re-use of soils, re-seeding).

With regard to the response from the applicant's ecological consultants, which seek to address the above comments, the main issues arising are:

Thomson Ecology recommends that a full plant survey, covering the entire LWS, should be carried out. It would be useful to have confirmation that this indeed will be the case, and when such surveys will occur (given the time of year is currently unsuitable)

Reptile surveys appear to have been scoped out, on the basis that there are no records of reptiles from within 1 kilometre of the site. Given that absence of records from the vicinity cannot be taken to guarantee absence of reptiles, the NCU requests explicit confirmation that the site either does not support suitable habitat for reptiles, or that surveys are required.

It is noted that further surveys for bats are being undertaken.

It is stated that provided the eastern part of the LWS is retained and protected from development, then no significant losses would result. The NCU does not agree with this view, given that the proposals would result in the loss of 50% of an LWS, which is by definition of county importance for its wildlife, and requests that to ensure impacts on the LWS are appropriately mitigated against, and to deliver biodiversity enhancement as required by the NPPF, the remainder of the site is brought under a favourable management regime, secured through a Section 106 agreement.

It is assumed that an updated Landscape Masterplan will be submitted, incorporating the NCU's recommendations and those made in the original Thomson Ecology Phase 1 Habitat Survey report.

Additional Information in Response to above Ecological Comments

With regard to potential bat roosts, the NCU concurs that arranging for an assessment of the trees on the site for their potential to support roosting bats, is the right approach. However, if trees with high potential to support roosting bats are found, or evidence of roosting bats is discovered, then the view of the NCU is that emergence surveys are likely to be required, so that impacts can be properly considered and so that mitigation can be put in place (and to ensure compliance with the Habitats Regulations), if these trees need to be removed.

Following the submission of the potential Bat Roost Surveys and tree climbing inspections, the NCU is satisfied that these have found no evidence of current or previous bat roosting within the trees on site. However, the Roped Access Inspection acknowledges that trees continue to have the potential to support roosting bats, and the NCU recommends that any which have to be felled during the bat active season should be subject to a single precautionary emergence survey. The carrying

out of such a survey during this period, immediately prior to felling, should be conditioned, along with the submission of a report detailing the results the survey and any mitigation measures that may be required.

With regard to reptiles, it is recommended that a condition be imposed to require the submission of a Reptile Method Statement, relating to the clearance of the site in such a way that is sensitive to the possible presence of reptiles.

Following submission of the detailed Landscape Planting Plans, the NCU considers that previous comments have generally been taken on board, although there are still a few non-native species which should be replaced.

Subject to the above, the NCU would be able to fully support the proposed landscaping, subject to the imposition of conditions requiring further details or surveys with regard to:

- The reinstatement & seeding of areas affected by banking works on the eastern side of the site along the access road.
- Provision of nest boxes.
- Precautionary bat emergence survey.
- Submission of a Reptile Method Statement.

Proposed Footway

Following re-consultation on the additional drawing showing a new footway along the northern side of Wighay Road, the NCU considers it a shame that the existing hedgerow and trees can no longer be retained, given their mature nature. The NCU asks if there is an alternative, such as putting the majority of the footway inside the site boundary along what is evidently proposed as an area of hard paving, so that the hedgerow and trees can be retained.

Failing this, the NCU notes that a replacement native species hedge is proposed. Further details, such as species mixes, should be secured through a condition (noting that such a hedge should be hawthorn-dominated, and comprising around 5 species overall). The NCU would also hope that some replacement oak trees would also be included.

The NCU also notes that hedgerow removal is required between points C and D on the drawing, but there is no indication that this hedgerow is to be replaced.

Nottinghamshire Wildlife Trust (NWT) - makes the following comments on the application as originally submitted:

Wighay Road Grassland Local Wildlife Site

The NWT has previously outlined its concerns regarding the loss of part of the site designated as Wighay Road Grassland Local Wildlife Site (LWS), which for the 1.59 hectares development amounts to a loss of approximately 48%. However, the NWT understands that the key species for which the site is designated are mostly found in the eastern and central areas of the LWS and would therefore be satisfied that

retaining and protecting these areas from development would go some way to maintaining the integrity of the site.

It appears from the Planning Statement that the eastern and central areas of the LWS are to be retained. However, this document confirms that this area is outside of the red line boundary of the development. The Planning Statement suggests that the development proposal safeguards these areas, but the NWT cannot see any evidence that this is the case, given that they do not fall within the overall site boundary. No information appears to have been provided which shows how the remaining area of the LWS, which is outside of the development footprint, would be protected. Mention of a commuted sum payment for equivalent on site Open Space provision is made within the Proposed Heads of Terms for Section 106 Agreement; however no further detail is given.

In addition to the above, the NWT is extremely concerned that the Design and Access Statement shows a potential future highway network link to the Top Wighay Farm development. The eastern end of this link is immediately adjacent to the retained area of the LWS and thus any '*future connection*' would have to cross the retained wildlife habitat, undoubtedly causing negative impact.

The NWT therefore requests further information to allow it to assess the plans for retention and protection of the areas of Wighay Road Grassland LWS to the east of the proposed development. The NWT would wish to be reassured that no development would occur on the retained LWS, including for future access to the wider area, and that appropriate long-term management would be secured, as indicated in the Top Wighay Farm Development Brief 2008:

"In conjunction with any planning application, an ecological impact assessment will be required together with proposals to protect and enhance existing ecological resources, create new features and secure their long-term management. Appropriate conditions and/or a legal agreement may be used to ensure that the long-term management of ecological resources within the site are implemented."

As the ecological survey report points out, any development on the area of retained LWS would be in conflict with the NPPF guidelines regarding the preservation of priority habitats.

Should the application be approved, the NWT would also request a condition that requires the applicants to ensure that all building materials and machinery are kept as far away from the retained LWS as possible at any time prior to or during works.

Ecological Survey

The NWT is pleased that a Phase 1 Habitat Survey and Desk Study has been carried out which considers the potential impact of the development on protected species. The NWT is generally happy with the methodology employed, which has covered some of the areas requested in its pre-application response. However, further survey work is required.

The Arboricultural Impact Assessment identifies 10 trees for removal in order to facilitate the development, as well as a number of trees along the northern boundary

which would require some level of pruning. In accordance with the recommendation within the ecological report, all of these trees should be subject to survey for bats by a suitably qualified ecologist using established methodology. The ecological report also states that seasonal bat activity transect surveys should be carried out to determine the use of the site by bats. In accordance with Natural England Standing Advice 1, these surveys must be carried out prior to determination of the application. The presence of protected species is a material consideration when a Planning Authority is considering a planning application that could affect a protected species. If surveys are not carried out before planning permission is granted there is a risk that not all material considerations will have been addressed.

Section 7 of the ecological report gives a number of recommendations for mitigation, which the NWT is supportive of:

Retention of hedgerows in situ - where this is not possible, the re-planting of hedgerow of at least the length lost using native, locally appropriate species. However this recommendation is not currently reflected in the Landscape Masterplan and the NWT requests that it be amended accordingly.

Mature scrub in the central area of the site should be retained where possible - again this recommendation is not currently reflected in the Landscape Masterplan and only scrub outside of the red line boundary appears to be retained. Consideration should be given to either retention of scrub habitat, which provides nesting opportunity for a number of birds (including those listed as being of conservation concern), or planting replacement habitat elsewhere on site, but within the red line boundary.

Retention of mature trees in situ - where this is not possible, re-planting trees of at least the number lost using native, locally appropriate species. Some tree planting is indicated on the Landscape Masterplan, however those proposed for the eastern extent of the site appear to be located outside of the red line boundary which we would not support as this would impact on the LWS. These trees should be located within the red line boundary.

Recommendations for carrying out vegetation clearance outside of the bird breeding season – the NWT support this requirement, but does not support the methodology by which work could commence during the breeding season before a nest check is carried out. The NWT is strongly opposed to this, regardless of whether a watching brief is employed, as it is of the opinion that there would be a significant risk of harm to breeding birds. As an alternative, the NWT suggests the following wording for a condition:

“No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Ecological enhancements

Ecological enhancements, such as 'gapping up' existing hedgerows with native species and the incorporation of bird boxes within the proposed new dwellings would be in accordance with recommendations given within the NPPF and the NWT would support such measures. Further information regarding appropriate species and types of boxes can be provided if required.

In summary, the NWT objects to the current proposal, as the required further survey work has not been carried out, details of the retention and protection of LWS have not been provided and the Landscape Plan does not reflect the mitigation requirements given within the ecological report.

Revised Layout Plans & Response to Ecological Comments

As previously stated, the NWT is supportive of the retention of as much of the LWS as possible and would therefore be extremely disappointed in this further encroachment, particularly in the absence of a full vegetation survey assessing the area in question. It appears that the new proposal would also lead to a loss of mature scrub habitat, which was previously recommended for retention in the Thomson Ecology report.

The NWT questions whether the proposal to create a grass bank seeded to match the existing site is a viable approach and the best solution. If the bank were to be created, retention and re-use of topsoil and relying on its associated seedbank may be a better option than introducing seed from an external source, alternatively spreading green hay from the wider LWS might also be an option. In either case, the NWT would wish to see plans for ongoing management secured. In this scenario, it may be possible to minimise impact on the LWS and provide some biodiversity benefit – however, this does depend on the results of a full vegetation survey of the area, as mentioned above.

The NWT would also wish to see how the potential pollution from road run-off would be addressed – the grass bank would slope downwards from the road to the LWS and any run-off would negatively affect the floral composition of the remainder of the calcareous grassland.

The NWT is pleased to see that an alternative drainage option for the site has been found which avoids further impact on the LWS. It would be interesting to know if there are also other options for the road edging which could be found.

Additional Information in Response to above Ecological Comments

The applicant has confirmed that existing topsoil would be re-used in the formation of the proposed banking and that measures would be put in place to ensure that road run-off does not impact on the LWS. The NWT would like to see measures secured by way of condition, should the application be approved.

With regard to the updated Landscape Masterplan, the NWT maintains that native species of local provenance should be used for replacement plantings, but the

revised Masterplan still shows a number of cultivated varieties. No detail of exact species and planting locations has been provided. Where planting is proposed as mitigation for loss of trees/hedgerows, the NWT would wish to be reassured that this is not within the private gardens of new dwellings, where there is no control over future retention and management.

Given that the area adjacent to the access road is now proposed to consist of new banking with retained topsoil aiming to maintain existing grassland species, the NWT suggests that tree planting is reduced in this area. The NWT would expect to see details of the ongoing management of this area to benefit nature conservation interests, including an appropriate mowing regime with removal of cuttings. There are also still some proposed tree plantings outside of the red line boundary, on the retained LWS, which the NWT would wish to see these moved/removed.

The plan does not include detail of bird boxes, as recommended within the Thomson Ecology Report and the NWT requests that these are added.

With regard to the Species List (Appendix 2 – Plant Species and Abundance), the NWT believes that this document relates to a full vegetation survey carried out in May 2014, however it is not possible to fully assess this information in the absence of supporting documentation outlining the methodology and extent of the survey. The NWT requests that this information is made available.

With regard to the Ground Level Tree Assessment Bat Survey, it is noted that the Ecology Report recommends further survey work on a number of trees affected by the development (T4, T8, T12, T7, T9, T10, T11 and G1). The NWT enquires as to when these are proposed to be carried out and maintains that all required protected species surveys should be completed prior to determination of the application, so that any necessary mitigation can then be designed into the Landscape Masterplan.

Proposed Footway

Following re-consultation on the additional drawing showing a new footway along the northern side of Wighay Road, the NWT comments that it appears that the proposal would likely result in further loss of the LWS (along the C-D stretch), which is something we would wish to avoid. The development would already lead to the loss of around half of the LWS and this further adds to the overall loss. The management of the remaining area of LWS as mitigation becomes even more important in the light of additional habitat loss. The NWT's request for assurances regarding securing appropriate long term management of the remaining area have not yet been addressed.

The NWT would question the necessity for the additional footpath, especially to the east of the site access point (C-D), as there appears to be adequate pavement on the south side of the road. Loss of hedgerow to facilitate this proposal is extremely disappointing as it would negatively impact on the ecological connectivity of the site. Replanting the hedgerows would go some way to compensating for their removal, however they will take some years to mature and develop into functioning wildlife corridors. Should this revision be approved, the NWT request that consideration is

given to using more mature trees and hedgerow plants as replacements as they would likely establish a dense hedgerow more readily than the very young whips which are more frequently used in such schemes. The NWT would also wish to be assured that replanting with native, locally appropriate species would be undertaken along the entire boundary – the revised plan only shows this between points A and B and not between C and D.

It is also questioned whether all of the trees which are to be removed have been assessed for bat roost potential, as it the NWT is unsure if the survey work undertaken extended to any trees which may be present to the east (between C and D on the revised plan). The NWT would expect to see an assessment of any trees for bat roost potential prior to determination in line with Natural England advice.

In summary, the NWT's preference would be for the retention of the hedgerows in their entirety – if there are alternative options, such as siting the path inside the hedgerow along A-B these should be explored. If this is not possible, replanting with more mature specimens should be encouraged. Length of replanting should be at least the same as that which is removed, and preferably greater. As the Borough Council will be aware, the NPPF encourages making net gains in biodiversity where possible.

