



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

Agenda

Planning Committee

Date: **Wednesday 11 July 2018**

Time: **6.00 pm**

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

For any further information please contact:

Cayte Goodall

Democratic Services Officer

0115 901 3961

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Paul Wilkinson

Councillor Michael Adams
Councillor Pauline Allan
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor Alan Bexon
Councillor Kevin Doyle
Councillor David Ellis
Councillor Meredith Lawrence
Councillor Barbara Miller
Councillor Marje Paling
Councillor Colin Powell
Councillor Alex Scroggie
Councillor Jane Walker
Councillor Henry Wheeler

AGENDA

Page

1. **Apologies for Absence and Substitutions.**
2. **To approve, as a correct record, the minutes of the meeting held on 13 June 2018.** 5 - 26
- Planning Committee Protocol.**
3. **Declaration of Interests**
4. **Application No. 2014/0238 - Land West of Westhouse Farm** 31 - 70
5. **Application No. 2018/0578 - Land Adjoining Moor Road, Bestwood** 71 - 86
6. **Application No. 2018/0296 - 400 Westdale Lane West, Mapperley** 87 - 98
7. **Application No. 2018/0394 - Certificate of Appropriate Alternative Development** 99 - 110
8. **Application No. 2018/0516 - 103 Moore Road, Mapperley** 111 - 116
9. **Application No. 2018/0510 - 7 Grouville Drive, Woodthorpe** 117 - 122
10. **Tree Preservation Order - Flatts Lane, Calverton** 123 - 126
11. **Tree Preservation Order - Hayden Lane** 127 - 130
12. **Tree Preservation Order - Lodge Farm Lane** 131 - 134
13. **Tree Preservation Order - Main Street, Calverton** 135 - 138
14. **Tree Preservation Order - Rolleston Drive** 139 - 142
15. **Tree Preservation Order - West of A60** 143 - 146
16. **Tree Preservation Order - Westhouse Farm** 147 - 150
17. **Delegation Panel Action Sheets** 151 - 160
18. **Future Planning Applications** 161 - 162
19. **Any other items which the Chair considers urgent.**

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MINUTES PLANNING COMMITTEE

Wednesday 13 June 2018

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Meredith Lawrence
 Councillor Michael Adams Councillor Barbara Miller
 Councillor Pauline Allan Councillor Marje Paling
 Councillor Peter Barnes Councillor Colin Powell
 Councillor Alan Bexon Councillor Alex Scroggie
 Councillor Kevin Doyle Councillor Jane Walker
 Councillor David Ellis Councillor Henry Wheeler

Absent: Councillor Chris Barnfather

Officers in Attendance: M Avery, C Goodall, S Oleksiw and G Wraight

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Barnfather.

2 **TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 MAY 2018.**

RESOLVED:

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

3 **DECLARATION OF INTERESTS**

None.

4 **PLANNING APPLICATION NO. 2018/0045 - KENDON PACKAGING LTD MEADOW ROAD, NETHERFIELD.**

Outline planning application for up to 40 No. dwellings with all matters reserved except access.

Clare Selwood and Michael Rowley, local residents, spoke against the application.

Bob Woollard, the applicant's agent, spoke in support of the application.

The Service Manager – Development Services, introduced the report.

RESOLVED to Grant Outline Planning Permission with the matter of Access approved: 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 Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1. Approval of the details of layout, scale parameters, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
2. Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
3. This permission shall be read in accordance with the Site Location Plan and Access Layout Plan, drawing ADC1606-DR-001 Rev P1, and the Flood Risk Assessment, RSE_950-02V1 received by the Local Planning Authority on 16th January 2018.
4. Prior to first occupation of the development and with reference to Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018), verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
5. Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The noise management part of the plan should make reference to the submitted Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018). The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:- Minimise noise and dust arising from such works

by technical and physical means, and through work scheduling & management best practice - Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders. The approved Noise and Dust Management Plan shall be implemented throughout the construction and demolition works undertaken on site.

6. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme.

Where required following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works.

Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

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 Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 6 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
8. No part of the development hereby permitted shall commence until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, Traffic Regulation Orders, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority
9. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
10. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
11. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times

during the construction of the development and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

12. No development shall commence on site in connection with the development thereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:
 - a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Details of a tree protection scheme in accordance with BS5837:2012:which provides for the retention and protection of trees, shrubs and hedges adjacent to the site.
 - c) Details of any construction works required within the root protection area of trees, hedges or shrubs adjacent to the site, as defined by BS5837:2012.
 - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

13. Prior to the submission of any reserved matters application, a nocturnal bat emergence or dawn swarming survey and a badger monitoring survey, in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal and Bat Building Assessment (RSE_950_01_V1) shall be undertaken and submitted to the Local Planning Authority.

14. No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reasons

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To define the permission, for the avoidance of doubt.
4. To protect the amenity of the occupiers of the approved dwellings.
5. To protect the amenities of the occupiers of adjacent dwellings.
6. To ensure that land contamination matters are fully addressed.
7. To ensure that land contamination matters are fully addressed.
8. In the interests of Highway safety.
9. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
10. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
11. In the interests of Highway safety.
12. To ensure that existing trees on adjacent land are adequately protected.
13. To ensure that ecological interests are adequately protected.
14. To ensure that the surface water drainage scheme is appropriate to meet the needs of the site and the approved development.

Reasons for Decision

The proposed redevelopment of the site for residential use is considered to be acceptable in principle and it is considered that residential density of up to 40 dwellings could reasonably be achieved. It is not considered that the proposal would cause harm to visual or residential amenity, subject to a detailed consideration at reserved matters stage. The proposal is considered to be acceptable in highway safety terms and is acceptable with respect to ecological, flood risk and heritage matters. It is therefore considered that the proposal meets with the objectives and relevant policies of the National Planning Policy Framework, the Aligned

Core Strategy, the Replacement Local Plan and the Emerging Local 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.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

The applicant should note that notwithstanding any planning permission, 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.

