



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

# Agenda

## Planning Committee

Date: **Wednesday 11 March 2015**

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Time: **6.00 pm**

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

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For any further information please contact:

**Lyndsey Parnell**

Senior Elections and Members' Services Officer

0115 901 3910

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# Planning Committee

## Membership

**Chair** Councillor John Truscott

**Vice-Chair** Councillor Barbara Miller

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

## **AGENDA**

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| <b>1</b>  | <b>Apologies for Absence and Substitutions.</b>  |                  |
| <b>2</b>  | <b>To approve, as a correct record, the minutes of the meeting held on 18 February 2015.</b> | <b>1 - 24</b>    |
|           | <b>Planning Committee Protocol.</b>  |                  |
| <b>3</b>  | <b>Declaration of Interests</b>  |                  |
| <b>4</b>  | <b>Application No. 2014 0856- 21 Ethel Avenue, Mapperley</b>                                 | <b>27 - 38</b>   |
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| <b>11</b> | <b>Any other items which the Chair considers urgent.</b>                                     |                  |

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## **MINUTES PLANNING COMMITTEE**

**Wednesday 18 February 2015**

Councillor Barbara Miller (Chair)

In Attendance:	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 John Boot	Councillor Colin Powell
	Councillor Bob Collis	Councillor Suzanne Prew-Smith
	Councillor Andrew Ellwood	

Absent: Councillor John Truscott, Councillor Alan Bexon,  
Councillor Ged Clarke and Councillor Lynda Pearson

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

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

Apologies for absence were received from Councillors Bexon, Clarke and Pearson.

Councillor Payne attended the meeting as substitute for Councillor Truscott, who had sent his apologies.

### **272 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 28 JANUARY 2015.**

#### **RESOLVED:**

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

### **273 DECLARATION OF INTERESTS**

None.

### **274 APPLICATION NO. 2014/0238- LAND WEST OF WESTHOUSE FARM, MOOR ROAD, BESTWOOD.**

Land West Of Westhouse Farm Moor Road Bestwood Nottinghamshire

Councillor Barnfather proposed a motion to defer determination of application number 2014/0238, on the grounds of sustainability and education provision, to allow time for an agreement to be made between the developer, Gedling Borough Council and Nottinghamshire County Council that would ensure adequate educational provision.

The motion was duly seconded and following a vote, the motion was lost.

Ms. Karen Peacock, a local resident, spoke against the proposals.

The Service Manager, Planning and Economic Development, informed Members of two additional letters that had been received in relation to the application since the publication of the agenda.

**RESOLVED to GRANT 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems

arising in relation to dealing with the planning application. This has been achieved by meeting the applicant 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.

**275 APPLICATION NO. 2014/0950- LAND FRONTING WIGHAY ROAD, LINBY.**

Erect 38 No Dwellings and Associated Works.

Councillor Payne proposed a motion to briefly adjourn the meeting to allow Members to consider the minutes of the recent technical briefing, which had been circulated by email earlier in the week. The motion was duly seconded and following a vote, the meeting adjourned.

Following a brief adjournment, the meeting resumed.

Councillor Hope left the meeting.

Ms. Denise Ireland, on behalf of Linby Parish Council, spoke against the application.

Mr. Ian Corner, on behalf of Strata Homes, spoke in favour of the application.

The Service Manager, Planning and Economic Development, provided an update to Members on correspondence received in relation to the application since the publication of the agenda, clarified comments received from a number of statutory consultees and providing policy information.

**RESOLVED to GRANT 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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

**276 APPLICATION NO. 2014/1282- LINBY HOUSE, LINBY LANE, LINBY.**

Application withdrawn prior to the meeting.

**277 APPLICATION NO. 2014/1360- 294 SPRING LANE, LAMBLEY**

Councillor Boot left the meeting.

Change of use at Aspect Court from B1 office unit to D2 Personal Training Studio.

Mr. James Woodford, the applicant, spoke in favour of the application.

The Service Manager, Planning and Economic Development, outlined a proposed additional condition, in the following terms:

“The operator of the use hereby approved shall keep a written record of all clients visiting the site (in relation to date and time of visits) for the lifetime of the development. The records shall be made available to the Borough Council when requested in writing by the Borough Council.”

**RESOLVED 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.
4. The operator of the use hereby approved shall keep a written record of all clients visiting the site (in relation to date and time of visits) for the lifetime of the development. The records shall be made available to the Borough Council when requested 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 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).
4. To protect the amenity of neighbouring properties in accordance with ENV1 and to assist with the monitoring of condition 3.



## **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.

### **278 APPLICATION NO. 2015/0028- GEDLING COUNTRY PARK, SPRING LANE, GEDLING**

The Chair declared a non-pecuniary interest, on behalf of all Members, as the applicant is Gedling Borough Council.

Erection of two pit tubs on either side of the entrance to Gedling Country Park at Spring Lane.

**RESOLVED to delegate authority 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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

**279                    APPLICATION NO. 2015/0030- GEDLING COUNTRY PARK,  
SPRING LANE, GEDLING**

The Chair declared a non-pecuniary interest, on behalf of all Members, as the applicant is Gedling Borough Council.

Site information boards x No 7.

### **RESOLVED 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.

**280 PLANNING DELEGATION PANEL ACTION SHEET**

**RESOLVED:**

To note the information.

**281 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 7.50 pm

Signed by Chair:  
Date:

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## **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:** 2014/0856  
**Location:** 21 Ethel Avenue, Mapperley, Nottinghamshire, NG3 6HD.



**NOTE:**

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
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## **Report to Planning Committee**

<b>Application Number:</b>	2014/0856
<b>Location:</b>	21 Ethel Avenue, Mapperley, Nottinghamshire, NG3 6HD.
<b>Proposal:</b>	Proposed demolition of 21 Ethel Avenue and erection of 3 No 4 Bedroom Detached dwellings.
<b>Applicant:</b>	Mr Lee Freeley
<b>Agent:</b>	Mr Richard Price
<b>Case Officer:</b>	Fiona Campbell

The application is being reported to the Planning Committee as the Borough Council own a strip of land running along the side of 19a Kenrick Road which forms part of an access to the site.

### **Site Description**

The application site relates to 21 Ethel Avenue, a bungalow with substantial garden land located within Mapperley. The rectangular site is approximately 0.16 hectares in area and slopes down from south to north. The property is situated at the junction of Ethel Avenue and Emmanuel Avenue, both private narrow roads. There is a further access track leading from the site to Kenrick Road between no.'s 19a and 19c Kenrick Road. The red edged plan submitted with the application incorporates Ethel Avenue and Emmanuel Avenue, and also the access track leading from Kenrick Road to Ethel Avenue.

The site has been cleared of all vegetation with the exception of a yew and larch tree at the front of the site and close boarded fencing 1.8 metres in height has been erected to the side and rear boundaries.

The site is located within a residential area and adjoined by bungalows and two storey dwellings. Properties to the east on Kenrick Road and to the north on Hallam Road are on lower levels to the site.

### **Relevant Planning History**

In March 2011 a Tree Preservation Order (Order No. 101) was made on the three trees, a Larch (T1), a Yew (T2) and a Maple (T3) located to the front of the site. Given their position and prominence, it was considered that the trees be protected to ensure they are not lost as a consequence of any future development.



In July 2013 the Maple tree was inspected by an Officer from Nottinghamshire County Council Arboricultural team and deemed to be dead, dying or dangerous and felled.

In May 2014 Planning Permission (App. No. 2014/0390) was refused for the demolition of the property and erection of 4 no. 4 bedroom detached dwellings for the following reasons:

1. In the opinion of the County Council as Highway Authority and the Borough Council, as Local Planning Authority, the access roads leading to the site are substandard in that they are of an inadequate width to allow two vehicles to pass and to provide satisfactory access for larger vehicles. Emmanuel Road also has a tortuous vertical alignment which makes vehicular movement in a slow and controlled manner very difficult. The increased use of such roads would result in an increase in the likelihood of unacceptable danger to the users of the highway. The proposed development is therefore contrary to Policies ENV1 and H13 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.
2. In the opinion of the County Council as Highway Authority and the Borough Council, as Local Planning Authority, the access roads leading to the site are substandard in that they have a very tight right angled bend at the point where they join which restricts forward visibility. The increased use of such roads would result in an increase in the likelihood of unacceptable danger to the users of the highway. The proposed development is therefore contrary to Policies ENV1 and H13 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.
3. In the opinion of the County Council as Highway Authority and the Borough Council, as Local Planning Authority, the proposed development would result in an increased number of vehicles using the sub-standard access roads which would be likely to adversely affect the safe unencumbered movement of pedestrians and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased danger to users of the highway. The proposed development is therefore contrary to Policies ENV1 and H13 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.
4. In the opinion of the Borough Council the proposed development would result in the unacceptable loss of trees that make an important contribution to the visual amenity of the area. The proposed development is therefore contrary to Policy ENV1(a) of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.
5. In the opinion of the Borough Council the proposed development would result in the unacceptable loss of residential amenity at 5 Ethel Avenue, due to the proximity of the dwelling proposed at plot 1 which would affect a first floor window positioned in the gable end of 5 Ethel Avenue and the overbearing impact that the projection of the dwelling on plot 1 would cause to the occupants of 5 Ethel Avenue. The proposed development would also lead to

unacceptable overlooking from plot 4 towards the rear amenity area of plot 1. The impact on residential amenity that would be caused as result of the proposal would not accord with paragraph 9 of the National Planning Policy Framework which requires development to improve the conditions within which people live.

In July 2014 Tree Preservation Order Consent (App. No. 2014/0586TPO) was refused to raise the crown and cut back overhanging vegetation over adjacent unadopted roadway of the Yew tree and to fell the Larch tree for the following reason:

1. The trees subject to this application are in good health and vigour. No supporting evidence has been submitted to warrant the felling of the Larch tree and the Yew tree is considered not to require significant works. Therefore, in the opinion of the Borough Council the proposed works are considered to be unnecessary in terms of good arboricultural practice.

A further application for identical works to the trees as above was submitted in November 2014 (App. No. 2014/1215TPO). This was refused for the same reason.

#### Proposed Development

Full Planning Permission is sought for the demolition of 21 Ethel Avenue and the erection of 3 number 4 bedroom detached dwellings.

The total plot measures a maximum of 45m in width to the frontage on Ethel Avenue and 42m in depth. An area of land, adjacent to No. 5 Ethel Avenue, and measuring some 9m in width x 23m in depth has been excluded from the application. Following discussions with this office a revised plan has been submitted (ETH-1001 Rev E) amending the red line to include all of plot 3 and exclude a strip of land to the east side of the plot to the rear of No.'s 19a to 31 Kenrick Road. The proposed detached garage has been moved some 1.8m to the west so that it falls within the site boundary. The revised plan also shows a potential pedestrian access some 2 metres in width from the driveway serving Plot 1 to Ethel Avenue. Neighbours and Statutory Consultees were reconsulted with these plans. The private accesses leading to the adopted highway, along Ethel Avenue and Emmanuel Avenue and between numbers 19a and 19c Kenrick Road, have been included in the red line site plan.

Plot 1 is a detached two storey dwelling with detached double garage. Vehicle access to the dwelling is taken off Kenrick Road, with pedestrian access only from Ethel Avenue. Maximum dimensions of the dwelling are 13.8m in width x 10.3m depth x 5.4m to eaves and having hipped roofs over (maximum ridge height 8.5m above ground level). A detached garage is located to the rear of the property on plot 1 and measures 5.8m in width x 5.8m in depth x 2.4m to eaves with a hipped roof over (maximum ridge height 4.2m above ground level).

Plot 2 is a detached two storey dwelling with integral double garage. Maximum dimensions of the dwelling are 12m in width x 10.8m depth x 5.4m to eaves with hipped and gabled roofs over (maximum ridge height 8.8m above ground level).

Plot 3 is a detached 'L' shaped two storey dwelling with integral double garage occupying the northern end of the site. Maximum dimensions of the dwelling are 11.5m in width x 17.7m depth x 5.4m to eaves with hipped and gabled roofs over (maximum ridge height 8.8m above ground level).

Both plots 2 and 3 have pedestrian and vehicle access off Ethel Avenue, in close proximity to where the road meets Emmanuel Avenue.

A Transport Statement, Tree Survey and Streetscene view were submitted with the application.

Notice has been served on all occupiers of premises along the proposed access routes up to the public highway as landowners and on Gedling Borough Council as a landowner. A Press Notice was also placed in the Nottingham Evening Post on the 24<sup>th</sup> October 2014 and Certificate D completed.

Following further discussions with this office the Agent also submitted revised plans ET-1001 Rev F and G indicated the root protection zones of the Yew and Larch on the plans and proposing a replacement Maple tree.

### **Consultations**

#### **Nottinghamshire County Council (Highway Authority) –**

The following comments are made on the revised proposal which has been submitted. The drawing on which the comments are made is entitled 'Proposed Site Plan', drawing no. ETH-1001, revision E.

It has come to the attention of the Highway Authority that the access that runs between 19a and 19c Kenrick Road has pedestrian access rights for the general public. This is in addition to those which would be accessing the dwelling annotated as plot 1 on the submitted plan.

The Highway Authority has concerns with regards to the substandard width of the access to allow safe movement of pedestrians. The proposed development would result in vehicles using the narrow access, and that this would adversely affect the safe unencumbered movement of pedestrians using the access.

Taking into account the above, and in light of the new information, the Highway Authority recommends that vehicle access from Kenrick Road to serve plot 1 is removed from the scheme. Also, the applicant has previously been made aware that the Highway Authority has recommended that no more than 2 dwellings should be provided with direct access to Ethel Avenue and Emmanuel Avenue so as not to have a detrimental impact on the roads and associated junctions onto the adopted highway. The Highway Authority therefore recommends that the number of dwellings

on the site should be reduced to two.

If no alterations are made to the currently submitted scheme, then the Highway Authority objects to the proposal for the following reason:

The proposed development would result in vehicles using a sub-standard access to Kenrick Road which would adversely affect the safe unencumbered movement of pedestrians and as a consequence would result in pedestrian/vehicle conflict to the detriment of pedestrian safety.

Nottinghamshire County Council (Forestry Manager) – The revised plans show a safer option of the retention of the protected trees. Full and accurate details of the treatment of the land within the root protection zones is needed to ensure that inadvertent landscape related damage does not occur. Suggest that the area including the root protection zones of the trees is made level with root collars of the protected trees. Screened top soil should be imported to fill in any undulations/voids to make the area more visually acceptable. No machinery or excavation should be utilised as part of this operation.

Nottinghamshire County Council (Rights of Way) – The County Council is considering a claim for a public bridleway between Kenrick Road and the Ethel Avenue/ Emmanuel Avenue junction. The proposed sharing of access with vehicles going to and from Plot 1 is unacceptable on safety and amenity grounds. The provision of a metalled access would also destroy the character of what is currently best described as a 'green lane' and therefore adversely affect public enjoyment of this route.

Nottinghamshire Wildlife Trust – From the available documents it is not possible to determine the age and structure of the building proposed to be demolished to determine if the building is suitable for roosting bats. We would advise as a precautionary measure that a scoping survey for bat roost potential is undertaken by a competent ecologist on all relevant structures on site, with further surveys to be conducted at the correct time of year if required. Also advise that nesting birds should be considered.

Severn Trent – No objection.

Ramblers Association – Object, there is a right of way across the development and one of the properties to be developed proposes to use this right of way as an access path. Ask that any proposed development on the site protects the right of way path.

Local residents have been notified and the application has been advertised on site – 27 responses objecting to the proposal, and 1 in support, have been received as a result, in summary:

Impact on Public Right of Way.

Public Right of way is currently blocked.

A petition signed by more than 140 local residents in support of the preservation of the path has been submitted to Nottinghamshire County Council.

It is illegal to drive on a Public Bridleway.

Ownership issues.  
Highway and pedestrian safety.  
Impact on highway safety and issues relating to the narrowness and steepness of the access road.  
Increase in traffic through the site.  
Refuse lorry/emergency vehicle access.  
Loss of trees and wildlife.  
Impact on protected trees.  
Question future development.  
Suggest fewer dwellings may be acceptable.  
Question accuracy of transport data.  
Impact on the visual and residential amenity of the area  
Over intensive development.  
Overbearing impacts.  
Overlooking impacts.  
Overshadowing impacts.  
Loss of privacy.  
Trees already have been removed.  
Flood risk and drainage issues.  
Increased noise and carbon pollution.  
Damage during construction.

Development will be a benefit to local community and economy.  
Add value to the local area.  
Remove any uncertainty over future development.

### **Planning Considerations**

The main planning considerations in the determination of this application are whether the proposed development is acceptable in this location having regard to residential amenity, the character of the area, highway safety and the impact on protected trees.

At the national level the most relevant parts of the National Planning Policy Framework (NPPF) in relation to the determination of this application are:

Section 6. Delivering a wide choice of high quality homes (paragraphs 47 – 55); and  
Section 7. Requiring good design (paragraphs 56 – 68).