Nottinghamshire County Council (Landscape Advice) – requested that a Landscape and Visual Impact Assessment (LVIA) be submitted and makes the following comments on this document:

The sites lie within Policy Zone ML017 (Linby Wooded Farmland) of the Greater Nottinghamshire Landscape Character Assessment 2009 (GNLCA), which has moderate landscape condition and character and an overall policy of 'Enhance'. Relevant landscape actions are:

Enhance the condition of hedgerows through replacement planting where fragmentation is occurring.

Conserve hedgerow trees where they exist and increase their number through new planting where appropriate, particularly along roads and around arable fields.

Enhance the urban fringes through planting and filter views to the urban edge.

Conserve and enhance the landscape vegetation which filters views to the urban edges.

Existing Site

The site is bounded to the north, west and south by hedgerows and mature trees of varying condition and size. The report notes that the hedge to the west is some 4 metres tall and wide. Most of the mature trees picked up on the arboricultural assessment are on the western and northern boundaries (the site survey appears to show more tree cover than the tree constraints plan).

Landscape Character

The development will remove and/or require *'trimming'* (as noted on the landscape masterplan) substantial sections of the existing field boundary hedgerows, particularly on the southern and western boundaries, which conflicts with the landscape policy actions to 'conserve hedgerow trees where they exist' and 'enhance.. hedgerows'. The County Council is particularly concerned that the southern boundary, which is the most heavily populated with mature trees, would be lost post-development; vehicular access points are to be punched through the boundary and given the proximity of parking areas and the houses, it is inevitable that they would be cut back to limit shading/deposits on cars, or just deteriorate and suffer the consequences of changes to the root environment. Hand digging during construction, as shown in the site constraints, would not prevent degeneration post-development.

Consequently, the County Council disagrees with the statement in the report that: *"The development proposed along with the landscape proposals detailed on Drawing CS-601.1 will satisfy all the 'Landscape Actions' included in Section 3.6 of this report"* (ie those actions given above) *"and as such the proposals are in line with the GNCLCA and Policy 16 of The Aligned Core Strategy (See Para 4.3.3)"*. The proposals appear to be in direct conflict to the Landscape Actions, rather than satisfying them; the integrity, viability and long-term health of the boundary vegetation would be diminished rather than enhanced and conserved, as recommended.

A reconfiguration of the development with increased buffer zones around the site boundary, particularly a design that leaves the southern hedgerow intact (as well as additional boundary tree planting to anticipate succession) would support the enhancement of landscape character, and be acceptable to the County Council.

Visual Impact

The report notes that the receptors would be users of the road, and the residents of the houses opposite. Road users are of low sensitivity, and the magnitude of change is not considered unacceptable, especially if the southern boundary is retained as a screen – although as noted above, this is considered unlikely, given the inevitable conflicts. Impact would be slight adverse.

Residents are of high sensitivity – on the one hand the report states that the existing trees would provide screening for these houses, and on the other states that because the houses in this part of the development face the road, there would be a positive residual impact for the existing residents. It is unclear how this conclusion is determined – home owners who have bought properties with a rural/vegetated outlook generally find neighbouring housing development detrimental. On this Basis, I would assess the visual impact for residents as being moderate adverse.

Planting Proposals

The trees proposed are almost exclusively ornamental; it is suggested that planting be conditioned and that a proportion of the trees, particularly those fulfilling a

structure planting role, are appropriate to the location according to the County Council's recommendations for this policy zone. In addition, the northern boundary could have additional tree planting to compensate for loss of tree cover elsewhere.

Conclusion

In terms of landscape, the County Council does not support this application in its current form; it is not opposed to the development as such, but considers the existing vegetation could be better retained and protected with a slightly different layout.

Nottinghamshire County Council (Arboricultural Advice) – the County Council is satisfied that the proposals do not directly affect any trees of significance.

The County Council is also satisfied with the protection and mitigation measures shown within the details supplied, but it must be acknowledged that the provision of the accesses and visibility splays would have a negative impact on the hedgerows fronting the public highway.

The County Council is not satisfied with the no-dig methodology as currently supplied, as it is generic and not specific to the site and a more specific approach to underground service installation and highway drainage is required.

Any further comments received following re-consultation on the additional drawing showing a new footway along the northern side of Wighay Road, will be reported verbally.

Public Protection – make the following comments regarding:

Land Contamination

Observe that the application has included a Phase 1 Geotechnical and Environmental Desk Study and Phase 2 Geotechnical and Environmental Assessment Report, on which Public Protection would make the following comments:

1. The site investigation report covers the whole of the rectangular site, whereas the application site covers the western half of the site.
2. The report highlights some contamination issues in the made ground in the area of the former brickworks and pit; this area is largely (see point 3 below) outside of the development area.
3. Superimposing the 'sketch layout plan', the 'inferred extent of the infilled brick pit' and base mapping seems to indicate that Plots 8 and 9 are to be constructed on the infilled made ground.
4. The Phase 1 report recommended 'ground gas monitoring should be undertaken on at least 12 occasions over three months'. However, during the Phase 2, only 4 rounds of monitoring were carried out over a month.

Ground gas monitoring reported is not adequate to consider the risks from the made ground; monitoring should be 9 to 12 visits over a 6 month period. In situations like these, Public Protection has, in the past, pointed consultants in the direction of a technical publication: A Pragmatic Approach to Ground Gas Risk Assessment.

It is also noted that basic Radon protection measures are required. This being the case, it may be appropriate, using the above guidance, to re-assess the potential for ground gas and forego further ground gas monitoring in favour of correctly installed radon/ground gas protection measures; independently verified and validated.

With regard to Plots 8 and 9, the report recommends a *'topsoil/ subsoil cover system (minimum 500 mm) overlying marker membrane is required in private residential garden areas situated over the Made Ground fill'*. This is considered to be insufficiently protective of human health; Public Protection would recommend the inclusion of a capillary break/physical 'no-dig' layer as well as the geotextile and clean cover of a minimum of 600 mm.

Verification of cover systems should be carried out following good practice. There is clearly need for a formalised scheme of remedial works for the installation of the radon/ground gas membranes and cover system to the garden areas Plots 8 and 9. As such, Public Protection would recommend the imposition of appropriate conditions [specific details of which have been provided], to ensure that the site is suitably assessed, remediated and verified.

Following submission of the proposed Remediation Strategy, Public Protection has confirmed that this is acceptable and that the recommended conditions can be amended accordingly.

Additional Information

Following re-consultation on the Additional Site Investigation Report for plots 8 and 9, Public Protection has confirm that it is satisfied with the report's findings, that no further remedial measures (capping system to garden areas) are required to these plots.

As outlined in the report, further remedial measures are still required in the form of 'basic radon protection measures'.

With regard to the gas (radon) protection measures, Public Protection would like to ensure that membranes have been correctly installed and verified before the final floor finish has been applied. Therefore, Public Protection would recommend that with regard to the installation of the gas/vapour protection membrane:

The membrane is installed by a suitably qualified person (i.e. NVQ level 2 Diploma in Sub-structure Work Occupations (Construction) – Installation of Gas Membranes, or equivalent); and

The installation is inspected by a suitably qualified third party, before any floor finish is placed. A verification report should be submitted to the Council based on the Council's gas membrane proforma, including photographic evidence.

To ensure that these measures, as outlined in the report, are installed correctly and verified, Public Protection would recommend that the planning conditions previously requested are still required.

Air Quality & Emissions

During both the initial earthworks and then during construction, there is potential for increased levels of dust from the site. The applicant has submitted a document 'Control of Dust and Noise during Construction: Land off Wighay Road, Hucknall.' Having reviewed the document, Public Protection is satisfied with the proposals to mitigate issues with dust from the site.

Public Protection is also 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 levels by incorporating mitigation measures into scheme designs as standard.

Reviewing the Travel Plan, 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.

However, Public Protection would also ask that the developer considers including into the Travel 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.

Nottinghamshire County Council (Archaeological Advice) – makes the following comments:

The eastern boundary of the site includes the former site of a brick pit/quarry, now infilled. The archaeological desk-based assessment submitted with the application states that "*relatively few archaeological remains are known from the surrounding area and the potential presence of buried archaeological remains is considered to be unlikely on the basis of present information*". However, there is a possibility that archaeological remains relating to the former brickworks survive at the site.

Historically, archaeological investigations within Nottinghamshire have centred on the Trent Valley. The reasons for this are varied and complex, but the net result has been the creation of regions within the county where archaeological evidence is either totally absent, or detected, but at a very low and dispersed level. However, in recent years, several major developments along with mineral extraction has highlighted the fact that far more archaeology exists outside the Trent Valley than was first thought.

It is possible that the application site contains important archaeological remains and that the lack of current information simply reflects the lack of archaeological investigation within the area thus far. Unfortunately, the County Council does not have enough information about the buried archaeological resource to indicate its importance and level of survival. Accordingly, it is recommended that the applicant

be requested to supply additional information on the buried archaeological resource, in accordance with the advice given in the NPPF. An archaeological field evaluation is necessary here, and this work should include a geophysical survey, possibly with a scheme of trial trenching.

Additional Archaeological Geophysical Survey Report

Following submission of the Geophysical Survey Report, I note that the County Council's Archaeologist raises no objections, but suggests that it would be worth checking the early phase of the brickyard, which could have industrial archaeological interest, and the circular feature which shows on the geophysical survey, which is close to the site of a windmill mound. Accordingly, the imposition of a standard condition to this effect is recommended.

Economic Development - would like to see a condition put on the application relating to the developer entering into a local employment agreement for the construction phase of the development.

The Borough Council has a commitment to drive economic growth and is working to promote new employment and skills opportunities for residents in the Borough. Local Employment Agreements help provide these opportunities.

This application provides an ideal opportunity to work in partnership with the Construction Industry Training Board, with their client based approach methodology that could be applied to the developer, and securing this condition would help achieve construction employment aspirations that the Borough Council has for local residents within the Borough.

Nottinghamshire County Council (Education Authority) – comments that regarding developer contributions in terms of education requirements to mitigate the impact of the proposed development, the proposal would yield 8 primary age children and 3 secondary age children.

The 3 secondary age pupils arising from the development could be accommodated in the local secondary schools. However, the 8 primary age pupils arising from the development could not be accommodated in the nearest primary schools and, as such, to ensure full mitigation of the education impacts of the development, the County Council requests the contribution of 91,640 pounds (8 x 11,455 pounds).

To provide further clarity for the above requirement, the closest primary school is Linby-cum-Papplewick CE Primary School which is a voluntary aided church school with its own admissions criteria. The school is which is currently at capacity and as such own oversubscription criteria is likely to be applied to the children arising from the new development which heavily prioritises faith.

The next nearest schools are:

National CE Primary Academy: this school is another voluntary aided school which is at capacity;

Holy Cross Primary School: this is another voluntary aided school which is at capacity;

Hillside Primary: this school is completely full;

Leen Mills Primary: this school is also completely full;

Newstead Primary: this school has recently been enlarged due to basic need pressures, but is projected to be at capacity.

To provide context/clarity to the above requirements:

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.

NHS England (Derbyshire & Nottinghamshire Area Team) – advises that the NHS has reviewed the application in relation to the potential impact on primary and secondary care health services.

The proposal for a development of 38 dwellings would trigger the need to provide health related Section 106 funding of £551 per dwelling, based on 2.3 person occupancy. A development of this nature would result in increased service demand, which would not be easily accommodated within existing primary care resources.

It is unlikely that the NHS would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the

health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The NHS would wish to explore this further in conjunction with the Clinical Commissioning Group (CCG) and other stakeholders, including what options are available and to ensure value for money for all parties.

There has been ongoing work by the CCG in partnership with NHS England and the local practices to identify the health needs for the Hucknall and Bestwood Village locality to mitigate against the significant housing developments proposed which would lead to additional strain on lists that are already nearing capacity. A health needs assessment has been completed and it has identified that there would be a need for approximately 56,000 additional primary care appointments per annum and a 25% increase in the need for social care in the area by 2022/23.

The local practices are in the process of assessing the options available to them. As the GP practices are independent contractors, the NHS must work to support them to identify a solution that does not destabilise the local health economy. Options available to the practices include increasing capacity at each premise by extending their existing premises or merging two or more into a single new location. Until all the options have been explored, the NHS is unable to give a definitive answer where the contribution would be spent; however it would ensure that the solution provides the best value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with Section 106 contributions.

Strategic Housing – generally support the application, because there is a need for more housing in the area. However, it would be preferable if there was a more comprehensive masterplan for the housing on the whole Top Wighay Farm site, rather than the layout being determined by piecemeal applications over time. This would give more certainty over where community facilities would be located and when they would be built.

Consideration has been given by Strategic Housing as to whether there is a way that affordable units on site could be let via Ashfield District Council to Ashfield residents. However, it has been concluded that this would not be feasible, as it would cause significant operational difficulties for the affordable housing provider and would cause delays in letting if the provider had to give Gedling residents first refusal, then revert to Ashfield to find a tenant.