Construction & Demolition Proposed Method of Demolition:

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment The acceptable hours for demolition or construction work are detailed below; -Monday to Friday:

0730-1800 (noisy operations restricted to 0800-1800) Saturday: 0830-1700 (noisy operations restricted to 0900-1300) Sunday: at no time Bank Holidays: at no time. Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972)

Equipment: All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers. Dust/Grit and Other Fugitive Emissions Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality. Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate measures include;-Flexible plastic sheeting Water sprays /damping down of spoil and demolition waste Wheel washing. Periodic road cleaning.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See <http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow workers and customers to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

The comments of the Local Lead Flood Authority are attached.

The comments of Network Rail are attached.

The comments of the Environment Agency with regard to finished floor levels and flood resilience measures are attached.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

5 APPLICATION NO. 2017/1276 - FAIRACRE AND 335 MAPPERLEY PLAINS, ARNOLD.

Outline planning application for erection of 11 dwellinghouses with details of access, layout and scale and other matters reserved and demolition of two existing bungalows

Chris Norton, spoke in objection to the application, on behalf of local residents.

The Service Manager – Development Services introduced the report and recommended an additional condition requiring the submission of a Construction Environmental Management Plan to the Local Planning Authority prior to commencement of the development.

The Service Manager – Development Services explained the reason for this additional condition was to protect the local environment.

RESOLVED that the Borough Council GRANTS OUTLINE PLANNING PERMISSION with matters relating to Appearance and Landscaping for subsequent approval, and subject to the following amended conditions:

Conditions

- 1 Approval of the details of landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the plans and documents received on the 8th November 2018: - Application Forms; Design and Access Statement; Protected Species Survey; Tree Survey; Site Location Plan and the revised Layout Plan (ref: AS-17-01revE) received by the Local Planning Authority on 22nd May 2018.

- 4 No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, visibility splays, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
- 5 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans ref (plan ref: AS-18-02 revA). The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 7 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 8 No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
- 9 Before development is commenced on site 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.
- 10 The detailed plans and particulars to be submitted to the Local Planning Authority as reserved matters in relation to landscaping

shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

- 11 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 Local Planning Authority.
- 12 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 13 Notwithstanding the details contained within approved plan (Drawing Number: AS-17-01 rev E) the scale of the proposed dwelling(s), Type A and Type B as indicated on the plan, shall be restricted in their scale to either 2 storey dwellings or 2 storey dwellings with living accommodation built into the roof space.
14. Prior to commencement of the development hereby approved a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country

Planning (Development Management Procedure)(England) Order 2015.

- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance doubt.
- 4 To ensure the development is constructed to adoptable standards.
- 5 To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 7 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 8 In the interests of Highway safety.
- 9 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 10 To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 11 To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 12 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
- 13 In the interests of the visual amenities and the character of the surrounding area.
- 14 To ensure appropriate measures are taken to protect the local environment.

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 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.

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.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

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.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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 Borough Council requests that the applicant considers incorporating provision for residential dwellings (with dedicated parking) to have dedicated outside electric power points, to allow residents to charge electric/hybrid vehicles into the future (see IET Code of Practice for EV Charging Equipment Installation).

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

Should any bat/s be found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.

Hours of construction including deliveries to the site shall be limited to: 7:30 to 18:00 Monday to Friday - 08:00 to 13:00 Saturday - No work shall be undertaken on Sundays or Public Holidays.

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. Highways Development Control Section, Highways South, Nottinghamshire County Council, County Hall floor 3, Loughborough Road, West Bridgford, Nottingham, NG2 7QP

Date Recommended: 22nd May 2018

6 APPLICATION NO. 2017/0661 - BANK HILL HOUSE, BANK HILL, WOODBOROUGH.

Demolish existing house and outbuildings. Construct new dwelling and garage with amended access

Mr Ubhi, the applicant, spoke in support of the application.

The Service Manager – Development Services introduced the item and explained that in addition to the information contained in the officer report, it should also be noted that paragraph 1.66 of the 2005 Replacement Local Plan advises that “ in calculating the size of the original dwelling, any garage will be included as part of the original dwelling provided it existed on 1st July 1948 or was built at the same time as the dwelling. In both cases the garage must be within 5m of the original dwelling”. While the officer report describes the building as an ‘outbuilding’, it could also be reasonably described as a garage and it is within 5m of the dwelling. Historic mapping also indicates that the building was in situ prior to 1948.

The Service Manager – Development Services also explained that when calculating the floor space of an existing dwelling, LPD14 specifically permits the inclusion of any existing outbuilding that falls within 5 metres of the original dwelling within the existing floor space calculation.

RESOLVED that the Borough Council GRANTS FULL PLANNING PERMISSION, subject to conditions

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with following plans submitted to the Local Planning Authority:- Proposed ground floor plan, site plan, block & OS plans, drawing no. 002 Revision F, received on 1st June 2018- Proposed first floor plan, site plan, block and OS plans, drawing no. 003 Revision E, received on 1st June 2018- Proposed elevations, drawing no. 004 Revision D, received on 1st June 2018- Proposed site plan layout, drawing no. 005 Revision A, received on 16th May 2018The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
4. Notwithstanding the details submitted, before development commences details of the existing and proposed ground levels and sections of the site, including proposed finished floor levels shall be first submitted to and approved in writing by the Local Planning Authority. The development shall then be built in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
5. No part of the development hereby permitted shall be brought into use until dropped vehicular verge crossings to serve the access points are available for use.
6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
7. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order

revoking and re-enacting that Order) the dwelling shall not be enlarged under Class A or Class D nor shall any works be undertaken under Class E.