At local level, Gedling Borough Council at its meeting on 10<sup>th</sup> September 2014 approved the Aligned Core Strategy (GBACS) and this now forms part of the Development Plan along with certain saved policies 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. It is considered that the following policies are relevant:

ACS Policy 10 - Design and Enhancing Local Identity.

Appendix E of the ACS refers to the Saved Policies from Adopted Local Plan. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

RLP Policy ENV1 (Development Criteria);  
RLP Policy H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes); and  
RLP Policy T10 (Highway Design and Parking Guides).

The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Policy 10 – 1 of the ACS states inter-alia that development should be designed to:

- a) make a positive contribution to the public realm and the sense of place;
- b) create attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion. Criterion f) of the ACS refers to the impact on the amenity of nearby residents.

Policy ENV1 of the Replacement Local Plan is relevant in this instance. This states that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

In respect to car parking, regards should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

#### Impact on the Character and Appearance of the Area

Given the location of the site at the head of Emmanuel Avenue and its junction with Ethel Avenue, I consider the layout of the development would not appear out of character or adversely affect the appearance of the area. There is a mix of property styles in the area and therefore I do not consider that the proposed development would be out of keeping with the area. If the development were to go ahead, site

levels on the site would be altered, a condition could be attached requiring the submission of proposed site levels prior to development being carried out.

#### Impact on Residential Amenity

As a result of the form of existing development in the area and the distances between them I do not consider that there would be any adverse loss of amenity to the nearest residential properties on Ethel Avenue, Emmanuel Avenue, Kenrick Road or Hallam Road in terms of undue overlooking, overshadowing or overbearing impacts. To safeguard amenity a condition could be attached restricting any further windows within the proposal.

Whilst there is likely to be an increased amount of traffic activity, both during the construction period and afterwards, in relation to that generated by the site at the present time, I am satisfied that the proposed development would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated.

#### Impact on protected trees and landscaping

I note that the revised illustrative layout demonstrates the plotting of the trees and their root protection zones within the site. The nearest proposed dwelling is some 13 metres from the base of the trees, the new access road as now proposed will not encroach on the root protection zones of the trees. I am mindful that traffic using the existing road already impacts on the root protection zones. It will therefore be necessary to ensure that the existing trees are adequately safeguarded. I consider that a condition could be attached to any permission detailing a method statement to include precise details of construction works within the root protection areas of the trees, including detailing any pruning and protection works required to facilitate access and construction. Approval of levels across the site could be required by condition too.

I note additional tree planting is proposed to mitigate for the loss of existing trees and a landscaping condition could be attached to any permission.

An area of land to the east side of the site has been excluded from the site and is shown to be fenced off with 1.8m high fencing. If left vacant I consider that this would have a detrimental visual impact on the area, however a condition could be attached to any permission requiring precise details of the landscaping and means of enclosure of this area if approval were to be given.

Having regard to the above considerations I am of the opinion that the development will have an acceptable impact on the protected trees and the visually amenity of the area.

#### Impact on Highway Safety and Rights of Way

I note that Highway Authority objects to the application as the proposed development would result in vehicles from Plot 1 using the narrow access to Kenrick Road and due to the substandard width of the access this would adversely affect the safe unencumbered movement of pedestrians and as a consequence would result in

pedestrian/vehicle conflict to the detriment of pedestrian safety.

I am also mindful that the Highway Authority has recommended that no more than 2 dwellings should be provided with direct access to Ethel Avenue and Emmanuel Avenue so as not to have a detrimental impact on the roads and associated junctions onto the adopted highway.

Nottinghamshire County Council as Rights of Way Authority are currently dealing with a claim to make the Avenue from the junction of Ethel Avenue and Emmanuel Avenue to Kenrick Road a bridleway (Carlton Parish Public Bridleway) and have advised that the Avenue should be treated as a substantive right of way. I note the applicant has a personal right of way over the potential bridleway, as do the owners of the land on the Carnarvon Allotments and their successors in title. There is therefore a substantive number of people who potentially have the right to use the Avenue.

I would therefore concur with the comments of the County Highways Officer that the proposed development would result in vehicles using a sub-standard access to Kenrick Road which would adversely affect the safe unencumbered movement of pedestrians and as a consequence would result in pedestrian/vehicle conflict to the detriment of pedestrian safety.

When considering car parking provision for the new development the Borough Council Parking Provision for Residential Developments Supplementary Planning Document (SPD) is relevant. I note that the SPD requires 2 no. car parking space to serve a four bedroom dwelling in a built up area, as such the off street car provision is in line with the guidance set out within the SPD.

#### Other issues

I note comments raised in relation to the red line and ownership issues. The plans have been amended to exclude the strip of land running along the backs of the properties fronting Kenrick Road. The ownership of this strip of land is unknown.

I note that Nottinghamshire Wildlife Trust have requested that a scoping survey for bat roost potential is undertaken by a competent ecologist on all relevant structures on site, with further surveys to be conducted at the correct time of year if required, and that nesting birds are considered. In my opinion, protected species surveys could be requested by condition. The landowner would also need to comply with the Wildlife and Countryside Act 1981 (as amended) at all times.

With regards to flood risk and drainage issues I would suggest that this could be dealt with by a condition attached to any permission requiring the submission of drainage plans for approval by the Borough Council.

With regards to access for the Fire and Rescue Service the development would need to comply with Approved Document B – Fire Safety, administered under Building Regulations Approval. This could be dealt with through an advisory note as part of an approval.



I am satisfied that any adverse noise or pollution issues which may arise can be controlled under Environmental Health legislation.

I note that any area of land has been excluded from the application. Any future application for housing development on Ethel Avenue would be dealt with on its own merits at that time.

Any damage caused to neighbouring properties during construction would be a private legal matter between the parties concerned.

The impact on properties values is not a material planning consideration in the determination of the application.

The application has been advertised in accordance with Gedling's Statement of Community Involvement.

### **Conclusion**

Accordingly for the highway reason set out above I recommend that planning permission is refused on the grounds of the sub-standard access to Kenrick Road which would adversely affect the safe unencumbered movement of pedestrians and as a consequence would result in pedestrian/vehicle conflict to the detriment of pedestrian safety. The proposal would therefore be contrary to Policies 10 of the Aligned Core Strategy and Saved Policies H7 and ENV1 of the Gedling Borough Replacement Local Plan. The proposed development would also fail to accord with paragraph 63 of the NPPF which seeks to ensure that new development is of good design.

### **Recommendation:**

#### **To REFUSE PLANNING PERMISSION:**

1. In the opinion of the Borough Council as Local Planning Authority and the County Council as Highway Authority the proposed development would result in vehicles using a sub-standard access to Kenrick Road which would adversely affect the safe unencumbered movement of pedestrians and as a consequence would result in pedestrian/vehicle conflict to the detriment of pedestrian safety. The proposal is therefore contrary to the National Planning Policy Framework 2012, Policy 10 of the Aligned Core Strategy 2014 and Policies ENV1, H7 and T10 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.

### **Notes to Applicant**

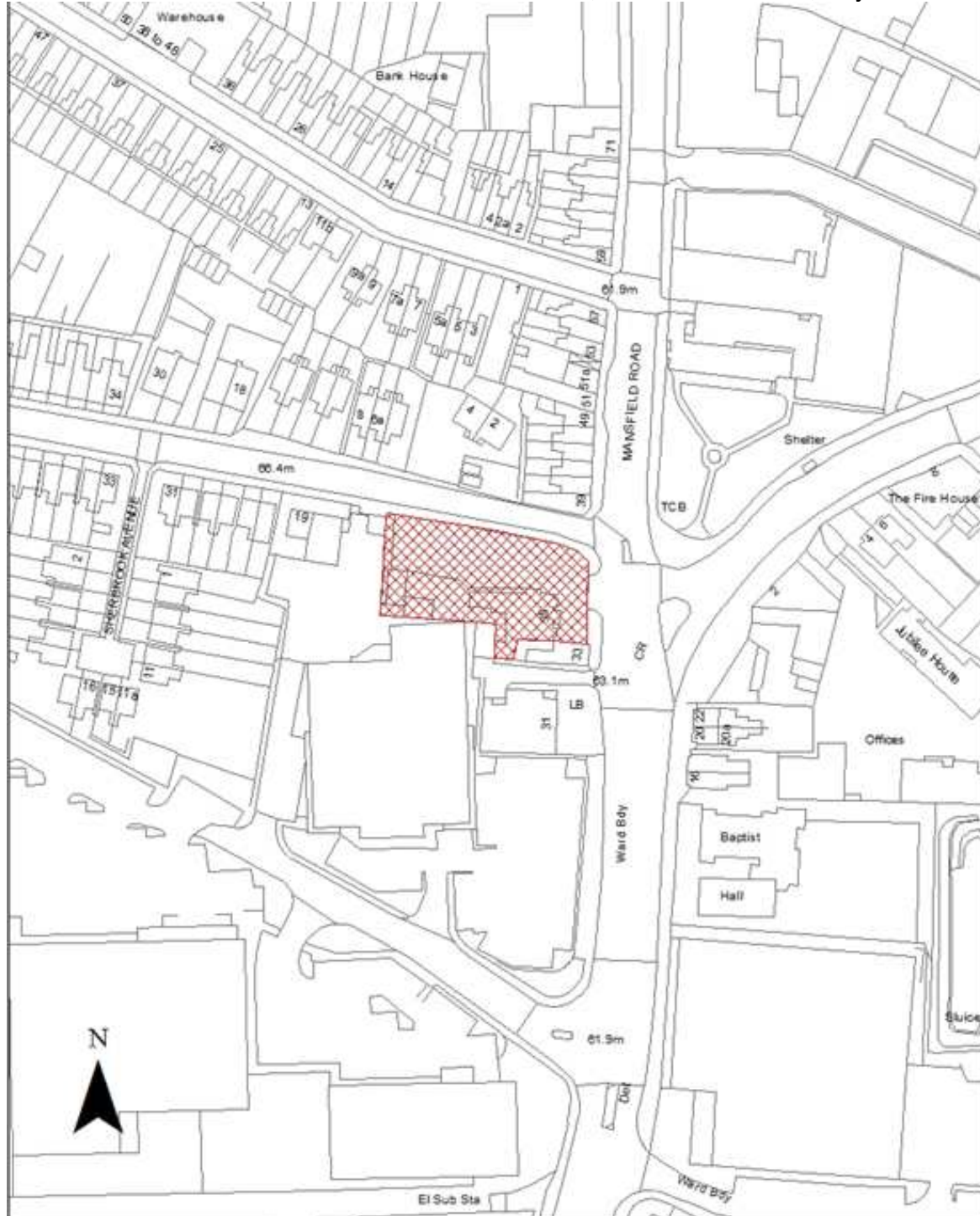
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. The proposal was the subject of discussions, the agent and applicant was made aware of the policy objections and revisions sought to mitigate any adverse impacts on the protected trees.





**Application Number:** 2014/1349

**Location:** The Grove Public House, 35 Mansfield Road, Daybrook.



**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**

<b>Application Number:</b>	2014/1349
<b>Location:</b>	The Grove Public House, 35 Mansfield Road, Daybrook.
<b>Proposal:</b>	Proposed erection of 18 flats and 2 houses.
<b>Applicant:</b>	Mr Bob White
<b>Agent:</b>	Mike Price
<b>Case Officer:</b>	Nick Morley

### Site Description

This application relates to site of The Grove, a large, double bay fronted, former public house sited at the corner of Mansfield Road and Sherbrook Road, Daybrook. The property is now vacant.

It is set back from the road, with a former seating area to the front and a large car park to the side, which is accessed from Sherbrook Road. There are two outbuildings within the rear yard of the site. The rear yard is bounded to the south and east by brick walls.

The site is adjoined to the south by the Madford Retail Park and a commercial property, with flat above, which is built up to the back edge of the Mansfield Road footpath. The rear corner of this property adjoins the front corner of The Grove. To the west is the rear car park and service yard for an electrical retailer on Madford Retail Park. Across Mansfield Road to the east are a motorcycle showroom and other commercial properties. To the north are residential properties on Sherbrook Road and a fish bar on the opposite corner of Mansfield Road and Sherbrook Road.

Across Mansfield Road to the north-east is the former I and R Morley hosiery factory, which is a Grade II Listed Building, now in residential use.

The site lies within an area protected by Policy E3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### Relevant Planning History

In March, 2009, full planning permission was granted under application no: 2009/0032 for the redevelopment and conversion of The Grove Public House and outbuildings to create 2 retail units and 4 one-bed apartments.

In September 2011, full planning permission was granted under application no: 2011/0816 for the retention of a car wash facility operating on the car park of The Grove.

In May, 2012, full planning permission was granted under application no: 2012/0259 to extend the time limit for implementation of planning permission no: 2009/0032.

In January 2015, an application for prior notification in respect of the proposed demolition of the existing buildings was submitted to determine whether the prior approval of the Borough Council of the method of the proposed demolition and details of any restoration of the site was required. Notice that prior approval was not required was issued in February 2015.

### Proposed Development

Full planning permission is sought for the erection of 18 flats and 2 houses on the site.

The proposed development would have a 'J' plan form, fronting Mansfield Road and Sherbrook Road, with a set-back of between 0.5 to 2 metres behind the highway boundary.

The proposed flats would be three storeys in height, with a pitched roof having a maximum eaves height of 9.2 metres and a maximum ridge height of 11.7 metres.

The proposed pair of semi-detached houses would be two storeys in height with a pitched roof having an eaves height of 5 metres and a ridge height of 8.5 metres. The houses would front Sherbrook Road and would be separated from the proposed flats by the new vehicular access.

A new vehicular access would be created off Sherbrook Road, serving a rear car park with 19 unallocated spaces for the proposed flats and 4 allocated spaces for the proposed houses. In addition, 18 cycle stands are proposed to the rear of the flats. The access and parking spaces would be differentiated by charcoal and grey block paving.

A covered bin store is proposed for the flats adjacent to the new access off Sherbrook Road, with independent bin storage areas being provided for each of the proposed houses.

The main materials proposed for the flats and houses are facing bricks on a blue engineering brick plinth, with re-constituted stone features and artificial slate roofs. Green shaded panels would be used above the main entrance porch at the junction of Mansfield Road and Sherbrook Road, with brown shaded panels and red metal frames used for the rear open deck accesses to the proposed flats. Windows would be grey uPVC with black uPVC rainwater goods, eaves and fascia.

Rear access to the flats would be via open accessways, supported on a metal frame with a dark brown red colour, overlooking the courtyard and car park.

The proposed development would be soft landscaped with shrub planting along the frontages to Mansfield Road and Sherbrook Road and around the rear car park, which would also contain 5 trees.

The proposed means of enclosure includes the retention of existing walls along the south and west boundaries of the site, 1.8 metres high wall, fence and trellis around the rear gardens of the proposed houses, and 1.2 metres high black railings along the site frontages.

In addition to the layout, plans and elevation drawings submitted, the application is also supported by the following documents:

- Design and Access Statement
- Phase I Geo-Environmental Desk Study Report
- Phase II Geo-Environmental Assessment Report

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

- Air Quality Assessment
- Daytime Bat Survey
- Elevations 1, 2 & 3
- Ground Floor Plans
- House Plans & Elevations
- Heritage Impact Assessment
- Noise Assessment Report (Addendum)
- Site Plan

### **Consultations**

No re-consultations have been undertaken in respect of the most recent plans and elevations submitted, as these only relate to minor changes to the proposed materials schedule.

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 5 written representations from local residents, including the joint owner of the adjacent shop, which make the following comments:

#### *Environmental Issues*

Noise pollution issues are caused by airborne sound transmission from the taller buildings at this end of Sherbrook Road and noise problems have been created by air conditioning units on Madford Retail Park and by the previous use of The Grove car park as a car wash. Noise abatement issues should be addressed to prevent any future problems from this three-storey building, which is likely to add to noise in the area.

#### *Highway Issues*

Concern is expressed about the level of car parking provision and whether this is sufficient to provide visitor parking, as well accommodating residents with more than one car. On-street parking is already a problem on Sherbrook Road, and reduces the road to a single lane at busy times, with only one vehicle being able to get through either way at a time. This situation would be exacerbated by the proposed development.

The additional traffic and access route is a recipe for road traffic accidents and delays for the emergency services. Fire engines use Sherbrook Road as an essential cut through into Bestwood.

The large industrial site on Sherbrook Road means that it is increasingly being used by HGV's, which would be impeded by the increased traffic resulting from the proposed development, again creating possible road traffic accidents.

The Mansfield Road/Sherbrook Road junction is already very busy and adding another access/exit drive within the immediate vicinity of this would create further chaos. The pavement is already narrow and dangerous at this point and no improvement is proposed to this dangerous corner by widening the footpath.

Some drivers attempt to turn right from Sherbrook Road into Mansfield Road and there needs to be clear signage stating that this is not allowed. Pedestrians outside the chip shop walking along Sherbrook Road are in a very dangerous position. The road is going to be busier with the building of the proposed apartments and it is hoped that the Highway Authority will be involved with making improvements.