The Design and Access Statement sets out that a commuted sum in lieu of affordable housing on site is to be provided, and that is indeed the preferred option of Strategic Housing. The site is located within the Gedling rural north Viability Sub Market, where the Affordable Housing Supplementary Planning Document policy requires 30% affordable housing.

Viability Appraisal

A viability appraisal has been submitted, to enable Housing Strategy to assess what level of affordable housing would be viable and to see what the commuted sum

should be as a result.

Following further discussions, the applicant has agreed to provide a commuted sum in lieu of 30% on-site provision of Affordable Housing.

Parks & Street Care (PSC) – advise that where a site is over 0.4 hectares, Policy R3 of the Replacement Local Plan applies and a minimum of 10% open space provision to serve the development is required.

As no on-site open space provision is proposed, a commuted sum for off-site provision is required, based on 10% public open space for the whole development area. In this instance, this equates to a sum of 133,175 pounds, 22 pence.

Whilst PSC would not wish to see the whole of the Top Wighay Farm area developed in a piecemeal way by different developers, with some providing total on-site facilities and others seeking to give an off-site capital commuted sum, there is no objection to this initial proposal.

However, the whole Top Wighay Farm development should provide for 10% open space provision throughout, hopefully with some open space/play area facility on the adjacent land area.

The overall Top Wighay Farm development is a large area and may require a playing field and changing rooms when treated as a whole, so it is important that this is taken into account with subsequent applications to ensure that there is not a shortfall.

Planning Considerations

The key planning considerations regarding this application are how the proposed development relates to current national and local planning policy, whether it would meet the main principles of sustainable development and its impact on highway and rail safety.

The other main planning considerations which must be assessed are the impact of the proposed development on:

- Design & Density
- Residential Amenity
- Nature Conservation
- Landscape, Visual Amenity & Arboriculture
- Pollution & Contamination
- Heritage
- Planning Obligations

These planning considerations are assessed below, as are other issues raised.

Relevant Policies & Background Information

National Planning Policies

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

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

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

NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)

NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)

NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126-141)

With regard to plan-making and decision-taking, the following sections of the NPPF are most relevant to this planning application:

NPPF: Ensuring viability and deliverability (paragraphs 173-177)

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

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

Local Planning Policies

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014), which is now part of the development plan for the area. It is considered that the following policies of the ACS are most relevant:

ACS Policy A: Presumption in Favour of Sustainable Development

ACS Policy 1: Climate Change

ACS Policy 2: The Spatial Strategy

ACS Policy 3: The Green Belt

ACS Policy 8: Housing Size, Mix and Choice

ACS Policy 10: Design and Enhancing Local Identity

ACS Policy 11: The Historic Environment

ACS Policy 12: Local Services & Healthy Lifestyles

ACS Policy 14: Managing Travel Demand

ACS Policy 16: Green Infrastructure, Parks & Open Space

ACS Policy 17: Biodiversity

ACS Policy 18: Infrastructure

ACS Policy 19: Developer Contributions

The ACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts of the ACS. The Claimant seeks an order quashing the ACS so far as it relates to the quantum and distribution of new housing in the Council's area and so far as it provides for the review of Green

Belt boundaries. The Borough Council is vigorously defending against this challenge.

The challenge is largely to ACS Policy 2 (The Spatial Strategy, which sets out housing targets and broad locations for new housing) and Policy 3 (The Green Belt). The hearing date is set for March 2015, with the outcome not expected until later in the spring and so, of course, the outcome of the legal challenge is uncertain at the present time. The fact that there is now a challenge to the ACS is a material consideration and so must be taken into account when determining this application and considering the ACS.

So both the ACS, and the current challenge to it, are material considerations. The Borough Council is entitled to give what weight it considers appropriate and rational to the ACS, bearing in mind that it forms part of the development plan. With regard to the current legal challenge, again, the Borough Council must decide what weight this should be given, as it is a material consideration.

In order to try to assist, in the analysis below of the relevant policies, I have pointed out those which I believe and suggest should be given significant weight and this includes highlighting those policies which I consider have a sound evidence base, notwithstanding the fact that there is now a challenge to part of those policies.

Policy 2 of the ACS sets out the strategy of urban concentration with regeneration together with the settlement hierarchy to accommodate growth which is distributed through this policy. Policy 2 includes both strategic allocations and strategic locations with Top Wighay Farm identified for up to 1000 dwellings in the former category. This policy is based on sound evidence as set out in the Strategic Housing Land Availability Study for Gedling Borough, the Appraisal of Sustainable Urban Extension Study (Tribal 2008) and the Sustainable Location for Growth Study (Tribal 2010). In relation to the distribution of homes the Inspector conducting the examination into the ACS reported at paragraph 94:

“Overall, the proposed modifications envisage significant additional development adjoining the main built-up area at Teal Close and Gedling Colliery/Chase Farm sites, and would reduce the number of new dwellings adjoining or near Hucknall and in the key settlements...The revised distribution would be more consistent with the aim for urban concentration with regeneration in Policy 2”.

ACS Policy 3 reflects a two stage approach to reviewing Green belt boundaries in order to meet the amount and location of housing set out in ACS Policy 2. The strategic stage assessed broad areas around Greater Nottingham based on the Nottingham – Derby Green Belt Review (2006), and the aforementioned two tribal Studies. The second stage of the Green Belt review will entail a site by site process to define detailed Green Belt boundaries through the Local Planning Document (or Local Plan Part 2) using criteria set out in ACS Policy 3. The Inspector found ACS Policy 3 to be sound subject to a modification to give more direction for Part 2 Local Plans to emphasise that non-Green Belt sites are preferred before Green Belt sites. This modification was incorporated into the adopted ACS Policy 3. The Inspector at paragraph 112 of her report states:

“The possible need to alter Green Belt boundaries has been apparent for some time,

and a Nottingham-Derby Green Belt review was undertaken in 2006 for regional planning purposes”.

In conclusion, ACS Policies 2 and 3 are soundly based on robust evidence and subject to modifications the Inspector found them to be part of a sound plan. Accordingly, ACS Policies 2 and 3 should be given significant weight in this particular case.

In any case, the Top Wighay Farm site is allocated under RLP Policy H2 and is not within the Green Belt, so the challenge to Policy 3 is of less relevance to this particular proposal.

Turning to other relevant ACS Policies referred to in this report, ACS Policies 10 and 16 are based on the landscape character approach advocated in the NPPF and based on robust evidence contained within the Greater Nottingham Landscape Guidelines. Accordingly ACS policies 10 and 16 are considered to be underpinned by sound evidence on landscape character and should be given significant weight.

ACS Policy 14 sets out a hierarchical approach to managing travel demand and the strategic transport impacts of the ACS have been modelled by independent consultants MVA using the Greater Nottingham Transportation Model. The result of the modelling demonstrate areas of pressure on the network for which mitigation measures will be required using the hierarchical approach set out in ACS 14. As such it is considered that ACS Policy 14 is soundly based and should be given significant weight.

ACS Policy 17 (Biodiversity) seeks to protect and enhance local biodiversity in line with the evidence provided within the Nottinghamshire Local Biodiversity Action Plan and should be given significant weight.

ACS Policy 1 deals with flood risk and is supported by evidence set out in the Greater Nottingham Strategic Flood Risk Assessment and the Greater Nottingham and Ashfield Outline Water Cycle Strategy. Consequently it is considered that this policy can be given significant weight.

It should be noted that planning policies in the adopted ACS replace certain policies in the RLP as set out in appendix E of the ACS.

Further consideration of these policies is incorporated in the following sections of this report.

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policies of the RLP are most relevant:

- RLP Policy C2: Community Facilities for New Development
- RLP Policy ENV1: Development Criteria
- RLP Policy ENV3: Development on Contaminated Land
- RLP Policy ENV36: Local Nature Conservation Designations
- RLP Policy ENV43: Greenwood Community Forest

RLP Policy H2: Distribution of Residential Development
RLP Policy H8: Residential Density
RLP Policy H15: Comprehensive Development
RLP Policy R3: Provision of Open Space with New Residential Development
RLP Policy T10: Highway Design and Parking Guidelines

Additionally, the following Supplementary Planning Documents and Guidance (SPD's and SPG's) are relevant:

Open Space Provision SPG (2001)
Top Wighay Farm, Development Brief (2008)
Affordable Housing SPD (2009)
Parking Provision SPD (2012).

In determining planning applications, the degree of weight given to each document depends on whether they are up to date and whether or not specific elements of them have been superseded. The 2008 Development Brief remains a material consideration and development proposals will need to be broadly consistent with it. There is an intention to prepare an updated Development Brief for the site, to take on board the increased housing figure, but there is no firm timescale for undertaking this work at this stage.

Principle of Development

Policy 2 of the ACS promotes a strategy of urban concentration with regeneration and seeks to provide most development in or adjoining the main built up area.

Policy H2 of the RLP identifies Top Wighay Farm as one of the sites on which planning permission will be granted for residential development

The application site is part of a larger area of land allocated in the ACS for 1,000 homes and employment uses. The proposals are therefore consistent with the ACS and the RLP.

As such, and subject to the proposal not prejudicing the comprehensive development of the remainder of the allocated site and being broadly consistent with the Development Brief (see Design Considerations below), I am satisfied in principle that the proposed development accords with the aims of Policy 2 of the ACS and Policy H2 of the RLP.

Sustainability Considerations

The most relevant policies for this site that need to be considered in relation to sustainability are set out in Policy R3 of the RLP, Policies A, 1, 2, 12, 14 and 19 of the ACS and Section 10 and paragraphs 203-206 of the NPPF.

Policy R3 of the RLP states that residential development on sites of 0.4 of a hectare and above should provide a minimum standard of 10% local open space to serve the development. Provision can be made within the development or via a financial contribution.

Policy A of the ACS states that a positive approach will be taken when considering development proposals reflecting the presumption on favour of sustainable development contained in the NPPF. Planning applications that accord with the policies in the Local Plan (which includes the ACS) will be approved without delay, unless material considerations indicate otherwise.

As stated above, Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area, in this case Hucknall, and the application site is part of a strategic allocation in the ACS.

Policy 12 of the ACS states that where appropriate contributions will be sought to improve existing community facilities provision where the scale of residential development does not merit developers providing community facilities directly. Policy 14 of the ACS states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.

Policy 19 of the ACS 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.

Section 10 of the NPPF steers new development to areas with the lowest probability of flooding.

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.

Public Open Space

Whilst no public open space is proposed as part of this relatively small development, I consider that the requirements of Policy R3 of the RLP would be best served by means of a financial contribution in this instance, to be determined as part of a S106 Agreement, should members agree with my recommendation. This would accord with Policies 12 and 19 of the ACS, paragraph 204 of the NPPF and the Open Space Provision SPG (2001).

Accessibility

With regard to accessibility, I note that the site is located on the edge of the Hucknall urban area and on or close to two local bus routes, one of which provides a link to the railway station in Hucknall. In addition, the ACS considers Top Wighay Farm to be close to existing local centres and Hucknall Town Centre, with further potential link buses to Hucknall NET/railway station.

I am satisfied, therefore, that the location is accessible to a wide range of services and facilities in the immediate vicinity and also in Nottingham, in accordance with Policies 2 and 14 of the ACS.

Education

I note the comments of the County Council as Local Education Authority in respect of the additional primary and secondary school places which the proposed development would generate and, in particular, the need to mitigate the education impacts of the proposed development on primary schools.

The necessary improvements to education facilities can be secured by means of a financial contribution as part of a S106 Agreement, should members agree with my recommendation, in accordance with Policies 12 and 19 of the ACS and paragraph 204 of the NPPF.

This contribution could be used either towards the provision of a new primary school on the main part of the Top Wighay Farm site or towards upgrading existing facilities.

Healthcare

A contribution towards healthcare facilities has been received from NHS England in order to mitigate the resulting increased service demand, which could not be easily accommodated within existing primary care resources. The ACS notes such a contribution is likely to be in the form of a contribution to existing surgeries within Hucknall.

Affordable Housing

The Affordable Housing SPD (2009) requires the provision of 30% affordable housing, in the Gedling Rural North Viability Sub Market. With regard to affordable housing, this SPD supersedes the Top Wighay Farm Development Brief (2008) and the RLP, which specified the lower proportion of 20%.

As there is very limited demand from Gedling residents for affordable housing in this part of the Borough, a commuted sum is considered preferable in this instance rather than on-site provision.

Whilst consideration has been given as to whether there is a way that affordable units on site could be let via Ashfield District Council to Ashfield residents, it has been concluded by Strategic Housing that this would not be feasible, as it would

cause significant operational difficulties for the affordable housing provider and would cause delays in letting if the provider had to give Gedling residents first refusal, then revert to Ashfield to find a tenant.

For these reasons, it is my opinion that the provision of on-site affordable housing would be unsustainable and that a financial contribution in lieu of 30% on-site provision can be robustly justified, in accordance with the Affordable Housing SPD.

Flood Risk & Sustainable Drainage

The site is located within Flood Zone 1 and is considered to have a low risk of 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 Policy 1 of the ACS and Section 10 of the NFFP.