8. No development shall commence until a Preliminary Roost Assessment (bat survey) has been carried out and a written report, to include any mitigation measures necessary and a timescale for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved report and any necessary mitigation measures shall be undertaken within the approved timescale.
9. Before development is commenced there shall be submitted to and approved by the Local Planning Authority a landscaping plan showing the position, type and planting size of all trees and shrubs to be planted. The approved landscaping details shall thereafter be implemented in full no later than the end of the first planting season following the development being brought into first occupation and any plant or tree that is removed, uprooted or is destroyed, dies or becomes seriously damaged or defective within 5 years of the implementation of the landscaping scheme shall be replaced with a plant or tree of the same species and size.
10. The existing buildings on the site shall be demolished prior to the first occupation of the dwelling hereby approved.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of this permission.
3. To ensure a satisfactory standard of external appearance.
4. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Gedling Borough Council Aligned Core Strategy (September 2014).
5. In the interests of Highway safety.
6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

7. To protect the openness of the Green Belt.
8. To ensure that ecological interests are safeguarded.
9. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Gedling Borough Council Aligned Core Strategy (September 2014).
10. To protect the openness of the Green Belt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would meet with the objectives of national and local Green Belt policies, would be of an acceptable design, would not have an adverse impact upon residential amenity, would not cause detriment to highway safety and would not compromise ecological interests on the site. The proposed development therefore accords with Saved Policies ENV1, ENV29 and T10 of the Gedling Borough Replacement Plan as well as the Parts 6, 7 and 9 of the NPPF and Policies A, 2, 3, 8 and 10 of the Aligned Core Strategy. The development is also considered to accord with emerging policies LPD 14, 19, 32, 35 37, 57 and 61 of the Local Planning Document.

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were considered to be no problems for which the Local Planning Authority had discussions have been undertaken to ensure that the proposal meets with relevant national and local planning policies.

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

7 APPLICATION NO. 2017/1216 - 36-38 VICTORIA ROAD, NETHERFIELD

Ground floor change of use from a restaurant (Use Class A3) to a 9 bedroomed HMO (Use Class Sui Generis)

Alison Hunt, a local resident, spoke in objection to the application.

Fariba Sezavar, the applicant, spoke in support of the application.

The Service Manager – Development Services introduced the report.

RESOLVED to REFUSE PLANNING PERMISSION

1. The property is prominently located within the Netherfield Local Centre at the intersection of two main shopping streets. The proposed conversion of the existing A3 use to a nine bedroom house of multiple occupation falling within a Sui Generis use class would be contrary to the objectives of Saved Local Plan Policy S2 and Emerging Local Plan Policy LPD49 which seek to ensure that the retail character of local centres is retained and to promote the vitality and viability of local centres. For these reasons, the proposal is also contrary to the overarching objectives of the National Planning Policy Framework which seeks to safeguard the vitality and viability of local centres. Whilst the property is currently vacant, it has been in use through the proceeding years and no evidence has been provided to demonstrate that it cannot be reasonably reused for its current use or in a use that would comply with the relevant national and local planning policies.

8

APPLICATION NO. 2018/0358 - LINBY HOUSE, LINBY LANE, LINBY.

Conversion of an existing "welfare facility and secure store" into a single residential dwelling.

The Service Manager – Development Services introduced the report.

RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in accordance with the submitted plans and Design and Access Statement received on the 5th April 2018, and revised drawings received by the Local Planning Authority on the 17th May 2018.
3. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the development hereby approved shall not be enlarged under Classes A, B, C, D, E, F, G, or H.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the details of the development are acceptable, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
3. To protect the openness of the Green Belt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would not have any detrimental impact on the openness or character of the Green Belt or the Conservation Area of Linby. It is also considered that the proposed development would result in no undue impact on the amenity of adjacent properties or on highway safety. The proposal

therefore accords with Policy 3 (Green Belt), Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014; Saved Policies ENV1 (Development Criteria) and ENV14 (Change of Use in a Conservation Area) of the Gedling Borough Replacement Local Plan; and LPD12 (Re-use of Buildings in Green Belt), LPD28 (Conservation Areas), and LPD32 (Amenity) as well as the Policies contained within the National Planning Policy Framework.

Notes to Applicant

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

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

9

PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

10 APPEAL DECISION, APPLICATION NO 2017/0727 - REAR OF 164 AND 166 PORCHESTER ROAD, CARLTON.

Proposed pair of semi-detached houses.

RESOLVED:

To note the information.

11 FUTURE APPLICATIONS LIST

Noted.

12 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.25 pm

Signed by Chair:
Date:

PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, 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. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. 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. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. 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.
16. 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. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. 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 Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. 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.