### *Amenity Issues*

The side wall of The Grove currently makes the rear of the adjoining property private and secure. This would become exposed and viewable from the proposed apartments, leading to a loss of security and privacy.

There is occasionally anti-social behaviour in the area. The loss of this building directly to the side and rear would make their property more accessible and unsecure, leaving them vulnerable to potential crime. Reassurance is sought that this project will not affect their security and what measures will be put in place to protect them.

The proposed flats face towards the rear gardens of residential properties on Sherbrook Road, which would result in a loss of privacy.

### *Design Issues*

The streetscene will be much the poorer if this development is approved. The front of the building facing Mansfield Road is very prominent and utilitarian, reminiscent of another building further along Mansfield Road.

The pavement level is poorly treated with a raised hard landscape treatment, which could be softer, given the height.

The demolition of The Grove and its replacement with social housing would be an improvement to the area.

Public Protection (Air Quality) – make the following comments:

#### *Background*

Road transport is responsible for up to 70% of air pollutants in urban areas. Often the most deprived in society experience the greatest impact, through occupying housing closest to main transport routes.

The understanding of the health effects from Nitrogen Dioxide have recently been enhanced by a WHO report. The result of which could lead to a near doubling of the health effect impacts; bring air pollutions effects on health to levels that are comparable to smoking.

Levels of Nitrogen Dioxide currently exceed the Air Quality Objective along the A60 Mansfield Road; as such, the Council has declared an Air Quality Management Area (AQMA) and produced an Air Quality Action Plan (AQAP).

Section 11 of the National Planning Policy Framework makes reference to the issues relating to development and air pollution:

The planning system should contribute to and enhance the natural and local environment by ...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability [paragraph 109].

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account [paragraph 120].

...Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan [paragraph 124].

Measure 7 a) of the AQAP refers to '*Ensure sustainable development on vacant sites within and in the vicinity of the AQMA*'.

A planning guidance document has been produced to try and define what sustainable development means in the context of air quality, and how the Borough Council might help decrease levels by incorporating mitigation measures into scheme design as standard.

#### *Proposed Development*



The Design Access Statement states that the façade facing Mansfield Road has been set back slightly from the kerb. It is well documented that pollution levels fall with distance from the road, as the pollution is mixed and diluted.

Air Pollution monitoring currently conducted on the façade of the Daybrook Fish and Chip Shop and lamp column in front of 31 Mansfield Road continue to indicate breaching of air quality standards.

A pollution level contour plot superimposed onto the proposed site plan indicates the approximate line where the air pollution levels exceed air quality standards and another line which indicates a level where it is considered an unacceptable risk may not be present.

This demonstrates that the ideal position for the façade of the building facing the Mansfield Road would be approximately in line with the current Public House building, set back to allow the pollution to mix and disperse.

Another concern with having the building so close to the Mansfield Road, and being three storeys in height, is the continuation of the 'street canyon'. The street canyon effect is where tall buildings in close proximity to the side of the road can lead to the formation of vortices and recirculation of air flow that can trap pollutants and restrict dispersion.

The Design Access Statement indicates a proposal to mitigate air pollution issues through a combination of an installed mechanical ventilation system (drawing air from the courtyard) and all windows fronting Mansfield Road being un-openable/sealed.

The Statement also indicates that '*...bedroom windows all facing into the quieter cleaner courtyard side.*' However, a review of the proposed plans seems to show otherwise.

Mechanical ventilation or Heating, Ventilation and Air Conditioning (HVAC) systems should not automatically be seen as providing effective mitigation against exposure and should be scrutinised carefully, not only in terms of the acceptability of providing living conditions in what could be described as a hermetically sealed unit, but also in terms of the increase in energy requirements and maintenance that is incurred and the attendant secondary noise effects that can arise.

### *Recommendations*

1. Ultimately, Public Protection would like to see the design amended to move the façade of the building, facing the A60 Mansfield Road, back to a position similar to that of the existing pub building. Whilst the applicant has recognised that distance from the kerb is important, this extra distance from the kerb would provide space for pollutants to disperse; the additional area in front of the building could be used as a green space further attenuating the pollution.
2. Alternatively, as described in the Design and Access Statement, it may be

acceptable to use HVAC systems to draw air from the courtyard, combined with sealed windows on the 'street side'.

In this case, Public Protection would suggest that a planning condition [specific details of which have been provided] is imposed to ensure that any HVAC system is properly designed/considered (including noise assessment, maintenance arrangements etc.) and that windows affronting the Mansfield Road are un-openable and sealed at all times.

3. If neither of the above options is acceptable or achievable, then Public Protection would have no choice but to recommend refusal, on the grounds that the development does not prevent unacceptable risks from air pollution from traffic on the A60 Mansfield Road.
4. Additionally, during construction there is potential for increased levels of dust from the site. Therefore, to ensure that the potential for short term pollution from dust is considered and mitigated against, Public Protection would request that the standard condition [specific details of which have been provided] is attached to any planning consent.

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

Public Protection has reviewed the Phase 1 Geo-Environmental Desk Study and Phase 2 Geo-Environmental Assessment Report submitted in support of the planning application. It is considered that the site has not been fully characterised in terms of contamination, given that the proposal is for two x two bedroom houses and 18 x one bedroom flats, samples taken from five locations is insufficient to be fully representative of the site. Public Protection would expect further sampling to be carried out in other areas, including the footprint area of the The Grove building.

The recommendations for additional ground gas monitoring are noted and Public Protection awaits completion of this prior to commenting on the proposed gas protection measures.

Any topsoil that is to be imported onto the site should be fully certified for chemical composition and approved by Public Protection.

Until the above issues are addressed, Public Protection would recommend the continued use of the full phased contamination conditions [specific details of which have been provided].

Public Protection (Noise) – make the following comments:

Public Protection has reviewed the planning application and the submitted Noise Assessment Report and would raise concerns over the possibility for noise from external sources to be intrusive to residents of the proposed development. The noise report shows that the daytime noise levels at the site would be 69 dB LAeq (16Hr) and that the night time noise levels would be 64 dB LAeq (8Hr).

It is therefore suggested that the properties should be constructed to provide levels

of protection from noise, as recommended in BS 8233:2014. The imposition of a condition [specific details of which have been provided] to secure this is recommended.

Environment Agency – comment that there are limited EA constraints; sensitive groundwater, but it was a formerly a public house so unlikely to have contaminated the site. Standing advice for surface water disposal applies.

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

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

Nottinghamshire County Council (Highway Authority) – observe that the principle of a residential development on this plot is acceptable to the Highway Authority (HA). The HA has had previous pre-application discussions with the applicant and is pleased that the comments given at that time have been taken on board.

As part of the development proposals, the existing access point would need to be reinstated as footway and a new access point constructed. This would involve works within the public highway, which is land outside of the applicant's control and subject to the provisions of the Highways Act 1980. The applicant should be advised to contact the HA in relation to the correct mechanism for undertaking these works.

It is also noted that the existing Bus Stop on Sherbrook Road would need to be relocated and the applicant should be advised to contact the Public Transport team at the County Council in this regard.

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

The private drive, parking and turning areas to be surfaced in a hard bound material.

The provision of a dropped vehicular footway crossing.

Permanent closure of the existing site access and the access crossing reinstated as footway.

The provision of cycle parking.

Measures to prevent the deposit of debris upon the adjacent public highway.

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

Nottinghamshire County Council (Nature Conservation Unit) – notes that the bat survey report indicates that the three buildings on the site were surveyed on 3rd December 2014; therefore the survey results are up-to-date. No evidence of roosting bats was found in any of the buildings, and the potential of these to support bat roosts was considered to be very low or absent. Furthermore, there was considered to be a lack of suitable foraging habitat or habitat connectivity around the site.

No further assessment is recommended in the survey report, and it is stated that the results are valid for 12 months from the survey date. However, the report does conclude by saying that in the unlikely event that a bat is found during demolition works all works must immediately cease and a suitably qualified ecologist should be contacted.

Nottinghamshire Wildlife Trust (NWT) – observe that a protected species survey should be carried out, as the possible presence of bats within the buildings to be demolished should be a material planning consideration.

Having viewed the bat report, the NWT is satisfied with the approach taken, the conclusions drawn and recommendations made. No further work or specific mitigation for bats is required.

In the unlikely event that a bat is found, the developer should be aware of their legal duty to stop work and seek further ecological advice. Should works be delayed beyond a year of the date of the daytime bat survey, a re-survey may need to be carried out.

Economic Development – would like to see a condition imposed that relates to Local Employment Agreements for this application. As it is for construction, Economic Development would want to adopt the Construction Industry Training Board (CITB) methodology, which may require the wording within the agreement to be amended slightly as this application is for social housing.

Estates – no objections.

Nottinghamshire County Council (Education Authority) – confirms that as 18 of the proposed 20 dwellings are for 1 bedroom properties, an education contribution is not sought for this development.

NHS England – confirms that the Derbyshire and Nottinghamshire Area Team does not require a health contribution for this development.

### **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 how environmental issues would be addressed.

The other main planning considerations which must be assessed are the impact of

the proposed development on:

- Highway Safety
- Residential Amenity
- Heritage
- Design
- Nature Conservation

These planning considerations are assessed below, as are any other relevant issues.

### 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 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)

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 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 17: Biodiversity

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 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 fact that there is a challenge to the ACS is a material consideration and so must be taken into account when determining this application and considering the ACS.

In this instance, significant weight has been given to the ACS. However, should the ACS be quashed, I do not consider that a different recommendation would be reached given that the policies mirror the guidance contained within the NPPF.

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 E3: Retention of Employment  
RLP Policy ENV1: Development Criteria  
RLP Policy ENV3: Development on Contaminated Land  
RLP Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes  
RLP Policy T10: Highway Design and Parking Guidelines

Additionally, the following Supplementary Planning Document (SPD) is relevant:

Parking Provision for Residential Developments 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.

#### 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 H7 of the RLP sets the approach for dealing with residential development within the urban area. It states planning permission should be granted provided the development:

- a. It is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or material;
- b. It would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the area; and
- c. It is not contrary to other policies in the Local Plan.

In my opinion, the appearance, layout and scale of the proposed development would complement the Mansfield Road streetscene. The application site is within the main built up area and would not result in the loss of buildings or features which make an important contribution to the appearance of the area.

Whilst it is noted that the site lies within an area protected for employment uses by

Policy E3 of the RLP, the Nottingham City Region Employment Land Study recommended that this protection be removed. A decision was made in 2008 to agree with that recommendation, although the protection will only be released upon adoption of the Local Planning Document, which is expected in summer 2016. Given this, and the fact that the planning permission to create 2 retail units on the site remains extant and is not in accordance with Policy E3, it is considered that the principle of non-employment use on the site has already been established. As such, it is considered that the applicant does not need to undertake marketing of the site in accordance with Policy E3, and that the proposal is acceptable in this regard.

Members will also be aware that the Borough Council does not currently have a Five Year Housing Land Supply, as identified in the Five Year Housing Land Supply Assessment, January 2015, and this proposal would contribute towards this.

As such, I am satisfied in principle that the proposed development accords with the aims of Policy 2 of the ACS and Policies E3 and H7 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 Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS.

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

Policy A of the ACS requires that, where the development plan is out of date, planning permission should be granted unless:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or
- b) specific policies in that Framework indicate development should be restricted.

Policy 1 of the ACS states that all development proposals will be expected to deliver high levels of sustainability in order to mitigate against and adapt to climate change, and to contribute to national and local targets on reducing carbon emissions and energy use.

As stated above, Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area.

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 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.

### *Affordable Housing*

The site is currently in the ownership of the Borough Council, which acquired the site for the provision of affordable housing.

All the housing proposed is general needs rented housing, comprising 18 one bedroom flats and 2 two bedroom houses.

I consider that the proposed development would contribute positively towards the mix of housing tenures, types and sizes in the area.

### *Layout & Design*

The proposed development is located within the main built up area of Nottingham.

The Design and Access Statement provides information on the energy efficiency measures proposed within the development, including the use of renewable energy. The scheme would meet the 'Code for Sustainable Homes', level 3 and be designed to meet 'Lifetime Homes', a standard which provides a model for building accessible and adaptable homes.

The proposed development would incorporate all the features required by Secured-by-Design and the parking areas would be lit and would benefit from natural surveillance.

### *Accessibility*

With regard to accessibility, I note that the site is located within the urban area, on one of the main arterial routes, and with bus stops into and out of the city in close proximity. The site is also within easy walking distance of a wide range of convenience and comparison shopping facilities, both within and outside of Arnold Town Centre.

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

### *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 Section 10 of the NFFP and Policy 1 of the ACS.

I note that no objections have been raised by the Environment Agency and consider that an appropriate condition can be attached to any permission requiring the submission of drainage details to ensure that sustainable surface water management



is achieved, in accordance with Policy 1 of the ACS.

### *Education, Healthcare & Public Open Space*

No requests for contributions towards education or healthcare facilities have been received in connection with the proposed development and the site is below the threshold for public open space provision.

### *Conclusion*

As such, I am satisfied in principle that the proposed development can be considered to be sustainable in accordance with Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS, and subject to other material considerations, as discussed below.

### Environmental Considerations

The relevant planning policies which need to be considered in relation to pollution are set out in Section 11 of the NPPF and Policy ENV3 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 both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

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

Paragraph 124 of the NPPF states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

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.

I appreciate the concerns which have been raised by Public Protection with regard to air quality, land contamination, dust and noise, but note that these concerns can be dealt with by the imposition of appropriate conditions. In view of this, I have not sought to amend the design, which would be detrimental to the appearance of the proposed development within the streetscene.

In this respect, the applicant's agent has confirmed that the recommended conditions are acceptable and achievable.

It has also been confirmed that there are bedroom windows facing onto Mansfield Road, but these would be included in the technical solution proposed to discharge the recommended condition.

Subject to the imposition of appropriate conditions, it is considered that the proposed development would accord with Section 11 of the NPPF and Policy ENV3 of the RLP.

#### Highway 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. The Borough Council's Parking Provision for Residential Developments SPD is also relevant here.

Section 4 of the NPPF states at paragraph 32 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.

I appreciate the concerns expressed by local residents with regard to on-street parking and road safety at the Mansfield Road/Sherbrook Road junction, but note

that the Highway Authority has no objections in principle to residential development on this site and that the Highway Authority has had previous pre-application discussions with the applicant, which have been taken on board. The Highway Authority has not requested that the existing footpaths are widened as part of the proposed development.

With regard to the proposed car parking arrangements, the development would provide 2 allocated off-street parking spaces for each of the proposed dwellings and 19 unallocated off-street spaces for the proposed flats. This results in a slight over provision of off-street parking, when assessed against the Parking Provision for Residential Developments SPD.

I also note that the proposed access is further away from the Mansfield Road/Sherbrook Road junction than the existing access which served the former public house. In addition, I would advise Members that the planning permission for converting the building into 2 ground floor retail units, with four 1 bedroom apartments to the first floor, and which would utilise the existing access and parking facilities remains extant.

In my opinion, the proposed development provides good opportunities for sustainable transport modes and that safe and convenient access and circulation of pedestrians and vehicles would be achieved.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Section 4 of the NPPF, Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Developments 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.

With regard to the potential impact of the proposed development on adjacent properties, I am satisfied that the proposed layout and design would ensure that there would not be any adverse loss of amenity to the nearest residential properties in terms of overlooking, overshadowing or overbearing impacts.

Whilst I appreciate the concerns which have been expressed with regard to the potential loss of security and privacy to adjacent properties, I note that the proposed development would incorporate all the features required by Secured-by-Design and there would be good natural surveillance of the car parking area. In my opinion, this would discourage opportunities for crime and anti-social behaviour in accordance with the aims of Policy 10 of the ACS and Section 17 of the Crime and Disorder Act 1998.

I note that Public Protection has requested the imposition of a condition to secure a Dust Management Plan to control potential air pollution during construction.

There is no indication from Public Protection that the proposed development would result in increased noise to adjacent properties.

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 10 of the ACS and Policy ENV1 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. Account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness and opportunities to draw on the contribution made by the historic environment to the character of a place.

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.

I note that cultural heritage issues have been assessed within the Heritage Impact Assessment, which states that the proposed development has been designed to complement the location and to form a well-constructed urban environment, which does not compete with the importance of the existing listed buildings in the vicinity.

In this respect, the impact of the proposed development on the setting of the Grade II listed former I and R Morley hosiery factory is the main heritage consideration.

Having regard to the design of the proposed development, and the photomontages provided within the Heritage Impact Assessment, which demonstrate the relationship of the proposed development to this listed building, I am satisfied that the proposed development would not have any undue impact on the setting or significance of this nationally designated asset. In my opinion, the layout and scale of the proposed development would enhance the setting of the listed building.

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.

### Design Considerations

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

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 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.

The sustainability of the design and how it responds to local character and history has already been considered under the 'Sustainability' and 'Heritage' considerations above.

The replacement of the existing two storey building, which is set back from the road, with a three storey landmark building on this prominent site, would be in keeping with the character with the area and the surrounding streetscene.