Whilst I note that the EA objects to the proposed development on the grounds that, in its view, the limited Sustainable Urban Drainage Systems (SuDS) features proposed are insufficient, I am mindful that the ground conditions would not support effective infiltration and that although alternative off-site SuDS have been considered, these would have a negative impact on the adjacent LWS, to which I attach greater weight in this instance. The objectives of the EA relating to drainage are not in my opinion sufficient grounds to refuse permission. There is a suitable method to ensure that water run-off can be effectively managed.

Apart from the above issue, I note that no other objections have been raised by the Environment Agency or Severn Trent Water and consider that an appropriate condition can be attached to any permission requiring the submission of drainage details to ensure that an appropriate form of surface water management is provided to ensure that the development is itself safe from flooding and that areas surrounding the site do not experience increased risk of flooding.

Conclusion

Whilst I appreciate the objections raised by Ashfield District Council, I am satisfied that the required contributions towards educational and healthcare facilities would mitigate any detrimental impact on infrastructure within Ashfield District. As a consequence, I do not share the view that the proposed development would diminish the opportunity to enable the securing of appropriate developer obligations.

As such, I am satisfied in principle that the proposed development can be considered to be sustainable in accordance with Policies A, 1, 2, 12, 14 and 19 of the ACS, and subject to other material considerations, as discussed below.

Highway & Rail Safety Considerations

The relevant planning policies which need to be considered in relation to highway matters are set out in Policies ENV1 and T10 of the RLP and Section 4 of the NPPF.

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.

Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Detailed approval is sought as part of this application to establish the creation of new vehicular accesses into the site, off Wighay Road.

I appreciate the concerns which have been expressed by ADC, Linby Parish Council, the Primary School and local residents with regard to highway safety. However, whilst the adopted Development Brief for Top Wighay Farm states that the principal access to the housing allocation will be formed by a fourth 'leg' to the A611/Annesley Road/Wighay Road roundabout, I note that the County Council as Highway Authority originally raised no objections in principle to the creation of a main access road and two private drives from Wighay Road to serve the proposed development, subject to the satisfactory resolution of some site specific issues, which did not include the provision of a footpath along the northern side of Wighay Road.

Whilst reference was made at this time to the need for a fresh Transport Assessment to establish the transport impacts of the whole Top Wighay Farm development and a strategy for delivery of any necessary transport mitigation, this was not requested as part of the current application. However, the Highway Authority indicated that careful consideration would need to be given to the overall (Top Wighay Master Plan) layout, as it would not wish to encourage access from the overall site directly onto Wighay Road.

Following the submission of revised plans, the Highway Authority confirmed towards the end of November 2014, that the layout was now acceptable from a highway point of view, subject to the imposition of a number of conditions, and consideration of the application has continued on this basis.

In making my recommendation to Planning Committee on 28th January 2015, consideration was given to the revised comments of the Highway Authority, which were received on 7th January 2015, and the recommendation at that time that the

application be refused in the absence of a fresh Transport Assessment for the whole Top Wighay Farm development. These comments amended those made originally in November 2014, following consultation in September 2014. However, I considered it would be unreasonable at that stage of the process to request the applicant for this relatively small site to produce an overall Transport Assessment for the whole Top Wighay Farm site and that such a document was unlikely to be forthcoming if it were to be requested. This view was based on the following grounds:

The application is already accompanied by a Transport Statement and Travel Plan for the 38 dwellings proposed; the adopted 6C's Design Guide states that no assessment is required to support development proposals of up to 50 dwellings.

Any subsequent applicant for either the whole or larger parts of the Top Wighay Farm site than the current application site would then not be required to undertake any additional work in this respect.

However, I did consider that the Borough Council should take this opportunity to endorse the need to produce an overall Transport Assessment for the whole Top Wighay Farm site as part of any subsequent application for development on any part of this strategic allocation site, regardless of the size of the application site, as this would meet the 6C's Design Guide trigger, and therefore the Borough Council would expect that proposal to require a Transport Assessment for the whole Top Wighay Farm site.

This would mean that once an application is made for any other parts of the Top Wighay Farm site which takes the cumulative total number of homes proposed to over 50, a Transport Statement would be required for the whole site. As this would then include consideration of a cumulative total of over 80 homes, this would effectively trigger the need for the full Transport Assessment.

Whilst I would re-iterate the above comments, following discussions between Officers of the Borough Council and the County Council, the Highway Authority submitted further revised comments on the afternoon of 28th January 2015. These confirm that the Highway Authority has no objections in principle to the proposed development subject to the imposition of an additional condition requiring the provision of a footway along the boundary of the site and Wighay Road

In addition, I would again advise Members that access from the overall site directly onto Wighay Road by motorised vehicles via this site can effectively be controlled when any future detailed applications are considered, whilst still making connectivity provision for north-south pedestrian and cycle links across Wighay Road to the former Linby Colliery Country Park.

The issue as to whether this development would prejudice the comprehensive development of the remaining substantive part of the Top Wighay Farm site is considered in the following section.

With regard to the internal access and parking arrangements, I note that the revised plans overcome the original concerns raised by the Highway Authority in this respect

and I am satisfied that the parking arrangements would comply with the requirements of the Borough Council's Parking Provision for Residential Development SPD (May 2012), both in terms of off-street parking provision and the availability of unallocated on-street parking.

Following the revised comments of the Highway Authority on 28th January 2015, a new footway is now proposed along the northern side of Wighay Road, extending from the roundabout to the west, across the frontage of the site, and to a point where it meets the existing footway to the east of the site, to ensure that there is adequate provision for the safe and convenient access and circulation of pedestrians. This also addresses the concerns raised in this respect by Linby Parish Council and local residents.

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.

With regard to railway considerations, I note that Network Rail has no objection to the proposed development, as the site is not within close proximity of the railway, subject to an informative being attached to any decision to draw attention to the need to maintain the safety, operational needs and integrity of the railway.

Design & Density Considerations

The relevant planning policies which need to be considered in relation to density and design are set out in Policies ENV1, H8 and H15 of the RLP, Policies 8 and 10 of the ACS and Sections 6 and 7 of the NPPF. The detail of the proposal should be assessed against the adopted Development Brief for Top Wighay Farm.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

Policy H8 of the RLP requires developments on sites of more than 0.4 of a hectare to achieve densities of at least 30 dwellings per hectare.

Policy H15 of the RLP sets out that planning permission will not be granted for development which would prejudice the comprehensive development of any allocated site for the purpose for which it has been allocated.

Policy 8 of the ACS requires that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

Policy 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. The most relevant design elements in this instance include the layout; density and mix; impact on the amenity

of nearby residents and the incorporation of features to reduce opportunities for crime and anti-social behaviour.

Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that local planning authorities should plan for a mix of housing.

Section 7 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and are visually attractive as a result of good architecture and appropriate landscaping.

With regard to density and housing mix, I am mindful that the Development Brief states that the area of the LWS that is to be developed should be used for large executive houses at densities around 30 dwellings per hectare to offset the loss of part of the LWS designation. In this respect, I note that the proposed development would consist of 34 detached, four bedroom, properties and 4 semi-detached, four bedroom properties with a variety of house types, each with either detached or integral garages. This equates to a density of 24 dwellings. In my opinion, this broadly meets the objectives of the Development Brief, to which I attach more weight than the references to density and housing mix in Policy H8 of the RLP, Policies 8 and 10 of the ACS and Section 6 of the NPPF.

Whilst I note the comments that three storey houses would be out of character with the area, I am satisfied from the section drawings and streetscenes which have been submitted that the variations in height would not be so great as to be unacceptable and would add variety to the streetscene within the development.

In my opinion, therefore, the proposed development would have regard to the established local character of the area and the layout has been designed so that the site can be integrated within the whole Top Wighay Farm development in due course, subject to appropriate safeguards within the subsequent design of the overall road layout to ensure that the proposed access onto Wighay Road does not become a principal access point. The landscaping proposals also provide for the retention of the existing hedgerows and trees along the north and west boundaries of the site, boundaries, although the provision of the new footway for highway safety now necessitates the removal of the whole of the existing hedgerow and trees along the site frontage, instead of just where the access points are to be created. However, replacement planting can be secured behind the new footway as part of the landscaping proposals.

I am satisfied, therefore, that the design and layout of this small part of the overall Top Wighay Farm site can be considered in isolation, as it would not compromise the delivery of the remainder of the site, in accordance with Policy H15 of the RLP and would achieve a sufficiently high standard of design to accord with Policy ENV1 of the RLP, Policy 10 of the ACS and section 7 of the NPPF.

Amenity Considerations

The relevant planning policies which need to be considered in relation to residential

amenity are set out in Policy ENV1 of the RLP and Policy 10 of the ACS.

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 ACS.

Policy 10 of the ACS 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.

Whilst I appreciate the concerns which have been expressed with regard to highway safety, it has already been noted above that the Highway Authority has no objections in principle to the creation of an access from Wighay Road to serve the proposed development.

With regard to residential amenity, I am satisfied that the proposed development would not have undue impact on existing residential properties on Wighay Road in terms of overlooking, overshadowing or overbearing issues.

With regard to air quality, I note that Public Protection is satisfied with the proposals outlined in the submitted '*Control of Dust and Noise during Construction*' document to mitigate issues with dust from the site. The implementation of the measures specified in this document can be secured by the imposition of an appropriate condition.

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 and Policy 10 of the ACS.

Nature Conservation Considerations

The relevant planning policies which need to be considered in relation to ecological matters are set out in Policy ENV36 of the GBRLP, Policy 17 of the ACS 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) or Site of Importance for Nature Conservation [now known as Local Wildlife Sites], 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 appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

Section 11 of the NPPF advises, at paragraph 118, 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.

Whilst I note the comments regarding impacts on the LWS and the lack of mitigation, I would emphasise that the application site is part of an allocated, strategic site in the ACS and RLP and does not contain the highest quality grassland areas in the LWS. In my opinion, this strategic allocation must outweigh the impact of the development on what is the least important part of the LWS. Although it is not possible to replace the grassland which would be lost, I am satisfied that some alternative mitigation would be provided by the planting of replacement trees and the proposed infilling of gaps in the existing hedgerows with native species, details of which can be secured by the imposition of an appropriate condition.

The retention of the existing hedgerows around the site boundaries would form the first part of the creation of a wildlife corridor between the Wighay Road grassland LWS and the Top Wighay Drive LWS, in accordance with the objectives of the Development Brief.

The fact that the application site does not include the more important eastern and central areas of the LWS (which are also allocated for residential development in the Replacement Local Plan) is sufficient, in my opinion, to demonstrate that these areas are adequately safeguarded by the current proposal.

Whilst the greater part of the mature scrub located in part of the central area of the

site would need to be cleared in order to facilitate the proposed development, the remaining part of this is outside of the application site and would be retained.

In addition, although any material drainage works beyond the site boundary would need to be subject to a separate planning application, details of surface water and foul drainage can be required by condition and the applicant is investigating an on-site solution, which would involve plastic piped storage under the road network, away from the LWS and trees. I would also emphasise in this respect, that greater weight has been attached to safeguarding that part of the LWS which is to be retained, rather than utilising it to accommodate a sustainable surface water drainage system in the form of a balancing pond, which the County Council does not consider would contribute positively to this particular LWS. In this respect, I note that the NWT is pleased to see that an alternative drainage option for the site has been found which avoids further impact on the LWS.

Whilst I appreciate the NWT's comments in respect of the proposed banking alongside the access road, I note that the NCU considers that this would have a fairly minor additional impact on the LWS, and could be mitigated through the measures outlined. Furthermore, the banking has to be formed to support the road, due to the level differences across the site. The banking is the least intrusive retaining option, as any highway retaining wall would have a greater impact due to the construction form it must take. The applicant intends to retain and re-use the topsoil from the site as a surface layer for the new bank to ensure its associated seed-bank is utilised on this area of the site.

With regard to pollution run-off from the proposed new road into the existing grassland, the applicant has advised that the gradient of the footway on this edge would be such that it falls towards the new highway and would not discharge onto the grassland. The applicant also intends to re-use the existing top soil from the site in the formation/capping of the new bank.

I note that additional potential bat roost surveys have been provided, including a roped access investigation, in response to the comments of the County Council's Conservation Team and the Nottinghamshire Wildlife Trust and that the landscaping proposals are now considered to be generally acceptable.

With regard to vegetation clearance outside of the bird breeding season and the provision of bird boxes, I would recommend the imposition of appropriate conditions.

Whilst I note the views of the NCU and the NWT that the remainder of the LWS should be brought under a favourable management regime, this is not possible to secure either by condition or through a Section 106 Agreement, as the land in question is not within the applicant's control.

Any proposals for the development of the remaining LWS would need to be subject to another planning application and would be assessed on its own merits.

The provision of a new footway along the northern side of Wighay Road, in the interests of highway safety, would necessitate the removal of the existing hedgerow and trees along the Wighay Road site frontage, although replacement planting along

the back edge of the new footpath where it adjoins the application site can form part of the detailed landscaping proposals.

However, the provision of the new footway would also require works to the existing hedgerows and trees along the Wlghay Road frontage to the east and west of the site, but particularly to the east. Whilst I appreciate the further comments made by the NCU and NWT in this respect, I do not consider that this would have a significantly greater impact on the LWS and must attach greater weight to road safety considerations than ecological interests. It would not be possible to secure replacement planting along this section by condition, as the land to the rear of the new footway is not within the applicant's control.