Determination of planning applications

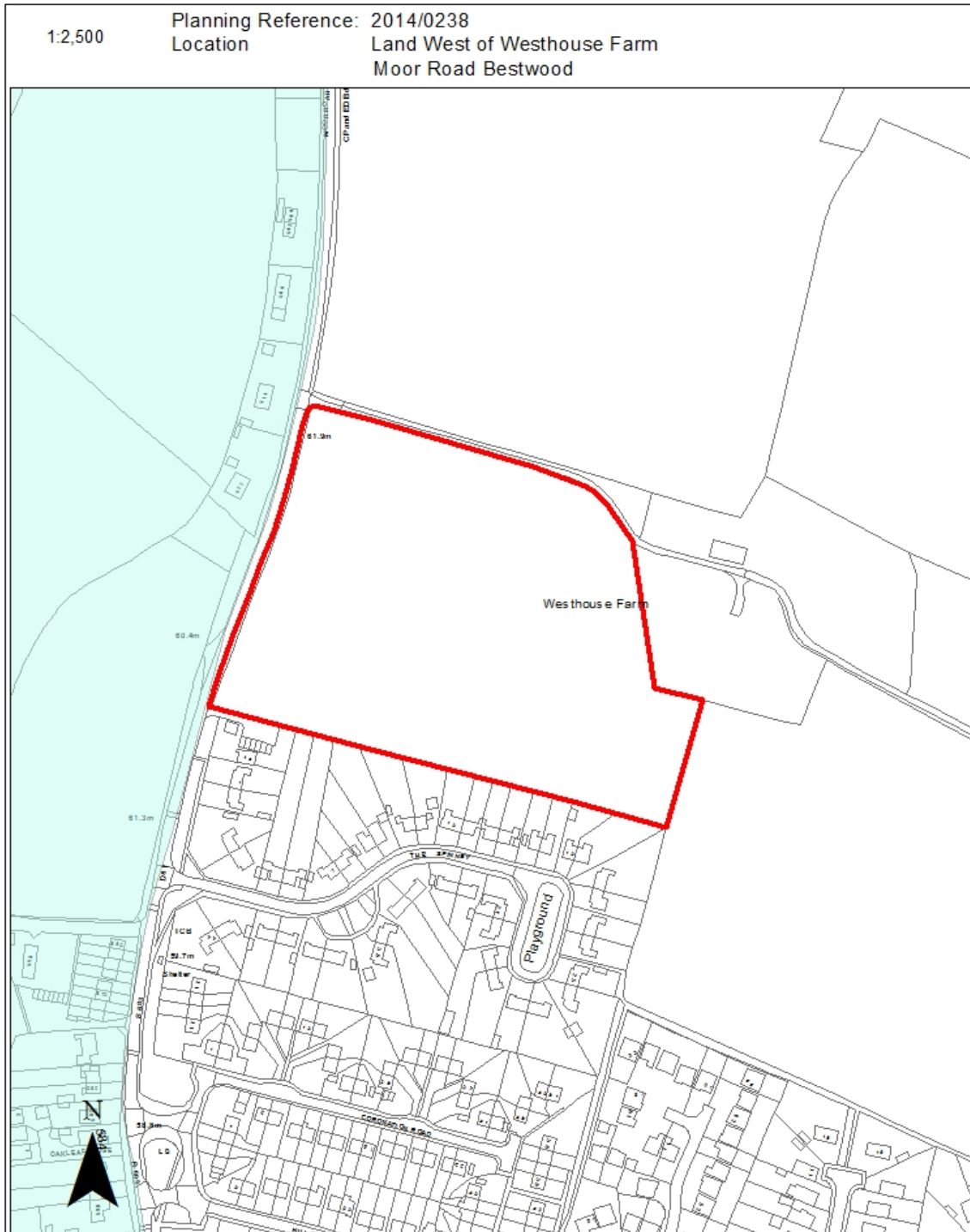
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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Planning Report for 2014/0238



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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Serving People. Improving Lives

Date: 20/06/2018

Report to Planning Committee

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

The application is being referred back to Planning Committee following an independent viability assessment of the heads of terms relating to the s106 agreement previously presented to Planning Committee on 18th February 2015.

1.0 Site Description

- 1.1 The application site comprises approximately 3.3 hectares of agricultural land, currently used for arable farming. It is situated directly to the north of residential properties on The Spinney, on the northern edge of Bestwood Village, and to the east of the B683 Moor Road, which forms the boundary of Gedling Borough with Ashfield District.
- 1.2 The development site falls relatively gently by about 9 metres, over a maximum distance of around 237 metres, from the east to west.
- 1.3 The site is bounded on all sides by mature hedgerows, which contain a number of mature trees.
- 1.4 The site is in the single ownership of Langridge Homes Ltd and is part of larger landholding comprising Westhouse Farm and which extends in total to 75 hectares.
- 1.5 The site is identified as 'Safeguarded Land' on the Gedling Borough Replacement Local Plan Proposals Map.
- 1.6 The site is identified in the emerging Local Plan Part 2 (LPD) as a Housing Allocation for Bestwood Village under Policy LPD65.

2.0 Proposed Development

- 2.1 Outline planning permission is sought for a proposed residential development for 101 market dwelling units, new access, amenity space and open space.
- 2.2 All matters, apart from access, are reserved for subsequent approval.
- 2.3 The application is accompanied by a Proposed Phase 1 Site Layout plan, showing how the site could accommodate up to 101 new dwellings, with public open space and a Sustainable Urban Drainage System, including an attenuation pond.
- 2.4 A new vehicular access would be created through the existing hedgerow onto Moor Road, including a new right turn filter lane and pedestrian refuge within the highway. This is shown on the Proposed Site Access plan.
- 2.5 The application is also supported by the following drawings and documents:
- Arboricultural Survey
 - Archaeological Desk-based Assessment
 - Building for Life 12 Assessment
 - Contamination Risk Assessment
 - Design & Access Statement
 - Extended Phase 1 Habitat Survey
 - Flood Risk Mitigation & Drainage Strategy Statement
 - Hedgerow Assessment
 - Landscape & Visual Assessment
 - Planning Statement
 - Scale Parameters Schedule
 - Site Location Plan
 - Site Plan
 - Strategic Masterplan for Future Phases
 - Topographic Survey
 - Transport Assessment & Travel Plan
- 2.6 The following additional information has been submitted during processing of the application in response to comments received:
- Response to NCC Archaeological Comments
 - Response to NCC Nature Conservation Unit Comments
 - Response to Nottinghamshire Wildlife Trust Comments
- 2.7 Following a resolution to grant planning permission subject to s106 agreement, at Planning Committee on 18th February 2015, a viability assessment has been submitted to the Council by the applicant challenging the viability of the site with the level of planning obligations sort on the basis of abnormal costs associated with this specific site. The Council must consider the viability assessment in accordance with paragraph 205 of the NPPF which states: 'Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled'.