I am also mindful that the Borough Council's Urban Design Consultant was engaged at the pre-application stage and supported a similar form of development on this site to that which is proposed.

I am satisfied, therefore, that the proposed development would achieve a sufficiently high standard of design in accordance with Sections 7 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP.

### Nature Conservation Considerations

The relevant planning policies that 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 states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

I note that a bat survey has been provided and that the County Council's Nature Conservation Unit has no objections to the proposed development.

I am satisfied, therefore, that the proposed development would not result in any harm to biodiversity and that the proposed landscaping scheme would enhance biodiversity on the site.

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.

### Conclusion

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 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.

There is no requirement for a planning obligation towards community or infrastructure facilities as a consequence of the proposed development.

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.

### **Recommendation:**

**That the Borough Council GRANTS PLANNING PERMISSION subject to the following conditions:**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in accordance with

the following approved plans: Flats - First Floor (2265/P 103 A), Flats - Second Floor (2265/P 104 A), and Roof Plan (2265/P 105 A), received on 3rd December 2014; Proposed Site Plan (2265/P 101 B), and Flats - Ground Floor (2265/P 102 B), received on 13th January 2015; and Flats - Elevations 1 (2265/P 106 C), Flats - Elevations 2 (2265/P 107 E), Flats - Elevations 3 (2265/P 108 D) and House Plans & Elevations (2265/P 109 A), received on 23rd February, 2015.

3. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council a design scheme for a mechanical ventilation system. The air for the required mechanical ventilation system shall be drawn from the rear of the property and all windows along the Mansfield Road elevation shall be sealed and un-openable at all times. The design 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.
4. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of a sound insulation scheme. The sound insulation scheme shall include the glazed areas and any associated acoustical ventilation scheme. The sound insulation scheme shall also include third octave band analysis and all assumptions made (e.g. glazing and façade areas) and should be designed to achieve the following internal noise levels: (1) Not exceeding 30 dB LAeq,8hr and not exceeding NR 25 in bedrooms between 23:00 and 07:00; and (2) Not exceeding 35 dB LAeq,16hr and not exceeding NR30 for bedrooms and living rooms between 07:00 and 23:00. The sound insulation scheme shall be implemented in accordance with the approved details before the development hereby permitted is first occupied and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
5. Prior to the commencement of the development hereby approved, excluding the demolition of the existing buildings, 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.
6. 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 occupied, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Borough Council.

7. 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 in accordance with the requirements of condition 5 above. 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.
8. Before development is commenced, excluding the demolition of the existing buildings, 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.
9. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of measures to prevent the deposit of debris upon the adjacent public highway. The approved measures shall be provided before development is commenced and 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.
10. Before development is commenced, excluding the demolition of the existing buildings, 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.
11. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of the proposed means of enclosure of the site. The means of enclosure 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, excluding the demolition of the existing buildings, 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.

13. No part of the development hereby permitted shall be first occupied until the private drive, parking and turning areas are surfaced in a hard bound material in accordance with drawing number 2265/P 101 B, behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
14. No part of the development hereby permitted shall be first occupied until details of a dropped vehicular footway crossing have been submitted to and approved in writing by the Borough Council. The dropped vehicular footway crossing shall be constructed in accordance with the approved details before the development hereby permitted is first occupied and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
15. No part of the development hereby permitted shall be first occupied until details of the proposed means of closure of the existing site access and re-instatement of the access crossing as footway have been submitted to and approved in writing by the Borough Council. The existing site access shall be permanently closed and the access crossing reinstated as footway in accordance with the approved details before the development hereby permitted is first occupied and shall be retained as approved for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. No part of the development hereby permitted shall be first occupied until the cycle parking layout indicated on drawing no: 2265/P 101 B has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
17. The proposed means of surfacing shall be implemented before the development hereby permitted 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.
18. 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 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.

## **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 occupants of the proposed development, in accordance with the aims of Section 11 of the National Planning Policy Framework.
4. To protect the occupants of the proposed development, in accordance with the aims of Section 11 of the National Planning Policy Framework.
5. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. 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).
9. 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).
10. To ensure the development is provided with a satisfactory means of drainage 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).
11. 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).
12. To seek to ensure that the construction of the site provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. 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).

14. 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).
15. 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).
16. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
17. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
18. 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 development makes it necessary to construct and alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Office to arrange for these works to be carried out.

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 development makes it necessary to relocate an existing bus stop in the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Public Transport Office to arrange for these works to be carried out.

Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture shall be carefully covered over to provide

protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust (08451 300228) or an appropriately qualified ecologist should be contacted immediately for further advice and any advice must be followed before any further demolition work takes place.

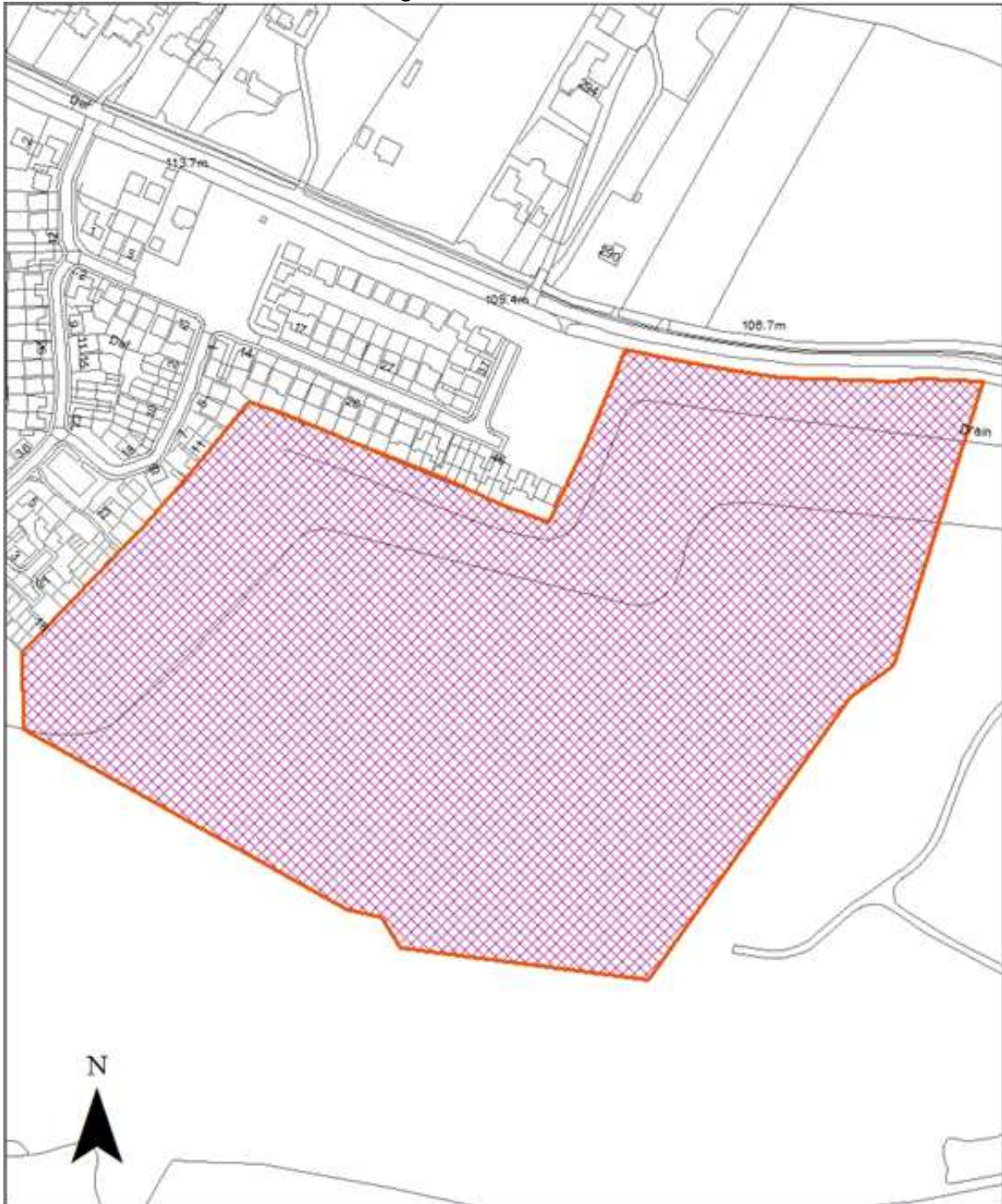
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal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

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



**Application Number:** 2014/0740

**Location:** Land Adjacent Bradstone Drive, Spring Lane, Lambley, 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:** 2014/0740

**Location:** Land Adjacent Bradstone Drive, Spring Lane, Lambley, Nottinghamshire.

**Proposal:** Hybrid Planning application comprising: Part A Full planning application for creation of temporary access and enabling earth works to create development platform, Part B Outline planning application for residential development of up to 150 houses with associated access, landscaping and public open space. Approval sought for access. All other matters reserved

**Applicant:** Mr Stuart Ashton

**Agent:** DTZ

**Case Officer:** Nick Morley

### Site Description

This application relates to approximately 9.5 hectares of former colliery land located on the eastern edge of Mapperley Plains. The site is immediately adjoined to the west by the rear gardens of the new residential properties on Bradstone Drive. The Gedling Country Park is located to the south and west of the site.

The land is elevated and forms a plateau which significantly drops away to the Country Park land to the south and west. The boundaries with the adjacent residential properties consist of trees, whilst mature trees and shrubs form the boundary with Spring Lane.

The site falls within the Gedling Colliery Park/Protected Open Space as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### Proposed Development

This application is a hybrid application, consisting of:

#### *Full Planning Application*

Full planning permission is sought for the construction of a temporary access onto Spring Lane and enabling earthworks within the site (Phase 1) to create a

development platform for a residential outline proposal (Phase 2). The proposed Phase 1 works comprise:

- Removal of vegetation from Spring Lane and across the site.
- Creation of temporary vehicular access from Spring Lane.
- Drainage and ditch clearance and creation of temporary crossing incorporating culvert.
- Removal of existing footpath and provision of temporary footpaths.
- Preparatory earthworks for the residential development.
- Temporary ground treatment and works area fencing.
- The creation of appropriate visibility splays.

### *Outline Planning Application*

Outline planning permission is sought for the erection of a residential development of up to 150 dwellings with associated access, landscaping and open space. Detailed approval is sought for access, the details of which are identical to the temporary access for which full planning permission is sought. All other matters are reserved for future determination.

Drawings deposited with the application include an access junction layout plan in relation to the creation of the proposed new access and a master plan and indicative layout plan in relation to the proposed residential development.

The following documents have also been deposited with the application:

- Planning Supporting Statement.
- Design and Access Statement.
- Travel Plan.
- Transport Assessment.
- Landscape and Visual Appraisal.
- Arboricultural Assessment.
- Flood Risk Assessment and Drainage Appraisal.
- Utilities and Drainage Report.
- Geo Environmental Site Assessment.
- Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal.
- Statement of Community Involvement.

An additional Reptile, Great Crested Newt, Badger Setts and Breeding Bird Survey was deposited on the 16<sup>th</sup> October, 2014.

A Viability Appraisal was submitted on the 28<sup>th</sup> October, 2014 and a revised Viability Appraisal was deposited on the 11<sup>th</sup> December, 2014.

Additional responses to ecology/landscape comments have also been deposited.

### **Consultations**

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

been received, which raises concerns with regards to adverse visual impact and impact on the character and history of the area.

Lambley Parish Council – the following concerns have been raised:

Impact on the Country Park. The application site is a Country Park and not building land. A larger Country Park would be preferable.

Vehicular access off Spring Lane is dangerous and the proposal would raise traffic issues.

The suitability of colliery wasteland for residential development.

The proposal raises foul and surface water drainage issues.

Impact on local schools.

Encroachment towards Lambley.

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

*Temporary Access (full planning application)*

The principle of the construction of a temporary access road is acceptable from a highways point of view, subject to conditions being attached, should permission be granted, in relation to:

No development commencing on any part of the site until a major/minor road junction has been provided onto Spring Lane.

No part of the development being brought into use until the temporary access has been completed and surfaced in a bound material.

Details of measures to prevent the deposit of debris onto the highway.

The applicant should also be informed of the need to enter into a S278 Agreement with the County Council.

*Residential Development (outline planning application)*

The principle of a residential development on this parcel of land is acceptable, subject to the following conditions:

Approval of parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage.

All details should comply with the County Council's Highway Design and Parking Guide.



The existing pedestrian link in the north-western corner of the application site, at its junction with Spring Lane, and its associated footpath to the Country Park should be retained as part of any design layout for the site.

Nottinghamshire County Council (Strategic Planning) – the following strategic planning issues have been raised:

### County Planning Context

#### *Minerals*

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such, relevant policies in these plans need to be considered.

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site lies within a Mineral Safeguarding and Consultation Area for brick clay. In line with the National Planning Policy Framework (paragraph 143), the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these zones. Although not yet adopted, its provisions can be given some weight as a material consideration (in line with NPPF paragraph 216), as the plan is at a fairly advanced stage (although it should be noted that a number of minor objections to the policy, but not the zones themselves, arose through the preferred approach consultation that will need to be addressed before the plan is adopted, which may result in some minor changes to the policy).

DM13 as it currently stands requires applicants to demonstrate that *non-minerals development will not unnecessarily sterilise the mineral resource* in the area. Where this cannot be demonstrated, or where the need for the non-mineral development is clear and demonstrable, the practicality of prior extraction should be fully investigated. In this instance demonstrating that there will be no unnecessary sterilisation of the mineral resource, regard should be given to the location of the site on the urban fringe, the need for the non-minerals development and the need for the mineral.

The site lies within the economic resource of Dorket Head brickworks, however current permitted reserves at the site will last until 2034. Combined with the location of the site within the southern tip of the economic resource and within close proximity to the urban fringe we would consider that the need for the minerals is outweighed by the need for (and suitability of the location of) the non-minerals development in this instance. However, the County Council would like to see it demonstrated that the practicality of prior extraction has been fully considered before a decision is made on the proposal.

#### *Waste*

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding our existing waste management facilities (as per Policy WCS10).

As a significant housing development, the County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

### Local Planning Context

The application site is located within the Greenwood Community Forest, as defined on the Proposals Map, as set out in the 2005 Gedling Local Plan.

Saved Policy ENV43 'Greenwood Community Forest' states that the Council will seek to negotiate with developers to secure new tree or woodland planting as part of developments within this area.

The application site is also located within Gedling Colliery Park, as designated on the proposals map of the Adopted Local Plan 2005. Saved Policy ENV44 'Gedling Colliery Park' states that the Council proposes, through the Greenwood Community Forest Partnership, appropriate options for the provision of public open space at Gedling Colliery. Supporting text to Policy ENV44 states that Greenwood Community Forest has a thirty-year vision directed by the Strategic Plan for Greenwood (2000), within which the Gedling Colliery Pit Tip is highlighted as a gateway site where there are significant opportunities for the creation of a substantial park on the urban fringe.

Saved Policy R1 'Protection of Open Space' states that planning permission will not be granted for development on land that is used, or was last used, as open space, including country parks. The policy goes on to state that unless the site is surplus to requirements as open space, the proposed development shall:

- avoid the erosion of the recreational function and maintain or enhance the character of the open space;
- protect or enhance those parts of the rights of way network that might benefit open space;
- have regard to the impact on biodiversity and nature conservation.

In addition there are a number of other saved policies relating to housing, landscaping and highways issues that the Borough Council will need to consider when assessing the planning application.

Gedling Borough Council has prepared an Aligned Core Strategy, in conjunction with Broxtowe Borough, and Nottingham City Council local planning authorities. It is intended that the Aligned Core Strategy will provide an aligned and consistent planning strategy for Greater Nottingham.

The emerging Aligned Core Strategy was submitted for independent examination in June 2013. Following independent examination, the authorities consulted on Main Modifications to the document during March – April 2014. The main modifications have now been submitted to the examiner, with adoption expected during 2014. The Aligned Core Strategy Councils are now in receipt of the Inspectors Report and, once approved and adopted, the Aligned Core Strategy will set out the strategic policy direction for future development in Gedling Borough [the current position of the Aligned Core Strategy is set out under 'Planning Considerations' below]. The subject site is not identified as a strategic site within the emerging Aligned Core Strategy.

### Strategic Planning Issues

#### *Travel and Transport*

The development spans part of the Colliery land between Spring Lane and the existing new properties off Axmouth Drive. The only vehicle access observed from the plans is via a new access road on to Spring Lane near the Nimbus Lighting premises. This application appears to be another phase of the same development of new houses opposite Nimbus Lighting.

There are currently 4 bus stops in the immediate area. The stopping points near Nimbus Lighting would be less than 400 metres from the extremities of the development.

The Travel Plan states that new bus stops would be of assistance to the residents as follows:

“3.20 - The nearest bus stops on Spring Lane are just to the west of Axmouth Drive, the new access to the Lime Tree Gardens development. They are within 400 metres walk of the site entrance. There are no bus stops within the site frontage, because there has been no need until now. New bus stops would assist the residents. Hence the development would be accessible by bus”.