However, I am satisfied overall that a reasonable balance has been achieved between the needs of the development and the ecological interest of the site, although it is not possible to provide any significant mitigation and/or compensatory measures for the loss of grassland in this instance.

Whilst the proposed development would not fully accord with the aims of Policy ENV36 of the RLP, Policy 17 of the ACS, Section 11 of the NPPF or those parts of the Development Brief which relate to the management of the retained grassland, I do not consider that it would result in such harm to the LWS, when this is considered as a whole, as to justify the refusal of planning permission in this instance and am of the opinion that substantial weight should be attached to the strategic allocation of this site in the ACS.

Landscape, Visual Amenity & Arboricultural Considerations

The relevant planning policies which need to be considered in relation to landscape and arboricultural matters are set out in Policy ENV43 of the RLP, Policies 10 and 16 of the ACS and Section 11 of the NPPF.

Policy ENV43 of the RLP states that prior to granting planning permission for development within the Greenwood Community Forest area, the Council will seek to negotiate with developers to secure new tree or woodland planting as part of the development.

Policy 10 of the ACS states, amongst other things, that new development will be assessed with regard to its potential impact on important landscape views and vistas and that, outside settlements, new development should protect, conserve or where appropriate enhance landscape character. In broad terms, this also reflects the aims of Section 11 of the NPPF.

Policy 16 of the ACS states that a strategic approach will be taken to the delivery, protection and enhancement of Green Infrastructure and requires, amongst other things, that Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Area (GNLCA).

In addition, Policy 16 of the ACS identifies that the application site is located within part of the Sub-Regional Green Infrastructure Corridor, which should be protected and enhanced. The Policy goes on to state that priority for the location of new or

enhanced strategic Green Infrastructure will be given to locations for major residential development identified in Policy 2 of the ACS (see Principle of Development and Sustainability Considerations above), the Strategic River Corridor of the Trent, the Greenwood Community Forest and Urban Fringe Areas.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

With regard to the Greenwood Community Forest and Green Infrastructure, I note that the Landscape Planting Plans indicate that there would be new tree planting, predominantly of native species, both within the site and along the boundaries, in accordance with Policy ENV43 of the RLP of Policy 16 of the ACS.

With regard to landscape character, I appreciate the comments of the County Council, and note that some trees and part of the existing hedgerow along the southern boundary of the site to Wighay Road would need to be removed in order to facilitate vehicular access to the development as proposed.

However, I consider that the landscape policy actions must be balanced against the fact that this is an allocated site in the development plan and that any form of residential development on the site would inevitably result in the type of conflict outlined. I am satisfied that the majority of the hedgerows and trees would remain intact and note that measures to secure their protection during construction are outlined in the Arboricultural Impact Assessment. In addition, I note that the proposed dwellings are set back from Wighay Road and beyond the tree canopy, which should assist their survival, post-construction.

With regard to visual impact, whilst the proposed development would have some visual impact on existing residents on Wighay Road, I am satisfied that views into the site would still be reasonably screened by those parts of existing hedgerow and trees which are to be retained.

I also note that the County Council is satisfied with the Arboricultural Impact Assessment and tree protection and mitigation measures proposed, with the exception of the 'no-dig' drive construction methodology for parts of the private drive serving the proposed dwellings fronting Wighay Road. However, I am satisfied that this can be secured by the imposition of an appropriate condition.

I am satisfied, therefore, that with regard to landscape, visual amenity and arboricultural considerations, the proposed development would generally accord with the aims of Policy ENV43 of the RLP, Policies 10 and 16 of the ACS and Section 11 of the NPPF.

Pollution & Contamination Considerations

The relevant planning policies which need to be considered in relation to pollution are set out in Policies ENV3 of the RLP and Section 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.

Section 11 of the NPPF states, at paragraph 109, 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 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.

I note that Public Protection has no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that the site is suitable for its intended use and to ensure that the potential for short term pollution from dust is considered and mitigated against.

I consider it would be appropriate to ask the applicant to give consideration to the provision of dedicated external electric power points by means of an informative attached to any decision notice.

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

Heritage Considerations

The relevant planning policies which need to be considered are set out in Policy 11 of the ACS and Section 12 of the NPPF.

Policy 11 of the ACS 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 Archaeological Desk Based Assessment, the Archaeological Geophysical Survey Report and the Design and Access Statement.

As Linby village is situated around half of a mile away from the application site, I am satisfied that the proposed development would not have any undue impact on the setting or significance of the closest nationally designated assets or to any of the locally designated assets.

Following submission of the Geophysical Survey Report, I note that the County Council's Archaeologist raises no objections, subject to the imposition of an appropriate condition to ensure that further investigation is undertaken on an area of potential interest.

I am satisfied, therefore, that the proposed development would accord with the aims of Policy 11 of the ACS and Section 12 of the NPPF.

Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations are set out in Policy C2 of the RLP, Policies 18 and 19 of the ACS and paragraphs 173-177 and 203-205 of NPPF in relation to plan-making and 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:

- Educational Facilities
- Healthcare Facilities
- Affordable Housing
- Public Open Space

Secretary of State Referral

Whilst there is an unresolved objection from the Environment Agency to this application, this is solely on the grounds that the proposed SuDS features are insufficient. However, as the site is located within Flood Zone 1 and does not have critical drainage problems, 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.

Other Issues

I note that there are a number of basic inaccuracies with regard to place names and information sources in the submitted documents, as well as the proximity or availability of some of the stated facilities. Whilst these demonstrate a poor quality of submission, none of the inaccuracies have been relied upon in reaching a recommendation on this application. Therefore, I consider that these should carry little, if any, weight in the determination of the application, and could not justify refusal of permission or delaying its determination. Policy 2 of the ACS states that Top Wighay Farm is a Sustainable Urban Extension and the current application site is part of this strategic allocation.

The impact of the proposed development on the valuation of existing properties is not a material planning consideration.

Conclusions

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate.

In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

Planning obligations are being sought in accordance with the requirements of the NPPF.

The application does need to be referred to the Secretary of State for Communities and Local Government.

Recommendation:

That the Borough Council GRANTS 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 education authority for financial contributions towards, Educational Facilities, Healthcare Facilities, Affordable Housing and Open Space; and 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 constructed in accordance with the following approved plans: Standard External Details (SD7-06 Rev A, SD8-01, SD9-12), received on 11th August 2014; Existing and Proposed Levels (Hu/Wh/01/007), received on 21st November 2014; Single and Double Garage plans and elevations (Pa/WY/SG1, Pa/WY/SG2, Pa/WY/DG3), received on 12th December 2014; Materials Layout (29158-04-01-01 Rev A), received on 6th January 2015; Site Layout (29158-02-01 Rev E); Siena, Naples, Florence, Barcelona and Madrid house types (Drawing Nos: 09, 11, 12, 15 and 16), received on 8th January 2015; and new footway to Wighay Road (29158-04-02-01), received on 6th February 2015.
3. The remediation scheme hereby permitted (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be implemented in accordance with the approved details and timetable of works. Prior to the occupation of any dwelling(s), a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Borough Council.
4. 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 development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council, an assessment of contamination must be undertaken. This assessment shall 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. The assessment shall be undertaken by a competent person and shall assess any

contamination of the site whether or not it originates on site. Where remediation is necessary, a written 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.

5. During both the initial earthworks and then during construction, dust levels shall be mitigated in accordance with the measures proposed in the submitted 'Control of Dust and Noise during Construction' document, deposited on 11th August 2014.
6. No trees shall be felled during the bat active season (which runs from 1st April to 31st October inclusive in any given year), unless a single precautionary emergence survey has been undertaken immediately prior to felling work commencing. In the event of bats being found to be present, development must be halted immediately on that part of the site until such time as the outcome of the survey and details of any proposed mitigation measures have been submitted to and approved in writing by the Borough Council. Any mitigation measures shall be implemented in accordance with the approved details before the tree(s) in question is/are felled.
7. 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, they will be moved to a safe location outside the footprint of the development and the refugia will be removed or dismantled. Details of any further mitigation measures that may be deemed necessary shall be submitted to and approved in writing by the Borough Council before vegetation clearance or ground works commence. The mitigation measures shall be implemented in accordance with the approved details before development commences.
8. No removal of hedgerows, trees or shrubs 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.
9. No building materials, plant or machinery shall be stored during the construction period within a distance of 10 metres from the eastern boundary of the application site to the retained Local Wildlife Site, unless specifically required for the construction of that part of the development or unless otherwise prior agreed in writing by the Borough Council.
10. Before development is commenced, including vegetation clearance or ground

works, the existing trees and hedgerows to be retained shall be protected in accordance with the details specified in the Arboricultural Impact Assessment, August 2014 by Thomson Ecology. The means of protection shall be implemented in accordance with the approved details for the duration of the construction period, unless 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 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 and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of measures to prevent the unregulated discharge of surface water from the access driveways, parking and turning areas. No part of the development hereby permitted shall be brought into use until the access driveways, parking and turning areas have been constructed in accordance with the approved details, which shall be retained for the lifetime of the development.
13. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of the methods to be used in the construction of the private drives serving plots 1 to 8 in order to ensure the protection of the existing trees which are to be retained. The development shall be implemented in accordance with the approved details, unless 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 for the incorporation of integrated bird and bat boxes on trees or within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow and swallow. 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.
15. 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, hedges, shrubs or seeded areas proposed to be planted, and including where appropriate details of existing trees to be felled and retained. The landscape plan shall include native species of local provenance and details of the re-instatement and seeding of the areas affected by the banking works on the eastern side of the access road and how this area is to be managed. The approved landscape plan shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area 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, shrub or seeded area 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.

16. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of an archaeological scheme of treatment. The scheme shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
17. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
18. No part of the development hereby permitted shall be brought into use until the new priority junction, two dropped kerb access points and the footway have been provided at the boundary of the site and along the northern side of Wighay Road. The junction, two dropped kerb access points and footway shall be retained as approved for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
19. Before any of the dwellings which they serve are first occupied, all driveways, parking and turning areas shall be surfaced in a hard bound material behind the highway boundary. The surfaced driveways, parking and turning areas shall then be maintained in such hard bound material for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
20. Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards. The garage doors shall be retained to this specification for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
21. Any proposed soakaway shall be located at least 5 metres to the rear of the highway boundary and shall be retained to this specification for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
22. The means of enclosure and surfacing hereby permitted shall be provided in accordance with the approved details before the dwellings they serve are first occupied and shall be retained for the lifetime of the development, 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.
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 2014).
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 2014).
5. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
6. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
7. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
8. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
10. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. 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 Section 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
12. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

13. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
14. To enhance biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
16. To ensure the appropriate investigation and recording of archaeological features, in accordance Section 12 of the National Planning Policy Framework and Policy 11 of the Aligned Core Strategy for Gedling Borough (September 2014).
17. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
18. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
22. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), 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 Development 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 Development Plan.

Notes to Applicant

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage would be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the 6C's Design Guide.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment would be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete, so it is recommended that the developer contact the Highway Authority as early as possible.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the Highway Authority for details.

In the interests of safety, operational needs and integrity of the Robin Hood Line railway, Network Rail advises that no part of the development should cause any existing level crossing road signs or traffic signals, or the crossing itself, to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials, which again must not cause rail and road approach sight lines of the crossing to be obstructed.

The Borough Council requests that the applicant considers incorporating 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 (see IET Code of Practice for EV Charging Equipment Installation).