3.0 Application Publicity and Procedures

- 3.1 The application was originally publicised for representation on 9th February 2014.
- 3.2 Further to the resolution of Planning Committee on 18th February 2015 to grant outline planning permission, subject to the applicant entering into a s106 agreement, a viability assessment was submitted by the applicant challenging the Heads of Terms of the s106 due to abnormal costs associated with this specific site. The application was publicised again for representation following the conclusion of the independent Viability Assessment on 29th May 2018 for a '*Proposed residential development for 101 market dwellings units, new access, amenity space, and open space*'. No additional written representations were received from local residents.

4.0 Neighbour Consultation and General Publicity Responses

- 4.1 The comments below have been made in respect of the application as originally submitted following consultation on 9th February 2014;
- 4.1.1 Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press. 34 written representations from local residents have been received, including photographs in support of certain points, which make the following comments:
- 4.1.2 Development Plan Issues
- Safeguarded land, which is still being farmed, should not be identified for residential development. If this proposal goes ahead, further phases are likely to follow, ruining the character of the surrounding countryside.
 - There are many other areas that should be considered for new residential development, such as renovating derelict buildings or by purchasing and restoring empty properties. More thought needs to go into providing new properties without impacting on villages that are supposed to be Green Belt. Why does there have to be a continual quest to build on the Green Belt? – the Borough Council should consider land that is for sale, such as former Metallifacure or White Hart sites on Mansfield Road; Bestwood Business Park on the former colliery and other more suitable land within the Bulwell and Hucknall area.
 - There has been significant residential development in and around Bestwood Village for some years, some of which is still ongoing. Residents have already been informed that there may be more potential residential development on the former Coal Board land. If there are any further increases in residential development within the village, this will have an immense impact on the carbon footprint from heating, lighting and vehicles and also place a strain on services provided by the Borough Council, at a time of significantly reduced services due to financial constraints.

- There is over-development in the area, due to it bordering between two Councils. Problems arise due to this, as crime figures, incidents of burglaries and new developments are not shared.
- The village is now encroaching into the rural farmland to the north with this potential development and future phase plans.

4.1.3 Sustainability Issues

- There has been no provision or improvements to essential amenities such as Health Services, GP's, dentists, chemist, shops or facilities for younger children, such as a play park or skate park. The primary school must now be at capacity. There is very little employment availability within the village. This is a small community, with few facilities, and a high level of social need. To date, no housing development in the village has resulted in the wider re-generation of the village facilities.
- Health provision is currently being considered using S106 money from previous developments. Some initiatives are being developed which could be supported to continue by further funds. These initiatives are important where transport to access facilities outside the village is poor, and currently no services are offered in the village.
- Any development needs to consider how the school capacity can be increased and ensure this happens at the beginning of the development, rather than having families move in and there being no places at the school. As public transport is poor, it is hard for families to take children to school outside the village.
- The possibility of re-locating the school from the heart of the village would be an issue for people living in the centre of the village or to the south.
- There is a poor bus service and access to the NET is over 1 km away, with no access for the disabled. The bus service is subsidised and will soon stop running in the evenings and weekends. Pavements are narrow and only in one direction on a road which at times can be very busy and fast. The road is so narrow, that at times it has to be completely closed for roadworks. With few facilities in the village, transport to access shopping, medical services and leisure is important. This also raises concerns about the provision of affordable housing on the site.
- There are no organisations, groups or facilities for the young teenagers within the village community. This means their only option is to hang around bus shelters, causing problems for residents who live nearby. Elderly residents find this very intimidating.
- This area is prone to flooding from rainfall run-off, including both the north and south ends of Moor Road and under the former railway bridge through Mill Lakes, cutting off access to Butlers Hill tram stop. Surely hard landscaping will exacerbate this, which makes the potential attenuation pond worrying.

- There have been many times when the village has flooded due to the weather climate changes which are affecting the whole country. The village has actually been cut off with no access/egress. This is a high risk for emergency vehicles when this occurs and there are two care homes in the village, plus many elderly residents who may need emergency assistance. Increased housing would lead to increased run-off onto Moor Road.
- The existing sewage system does not extend to the development site and the existing system is at capacity.
- Opportunities to develop former colliery brownfield land for housing should have been taken, rather than extending the Country Park.
- Loss of arable land, currently used for cereal production.

4.1.4 Highway Issues

- The Transport Assessment, which includes the Travel Plan, is unacceptable and unfit for purpose. It has scant detail and no speed surveys have been undertaken. The upgrade of the pedestrian route to the Butlers Hill tram stop is only described as 'potential', but this route is susceptible to flooding and inadequate for disabled persons. Bus stop enhancements are only described as 'possibilities', but there are limited bus services for the village. References of a similar nature occur throughout the report, rather than stating what the development will provide. The site is not situated in a sustainable location.
- The impact of development traffic on off-site junctions (specifically Moor Bridge and the Griffins Head crossroads) has not been assessed properly in the Transport Assessment. Specific criticisms are also made about the calculations, statements and dates used in the report, and it is considered that these cannot be relied upon as they are either incorrect or out of date.
- It is questioned whether sufficient highway surveys or assessments have been undertaken to assess the impact of the increased traffic volume on health and safety and whether Moor Road can sustain any more traffic.
- There is a huge increase in traffic going through the village, with busy and problematic junctions at either end of Moor Road. Many of the vehicles are large HGV vehicles or delivery vans. These vehicles travel at speed through the village, as they are wide enough to go over the speed ramps, creating road safety dangers to cyclists and pedestrians. They also add to increased pollution levels to the environment and noise levels.
- Moor Road already carries a high volume of traffic, as it is used to avoid a bottleneck at Hucknall. It would not be able to cope with the increase in traffic generated by the proposed development, which would increase the existing road safety dangers.
- Residents of Moor Road have difficulty exiting their drives due to the volume of traffic through the village and this has caused accidents.