#### *Bus Stop Infrastructure*

The current stops are as follows:

GE0669 Nimbus Lighting Protection (Both Ways Stop)  
GE0682 Cheddington Avenue (Inbound)  
GE0668 Cheddington Avenue (Outbound)

There has been investment in the transport infrastructure in the Cheddington Avenue stops in the recent past and therefore the further development opportunity for these 2 stops would need to be selective. However, there was an approach for the costs associated with the previous spend on GE0682 to be reimbursed from existing Section 106 funding available in this immediate area. It is not clear whether this has been forthcoming.

The current infrastructure observations from photographic records at each stop are as follows:

GE0669 Nimbus Lighting Protection (Both Ways Stop) – Bus Stop Pole  
GE0823 Nimbus Lighting Protection – No Infrastructure  
GE0682 Cheddington Avenue – Bus Stop Pole & Bus Shelter  
GE0668 Cheddington Avenue – Bus Stop Pole

The suggested infrastructure improvement would be as follows:

New Stop 1 - New Hard Stand, Real Time Pole, Bus Shelter with Solar Lighting & Raised Kerb.

New Stop 2 - New Hard Stand, Real Time Pole, Bus Shelter with Solar Lighting & Raised Kerb.

GE0669 Nimbus Lighting Protection (Both Ways Stop) – New Hard Stand, Real Time Pole, Bus Shelter with Solar Lighting & Raised Kerb.

It is recommended that a safety assessment would need to be made once the development is complete, in order to ensure that any new shelter would not unduly affect the visibility splays of the adjacent property. It would need to be established that the land was highway maintained, in order that sufficient additional hard stand could be constructed to facilitate the other improvements.

GE0823 Nimbus Lighting Protection - New Hard Stand, Real Time Pole with Solar Lighting, Bus Shelter & Raised Kerb

It is recommended that as there is no existing infrastructure, a complete bus stop improvement would be necessary. In view of the adjacent new house development and proposed vehicle entrance, an on-site assessment and safety review would need to be conducted to see if the bus infrastructure could be accommodated into the site layout. There would be some doubt from the observations in the plans of the adjacent development, whether this possible improvement has been factored in, given the apparent exit from a new road called Bradstone Drive on to Spring Lane.

GE0682 Cheddington Avenue – Additional Hardstand, Real Time Pole, Raised Kerb & Solar Lighting to existing Bus Shelter.

GE0668 Cheddington Avenue – Real Time Pole & Raised Kerb.

*NB: This bus stop is on a raised hard stand with a safety fence to the rear. The room is limited and therefore a shelter installation would be unlikely.*

The current costs are approximately as follows:

Bus Shelter - £2,500  
Solar Lighting in Bus Shelter - £1,500  
Additional Hard Stand for a Bus Shelter - £1,000 - £2,000

Raised Kerb - £1,500

Real Time Displays and Associated Electrical Connections - £6,000

Bus Stop Clearways - £500 -£700

Full details of the costs and work involved can be confirmed through developer contact with Transport & Travel Services.

It would be prudent for any comments to ensure that sufficient space and provision is catered for and left on the Nottingham bound carriageway to accommodate the improvements and that the same are marked on the plans to indicate to prospective homeowners that they are proposed for the future. This action would ensure that any consultation process necessary would be simplified. Whilst it is in the Highways remit, an extended footway from the Axmouth Drive area to the end of this new development would seem to be essential. If this is included and features any type of cycle facility, it would be essential that it was of sufficient width to ensure that the above improvements could be incorporated without any safety issues arising to potential bus users and other pedestrians.

### *Bus Service Support*

The County Council would expect the developer to liaise directly with Transport and Travel Services to determine whether any Section 106 contribution towards bus service support is expected. Further to this, the County Council would expect a contingency fund to be made available to mitigate the impact on existing bus services should construction works interfere with these.

The current bus service on Spring Lane is provided by NCT, who operate the current 47 service. The service would appear to be adequate to cope with the additional passenger numbers from all of the potential developments.

The County Council would expect all properties to have free introductory bus travel made available to them, this along with other sustainable travel measures should be set out in a site Travel Plan, the details of which can be discussed with Transport Strategy.

### *Landscape and Visual Impact*

#### *Impact of the proposals on Existing Physical Landscape*

Approximately 8.0 ha of species rich grassland which supports ground nesting birds will be lost, together with 1.2 ha of established woodland belt.

Paragraph 6.5 of the Landscape and Visual Appraisal states that the majority of the roadside hedgerow to Spring Lane is to be retained and incorporated into the scheme. Drawing 6184-P-03 Rev A (Phase 1 Works Plan) and drawing 6184-A-04 Rev B (Arboricultural Report) show large areas of trees to be removed to facilitate the proposals – this appears to include the hedgerow along the Spring Lane boundary, including a stretch outside the red line boundary to accommodate the visibility splay. The illustrative masterplan, drawing 6184-L-03 Rev C, shows the majority of the hedgerow along Spring Lane being

retained. Clarification is required.

As part of the Country Park development, it is the intention to plant up the gaps and in future lay the hedgerow along the Spring Lane hedgerow. The County Council strongly recommend that the same is carried out along the boundary with the proposed housing.

Paragraph 8.1 of the Landscape and Visual Appraisal states that there would be some permanent changes, such as the removal of some sections of hedgerow. Clarification is required on this. The County Council would recommend that the southern hedgerow is retained.

It is proposed to have attenuation ponds on the site and surface water run-off would be discharged to the drainage ditch to the north of the site, which then discharges into the Country Park site. The illustrative masterplan does not show how the existing ditch is to be re-routed/incorporated into the design. Also measures would need to be taken to prevent contamination of surface water run-off, particularly during construction.

It is proposed to remove a recently constructed path within the Country Park. The County Council recommend that the pedestrian entrance to the north-west of the Country Park off Spring Lane, and the pedestrian link to the Country Park, is retained along the proposed footways within the development site.

Overall the impact of the proposals on the landscape is moderate adverse.

#### *Impact of the proposals on the Existing Landscape Character*

The application site lies within the Mid Nottinghamshire Farmland character area (Greater Nottingham Landscape Character Assessment, published July 2009). The site lies within Policy Zone MN043 – Gedling Colliery Green Space. The former colliery site and spoil tips form a prominent feature in the landscape. Although restored to grassland with some woodland planting, the landscape is relatively immature compared to the surrounding landscape to the north and east. The landscape condition is assessed as moderate with a weak landscape character. The overall landscape strategy is “enhance and restore”.

The applicant concludes that overall there would be a Negligible to Minor Adverse effect on the landscape character of this area on completion, reducing to Negligible in the long term. The County Council would assess the impact of the development on the landscape character to be Minor Adverse in the long term.

Landscape Actions for Policy Zone MN043 include conserving and enhancing woodland planting on the restored land and promoting new planting to integrate into the surrounding area and conserving and enhancing the condition of hedgerows.

Policy Zone MN045, The Dumbles Rolling Farmland lies to the north and east of the former colliery site. This area has a strong rural character with a distinctive

rolling landform and strong field pattern with hedgerows. The Lambley/ Burton Joyce Mature Landscape Area also lies to the north of Spring Lane opposite the site boundary. Although the proposed development would not impact directly on this area, the extension of housing along Spring Lane and removal of the woodland belt would change the landscape character of the site from semi-rural to suburban.

The applicant concludes that the scheme would result in a Negligible to Minor Adverse effect on the landscape character in the vicinity of the site.

### *Visual Impact of the Proposals*

The site is screened from the north and west by the woodland belt. Views from Spring Lane would be opened up when the woodland belt is removed and the existing hedgerow removed to allow for the visibility splay.

There are open views to the site from properties and roads in the mid and long distance.

The applicant concludes that the greatest effects would be incurred primarily at close range from residences bordering the colliery site to the west (largely Moderate Adverse impact following construction) and informal recreation users within the restored colliery (Moderate to Major Adverse impact on short distance views following construction), followed by residents at elevated locations in Gedling where there are relatively direct views across the site. In general, the County Council agrees with the findings of the visual impact assessment. Paragraph 6.5 of the Landscape and Visual Appraisal states that informal boundary shrub and tree planting will be implemented to the southern and eastern site boundaries to filter views of the development from within the surrounding landscape. The illustrative masterplan (drawing 6184-L-03 Rev C) shows clumps of trees planted outside the site boundary within the country park. It is unclear whether it is intended to retain the southern hedgerow due to the red line boundary on the drawing. The County Council recommend retaining the hedgerow to the south and planting a new hedgerow to the eastern boundary of the site, together with tree planting (within the development site rather than the country park) to reduce the visual impact of the proposed housing.

The County Council also recommend that where it is necessary to remove the hedgerow for the visibility splay, a new hedgerow should be planted along the new alignment to reduce visual impact and blend in with the existing hedgerow on Spring Lane. The applicant should submit details of how they intend to manage the existing hedgerow, including planting up the gaps and laying it where possible.

### *Summary*

The applicant should provide the following information:

1. Confirmation of the extent of hedgerow removal on Spring Lane and

proposals to mitigate this with new hedgerow planting and management of the existing hedgerow – these works should be carried out at the enabling works stage.

2. Confirmation that the hedgerow to the southern boundary would be retained and managed as part of the development.
3. Proposals for treatment of the eastern boundary – the County Council recommends hedgerow planting and tree planting within the site boundary to the south and east, to reduce the visual impact of the development.
4. Details of how the existing ditch to the north is to be re-routed/ incorporated into the design.
5. Details of measures to be taken to prevent contamination of surface water run off during the enabling/construction stage and during operation of the site.
6. Confirmation that the new pedestrian entrance to the north-west corner of the Country Park would be retained with a link through the site.
7. Tree and hedgerow species should be as recommended for the Mid Nottinghamshire Farmlands Landscape Character Area.

### Reclamation

The geo-environmental report concludes that the main environmental risk is that derived from the presence of ground gases within the body of the spoil tip, these being derived from the carbon rich content of the sediments within the lagoons and the bulk of the spoil tip materials.

The spoil tip materials have been investigated for both chemical and physical characteristics. The findings in the report indicates that the materials in Lagoon One would be removed principally on geotechnical grounds, in that they are unsuitable (too soft); these materials are also of high calorific value and present a combustion risk if left exposed to oxygen sources (atmosphere). Any extraction of such would need to control the risk of sediment wash down the drainage channels of the Country Park. The presence of iron rich sediments would also need to be monitored, as this may also present contamination risk to the water courses lower down the site. It is noted within the text that perched water is thought to be present within the site.

The report indicates that the impact of Lagoon Two is not considered significant, as there are no plans to construct housing on this area. Should the masterplan change the housing layout, then this area would need a similar solution to provide suitable foundation. As a general comment, given the size and volumes involved in the spoil tip, there may be other soft spots within the spoil tip and these may well require ground improvement measures.

The proposals also indicate that a detention pond or two (1200m<sup>3</sup>) may be required. It is normal practice to restrict the potential for surface water accumulations on spoil



tips. The report has not addressed any spoil tip stability issues the development may have with respect to the creation of the ponds. This issue is identified in Table 16 of the geo-environmental report and identifies that special stabilisation measures are required.

The report also notes that the option of soakaway was not considered feasible. This is not unexpected, given the nature of the spoil tip material. The potential for destabilising the spoil tip slopes would also preclude the use of such in certain locations.

The recommendations of the report include for further ground gas monitoring to refine the gas risk and the appropriate control measures the buildings will require. These should be implemented.

The development would require significant earth movements. These should be identified within a Materials Management Plan, which would need to be well developed and integrated within the Construction Environmental Management Plan, given the potential for contamination release during excavations. The stability issues of the spoil tip itself should also be considered such that the stability of the slopes of the spoil tips are not compromised.

It is noted that the Flood Risk and Drainage Appraisal proposes to discharge to the open ditch on the northern boundary of the site whereupon this will discharge to the Country Park Drainage system. The proposed discharge rate is 48.8l/s (engineering appraisal drawing), there appears to be an inconsistency with regard to site area within the various reports presented. The FRA report makes reference to green field rates for discharge; these should be confirmed for the whole development site. It should also be noted that the site is not a greenfield site, in that the materials within the spoil tip are potentially contaminative and that drainage features need to ensure that no contamination pathway is created to allow contamination to achieve the Country Park drainage system.

### Developer Contributions

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

### *Education*

Developer contributions would be required towards education provision. Discussions with regard to education requirements as a result of the proposed development are currently ongoing between Nottinghamshire County Council, Gedling Borough Council and the applicants.

### *Libraries*

A significant new development adjacent to Bradstone Drive would comprise up to

150 new dwellings. At an average of 2.4 persons per dwelling, this would add 360 to the existing library's catchment area population of approximately 36,250.

The nearest existing library to the proposed development is Arnold Library. The National Library Standard cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £10.53 per stock item.

These figures are provided in case a situation arises where a library building is able to accommodate the extra demand created due to a new development (as is the case at Arnold), but it is known that the stock levels are only adequate to meet the needs of the existing catchment population.

In these circumstance, a contribution would be sought just for library stock. Arnold Library has a total loan stock of approximately 48,326, which is adequate to serve the current population. An increase in population of 360 would put pressure on the stock and a developer contribution of £5807 would be expected to help address this situation. This figure is arrived at from the formula  $360 \text{ (new population)} \times 1,532 \text{ (items)} \times £10.53 \text{ (cost per item)}$ .

### Overall Conclusions

The County Council would expect the developer to liaise directly with Transport and Travel Services to determine whether any Section 106 contribution towards bus service support is expected. Further to this, the County Council would expect a contingency fund to be made available to mitigate the impact on existing bus services, should construction works interfere with these.

The County Council would expect all properties to have free introductory bus travel made available to them, this along with other sustainable travel measures should be set out in a site Travel Plan, the details of which can be discussed with Transport Strategy.

The County Council would seek a developer contribution of £5807 for additional library stock that would be required to meet the needs of the population that would be occupying the new dwellings.

It should be noted that all comments contained above could be subject to change, as a result of on-going negotiations between Nottinghamshire County Council, the Local Authority and the applicants.

In terms of Landscape and Visual Impact, the County Council would request that confirmation of the requested information is sought, as set out above, and relevant conditions be applied to any planning permission granted at this site.

From a reclamation perspective, the development would require significant earth movements. These should be identified within a Materials Management Plan which would need to be well developed and integrated within the Construction Environmental Management Plan, given the potential for contamination release during excavations.

### Additional Comments

Following the receipt of additional information, confirmation that a hedgerow will be planted along the eastern boundary between the proposed housing and the Country Park is welcomed. However, the additional information indicates that there would be informal tree planting to soften views from the Country Park, whereas the masterplan indicates that there is an access road to the perimeter with no space for tree planting, other than in the small areas to the front of the properties or within the hedgerow. It is therefore requested that a larger scale plan should be provided with typical cross sections showing areas to be planted and how they will reduce the visual impact of the development from the Country Park.

Nottinghamshire County Council (Education Authority) – comment that the proposed development would yield an additional 32 primary and 24 secondary places. Based on current projections, the 24 additional secondary places can be accommodated in existing schools. The primary schools are however at capacity and cannot accommodate the additional 32 primary places arising from the proposed development at Spring Lane, Bradstone Drive.

The County Council would therefore wish to seek an education contribution of £365,560 (32 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

This development would also impact on the local library service and at an average of 2.4 persons per dwelling, the 150 new dwellings would add 360 to the existing library's catchment area population. If this development went ahead a library contribution of £5,807 for the additional stock that would also be sought.

Public Protection (Land Contamination) – makes the following comments having viewed the site investigation report:

#### *Soil Sampling*

The distribution of the soil samples when compared to the illustrative masterplan seems to leave areas of proposed housing without any soil testing and therefore assessment. Although it is understood that some sampling was targeted at the lagoons, in the context of the masterplan, Public Protection would expect a more rigorous non-targeted sampling regime across the locations where housing is proposed (9 non-targeted samples is not sufficient for a site of this scale).

#### *Gas Monitoring*

Having reviewed the results and the calculation of the Gas Screening Levels of the report, there appear to be some anomalies with the results and their interpretation [examples of which are provided], which need to be reviewed and double checked.

Whilst comments make reference to response zones being at depth, no comment is made as to how this might change following the extensive earthworks which are proposed.

No comments are given with regards to how negative flow readings have been interpreted.

The site boundary shown on the earthworks drawings does not seem to match the development boundary in the masterplan.

Although it is agreed in the report that further ground risk assessment is required, it is recommended that a more rigorous assessment of the soils is also carried out. It may be more appropriate to carry out soil sampling after the re-grading earthworks to ensure that the data collected is representative of the final soil horizon.

It is therefore recommended that should permission be granted, a condition be attached with regards to the submission and written approval of a 'Site Characterisation' and a 'Remediation Scheme'.

Public Protection (Air Quality & Emissions) – comments that during both the initial earthworks and during construction, there is potential for increased levels of dust from the site.

To ensure that the potential for increased levels of dust is considered and mitigated against, it is recommended that should permission be granted, a condition be attached requiring the submission of a Dust Management Plan prior to works commencing on site..