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

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy

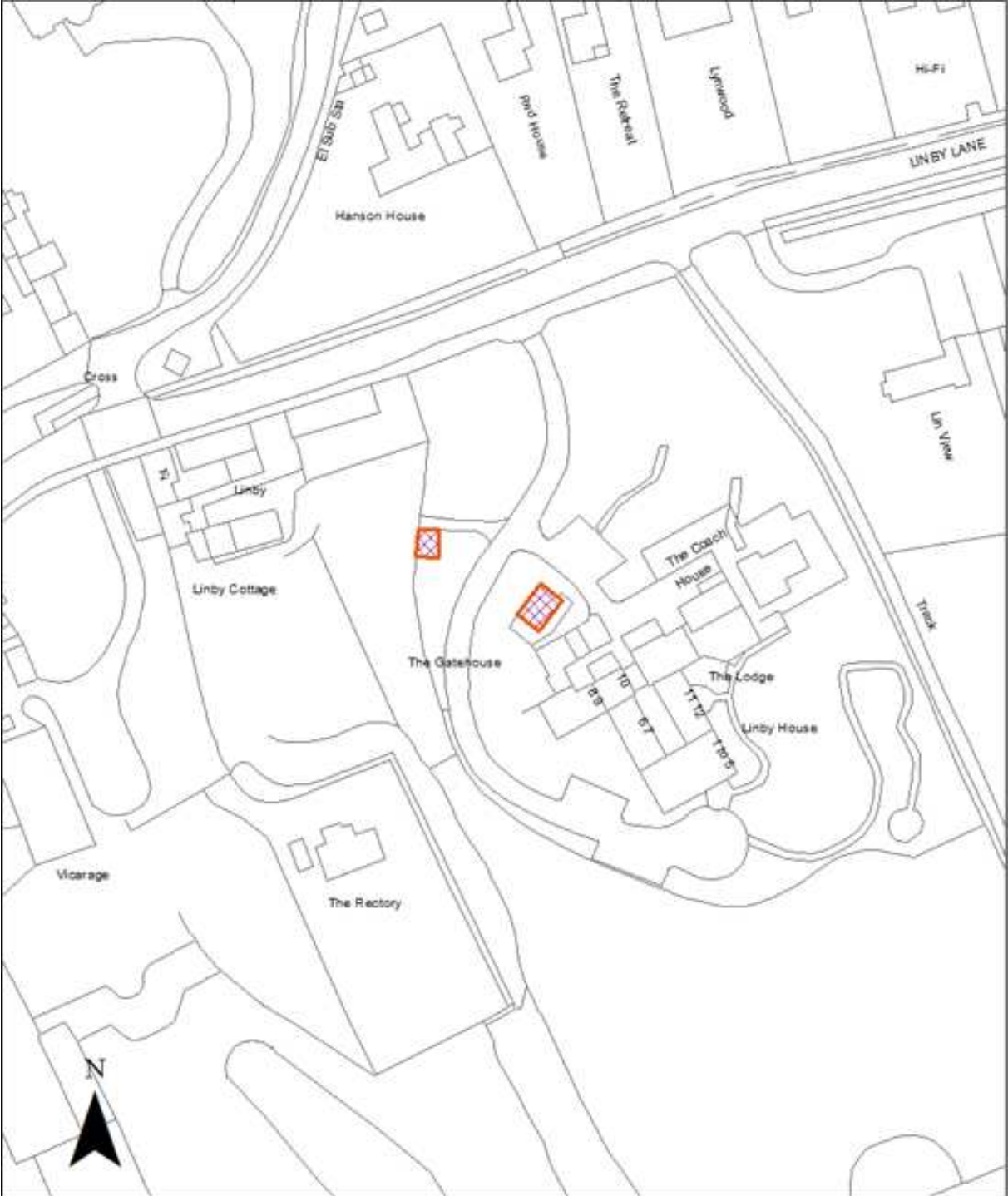
Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised; and providing updates on the application's progress.

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Application Number: 2014/1282

Location: Linby House Linby Lane Linby 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:	2014/1282
Location:	Linby House Linby Lane Linby Nottinghamshire
Proposal:	Retention of converted site office and secure store, relocation of existing refuse and cycle store.
Applicant:	Mr Steve Bell
Agent:	Mr Clive Welham
Case Officer:	Elizabeth Campbell

Site Description

Linby House is a Victorian Villa standing in a large plot back from Linby Lane. It has been substantially developed by conversion to 13 apartments and extended by the construction of The Gatehouse apartment and, most recently Orchard Cottage. This application relates to an approved refuse and bicycle store (which has been partly converted, without permission, to a site office and secure store) in a single storey building 7.8m x 5.7m with a pyramidal roof opposite the parking area and some metres north of The Gatehouse Apartment. The front part of the site is wooded and the rear is predominantly open garden area. A new bicycle and refuse store is situated in the wooded area off the drive to the garden area. Planning permission has not been granted for this building. Vehicular access, off Linby Lane, is provided via a private electronically controlled gate. The site is located within the Nottingham Derby Green Belt but within the defined infill boundary for Linby Village. It is also situated within the Linby Conservation Area.

Relevant Planning History

2007/0540 Planning permission was granted in August 2007 for the conversion of Linby House into 13 apartments. As part of the development a tack room was demolished and replaced with an extension across the full width of the house and two wings were demolished and replaced with a new courtyard building. This permission included the refuse and bicycle store. Conservation area consent was granted for the demolitions in Sept 2007 under 2007/0747.

2008/0551 Planning permission was granted for the construction of a hipped roof Gatehouse apartment linked to the main house by a single storey element to the right of the development as seen from the entrance drive.

2009/1087 Planning permission was granted in January for new garages and storage at the eastern end of the main block

2010/0970 Planning permission was granted in January 2011 for the conversion of two garage bays and the creation of a first floor within the existing loft space in order to create a single one bedroom residential unit

2011/0979 Planning permission was refused in November 2011 to erect a detached building for two new dwellings with associated landscaping. A subsequent appeal was dismissed

2012/1295 Planning permission was granted in February 2013 for the erection of an extension to provide a new three - bedroomed attached dwelling with associated landscaping. This property is now known as Orchard Cottage.

2014/0004 Conditional permission was granted in March 2014 for a resubmission of 2012/1295 showing a new two-bedroomed attached dwelling with an attached double garage and associated landscaping. The insertion of roof lights to the space over the garage to create a third bedroom is currently under consideration

Proposed Development

As noted above, and as advised by the applicant, the refuse/bicycle store was completed to the original design in 2008.

Photos have been submitted showing the building having the same appearance as approved in February 2010 when the Gatehouse Apartment was under construction

In 2014 the elevations were changed from the approved design, following the site manager relocating to a property one hour away. Up to this point management meetings had been held in one of the apartments. The new bin store and cycle store was completed in March 2014.

The current application seeks to regularise the situation i. e. use of the building as a site office and secure store.

The changes to the building comprise:

- South elevation: Two areas having the appearance of double garage doors, formerly serving the bicycle store for 20 cycles have been fully glazed to light a site office and store room.
- North elevation: Half of the back of the refuse area, which originally had the appearance of garage doors with the upper third glazed, has been fully boarded alongside the main incoming services room, which has been relocated from a central room access from the west elevation
- East elevation (facing parking area): Former double doors (with upper part open or glazed) to refuse and recycling area is now door with side light giving entrance to site office
- West elevation: Previous doors to services room and refuse area to become relocated door to services room and full height window to store room.

Internally the cycle store, refuse and recycling area have been replaced with a site

office, occupying approximately half of the building, a store room with toilet and wash room off, and a main incoming services room in the north western corner of the building with access off the drive.

The relocated refuse store and cycle shed has been sited in the wooded area near the western boundary of the site adjoining the curtilage to Linby Cottage. The building measures 4.0m across and 7.0m from the entrance to the rear of the building. It is constructed entirely of timber using a double layer of hit and miss panels “to break up the surfaces of the building”. The front part of the compound which houses the bins is open and the enclosed part has a membrane over.

A design and access statement has been submitted in support of the application. The statement includes the following:

- The secure office area and store room has been used for the site facilities management

Reasons for conversion and retention

- The office and store were originally converted to accommodate the welfare and storage requirements of the building workers in 2013 in connection with the previously approved dwelling called Orchard Cottage.
- The relocation of the refuse store made it possible to upgrade the facilities to house an additional refuse bin.
- The original refuse store also had problems with vermin due to its enclosed nature, this has been eliminated with the new designs.
- On completion of the project it was also found that the office and store had also become very useful as part of the facilities management as an operations control room and store.
- There is considerable landscaping within the site which is maintained to a very high standard giving rise to the need for a dedicated secure storage area as well as an onsite w.c. / welfare facility for people working there.
- The converted office and store remains un-insulated and the structural fabric has not been upgraded as part of the conversion.
- The impact of the relocated refuse area and cycle store on the surrounding landscape has been reduced by it being undisturbed during the construction process. The access for refuse remains from Linby Lane with the distance from the site entrance being the same. The pedestrian approach to the refuse store has graded to allow level access

Since the original submission of the application there has been correspondence from the applicant in support of the proposal:

24th Nov – re Employees – The company employs Mr Bell to look after the grounds and facilities. The company also employs a separate team of gardeners who attend site on a regular basis to maintain the grounds. There are ongoing storage

requirements for equipment.

27th Nov – Confirming that the manager has been on site for 3 days this week all for the general management of the development and 4 appointments on one day re management accounts, sourcing new contractors, with the window cleaners, and re the intercom and sprinkler systems.

- It is proposed to resurface the drive, address all the woodland and redecorating the internal and external communal areas – these contractors will require welfare and facilities
- Various site meetings with the insurance company and quarterly meetings with the letting agent
- The office will be for the day to day running of the development – my main office now being an hour drive away – and the store for the gardener, who will be there at least one or two days a week. Contracting cleaners are on site weekly and they will report to the office and use the facilities. Minor works are still being done in some apartments.

The applicant has confirmed that the site office has not been used whilst the application is being considered. Work and management has been done remotely from home office and externally at Linby House when meeting contractors.

12 and 14 January 2015 – emails from residents asking whether site manager would be on site as usual on 2nd Tuesday of the month.

28 January 2015 The building has not been converted to another apartment.

Consultations

Linby Parish Council objects to the proposal on the grounds that it is a further development of the site, when it had been agreed that this would not happen. A query is raised that if planning permission is granted whether it would be subject to business rates and classed as a commercial property.

Neighbouring Properties have been consulted, a site notice posted and the application has been advertised in the press. Four letters of objection have been received on the following grounds: -

- The plans omit to show the shower and the kitchen and its island – plans for all the other apartments had these included.
- The new bin store is visible from Linby lane – especially at night as there is a bright light on it. It is considered to be an eyesore in the Conservation Area. Putting the bins outside will make them more accessible to vermin. There was space in the original bin store for an extra bin. The new building adds to the footprint of an already overdeveloped site.
- The conversion does not look like an office with two sets of double glass doors
- The site office is not needed as there are no ongoing building works and the owner has advised that one of the residents will look after day to day matters. The developer has said that he intends to be on site once a month. He only

- come occasionally and does not use the office if he does.
- Three of the properties at Linby House are freehold
 - The gardeners are commercially employed, visiting twice a month and do not require a welfare facility – or they have not for the past five years. They also do not require storage of equipment space.
 - There is no requirement for a building for the “Linby House Management Committee”. This committee was disbanded 2 years ago. Residents are kept informed by newsletter. Meetings were held in an apartment.
 - The site manager is not usually at Linby House when the window cleaner comes and the intercom engineer would not need an office. Re-surfacing the drive is a fairly short job
 - The converted office has not been used as a welfare facility for the recent build until that build was almost complete
 - The site does not have sufficient parking spaces should the building be converted to residential.
 - Impact on the Green Belt – whilst the footprint of the building will not be altered the intended use will result in a much more intensive and permanent use of the building. This may also need extra parking spaces. The use of this building, which can be seen from Linby Lane will have an impact on the openness of the Green Belt. The proposal has resulted in the construction of a further building. The inspector in the appeal against the construction of two new dwellings in the grounds stated that “ the land surrounding the main house and buildings provides a substantial gap within the street scene and represents an important element of the character of the settlement, contributing significantly to its openness”
 - Planning permission was given for storage facilities under 2009/1087 but by 2010/0970 this was converted to a further dwelling. If facilities were not required then why are they now?
 - If the new refuse storage/cycle store building is superior why can't the original building be demolished?
 - Impact on the Linby Conservation Area - In the Conservation Area Appraisal it is noted that the area of woodland between Linby House and Linby Lane is an area of significant greenery. The new building encroaches into this area
 - Residential Amenity – Loss of privacy to the residents of The Gatehouse, also increased activity from persons requiring access to use the facilities and for loading/unlading goods.
 - Whilst I do not wish to experience further disruption if the building was returned to its approved use I have serious concerns that it will be converted into a one bed residence.
 - The ground floor of the new bin store turns into a lake when it rains. It needs a roof if retained.
 - A site office is not essential. Managing agents rarely need an office.

One letter of support has been received from the company, which has the contract to clean Linby House and other properties, and states that currently keys are picked up from this site office. There are also comments from a resident that should permission be given – the key would need to be kept in safe keeping by one or more residents, the building should only be used Monday – Friday during normal office hours.

Planning Considerations

The main considerations in relation to the determination of this application are the impact on the openness of the Green Belt, the impact on the character and appearance of the Linby Conservation Area and the impact on the amenities of neighbouring properties.

At the national level the guidance in the National Planning Policy Framework (NPPF) (March 2012) is relevant. The following sections of the NPPF are particularly relevant to this proposal:

7. Requiring good design (Paragraphs 56 – 68)
9. Protecting Green Belt Land (Paragraphs 79 – 92)
12. Conserving and enhancing the historic environment (Paragraphs 126 – 141)

The NPPF requires consideration to be given to the potential impact of the development on heritage assets. In this instance the heritage asset is the Conservation Area. Paragraph 131 of the document sets out the approach for Local Authorities in determining such applications and requires account to be taken of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Under the NPPF great weight should be given to the heritage asset's conservation.

Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and of which the Council must take account. The decision maker should decide what weight is to be given to the GBACS. In this instance significant weight has been given to the GBACS. However, should the GBACS be quashed I do not consider that a different recommendation would be reached given that the policies reflect the guidance contained within the NPPF. The following policies are relevant: -

Policy 3 – The Green Belt

Policy 10 – Design and Enhancing Local Identity

Policy 11 – the Historic Environment

These policies reflect the guidance contained in the NPPF and Replacement Local Plan policies (see below)

Appendix E of the GBACS refers to the following saved relevant policy contained within the Gedling Borough Replacement Local Plan (certain policies saved) 2014:-

- ENV1 (Development Criteria)
- ENV14 Change of use of a building in a Conservation Area
- ENV15 New development in a Conservation Area

Policy ENV15 of the Replacement Local Plan (RLP) requires proposals to respect the character and appearance of the Conservation Area and refers to important open spaces being retained. Scale design and proportions of proposals should be sympathetic to the characteristic form in the area and compatible with adjacent buildings and spaces.