- There has been a planning request for a car park to be built adjacent to the Bestwood Country Park Mill Lakes, but this was rejected because of health and safety reasons regarding access/egress and the impact of increased traffic within the village.
- The lack of a car park at the Bestwood Country Park Mill Lakes leads to vehicles parking on Moor Road near The Spinney and restricting visibility, which is detrimental to road safety.
- When planning permission was sought for an MoT business on the Business Park within the village, this was refused. The owners were informed that the reason for this was increased traffic in the village.
- Forest Lane is a notorious black spot area and there have been several fatal accidents.

4.1.5 Design Issues

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

4.1.6 Ecological Issues

- The land which is now being considered for development was at one time Green Belt land, which should not be used for building residential properties. There are large oak trees on this land, many of which have stood for a considerable number of years. Building on this land will have a detrimental impact on wildlife. There has been a significant increase in the number of birds of prey and amphibians in and around this land and woodland areas. Surveys have not been carried out at the optimum times to assess the impact of wildlife.
- Whilst run-off water can flow into the River Leen via the drainage pond, increased flooding would affect the Mill Lakes Park and its wildlife.
- Loss of wildlife habitat. Measures should be taken to preserve and re-establish habitats.

4.1.7 Landscaping, Visual Impact & Arboricultural Issues

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

4.1.8 Other Issues

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

4.2 Statutory and Technical Bodies Consultation Responses

4.2.1 The comments below were made in respect of the application as originally submitted in 2014. Following re-consultation of the application, which is now subject to a viability assessment, significant material planning considerations have occurred that supersede the requirements set out in some of the previous responses. The relevant comments are now outlined as follows:

4.2.2 Friends of Bestwood Country Park (FBCP) –

The FBCP object on Green Belt Grounds as follows:

- FBCP is opposed to any development on Green Belt land, and would also be concerned about any strain imposed on the Country Park and on the village through any further extensive development in the surrounding area. FBCP would be concerned about any threat to its remaining adjacent open land and to the wildlife corridors to and from the Park.
- FBCP raise objections in relation to the impact on biodiversity in the area including endangered species. The development would create an increased burden by way of human and pet activity on the existing wildlife and would undoubtedly have a severe and irreversible negative impact on the area's biodiversity.
- FBCP are concerned that the drainage necessary from such extensive new housing as proposed will have an adverse effect on all of the wildlife and protected species that have been recorded in the area.

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

1. Some or all of the land involved in this proposal is termed 'white land', it is development of farming land and thus generally considered as green space. VV is unhappy that any such further land should be lost to more housing.

2. The proposed land, north of The Spinney would, if developed, further elongate the village, causing any new housing here to be remote from the village centre.
3. VV is aware that Langridge own more land adjacent to this site which it would like to develop. Creeping development of 100 or so houses at a time appears to be a tactic, each application, denying impact on the school capacity, traffic problems at Moor Bridge and Griffins Head crossroads and lack of adequate public transport.
4. Langridge have made no attempt to consult with the local community on their proposals.

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

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

4.3.5 Nottinghamshire County Council (Education Authority) –

Bestwood Hawthorn Primary School is at capacity and a new primary school would be required.

Since these comments were received Bestwood Hawthorne Replacement School has received full planning permission from the County Council on land owned by the applicant.

4.3.6 NHS England –

The development is proposing 101 **(A)** dwellings which based on the average household size (in the Gedling Borough Council area) of 2.5 per dwelling and assuming 50% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 252.5**(B)** (2.5 x A).

The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

NHS requires a contribution of **£54,471.00**

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

General

Although this application is being considered on its own merits, the Highway Authority is aware that the application could eventually form part of a

development of up to 550 [the actual ACS figure is 560] houses. In the long-term interests of all parties involved, consideration of the proposed access arrangements has taken place.

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

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

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

These include:

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

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

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

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

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

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

4. Provision of Travel Information Welcome Packs for all residents

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

Access onto Moor Road

The applicant has provided details of the proposed access. The Highway Authority would highlight that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council's Highway Technical Design Manual (6Cs) and it would be the responsibility of the applicant to ensure that this can be achieved.

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

Highway Authority Conclusion.

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

Masterplan

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

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

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

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

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

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

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

Nottinghamshire County Council's Planning Contributions Strategy

In accordance with the above document, the proposed development would be subject to a contribution of J70k, together with any mitigation works that would be required. This needs to be secured as part of a Section 106 Agreement.

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

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

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

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

Whilst not an objection, the County Council would require that the availability of the path is not affected or obstructed in any way by the proposed development at this location, unless subject to appropriate diversion or

closure orders. The County Council should be consulted on any re-surfacing or gating issues and the developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

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

- A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development (specific details of what the scheme should demonstrate have been provided).
- A remediation strategy that includes components to deal with the risks associated with contamination of the site (specific details of the required components have been provided and additional advice).

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

4.3.10 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.

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

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

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

The letter from Middlemarch Environmental (10th April 2014) confirms that the development site is a smaller part of a wider survey area, and that impacts on protected species appear unlikely, provided that appropriate mitigation is put

in place. Therefore, in addition to the mitigation measured recommended in the Nature Conservation Unit's letter dated 12th March 2014, the following measures should also be secured by condition:

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

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

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

Nature Conservation Sites

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

Habitats

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

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

Regarding other possible enhancements, the NWT would wish to see opportunities for wildlife maximised in relation to the open space at the south-west corner of the site (this feature appears to be a SuDS system).