It is also recommended that the developer considers including in the Travel Plan the commitment to provide dedicated outside electric power points to allow residents to charge electric vehicles into the future.

Further comments have been received which recommend that a condition also be attached requiring that after the earthworks are completed a review of the soil sampling results and the areas proposed areas for residential development is carried out.

Environment Agency - no objections are raised, 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 include have been provided, together with additional advice].

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, together with additional advice].

Measures, including a remediation strategy, to deal with any unexpected contamination.

A scheme to treat and remove suspended solids from surface water run-off during construction works.

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; to protect controlled waters; and to reduce the risk of surface water contamination during the construction phase. The site lies within a Source Protection Zone 3 and potentially historic contaminating uses have been identified.

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.

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

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

Nottinghamshire Wildlife Trust (NWT) – comments that a holding objection has been placed on the application pending the submission, prior to determination of the application, of additional surveys with regards to amphibians, badgers, breeding birds, reptiles and an assessment for the requirement for invertebrate surveys. Notwithstanding this, the NWT agrees with S6 of the Ecology Statement deposited with the application and comments that:

#### *Designated Sites*

Consideration should be given to the impacts of the reduction in land area to be included within the parkland and to the cumulative impacts resulting from this and other developments proposed and ongoing in the area such as the solar farm.

Due to the close proximity of the Gedling Colliery Site and Dismantled Railway Local Wildlife Site (LWS) to the application site, the NWT suggests that measures should be taken to protect the interest of that site. This should be secured by condition.

#### *Botanical Interest*

The majority of the site has been identified as supporting semi-improved neutral grassland. It is recommended that good quality areas of grassland are identified and retained within the development and that where this cannot be achieved, consideration be given to habitat translocation. This should be secured by condition.

#### *Bats*

Whilst no structures with bat roosting potential have been identified within the site, the area does provide good foraging and commuting habitat, connected to the wider environment. As such, it is recommended that a 'bat friendly' lighting scheme is incorporated into the development. This should be secured by condition.

### *Badgers*

The site was identified as providing foraging habitats for badgers. Best practice measures should be secured by condition.

### *Birds*

In order to avoid impacts to nesting birds it is requested that all vegetation clearing works are carried out outside of the bird breeding season. If works are to be carried out during this time then a suitably qualified ecologist should be on site to inspect for nesting birds. This should be secured by condition.

### *Summary*

Further mitigation and compensation works will almost certainly be required following the ongoing surveys, especially for birds.

It was also recommended that the development should aim to enhance biodiversity in terms of providing suitable habitats for insects and small mammals, incorporating new native trees and hedgerow planting in suitable places, providing bird and bat boxes around the site and considering the creation of new ponds/wetland areas.

Following the submission of the bird breeding and bat activity report surveys additional comments have been received as follows:

### *Birds*

The breeding bird survey carried out during the most recent breeding bird season identified the presence of 40 bird species, which included a number of red-listed and amber-listed birds of conservation concern.

Although the recommendations made within Section 5 of the report are generally supported, concerns are raised with regard to the lack of provision made for ground nesting birds by the development. Skylark and meadow pipit were confirmed as breeders on site and the site will not be made available for such species post-development. The report states that 'whilst it is beyond the scope of this development grasslands in the wider site should be managed to support existing populations of skylark and meadow pipit'. This is not a suitable recommendation that can be secured by condition, given that the land outside the red-line boundary is under different ownership. Ideally, this standpoint would be reconsidered.

It is recommended that should permission be granted, conditions are attached to secure the other advice put forward in the report (Sections 5.3 and 5.4). Specifically:

Retain existing peripheral hedgerows.

Plant new species-rich hedgerows on the edges and within the site.

Boundary trees and associated shrub / scrub should be planted to provide habitat for owl species.

A nest box scheme should be incorporated into the development.

If development commences within the breeding season, transects and vantage points should be established in areas of rough vegetation to search for the presence of ground nesting birds. If birds are found to be nesting, works must be halted until young have fledged.

A breeding bird mitigation plan will be produced to protect breeding birds.

In relation to ground nesting birds, it is considered important that ecological compensation is secured. As it is not possible to achieve this within the development, it is suggested that the developer provides funds (which may be via a S106) to secure the long term future management habitat on the Tip.

Further to this, in order to avoid impacts to nesting birds, it is requested that all vegetation clearance be undertaken outside of the bird-breeding season (March-September inclusive). As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). This should be secured by condition.

### *Bats*

It is welcomed that bat activity surveys were carried out to evaluate the use of the site by foraging and commuting bats. The majority of bats were pipistrelles and noctules. The recommendations made within the report (Section 4), are supported and should be secured by condition, as follows:

Retain and incorporate the strips of plantation woodland and hedgerows into the proposed scheme.

Implement a sensitive lighting strategy.

The previous recommendations of the NWT still stand, and conditions should be used to secure the ecological advice put forward in the protected species survey reports (for great crested newts, reptiles and badgers). Specifically:

No great crested newts were recorded but other amphibians, most notably common toad (species of principle importance under the NERC Act) are highly likely to be present within the application site. Therefore, the proposed amphibian Method Statement (GCN survey 5.2 and 5.3) should be secured.

A precautionary reptile Method Statement, together with the hibernacula creation should be secured (Reptile survey 4.1-4.3).

A badger Method Statement, including an update badger activity survey of the development area and a 30m boundary to take place prior to any commencement of earth works, should be secured.

### *Wildlife Sites*

Due to the close proximity of Gedling Colliery Site and Dismantled Railway LWS to the application site, it is suggested that measures should be taken to protect the interest of that site, which should be secured by condition.

### *Enhancements*

In addition to the above, it is suggested that the development should aim to enhance biodiversity if approve, for example by:

Consideration being given to sowing a wildflower meadow mix, in order to provide suitable habitats for insects and small mammals (and in turn bats and birds).

The incorporation of new native tree and hedgerow planting within suitable areas.

The provision of bat and bird boxes for a range of species around the site.

Consideration being given to the creation of new ponds / wetland areas. As there are already a number of ponds in the area, this will create a further enhanced “pondscape” of benefit to amphibians in particular. The Trust would wish to see the landscaping plans amended to include this.

An Ecological Management Plan is required for created/retained habitats within the development. In the absence of this, concern would be raised that habitats would be of low value and that the plantation area with gardens backing onto them could suffer neglect/problems with tipping of garden waste or garden encroachment, if a Management Plan is not secured.

### *Country Park (additional comments)*

It is noted that the majority of the land within the footprint of the proposed residential development, is within the indicative Country Park as shown on the initial masterplan and revised boundary plan.

It is also noted that the boundary was further amended on 6<sup>th</sup> March 2013. It is considered that this amendment, which also removed the area within the solar farm footprint from the Country Park footprint, has significantly adversely impacted on the wildlife value of this former colliery site, which was originally restored as wildlife habitat and is acknowledged in the Committee report for the Country Park application. Furthermore, the wildlife value of the site is well documented and much appreciated locally. This proposed residential development effectively compromises 9.5 ha of restored pit tip, and removes 5.09 ha for the proposed residential area, which supports habitats of Principle Importance under the NERC Act.

The Amphibian Survey states that there would be no cumulative impacts on amphibians from this proposed residential development, when it is considered alongside the solar farm development. The NWT considers that there would be impacts due to the removal of, and likely increased disturbance of, terrestrial habitat



(grassland and woodland plantation) within the development footprint. Similarly, disturbance to wintering/breeding birds is likely to increase with the addition of 150 residential units in such close proximity to the Country Park, especially as the masterplan shows the potential development has 6 direct access points to the Country Park.

In summary, it is not considered that the additional ecological information has sufficiently assessed cumulative ecological impacts of the development. Concern is also expressed with regards to the substantial impacts on Priority Habitats (loss of lowland neutral grassland and woodland) from this proposed development and the previous objections are maintained.

The NWT has made some further observations (mainly to clarify points raised previously). These are as follows:

The NWT considers it important that ecological compensation is secured for ground nesting birds. As it is not possible to achieve this anywhere within the development (as any retained open grassland would be likely to become dog walking areas and displace skylarks), the NWT suggests that the developer provides funds (this may be via a Section 106) to secure the long term management of skylark habitat on the Tip.

Given the amphibian interest on site, the NWT would again wish to reiterate that a new pond (which should be designed to hold water permanently) is built into the landscaping. The NWT would like to see the landscaping plans amended to include this.

An Ecological Management Plan is required for created/retained habitats within the development. The NWT would be concerned that, in the absence of this, habitats may be of low value, with close mown amenity grass and well-manicured hedges etc. The NWT is also concerned that the plantation areas with gardens backing onto them could suffer neglect/problems with tipping of garden waste or garden encroachment, if a management/maintenance plan is not secured.

As noted previously, the NWT wishes to maintain an objection, unless the above issues are addressed.

Nottinghamshire County Council (Forestry Manager) – comments that the information submitted with the application is factually correct. It is recommended that a condition should be attached, should permission be granted, requiring the submission of specific tree protection plan and method statement which should be put into place prior to any development commencing on site.

NHS England – has requested a planning obligation contribution towards healthcare services.

Housing Strategy – initially requested that a 30% affordable housing contribution be delivered as on site provision; with the split being 70% social rent and 30% assisted ownership.

Following discussions, a 20% affordable housing contribution has been agreed; with a split of 65% social rent and 35% shared ownership has subsequently been agreed.

Parks & Street Care - comment that the site contains more open space than would be normally expected, due to the location of a former colliery lagoon in the centre of the development. It results in a large area in the development which is not suitable for housing stock. As a result, this area has been designed around and left in the design as public open space with play area and attenuation ponds. The requested 10 year maintenance contribution reflects this fact.

The location of a children's play area so close to the attenuation pond may not be appropriate design wise. An off-site commuted sum contribution, that could go to further develop children's play in the Country Park only a short distance away, would be a preferred option.

Economic Development – comment that 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, and the developer should be willing to work with a partner or partners, as well as the Borough Council, in order to develop the Local Employment Agreement.

It is recommended, therefore, that a condition should be imposed on any permission the application relating to the developer entering into a local employment agreement for the construction phase of the development.

Estates – no objections raised.

### **Planning Considerations**

The key planning considerations regarding this proposal are how it relates to current and emerging planning policy and whether it would meet the main principles of sustainable development; how it addresses climate change, flooding, pollution and the impact of the proposed development on the highway network and road safety.

Other planning considerations which must also be assessed are landscape impact, ecological issues and archaeology.

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

### **Relevant Planning Policy Considerations**

This hybrid planning application is for the construction of an access road (full planning application) and the erection of 150 dwellings (outline planning application). The site includes land identified for the Gedling Country Park.

### ***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 8: Promoting Healthy Communities (paragraphs 69-78)
- 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 13: Facilitating the sustainable use of minerals

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)

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*

The Aligned Core Strategy for Gedling Borough (ACS) was approved in September 2014. This 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 relating to 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.

It is considered that the challenge to the ACS is a material consideration and so must be taken into account when determining this application and considering the ACS. Therefore 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.

It is considered that the following policies are relevant:

ACS Policy A: Presumption in Favour of Sustainable Development  
ACS Policy 1: Climate Change  
ACS Policy 2: The Spatial Strategy  
ACS Policy 8: Housing Size, Mix and Choice  
ACS Policy 10: Design and Enhancing Local Identity  
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 site includes land which was considered through the SHLAA process to be potentially suitable for housing. This area was included as a potential development site in the Issues & Options stage of the Local Planning Document (Part 2 Local Plan).

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 ENV42 (Aquifer Protection)  
RLP Policy ENV43: Greenwood Community Forest  
RLP Policy ENV44 (Gedling Colliery Park)  
RLP Policy H7 (Residential Development on unidentified sites within the urban area and defined village envelopes)  
RLP Policy H8: Residential Density  
RLP Policy R1 (Protection of Open Space)  
RLP Policy R2 (Accessible Public Open Space).  
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 H7, R1 and R2, as these are up to date and consistent with the NPPF.

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 for Residential Developments SPD (2012).  
The 6C's Design Guide.

### Planning Policy & Prematurity

#### *Prematurity*

The National Planning Practice Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited and unlikely except where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. 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 application site is of a size which is not addressed by ACS. The allocation of sites of this size will come through the Local Planning Document. The site is unlikely to be of a scale that is significant in terms of predetermining issues that should be dealt with via the Local Planning Document. Additionally, the Local Planning Document is not at an advanced stage of preparation. The first stage of public consultation (Issues & Options) was held October to December 2013. At the time of writing, no decisions have been made on which sites will ultimately be proposed to be allocated for development and there has been no formal public consultation on specific proposals. The guidance highlights that refusal on grounds of prematurity is unlikely to be an issue where a draft plan has not yet been submitted for examination.

As the Local Planning Document is not at an advanced stage, both criteria have not been met. It is considered that, regardless of whether the application would predetermine issues, refusal on the grounds of prematurity is not possible at this time.

#### *Five Year Housing Land Supply & Housing*

Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a five year supply of deliverable housing sites. The Five Year Housing Land Supply Assessment is currently being updated both to reflect the adoption of the ACS and the 2014 Strategic Housing Land Allocation Assessment review.

At this time, the Five Year Housing Land Supply Assessment (2015) is the most up to date assessment of housing land supply and applications should be determined accordingly. This 2015 document identifies that against the Regional Strategy there is only 4.31 years supply of deliverable housing sites within the Borough. This assesses the housing land supply situation as of 31st March 2014 and does not include sites granted since.

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. Appeals (notably the Binfield decision ref 2179560) have indicated that this would include policies which restrict or direct residential development.

Paragraph 49 goes on to say that 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. Policy A of the ACS would also apply. 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.

The impact of the proposal on Open Space is addressed below. It should also be considered if the proposals conflict with other policies within the NPPF such as those related to design and highways.

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 adopts a spatial strategy of urban concentration with regeneration and seeks to provide most development in or adjoin the main built up area. Sites in or adjacent to the urban area are considered to be sustainable locations due to their accessibility to public transport and facilities and services. The site is adjacent to the urban area outside of the Nottinghamshire Green Belt and has previously been used in association with the former Gedling Colliery although it is unclear if the site meets the definition of 'previously developed land' in the NPPF.

At a local level Policy H7 sets the approach for dealing with housing proposals on 'windfall' sites not on Green Belt land. It states that within the urban area permission will be granted provided the development:-

is of a high standard and does not adversely affect the area;  
would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the area; and  
it is not contrary to other policies in the Local Plan.

While the proposal, not being within the urban area, does not accord with Policy H7 it does accord with the ACS spatial strategy of urban concentration with regeneration. It should therefore be considered whether the proposal will result in the loss of features which make an important contribution to the character of the area and is of a high standard of design.

I am of the opinion that the lack of a five year land supply, and the consistency with the spatial strategy of urban concentration with regeneration, should be given significant weight in determining this application. Taking these matters into account, and that I consider that the proposal would not result in the loss of features that would make an important contribution to the character of the area, I am satisfied that the proposal would accord with the paragraphs 14 and 49 of the NPPF, Policy 2 of the ACS and H7 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 Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS.

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

Policy A of the ACS requires that, where the development plan is out of date, planning permission should be granted unless:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or
- b) specific policies in that Framework indicate development should be restricted.

Policy 1 of the ACS states that all development proposals will be expected to deliver high levels of sustainability in order to mitigate against and adapt to climate change, and to contribute to national and local targets on reducing carbon emissions and energy use.

As stated above, Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area.

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 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.

### *Infrastructure*

The Affordable Housing SPD sets differential requirements for affordable housing depending on the sub-market the site is within. This particular site does not fall within a specific sub-market and it has been agreed that 20% of the dwellings should be affordable, with a split of 65% social rent and 35% shared ownership.

This approach is in accordance with the affordable housing elements of ACS Policy 8 and the Affordable Housing SPD.

### *Density*

Policy H8 of the Replacement Local Plan sets out the Borough Councils requirements for residential density. The developable area of the application site is 5 ha in size and would provide up to 150 dwellings. This would result in a net density of 30 dwellings per hectare, which meets the density required by Policy H8 of the RLP.

#### *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 which exceeds the threshold outlined in this Policy, the details of which would need to meet the provisions of RLP Policy R3 and the Open Space Provision SPG.

#### *Transport & Access*

The Highway Authority has no objection to the proposals on highways grounds, but has requested integrated transport contributions towards:

- Bus Stop Infrastructure improvements
- Bus Service Support

#### *Accessibility*

With regard to accessibility, I note that the site is located within the urban area, with bus stops into and out of the city in close proximity. The site is also within walking distance of a convenience shopping facilities.

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

#### *Education*

An education contribution is sought by the County Council to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

#### *Libraries*

A library contribution is sought by the County Council towards additional library stock.

#### *Flood Risk & Sustainable Drainage*

The proposed development site is located within Flood Zone 1 (a 1 in 1000 year probability) and is at little risk of flooding.