- ENV30 Development within defined infill boundaries of Green Belt wash villages

Concerning the impact on openness of the Green Belt, albeit on a site within the infill boundary of Linby Village, the criteria is that development is acceptable provided the proposal would not adversely affect the residential amenities of neighbouring properties or the appearance of the village. I consider that the proposal will adversely affect the amenities of The Gatehouse, despite hit and miss panelling having been put up between the properties, because on the south elevation of the converted office are full height garage door size glazed openings. These openings are only five metres from The Gatehouse and the building is in an elevated position above the adjoining residential property. There is also the issue of increased activity in the building, which could impact the amenities of neighbouring properties. To a lesser extent I consider that the new bin/cycle store will impact the amenities of Linby Cottage by reason of the increased activity close to their boundary and the lights at night.

With respect to the impact on the appearance of the village I am mindful that this site is also in the Linby Conservation Area and that the Linby Conservation Area Character Appraisal was adopted by the Borough Council on 26th August 2011. This states in Paragraph 4.5 that Linby House is one of a selection of properties that stand in large gardens, well stocked with mature trees, serving to create the illusion that it stands in its own 'country estate'. In Para 6.3 it is noted that the house has been extended and converted to apartments but that mature trees and landscaping shield the house from view. I consider that the new building by reason of its appearance detracts from the character and appearance of this part of the conservation area and the openness of this part of the Green Belt.

Both the NPPF and policy ENV1 of the RLP seek to ensure that development is of a high standard of design. In my opinion the new bin store is not of a high standard of design, and the new hit and miss panelling between the office and The Gatehouse not of a traditional appearance.

There has been much correspondence from the applicant and the residents at Linby House. This, in my opinion, has raised the question as to whether the site office and equipment store, with fully glazed windows, is needed at all and whether the building should not be returned to its original use.

I conclude that the proposal is not essential to the management of Linby House, that

the new bin store will detract from the openness of this part of the Green Belt and the character and appearance of this part of the Linby Conservation Area, and that both the bin store and the converted office will detract from the amenities of neighbouring properties by reason of increased activity and overlooking.

Recommendation:

To REFUSE PLANNING PERMISSION for the following reasons:

1. On the information received by the Gedling Borough Council the Council is not satisfied that there is a need for a site office and equipment store.
2. It is considered that the alterations to the approved cycle/bin store and in particular the fully glazing of the openings on the south elevation adversely affects the amenities of the adjoining property. The use will also affect the amenities of neighbouring properties by an increased activity in the building and, with respect to the new bin store, the amenities of Linby Cottage by reason of increased activity and lights at night. The proposal would therefore not accord with Policy 10 - Design and Enhancing Local Identity - Aligned Core Strategy
3. It is considered that the new bin store will detract from the character and appearance of this part of the Linby Conservation Area by an intrusion into the woodland between Linby House and Linby Lane and by reason of its design The proposal would therefore not accord with Policy ENV15 of the Gedling Borough Replacement Local Plan (certain policies saved) 2014
4. It is considered that the proposal will detract from the openness of this part of the Green Belt and therefore not accord with Policy ENV30 of the Gedling Borough Replacement Plan (certain policies saved) 2014

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Application Number: 2014/1360

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



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Report to Planning Committee

Application Number: 2014/1360

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

Proposal: Change of use at Aspect Court from B1 office unit to D2 Personal Training Studio.

Applicant: Mr James Woodford

Agent:

Case Officer: Alison Jackson

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.

Relevant Planning History

Planning permission was granted in August 2014, 2014/0579 reference for the change of use of the 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. The D1 use of the building has not been implemented to date.

Proposed Development

Planning permission is sought for the change of use of the building from the existing authorised use of the building as a B1 office use to a personal training studio (gym) falling within a class D2 (Assembly and Leisure) use.

No external alterations are proposed to the building.

Consultations

Lambley Parish Council – no objections.

Nottinghamshire County Council Highway Authority – no objections.

Neighbours have been notified by letter and the application has been advertised on site and in the local press – I have received no letters of representation as a result.

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 to the proposal:

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

NPPF Paragraphs 23-27 (Ensuring the vitality of town centres)

NPPF Paragraphs 79 to 92 (Protecting Green Belt land)

Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014)

Policy ENV1 (Development Criteria)

Gedling Borough Aligned Core Strategy

Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and must be taken account of. The decision maker should decide what weight is to be given to the GBACS. In this instance significant weight has been given to the GBACS however, should the GBACS be quashed I do not consider that a different recommendation would be reached given that the policies mirror the guidance contained within the NPPF.

It is considered therefore that the following policies are relevant:

ACS Policy 3 (The Green Belt)

ACS Policy 6 (Role of Town and Local Centres)

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 and has no adverse impact on the openness of the Green Belt, the proposal 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

I appreciate that the proposed use of the building as a gym would be considered as a main town centre use and the application site does not fall within a designated town centre.

The NPPF at paragraphs 23-27 states that the vitality of town centres should be protected and therefore town centre uses which are not proposed within a designated town centre should demonstrate compliance with the sequential test. This ensures that proposals do not result in demonstrable harm to the vitality or viability of designated shopping centres.

To this end the applicant has provided additional information in support of the application which confirms that alternative sites with designated town centres were assessed for the proposal and were found to be inadequate for reasons of the premises being too small, too large, inadequate internal arrangements to the building for personal training sessions.

I am satisfied following the receipt of this information, from the applicant, that a sequential approach has been undertaken in an attempt to identify suitable premises within or on the edge of town centres for the proposed use. The sequential approach in my opinion therefore has been satisfied and I consider that the proposed use of application site can be considered an acceptable use.

Whilst, the applicant has demonstrated that a sequential approach has been undertaken, I am mindful that paragraph 25 of the NPPF states that a sequential approach does not need to be applied to small scale rural development which I consider a proposal of this nature could be justifiably categorised as, given the number of clients expected to attend the premises and the staffing levels proposed.

I am also satisfied given the scale of the proposal an Impact Assessment of the proposal on local town centres, as required under paragraph 26 of the NPPF, is not required in this case.

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

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 gym 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 as a result of the internal use of the building.

In respect to the potential impact of the proposed comings and goings to and from the site on neighbouring properties I note that the applicant has confirmed in greater detail exactly how the premises will operate and how many clients are expected to attend the premises during the morning and afternoon/evening sessions.

The applicant has confirmed that the expected levels of attendance at the premises would be a maximum of twelve clients in the morning and an equivalent number of clients in the afternoon/evening period. These numbers would exclude staff at the premises, which is specified to be three full time staff and two part time staff.

On the basis of the above information, I am satisfied that the proposed activity associated with the comings and goings to and from the site will result in no undue impact on neighbouring properties or the area in general.

I consider however, that should planning permission be granted a condition is attached to restrict the number of clients visiting the site to a maximum of twelve clients in the morning periods and a maximum of twelve clients in the afternoon/evening period. This will ensure that the activity at the site does not result in any undue impact on neighbouring properties or the area in general.

However, should the business intensify at any time, the applicant could submit an application to increase the number of expected clients to visit the site over the course of the day and this application would be considered on its own merits.

I also note that the applicants has stated that the opening hours of the premises would be 7 am to 9 pm Mondays to Fridays inclusive and 9 am to 12 (noon) on

Saturdays. I am satisfied that these opening hours are acceptable in terms of any potential noise and disturbance to neighbouring properties.

Given the number of expected clients to visit the site together with the proposed staffing levels, I am satisfied that the use of the existing access roadway and the parking area serving the site will result in no undue impact on the amenity of neighbouring properties.

Impact on Highway Safety

I note that the Highway Authority has raised no objections to the proposal and agree given the levels of clients attending the site together with the proposed staffing levels the proposed use of the site will result in no undue impact on highway safety.

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

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

Recommendation:

To 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 proposal shall be undertaken in accordance with the details as set out within the application forms received on the 2nd December 2014, the plans received on the 2nd December 2014, the letter from the applicant dated the 1st December 2014 and the e-mail received on the 2nd February 2015 which clarifies in precise details the number of clients expected to attend the premises within the morning and afternoon/evening periods.
3. The maximum number of clients visiting the site in the morning period shall not exceed twelve and the number of clients visiting the site in the afternoon/evening period shall not exceed twelve, this excludes the staffing levels at the site at any one time.

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 protect the amenity of neighbouring properties and the area in general in accordance with the aims of Policy ENV1 of the Gedling Borough

Replacement Local Plan (Certain Saved Policies 2014).

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 policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Notes to Applicant

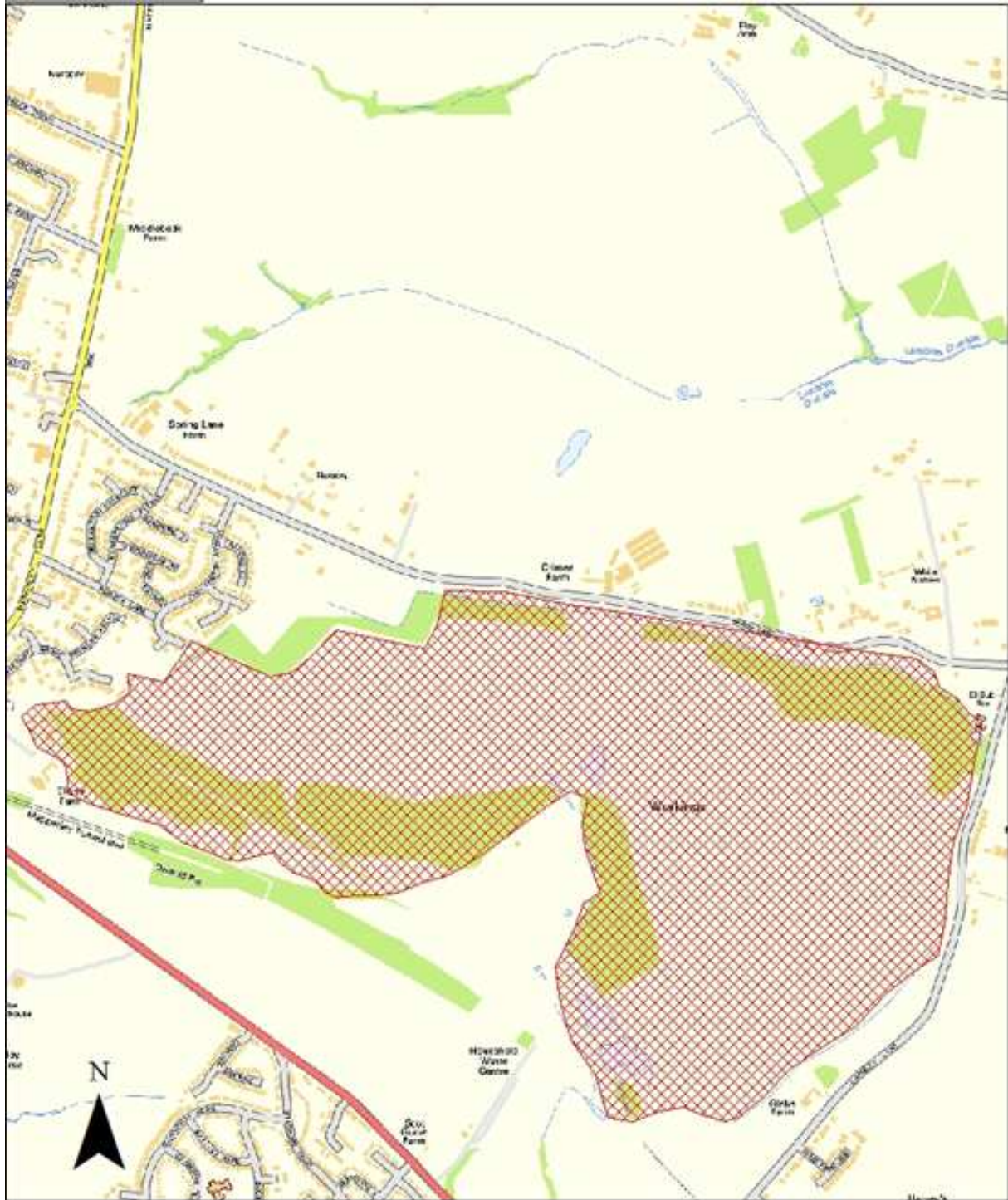
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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Application Number: 2015/0028

Location: Gedling Country Park, Spring Lane, Gedling, Nottinghamshire



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Report to Planning Committee

Application Number: 2015/0028

Location: Gedling Country Park, Spring Lane, Gedling, Nottinghamshire.

Proposal: Erection of two pit tubs on either side of the entrance to Gedling Country Park at Spring Lane.

Applicant: Gedling Borough Council

Agent:

Case Officer: Alison Jackson

This application is being brought to Committee due to the applicant being Gedling Borough Council.

Site Description

The application site relates to the former Gedling Colliery site which covers an area of approximately 110 hectares. The colliery closed in 1991 and has been restored to its current state which is largely open grassland with areas of conservation grassland and woodland planting. The site is a dominant feature in the landscape with two colliery spoil heaps, to the west and east of the site, on the southern slope of an irregular east to west ridgeline. The spoil heaps are connected by a saddle of colliery spoil between the two main heaps. The larger eastern spoil heap has steep southern and eastern slopes with a large plateau.