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

Revised Comments

The NWT has reviewed the letter from Middlemarch Environmental (10th April 2014). This provides an assessment of the ecological impacts of the scheme

in relation to the development parcel subject to this planning application (the submitted ecological report covered a wider area).

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

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

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

With regard to the possible Sherwood potential Special Protection Area (SPA), the NWT wishes to reiterate that this site lies within the 5 km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Gedling Borough Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their updated note dated March 2014.

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

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

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

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

Contaminated Land

Public Protection confirms that the site is unlikely to be affected by significant contamination. As such, Public Protection would have no further comment regarding this part of the development.

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

Air Quality

The applicant has submitted a Transport Assessment and Travel Plan. Having reviewed Section 5: Travel Plan; most of the proposals included in the plan would help to mitigate and thus make the development sustainable, from an air quality point of view (including a commitment to incorporate provision for dwellings to have dedicated outside electric power points; to allow residents to charge electric/hybrid vehicles into the future).

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

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

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

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

A few private drives terminate with a row of garaging, which is not a desired design solution and the distance between some rear elevations on the illustrative layout are too short.

Connectivity with the surrounding area should also be considered.

Additional Comments (Building for Life Assessment)

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

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

However, following receipt of the applicant's viability assessment, an independent viability assessment was undertaken by the District Valuers Office. This confirmed that the findings of the assessment are supported and the scheme would be unviable with affordable housing. There are critical abnormal infrastructure costs that have deemed the affordable housing unviable on Phase I of this development.

4.3.17 Nottinghamshire County Council (Forestry Officer)

The Following comments were received in respect of the revised consultation in May 2018:

Concerns are raised that some development works are within proximity of root protection zones of retained trees. Request that a condition is attached requiring the following: a protection plan of root protection barriers; an Arboricultural Impact Assessment; Arboricultural Method Statement; and details of any special engineering works.

4.3.18 Ashfield District Council

No objection to the principle of the development at this location, however, the site needs to be supported by the necessary services and facilities. Given the location of the proposed development, on the boundary of Hucknall, the application should consider and through CIL contributions make appropriate provision for the infrastructure of Hucknall. This should include contributions for the following:

- Education contributions towards secondary schools within Hucknall;
- Transport – financial contributions will be needed to provide safe access from Moor Road and support local transport infrastructure (Footpaths, cycle ways, and roads);
- Health Care – financial contributions will be required to support GP surgeries in Hucknall, given that there is currently no GP surgery in Bestwood Village;
- Potential contributions towards Hucknall Town Centre.

4.3.19 Parks and Street Care

As this site is over 0.4ha it triggers for S106 open space contributions according to GBC's SPG for S106 open space provision (101 Houses, Area; 3.4ha).

	New Provision offsite commuted sum. (assumes no provision on site)	10 year Maintenance sum
Play Area / Informal Sports Facilities	152,279.20	68,952.00
Open Space	50,755.20	15,504.00
Total	£203,034.40	£84,456.00

10% open space area = 3400m² total requirement. Based on this sum we would require **2040m² of amenity open space**, which can include SUDS attenuation ponds as long as they are landscaped as an amenity feature, and **1360 m² of Playground/Play Space**.

As no provision for a play area/informal sports facility has been indicated, there will therefore need to be an offsite contribution required to compensate for its loss by way of mitigation. This sum will be used to improve play area provision in the immediate area and may be pooled to provide a nearby larger onsite facility in the future.

This equates to **£152,279.20** with a maintenance sum of **£84,456.00**.

If the developer provides a management company to maintain the site into the future, there is no sum to pay to GBC. But the developer will be responsible for the open space maintenance of the site in its entirety moving forwards.

5.0 Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2 Relevant Policies & Background Information

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

5.3 *National Planning Policies*

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

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

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

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

- NPPF: Planning conditions and obligations (paragraphs 203–206)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

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

5.7 *Local Planning Policies*

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

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

5.8 Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:

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

5.9 Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF.

5.10 Where the LPD policies meet the requirements set out in Paragraph 216 (i.e. the stage of preparation of the emerging plan) the greater weight may be given. The Inspectors report has now been received by the Borough Council and the inspector has recommended the Local Planning Document is 'sound' and provides an appropriate basis for the planning of the Borough. The

Policies within the LPD can now be afforded 'significant weight' in the planning balance.

The following LPD policies are relevant to this application:

- LPD 7 Contaminated Land
- LPD 10 – Pollution
- LPD 11 – Air Quality
- LPD 32 – Amenity
- LPD 33 – Residential Density
- LPD 34 – Residential Gardens
- LPD 35 – Safe, Accessible and Inclusive Development
- LPD63 – Housing Distribution
- LPD65 – Housing Allocations – Bestwood Village

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

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

5.12 In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -

- The principle of developing the site and whether the proposal makes efficient and effective use of land;
- Whether the design, layout and scale of the development is acceptable;
- The highway implications of the development including car parking;
- Whether the development would have an adverse impact on neighbouring amenity;
- The impact on Ecology;
- Landscape, Visual Amenity & Arboriculture;
- Pollution & Contamination;
- Heritage;
- Socio Economic Impacts and Planning Obligations.

6.0 The principle of developing the site and whether the proposal makes efficient and effective use of land

6.1 The proposed development is on land which was safeguarded for possible future development within the adopted RLP and is not within Green Belt. Paragraph 85 of the NPPF sets out that Safeguarded Land is land that has been removed from the Green Belt in order to meet long term development needs; it is not allocated for development and planning permission for the permanent development should only be granted following a Local Plan review which proposes the development. ENV31 identifies that Safeguarded Land shall be safeguarded from inappropriate development until such time that it is allocated for development; appropriateness is to be established by considering proposals as if they were in the Green Belt.