The Environment Agency has no objections to the proposals, but confirms the need for a sustainable surface water scheme; a remediation strategy to deal with the risks



associated with contamination of the site; and a scheme to treat and remove suspended solids from surface water run-off during construction works. These can be secured by the imposition of appropriate conditions, if permission is granted.

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.

### *Conclusion*

I am satisfied in principle that the proposed development can be considered to be sustainable in accordance with Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS, and subject to other material considerations, as discussed below.

### Open Space/Country Park Considerations

The site is part of an area identified by Policy ENV44 of the Replacement Local Plan for the Gedling Country Park. The application which granted planning permission for the Country Park (2012/1456) included around 4 ha of this application site in the approved area. It is, therefore, necessary to assess the application against policy related to Parks and Open Space.

Section 8 of the NPPF at paragraph 73 identifies that access to high quality open spaces can make an important contribution to the health and well-being of communities. Paragraph 74 of the NPPF goes on to identify that existing open space should not be built on unless:

- An assessment has been undertaken which clearly shows the open space to be surplus to requirements; or
- The resulting loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.

ACS Policy 16.4 identifies that Parks and Open Space should be protected from development. Exceptions may be made in a small number of cases. The policy also sets out a sequential approach requiring that alternative scheme designs which have little or no impact are considered before mitigation is provided. This should include consideration of building on the area of land not included in the planning permission for the Country Park.

Policy R1 (Protection of Open Space) of the RLP adopts a similar approach to the NPPF and sets out that planning permission will not be granted for development on open space except where one of a number of conditions are met. Policy R1 also requires that, where the site is not surplus to requirements as open space, development:

- Avoid the erosion of the recreational function and maintain or enhance the character of the open space;

Protect or enhance those parts of the rights of way network that might benefit open space; and  
Has regard to the impact on biodiversity and nature conservation.

Policy R2 sets out that development which would adversely affect access to open space should not be granted planning permission.

Policy R3 of the RLP requires that residential development on 0.4 of a hectare and above should have a minimum of 10% local open space which would equate to around 1.5 hectares. The area set aside for the attenuation ponds is also proposed for recreational use and equates to approximately 4.5 hectares, exceeding the threshold outlined in the this policy.

Overall it should be considered whether one of the exceptions to development on Open Space, either from the NPPF or the RLP, applies in this case. It should also be considered whether there are alternative scheme designs which would not result in the loss of land from the approved Country Park.

If there are exceptions and no reasonable alternative scheme designs, the proposals should ensure that the recreational function and character of the Country Park is not eroded, that rights of way and access to the Country Park are protected or enhanced and that regard is given to the impact on biodiversity and nature conservation.

I am mindful that the site falls within land allocated as the Gedling Country Park within the RLP. However, the loss of open space from the Country Park, should permission be granted, would in my opinion be so minimal as to not result in any detrimental impact on its function. Existing access to the Country Park from the development site would be retained and enhanced.

I am also mindful of the Planning Statement submitted with the planning application, which states that the applicant is currently the landowner of the Gedling Country Park site, subject to a lease granted to the Council. The majority part of this application site (5.5 ha) has never been proposed to form part of the Country Park, whilst a smaller part (4 ha) lies within the Country Park boundary, as identified in its planning permission. Given the ground conditions within the development site area, it is necessary to extend the housing development beyond the boundary with the Country Park and re-provide accessible public open space within the development site. The developable housing area of 5 ha ensures that there is no net loss of public open space overall.

Loss of open space from the Country Park area comprises only a small part of its entire area (around 110 ha) and would not be detrimental to its function. A large area of parkland would still be available on the remainder of the designated former colliery site. As such, it is considered that this loss of open space would be acceptable, when balanced with the requirements of other policies within the development plan.

Taking all the above considerations into account, I am satisfied, on balance, that the proposal would not erode the recreational function and character or public enjoyment of the Country Park; that the loss of open space would be replaced by equivalent

provision in terms of quantity, quality and accessibility; and that the necessary exceptions tests have been met, in accordance with Section 8 of the NPPF, Policy 16 of the ACS and Policies R1, R2 and R3 of the RLP.

### Landscape, Visual Amenity & Arboricultural Considerations

The relevant planning policies which need to be considered in relation to landscape, visual amenity 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. ACS Policy 10 is based on the landscape character approach advocated in the NPPF and based on robust evidence contained within the Greater Nottingham Landscape Guidelines. Accordingly, ACS Policy 10 is considered to be underpinned by sound evidence on landscape character and should be given significant weight.

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, Green Infrastructure and other landscape issues, I note that where the development abuts Spring Lane, the existing tree line would form this boundary, rather than being removed as part of the proposed development. However, removal of some vegetation immediately to the south of the hedgerow may be required. Replacement hedge planting to Spring Lane can be secured by the imposition of an appropriate condition relating to the temporary access and enabling earthworks, if full planning permission is granted.

The hedgerow to the southern boundary would be retained and managed as part of the scheme. Any sections to be removed would only be required to provide pedestrian access to the adjacent Country Park path network. The site would retain and enhance pedestrian access to the Country Park. The access via Axmouth Drive would be retained within the scheme, as shown on the masterplan, and new links would be provided from Spring Lane to the Country Park, and into and through the development itself.

Details of the landscaping of the proposed residential development would be required for consideration at the reserved matters stage, if outline planning permission is granted. However, I note that the current proposals for boundary treatment to the southeast/east include hedgerows to property frontages and informal tree planting to soften views of the development from the Country Park. A further hedgerow would also be planted along the boundary between the site and the Country Park.

The existing drainage ditch along Spring Lane would be retained and maintained as part of the development proposals. This would be culverted beneath the proposed access.

Measures to prevent contamination of surface water run-off can be addressed by the imposition of an appropriate condition, if permission is granted, requiring the submission of a Construction Environmental Management Plan.

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 neither Public Protection, the Environment Agency or the County Council's Reclamations team have any objections in principle to the proposed development, but recommend the imposition of appropriate conditions to ensure that any issues regarding land and water contamination, flooding, spoil tip stability and construction dust are dealt with.

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

### Highway 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. Highway contributions have been considered separately under Planning Obligations below.

Section 4 of the NPPF states at paragraph 32 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 and that development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets.

Traffic and transportation issues (including a *Transport Assessment and Framework*

*Travel Plan*) have been considered by the Highway Authority, which has no objections subject to conditions.

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

Detailed approval is sought as part of this application to establish the creation of a new vehicular access, off Spring Lane. Initially, this would serve as a temporary access for the enabling earthworks (Phase 1) and would then form the access for the residential development (Phase 2).

Whilst I appreciate the concerns which have been expressed by Lambley Parish Council about the proposed access, I note that the County Council as Highway Authority has no objection to this in principle.

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, the Parking Provision for Residential Development SPD and the 6C's Design Guide.

### 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 at paragraph 56 that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

Paragraph 61 of the NPPF states that although visual appearance and the

architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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.

In my opinion, the proposed development, as detailed in the indicative layout drawing and Design and Access Statement deposited with the application, would function well and would add to the overall quality of the area. It also has the potential to establish a strong sense of place, optimise the potential of the site to accommodate development and to provide for a mix of housing. With all matters being reserved for subsequent approval, except for access arrangements, a detailed assessment of design cannot be undertaken at this outline stage, but such considerations would be fully assessed during any subsequent future detailed applications. These must comply with national residential design policy, the latest urban design and sustainability standards, and local plan policy.

I am satisfied, therefore, that the proposed development could be designed 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.

### Amenity Considerations

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

Section 11 of the NPPF states, amongst other things, at paragraph 123, that planning decisions should aim to avoid any adverse noise impacts as a result of new development

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 there is likely to be an increased amount of traffic activity, both during the construction period and afterwards, I am satisfied that the proposed development would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated.

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

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

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

### 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, Policy 17 of the ACS and Policy ENV36 of the RLP.

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.

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.

As suggested by the NWT, I would recommend the imposition of a wide range of appropriate conditions, if permission is granted, to protect and enhance ecological interests, including the provision of new biodiversity features and measures to secure the appropriate management and maintenance of existing and created habitats.

However, I note that the NWT still maintains an objection with regard to insufficient assessment of the cumulative ecological impacts of the proposed development and the substantial impacts on Priority Habitats (loss of lowland neutral grassland and woodland).

With regard to cumulative impact, it is accepted that this proposal would develop an area of land within the designated boundary of the Country Park. The impact of the proposed development on the application site and its mitigation proposals have been fully assessed in ecological matters, irrespective of the Country Park boundary.

There has been no cumulative consideration of the development with the amendment to the Country Park boundary in this location, as assessment of the development alone comprehensively covers any impact on this part of the site.

The re-designation of the Solar Farm site to exclude this from the Country Park boundary is also academic as the Solar Farm site has not been removed as a habitat or permanently developed, so it remains accessible by species. The Solar Farm scheme was fully assessed on ecological matters in its planning application and the

area would be fenced for security, thereby preventing disturbance caused by people and dogs. In this respect, the ground habitat will remain undisturbed in the long term and therefore the housing development proposed would have no cumulative impact with this.

Whilst the defined area of the Country Park has reduced from its previously stated area, it remains a significantly sized ecological resource. Although the proposed housing development would necessarily remove some land and vegetation, it would also provide on-site mitigation to minimise its impact, such as the provision of new hedgerow planting.

It is not possible to retain existing grassland within the development site, given the nature and area of development. On the basis that the submitted surveys do not indicate that the site's grassland is of good quality, any consideration of retention or translocation would be unreasonable and is not warranted.

Although it is not possible to replace the habitat which would be lost, therefore, I am satisfied that 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 appropriate conditions.

With regard to impacts on Priority Habitats, this is stated as being 'lowland neutral grassland and woodland', within which there is a broad range of qualities of habitat. The Botanical Survey within the Phase 1 Habitat Survey did not identify any areas within the application site as being 'good quality areas'.

Whilst some woodland vegetation removal is unavoidable to create the access and development area, this would also be mitigated by the provision of new hedgerow planting around the edges of the site.

Although new ponds or wetland areas may be created within the site, where these have a drainage function, I do not consider it would be appropriate to impose a condition to this effect as the provision of these would depend on technical feasibility, such as ground conditions and levels.

In addition, I do not consider it would be reasonable to impose a condition to 'protect the interest' of the Gedling Colliery Site and Dismantled Railway LWS.

In conclusion, I am satisfied that a reasonable balance has been achieved overall between the needs of the development and the ecological interest of the site, although I do not consider it would be reasonable to require the provision of any significant mitigation beyond the application site and/or compensatory measures for the loss of grassland in this instance.

Whilst the proposed development would not fully accord with the aims of Section 11 of the NPPF, Policy 17 of the ACS and Policy ENV36 of the RLP, I do not consider that it would result in such significant harm to the nearby LWS or Priority Habitat, as to justify the refusal of planning permission in this instance and am of the opinion that, on balance, more weight should be attached to the presumption in favour of sustainable development.

## Minerals Considerations

Section 13 of the NPPF states at paragraph 142 that since minerals are a finite resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation.

Paragraph 143 then states that local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place.

I note the comments of the County Council as Minerals Authority, and would recommend the imposition of an appropriate condition, if permission is granted, to assess the potential sterilization of mineral resources and the practicality of prior extraction of brick clay from the site.

## 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, County Council and the Borough Council is for the provision of, or financial contributions towards, the following:

- Affordable Housing
- Public Open Space
- Healthcare Facilities
- Highway Contributions
- Educational Facilities
- Libraries

#### 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 am of the view that the proposed access and associated residential development would not result in a significant amount of encroachment along Spring Lane towards Lambley Village.

The planning considerations set out and discussed above indicate that the proposed development would generally accord with the relevant national and local planning policies.

#### 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 FULL AND 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, Highways, Educational and Library Facilities; and subject to the following conditions:**

### **Conditions**

1. The development hereby permitted for the creation of a temporary access and enabling earthworks must be begun not later than three years beginning with the date of this permission.
2. Application for the approval of reserved matters relating to the residential development (appearance, landscaping, layout and scale) shall be made not later than three years beginning with the date of this permission and the development shall be begun not later than two years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.
3. The development hereby granted full planning permission for the creation of a temporary access and enabling earthworks, and outline planning permission for the residential development, shall be constructed in accordance with the following approved plan: Proposed Access Junction Layout (ADC1040/001 Rev A) and Cut and Fill Volumetrics (10-02 Rev P1), received on 19th June, 2014, except where further details are required for approval by other conditions of this planning permission.
4. The temporary access hereby permitted shall be provided on Spring Lane in accordance with the details shown on drawing number ADC1040/001 Rev A, prior to the commencement of the enabling works. The temporary access shall be retained for the duration of the enabling works, unless otherwise prior agreed in writing by the Borough Council.
5. The temporary access hereby permitted shall be completed and surfaced in a bound material for a minimum distance of 15.00 metres behind the highway

boundary, prior to the commencement of the enabling works. The temporary access shall be retained for the duration of the enabling works, unless otherwise prior agreed in writing by the Borough Council.

6. Before development is commenced on the temporary access and enabling earthworks, there shall be submitted to and approved in writing by the Borough Council a Materials Management Plan. The development would require significant earth movements and these should be identified within the Materials Management Plan, which would need to be well developed and integrated within the Construction Environmental Management Plan, given the potential for contamination release during excavations. The stability issues of the spoil tip itself should also be considered, such that the stability of the slopes of the spoil tips are not compromised. The enabling earthworks shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
7. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council: (1) cross-sections and contour plans showing details of the existing and proposed site levels in relation to adjacent properties, including finished floor levels for the residential development, for each of these phases; and (2) an assessment of any site slope stability issues the development may have with respect to the creation of ponds and any special stabilisation measures that are required to mitigate slope stability issues for each of these phases. Each phase of the development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
8. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development hereby permitted, 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.
9. In the event that remediation is required to render the development suitable for use in any phase, a written remediation scheme and timetable of works for that phase 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 for that phase being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out, including a review of the soil sampling results and the proposed areas for residential development, refining the conceptual site model and ensuring the whole of the site is suitable for use, 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.

10. 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 in accordance with the requirements of condition 8 above. 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.
11. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of a scheme to treat and remove suspended solids from surface water run-off during construction works for each of these phases. The approved scheme shall be implemented prior to any other works (excluding those required by conditions 12 and 13) commencing on each of these phases and shall be retained for the duration of the construction period for each phase, unless otherwise prior agreed in writing by the Borough Council.
12. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of a Dust Management Plan for each of these phases. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The approved plan shall be implemented in accordance with the approved details prior to any other works (excluding those required by conditions 11 and 13) commencing on each of these phases and shall be retained for the duration of the construction period for each phase, unless otherwise prior agreed in writing by the Borough Council.
13. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of measures to prevent the deposit of debris upon the adjacent public highway. The approved measures shall be implemented prior to any other works (excluding those required by conditions 11 and 12) commencing on each of these phases and shall be retained for the duration of the construction period for each phase, unless otherwise prior agreed in writing by the Borough Council.
14. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of a surface water drainage scheme for each of these phases. The surface water

drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme to be submitted shall: (1) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687, or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken; (2) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site; (3) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'; (4) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; and (5) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters. The surface water drainage scheme shall be implemented in accordance with the approved details at the time that each phase is constructed and shall be retained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

15. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, a written Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Borough Council for each of these phases. The CEMP shall include the following: (1) details of an ecological clerk who shall be employed to oversee ecological mitigation and to gain necessary licences to undertake ecological mitigation; (2) details of the proposed hours of working during the period of development, together with details of any site lighting and compound lighting; (3) details of the proposed area for the storage of soil and other materials during the period of development, together with details of how dust, noise, incidental damage and spillages will be monitored and dealt with; (4) details of the proposed means of access of construction vehicles during the period of development; (5) details of a methodology and programme of site clearance of vegetation; (6) details of a methodology and mechanism for the surveying, recording and reporting together with the provision of a programme and timetable for the implementation of mitigation measures, including translocation measures, in relation to flora and fauna that could be affected during the period of development (the ecological interest to be covered shall include amphibians, badgers, bats, birds, insects, reptiles, trees, hedgerows and grassland); and (7) details of planting schemes indicating the location, size, species and density of all planting proposed to compensate for the loss of habitat during development and a schedule of implementation and timetable of the proposed



planting and a management plan including long term design objectives, management responsibilities and maintenance schedules covering the construction phase. The CEMP shall be implemented in accordance with the approved details for each of these phases and the proposed mitigation measures shall be retained in accordance with approved details.

16. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, a written Ecological Management Plan (EMP) for the retained and created habitats, including any appropriate mitigation measures, shall be submitted to and approved in writing by the Borough Council for each of these phases. The EMP shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with the approved details.
17. Prior to the commencement of site clearance for the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council a Tree Protection Plan and Method Statement for each of these phases. The Tree Protection Plan and Method Statement shall be implemented in accordance with the approved details for the duration of each phase.
18. Prior to the commencement of the temporary access and enabling earthworks, there shall be submitted to and approved in writing by the Borough Council: (1) details of a new hedgerow, which shall consist of native species, along the new alignment of the visibility splays to Spring Lane; and (2) details of how the existing hedgerow to Spring Lane is to be managed, including the planting up of gaps and laying. The new hedgerow and any management works to the existing hedgerow to Spring Lane shall be implemented in accordance with the approved details in the first planting season following the completion of the temporary access and enabling earthworks and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
19. Prior to the commencement of the temporary access and enabling earthworks, there shall be submitted to and approved in writing by the Borough Council an assessment of the practicality of prior extraction of brick clay from the site. In the event that the assessment demonstrates that the prior extraction of brick clay is feasible, the development hereby permitted shall not commence until the prior extraction of brick clay has been completed.
20. Before development is commenced on the residential development, there shall be submitted to and approved in writing by the Borough Council details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage. 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.

21. Before development is commenced on the residential development 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.
22. Before development is commenced on the residential development, 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.
23. Before development is commenced on the residential development 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, avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
24. Before development is commenced on the residential development, 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.
25. No removal of hedgerows, trees, shrubs or grassland shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks, including transects and vantage points in areas of rough vegetation to search for the presence of ground 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. If birds are found to be nesting once development has commenced, works must be halted in the vicinity until the young have fledged.
26. During the construction of the temporary access, the enabling earthworks and construction of the residential development, 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.

27. The detailed plans and particulars to be submitted as reserved matters for the residential development 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.
28. The detailed plans and particulars to be submitted as reserved matters for the residential development in relation to landscaping shall include: (1) 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; (2) details of the boundary treatments, including those to individual plot boundaries, which shall retain and incorporate the strips of plantation woodland and peripheral hedgerows into the proposed scheme; (3) typical cross-sections, showing areas to be planted and how they will reduce the visual impact of the development from the Country Park; (4) 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 (5) 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.
29. If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters for the residential development 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.
30. The existing pedestrian link in the north-western corner of the application site at its junction with Spring Lane, and its associated footpath to the Country Park, shall be retained as part of any design layout for the residential development of the site, unless otherwise prior agreed in writing by the Borough Council.
31. 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.
2. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
3. For the avoidance of doubt.
4. To ensure adequate means of access to the site for initial construction traffic 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).
5. To ensure a full rotation of vehicle wheels to prevent mud and detritus being deposited on the highway 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).
6. To ensure a satisfactory development and 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. 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).
8. 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To reduce the risk of surface water contamination during the construction phase, in accordance with the aims of Section 11 of the National Planning

Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

12. 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).
13. To prevent mud and detritus being deposited on the highway 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).
14. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy 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 the arboricultural impact of the proposed 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).
18. 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).
19. To ensure that there will be no unnecessary sterilisation of mineral resource, in accordance with Section 13 of the National Planning Policy Framework.
20. To ensure that the roads of the proposed development are designed to an adoptable standard, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
22. To seek to ensure that the construction of the site provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).

23. 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).
24. 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).
25. 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).
26. 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).
27. 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).
28. 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).
29. 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).
30. To retain pedestrian links to the Country Park, in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
31. 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. Please contact the Highway Authority for details.

The Environment Agency advises that condition 14 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 sustainable drainage should be used, with a preference for above ground solutions.

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 the NPPF.

The Environment Agency notes that the application proposes a number of culvert crossings to access the site. The Environment Agency recommends that preference be given to clear span bridges to limit the loss of channel capacity, risk of blockages and the loss of bank habitat. If clear span bridges are not feasible, then the culverts should be designed to convey up to the 100 year plus climate change flows. Consent for culverting the ordinary watercourses will be required from the Lead Local Flood Authority (LLFA) and therefore the Environment Agency recommends that the applicant contacts the LLFA as early as practically possible.

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991, as amended by the Water Act 2003, and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If you require further information, please contact Severn Trent Water on 0116 234 3834.

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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

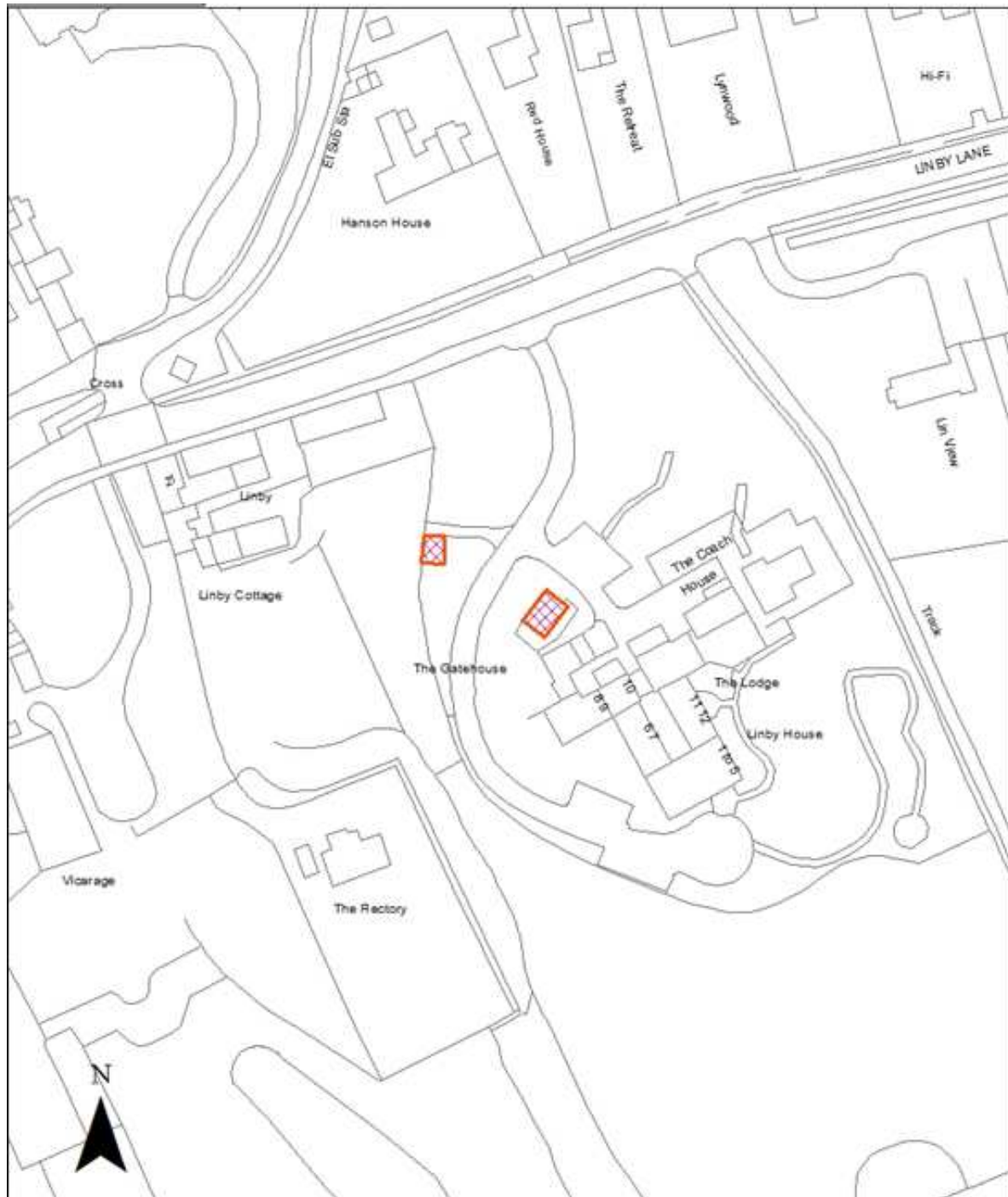
The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the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





**Planning Enforcement**      **0011/2014**  
**Reference:**

**Location:**



**NOTE:**

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## **Report to Planning Committee**

**Planning Enforcement Reference:** 0011/2014

**Location:** Linby House, Linby Lane, Linby

**Breach of Planning Control:** Unauthorised development

**Case Officer:** David Spencer

### **Site description**

Linby House is a substantial detached property which has been converted to apartments. It is on an enclosed site with secure access from Linby Lane. It is located in the Linby Village Conservation Area.

### **Relevant Planning History**

Planning permission was granted for the conversion of Linby House to apartments in 2007, application reference 2007/0540.

In granting planning permission for the proposal, the Council imposed a number of conditions, including Condition 6 which states:

“No part of the development shall be occupied until detailed plans showing the location and facilities proposed for bicycle parking and the storage of refuse within the site. The bicycle parking and refuse storage facilities shall be provided in accordance with the approved plan prior to apartments being first brought into use.”

Condition 6 was imposed in the interests of visual amenity and to accord with Policy ENV1 and Policy ENV 15 of the Gedling Borough Replacement Local Plan.

Plans and details of the proposed store and parking were submitted in November 2007 and in December 2007 a letter was issued by the Council discharging several conditions and in respect of Condition 6 it stated:

“I can confirm that the location of the bin store shown on LIN/100/07/A is acceptable. Condition 6 will be discharged on the provision of the bin store in accordance with the approved plans.”

It was reported to the Council in 2014 that since the development of the site commenced and to date the bin store had been used and continued to be used as a site office by the developer, and that another structure on a different part of the site had been added to create a new area for bin storage and cycle storage.

A planning application (2014/1282) to retain the use of the originally designated

bin/cycle store as a site office (as a change of use) and also the retention of the new bin/cycle store was submitted but was subsequently withdrawn.

### **Breach of planning control**

The proposed bin/cycle store building was provided in accordance with the plans approved under condition 6 of planning application 2007/0540, when the apartments were first brought into use in 2009. However the Council was made aware that the bin store has been converted for use as an office and that an additional bin store has been provided elsewhere in the site.

An application was made to the Council under planning application 2014/1282 this was to be presented to planning committee on the 18<sup>th</sup> February and had been recommended for refusal. The application was subsequently withdrawn.

There currently remains a breach in relation to the erection of a new bin store, which does not have a Planning Permission.

### **Planning Considerations**

Part VII of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) outlines the actions that a local planning authority may take if any breaches of planning control including unauthorised development occur. However before taking any enforcement action local planning authorities are advised to consider the guidance contained with the National Planning Policy Framework and Planning Practice Guidance Notes.

Paragraph 207 of the NPPF advises that:-

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Paragraph 005 of the National Planning Practice Guidance Notes advises that:-

Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

The change of use of the bin store/cycle store is still occurring and the replacement bin store is still in situ. The development has been assessed and it has been concluded by Officers that the change of use and that the replacement bin store are unacceptable for the follow reasons:-

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.

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

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

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

As a result of the inappropriate development that has occurred, I consider that it is necessary to seek authorisation to enable the Corporate Director in consultation with the Council Solicitor and Monitoring Officer to undertake appropriate enforcement action.

**Recommendation:**

That the Corporate Director be authorised in Consultation with the Council Solicitor and Monitoring Officer to take any necessary enforcement action including service of notices and issuing/defending legal proceedings if required.



**Application Number:** 2005/0928 and 2006/1014

**Location:** Bestwood Colliery Site, Park Road, Bestwood.



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## **Report to Planning Committee**

**Application Number:** 2005/0928 and 2006/1014

**Location:** Bestwood Colliery Site, Park Road, Bestwood.

**Proposal:** Variation of S 106 Agreement to provide for Off Site Financial Contribution associated with proposed development of 175 dwellings, public open space and associated works

### **Purpose of Report**

The purpose of this report is to seek authority from Planning Committee to enable the Corporate Director to instruct the Council's Solicitor and Monitoring Officer to vary the s106 agreement associated with application 2005/0958. A deed of variation is sought so that a financial contribution towards off site facilities can be made to the Parish Council in lieu of the full provision on site of a ball court/ kick around area on public open space that has been provided within the development.

### **Background**

The original s106 agreement was signed on 10<sup>th</sup> April 2006. This included the provision of public open space within the development site. The reserved matters application 2006/1014 included the provision of an area of public open space and a kick about area of 20m x 15m. The reserved matters application accepted the provision of less than 10% of the gross area of the site to be provided as public open space.

The area to be laid out as public open space has been provided in accordance with the approved plans, but the kick about area has never been formally laid out to an acceptable standard. Discussions have since been held with the Parish Council which has highlighted the need for the off -site provision of equipped play facilities elsewhere in the village.

It is currently proposed that the contribution would be used for the provision of a Multi-Use Skate park Area within Bestwood Country Park.

Officers have been in negotiations with the developers of the site and it has been agreed in principle that a contribution of £55,000 will be provided in lieu of a formal ball court/kick about area on the Park Road development.

### **Planning Issues**

The main planning issue in relation to the proposed deed of variation is whether the

proposed provision of an off- site contribution in lieu of the provision of facilities on-site is acceptable in relation to meeting the needs arising from the development. It was agreed as part of the reserved matters application that less than the usual 10% of open space was acceptable in relation to the proposed development. The area that has been laid out as open space accords with the reserved matters application. The provision of an off –site contribution in lieu of the on-site provision of a ball court/kick around area to be provided towards the provision of a MUSA within Bestwood Country Park will in my opinion still allow for the recreational needs arising from the development to be met. In addition the off-site contribution will also assist in meeting wider needs of the village.

In light of the above, the proposed off-site contribution is considered to be acceptable in planning terms.

**Recommendation:**

That Planning Committee give authorisation to the Corporate Director to instruct the Council's Solicitor and Monitoring Officer to make a deed of variation to the s106 associated with Planning Application 2005/0928 to enable an off-site contribution of £55,000 (to be paid to the Parish Council) to be made in lieu of the full provision on site of a formal ball court/kick about area on the Park Road Development.

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## **ACTION SHEET PLANNING DELEGATION PANEL 6th February 2015**

2014/1022

194 Porchester Road Nottingham NG3 6LH

Erect 2 storey rear extension, convert existing loft and insert dormers to create 3 new apartments (5 in total)

The proposed development would have an adverse impact on residential amenity and the street scene.

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

Decision to be issued following completion of paperwork.

2014/1374

26 Florence Road Mapperley Nottinghamshire

Construction of a new 4 bedroom detached house on land adjacent 26 Florence Road

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

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

Decision to be issued following completion of paperwork.

**JC 6th February 2015**

## **ACTION SHEET PLANNING DELEGATION PANEL 13th February 2015**

2014/1251

101 F S Furniture By Design, Carlton Mill 59 Burton Road Carlton  
Creation of 3 No self contained flats and associated alterations

The proposed development would have no undue impact on the listed building, 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 following completion of paperwork.

2014/1252

101 F S Furniture By Design, Carlton Mill 59 Burton Road Carlton  
Creation of 3 No self contained flats and associated alterations

The proposed development would have no undue impact on the listed building

**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 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 following completion of paperwork.

Parish to be notified following issue of decision.

**SS**

2014/1365

204 Porchester Road Mapperley Nottinghamshire

Change of use from shop to dwelling. Ground floor and first floor extensions and loft conversion involving front and rear dormers.

**Application withdrawn from agenda.**

2014/1372

Glebe Farm 71 Lambley Lane Gedling

Renewal of consent for:-Conversion of stables into living accommodation

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 following completion of paperwork.

2014/1394

Bestwood Hotel Park Road Bestwood

New build, 6 Flats on rear site to Bestwood Hotel

The proposed development would have a detrimental impact on the adjacent Building of Local Interest & the Bestwood Conservation Area.

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

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

**SS**

2014/1396

1 Sandfield Road Arnold Nottinghamshire

Renovations and extension to existing dwelling including attached garage and demolition of existing porch.

The proposed development would have a detrimental impact on the residential amenity of the adjacent properties.

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

Decision to be issued following completion of paperwork.

2014/1386

1 Main Street Woodborough Nottinghamshire

Erection of a new detached double garage with dormer window (resubmission of 2014/0888)

The proposed development would have a detrimental impact on the Woodborough Conservation Area.

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

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

**SS**

**NM**

**13th February 2015**

## **ACTION SHEET PLANNING DELEGATION PANEL 20th February 2015**

2014/1327  
322 Spring Lane Lambley Nottinghamshire  
Single storey rear extension

The application has been withdrawn from the agenda.

2014/1388  
56 Main Street Lambley Nottinghamshire  
Two storey side extension to create additional living space and room above

The proposed development would have an adverse impact on the character and appearance of the property and as a result the development would have an adverse impact on the street scene and the Conservation Area.

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

Decision to be issued following completion of paperwork.

SS

**Parish Council to be notified.**

**JC 20th February 2015**

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 11 March 2015

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>
2011/0523	Woodborough Park, Foxwood Lane, Woodborough	The turbine has a hub height of 50.09m and blade length of 16.7m. Ancillary development comprises a permanent access track and crane pad	22 <sup>nd</sup> April
2013/1010	Georges Lane Burial Ground Calverton	Change of use of agricultural field to create natural burial ground with associated car park	TBC
2014/0273	Land at corner Longdale Lane and Kighill Lane, Ravenshead	Site for residential development	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

2014/1110	Newstead and Annesley Country Park Tilford Road Newstead Abbey	Erection of Wind Turbine	TBC
2012/0616	Land North of the Lighthouse Catfoot Lane	Crematorium and associated works	22 <sup>nd</sup> 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.