The site is bounded to the north by Spring Lane, to the east by Lambley Lane and to the west by residential properties. Residential properties are currently being erected to the north west of the application site off Spring Lane. The former colliery yard and the line of the former mineral railway line lie to the south of the application site. A methane plant is now in operation adjacent to the southern boundary of the site.

There are residential developments directly to the west together with properties along Spring Lane to the north of the site and along Lambley Lane to the east of the site. To the south of the site is mature woodland, agricultural land and a recreation ground to the south east of the site. Beyond this to the south and east of the site lie residential areas. The Mapperley Golf Club lies to the south west off Arnold Lane and undulating agricultural land lies to the north and east of the site.

All colliery structures have been demolished and removed from the site except for isolated headwalls, spillways, pipes and culverts which are associated with the site water management system.

There is a Site of Importance for Nature Conservation (SINC) to the south of the site.

Works have been implemented on site in respect to the provision of the Country Park.

Relevant Planning History

Planning permission was granted in April 2013, reference 2012/1456, for the creation of a country park on the site for the use of local residents and visitors. The site provides mature woodland tree cover, existing tree planting, conservation grassland, amenity grassland and lagoons/open water areas.

Planning permission was granted in November 2013, reference 2013/0713, for the creation of a new access road and footpath from Spring Lane leading to a car park which would serve the country park as granted under planning permission reference 2012/1456. The proposed access road into the site from Spring Lane would be in the same position as the access previously approved under planning permission 2012/1456 and a visibility splay would be provided to the proposed access.

An application has been submitted, reference 2015/0030, for the erection of seven advertisements, two sited at the entrance to the Country Park and the remainder within the grounds of the Country Park.

Proposed Development

Planning permission is sought for the erection of two pit tubs to be positioned to either side of the entrance into the Country Park from Spring Lane.

The pit tubs would be erected on a base measuring 3.05 metres by 2.13 metres. The overall height of the pit tubs including the base would be 1.7 metres.

During the processing of the application a revised plan was submitted showing a revised location to the siting of the proposed pit tubs.

Consultations

Nottinghamshire County Council (Highway Authority) – raise no objections.

A site notice has been posted at the site – The statutory consultation period for representations is until midnight on the 18th February 2015 and any consultation responses received by 6 pm on the 18th February 2015 will be reported verbally at Committee. Any representations received after this time prior to a decision being made on the application will be considered by the Corporate Director in relation to whether they would materially affect the recommendation of this report.

Planning Considerations

The main considerations in the determination of this application are the impact of the proposals on nearby properties and the area in general. The impact of the proposals on highway safety will also need to be assessed.

Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and must be taken account of. The decision maker should decide what weight is to be given to the GBACS. In this instance significant weight has been given to the GBACS however, should the GBACS be quashed I do not consider that a different recommendation would be reached given that the policies mirror the guidance contained within the NPPF.

Policy 10 - Design and Enhancing Local Identity.

Appendix E of the ACS refers to the Saved Policies from the Adopted Local Plan. The following policy contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 is relevant: -

Policy ENV1 – Development Criteria.

In my opinion the proposed pit tubs will be visually acceptable when viewed along the Spring Lane approach to the Country Park.

I am satisfied that the proposed pit tubs will result in no undue impact on nearby properties or the area in general given their siting to either side of the entrance to the Country Park.

I note that the Highway Authority, following the receipt of a revised plan which shows the slight repositioning of the proposed pit tubs, no objections are raised to the proposals. I am therefore satisfied that there are no highway safety implications arising from the proposals.

I note that the consultation period for the application does not expire until midnight on the 18th February 2015. Therefore should any comments be received in respect to the application after the Committee on the 18th February 2015, will be taken into account in the assessment and determination of the application.

I am therefore satisfied that the proposals accord with the above guidance and policy and recommend that planning permission be granted.

As the consultation period expires after Planning Committee, the recommendation will be that the decision on the application be delegated to the Corporate Director to grant conditional planning permission subject to no representations being received that raise material planning considerations. Therefore if material representations are received the application will be referred back to Planning Committee. If no material representations are received the decision will be delegated to the Corporate Director.

Recommendation:

That the decision be delegated to the Corporate Director to GRANT CONDITIONAL PLANNING PERMISSION subject to no representations being received that raise material planning considerations.

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 8th January 2015, the plans received on the 8th January 2015 and the revised plan received on the 27th January 2015.

Reasons

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

Reasons for Decision

The proposed development is visually acceptable and results in no significant impact on nearby properties or the area in general. The proposed development is also acceptable from a highway safety viewpoint. The development therefore accords with the Aligned Core Strategy and the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Notes to Applicant

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

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

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



Application Number: 2015/0030

Location: Gedling Country Park, Spring Lane, Gedling, Nottinghamshire.



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Report to Planning Committee

Application Number: 2015/0030

Location: Gedling Country Park, Spring Lane, Gedling, Nottinghamshire.

Proposal: Site information boards x No 7

Applicant: Miss Katie Cafferkey

Agent:

Case Officer: Alison Jackson

This application is being brought to Committee due to the applicant being Gedling Borough Council.

Site Description

The application site relates to the former Gedling Colliery site which covers an area of approximately 110 hectares. The colliery closed in 1991 and has been restored to its current state which is largely open grassland with areas of conservation grassland and woodland planting. The site is a dominant feature in the landscape with two colliery spoil heaps, to the west and east of the site, on the southern slope of an irregular east to west ridgeline. The spoil heaps are connected by a saddle of colliery spoil between the two main heaps. The larger eastern spoil heap has steep southern and eastern slopes with a large plateau.

The site is bounded to the north by Spring Lane, to the east by Lambley Lane and to the west by residential properties. Residential properties are currently being erected to the north west of the application site off Spring Lane. The former colliery yard and the line of the former mineral railway line lie to the south of the application site. A methane plant is now in operation adjacent to the southern boundary of the site.

There are residential developments directly to the west together with properties along Spring Lane to the north of the site and along Lambley Lane to the east of the site. To the south of the site is mature woodland, agricultural land and a recreation ground to the south east of the site. Beyond this to the south and east of the site lie residential areas. The Mapperley Golf Club lies to the south west off Arnold Lane and undulating agricultural land lies to the north and east of the site.

All colliery structures have been demolished and removed from the site except for isolated headwalls, spillways, pipes and culverts which are associated with the site water management system.

There is a Site of Importance for Nature Conservation (SINC) to the south of the site.

Works have been implemented on site in respect to the provision of the Country Park.

Relevant Planning History

Planning permission was granted in April 2013, reference 2012/1456, for the creation of a country park on the site for the use of local residents and visitors. The site provides mature woodland tree cover, existing tree planting, conservation grassland, amenity grassland and lagoons/open water areas.

Planning permission was granted in November 2013, reference 2013/0713, for the creation of a new access road and footpath from Spring Lane leading to a car park which would serve the country park as granted under planning permission reference 2012/1456. The proposed access road into the site from Spring Lane would be in the same position as the access previously approved under planning permission 2012/1456 and a visibility splay would be provided to the proposed access.

Proposed Development

Advertisement consent is sought for the following:

1. Three information boards positioned within the Country Park (Signage 1). The signs would measure 2 metres in height by 1.219 metres in width and would have a depth of 10 centimetres;
2. Two entrance signs to the access into the site from Spring Lane (Signage 2). The signs would be positioned to either side of the entrance. The signs would measure 2.48 metres in width by 2.4 metres in height and would have a depth of 10 centimetres; and
3. Two lectern signs positioned within the Country Park (Signage 3). The signs would measure 0.9 of a metre by 0.65 of a metre and would have an overall height of 1.2 metres.

None of the signage is proposed to be illuminated.

A revised plan has been submitted during the processing of the application which shows the revised positioning of the entrance signage into the site (signage 2).

Consultations

Nottinghamshire County Council (Highway Authority) – raise no objections.

Planning Considerations

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that Local Planning authorities should consider applications in the interests of amenity and public safety. The National Planning Policy Framework (2012) (NPPF) is the relevant national policy guidance in the determination of this application.

Paragraph 67 of the NPPF states that:-

‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

I am satisfied that the proposed signage to the entrance into the site from Spring Lane, signage 2, will be visually acceptable within the streetscene when viewed along the Spring Lane approach to the Country Park.

In respect to the other proposed signage, signage 1 and 3, to be located within the Country Park, I am satisfied that their positioning within it will be visually acceptable.

I am satisfied that the proposed signage results in no undue impact on the amenity of nearby properties given its proposed siting.

In respect to highway safety issues, I note following the receipt of a revised plan, which shows the positioning of the entrance signage behind the highway boundary, the Highway Authority has raised no objections to this proposed signage.

The Highway Authority has also confirmed that they have no objections to the proposed signage to be located within the boundaries of the Country Park.

I am therefore satisfied that there are no highway safety implications arising from the proposals.

I therefore consider that the proposals accord with the 2007 Advertisement Regulations and advice contained within the above policies and guidance.

Recommendation:

To GRANT CONDITIONAL ADVERTISEMENT CONSENT:

Conditions

1. The advertisements hereby approved shall be carried out in accordance with the details as set out within the application forms received on the 8th January 2015, the plans received on the 8th January 2015 and the revised plan received on the 27th January 2015.

Reasons

1. For the avoidance of doubt.

ACTION SHEET PLANNING DELEGATION PANEL 16th January 2015

2014/1081

Existing Duck Ponds
Moor Road

Siting of prefabricated educational building for angling purposes including associated drainage and sealed cesspit.

The panel recommended that the application be determined under delegated authority.

Decision to be issued.

Parish to be notified following issue of decision.

SS

2014/1282

Linby House
Linby Lane

Retention of converted site office and secure store, relocation of existing refuse and cycle store.

The Panel recommended that the application be determined at Planning Committee

2014/1334

66 Lambley Lane
Gedling

Carport to the front of the property

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

Decision to be issued following completion of paperwork.

SS

2014/1314

43 Milton Drive
Ravenshead

Proposed demolition of existing dwelling and erection of a new replacement dwelling and double garage.

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

Decision to be issued

Parish to be notified following issue of decision

SS

2014/1317

3 Sunningdale Drive
Woodborough

Proposed two storey side & single storey rear extension

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

Decision to be issued

Parish to be notified following issue of decision

SS

DG 16th January 2015

ACTION SHEET PLANNING DELEGATION PANEL 23rd January 2015

2010/1075

Park House Mile End Road Colwick

Change of use from office premises (B1) to Care/Day Nursery (D1)

The proposed development would be an acceptable form of development subject to conditions to safeguard residential amenity and to ensure suitable evacuation plans are in place in the event of flooding.

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

Decision to be issued following completion of paperwork.

2014/1277

47A Riverside Stoke Lane Stoke Bardolph

Removal of condition 9 attached to application 2004/1556 which reads:

No works permitted under Class A, B, C, D or E of Schedule 2 Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (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.

The Application was withdrawn from panel.

2014/1360

294 Spring Lane Lambley Nottinghamshire

Change of use at Aspect Court from B1 office unit to D2 Personal Training Studio

The proposed development is a departure from the local plan as the use is considered to be a town centre use. The proposal also raises amenity issues.

The Panel recommended that the application be referred to Planning Committee

23rd January 2015

JC

ACTION SHEET PLANNING DELEGATION PANEL 30th January 2015

2014/1142

21 Manvers Street Netherfield Nottingham
New Garage for 19 & 21 Manvers Street

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

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

Decision to be issued.

2014/1373

66 Coningswath Road Carlton Nottinghamshire
Erection of two 3 bed semi detached dwellings to the rear of 66 and 64 Coningswath Road, accessible from Portland Road.

The proposed development would have an undue overbearing impact on the adjacent residential property & a detrimental impact on the visual appearance of the area. It would also be detrimental to highway safety and is over-intensive for the site.

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

Decision to be issued following completion of paperwork.

NM

30th January 2015



Report to Planning Committee

Subject: Future Planning Applications

Date: 18 February 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	Georges Lane Burial Ground, 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 and construction of 14 apartments, car parking and associated landscaping.	TBC
2014/0559	The Cavendish Pub, Cavendish Road, Carlton.	38 residential units.	TBC
2014/1180	Colwick Business Park, Road no 2, Colwick.	Construction of 3 storey office building and landscaping.	TBC
2014/1109	Land Adjacent Newstead Abbey, Newstead Abbey.	Camping Ground.	4 th March
2014/1356	Arnold Hill Academy, Gedling Road, Arnold.	Demolition existing school buildings and erection of new school.	4 th March
2014/1110	Newstead and Annesley Country Park, Tilford Road, Newstead Abbey.	Erection of Wind Turbine.	4 th March
2014/1349	The Grove Public House, 35 Mansfield Road,	Residential development.	11 th March

	Daybrook.		
2014/0740	Land Adjacent Bradstone Drive, Spring Lane.	Residential Development.	11 th March /1 st April
2012/0616	Land North of the Lighthouse, Catfoot Lane.	Crematorium and associated works	11 th March/1 st April

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.