6.2 The Policy context contains tensions between different policies/guidance at Local Plan and NPPF level. The main factor in distilling the complex policy considerations is that Gedling Borough cannot demonstrate a five year housing land supply as required by the NPPF and in that situation policies which seek to control/direct/constrain residential development – including spatially – should be considered out of date and little or no weight attached to them. Residential development should be assessed in line with Paragraph 14 of the NPPF which states that there “is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking”. In respect of decision-taking paragraph 14 goes further to emphasise that where relevant policies are out of date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or be contrary to the guidance within the rest of the NPPF.

6.3 Paragraph 85 of the NPPF states at Bullet Point 4 that:

‘Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;’

Therefore, if Gedling Borough had a five year land supply then Para 85 would mean that safeguarded land shouldn’t be developed prior to a Local Plan review, and a recommendation for refusal of this application would follow.

6.4 However, as the most recent assessment indicates that the Council cannot demonstrate a five year land supply until the adoption of the Local Plan Part 2, policies which restrict the supply of houses are considered out of date in accordance with paragraph 49 of the NPPF and the presumption in favour of sustainable development should be applied to applications for residential development.

6.5 Whilst this includes assessing applications against the whole of the NPPF, including para 85, the need to meet housing targets is considered to outweigh the harm caused to the purpose of safeguarded land (i.e. meeting longer term development needs).

6.6 I consider it appropriate for a ‘Planning Judgement’ to be made where there are competing requirements or a ‘tension’ between different sections of the NPPF, and that the planning balance in this instance weighs in favour of paragraph 49 which directs Local Planning Authorities towards prioritising housing delivery and against paragraph 85 which seeks to safeguard land for, unknown, future development needs when the current situation is a clear and present need being unfulfilled in terms of housing delivery.

6.7 In this context the basis for protecting ‘Safeguarded Land’ is outweighed by the need to meet immediate housing needs. This position is in line with a recent appeal decision at a site at Wigan which found that the need for housing development outweighed the need to ‘safeguard’ land for future development; *Appeal Ref: APP/V4250/A/14/2226998 - Land South West of Bee Fold Lane, Atherton, Wigan, Greater Manchester.*

- 6.8 In addition to the above assessment, under the emerging Policy LPD65, which carries significant weight following the publication of the Inspectors Report, the site will no longer be designated as Safeguarded Land and would form part of the Housing Allocation for Bestwood Village.
- 6.9 The National Planning Practice Guidance and the accompanying NPPF Technical Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:
- The application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development; and
 - The Local Plan is at an advanced stage, but has not yet been adopted.
- 6.10 The NPPF Technical Guidance adds that Local Authorities would need to indicate clearly why the development would prejudice the outcome of the Plan making process. Given the LPD has been examined and the Inspector's report published I am satisfied that given the site is a Housing Allocation supported by LPD65 which now carries significant weight in the planning balance that the proposal would not compromise decisions about the scale, location or phasing of new development and is consistent with the development plan for the area going forward.
- 6.11 The ACS identifies Bestwood Village as a Key Settlement and a strategic location for housing growth and as such the principle of the residential redevelopment of the site is supported by this policy.
- 6.12 Policy H8 of the GBRLP sets out residential density requirements of at least 30 dwellings per hectare and LPD33, which should also be given significant weight, sets out a density for Bestwood Village of at least 25 dwellings per hectare, and gives support where higher densities are proposed provided that such proposals '*reflect local characteristics and does not harm the character of the area*'. The development is to provide 101 residential units on a site of 3.3 hectares equating to a residential density of approximately 31 dwellings per hectare. As such, the proposed density accords with Policy H8 and LPD33.
- 6.13 The applicant has stated that a range of densities would be utilised within the site with generally lower densities along the Moor Road frontage and at the countryside edge. An indicative layout has been provided demonstrating that an acceptable density can be achieved taking into account the local characteristics, the semi-rural village location, and the need for open space and sensitive landscaping.
- 6.14 Given the location of the development on safeguarded land that is being brought forward as a Housing Allocation under the LPD there would be no objection in principle to the residential redevelopment of the land. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The development is therefore acceptable in principle.
- 7.0 Whether the design, layout and scale of the development is acceptable;**

- 7.1 Policies ENV1, H7, H8, H16 of the Replacement Local Plan, LPD35, and Policy 10 of the ACS require development to be of high standard of design that is safe, accessible and inclusive. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance and defensible space and well considered layouts and landscaping.
- 7.2 All matters except access are reserved at this point; however, I consider that the indicative Masterplan and the Design and Access Statement provide an appropriate framework to assess the potential design and layout of a residential development of this site.
- 7.3 Whilst only indicative a layout has been submitted in support of this application that indicates that a development of 101 dwellings can be accommodated on the application site without appearing over intensive. The layout illustrates the use of front facing development along the main route with strong frontages to the public realm and footpath links, thereby supporting a safe environment through natural surveillance. Details of the appearance, landscaping, layout and scale of the proposed development would be required for consideration at the reserved matters stage, should outline planning permission be granted.
- 7.4 Overall it is considered that an imaginative design can be achieved on the site that suitably connects to the existing residential boundary of Bestwood Village. I am content that an appropriate design can be achieved on site that would closely relate to existing features on the site and the architectural styles of the surrounding area. I am therefore satisfied that the application accords with the broad aims of the NPPF and Policy 10 of the ACS, along with policies ENV1, H7, H8, H16 of the Replacement Local Plan and emerging Policy LPD35.

8.0 The highway implications of the development including car parking;

- 8.1 Paragraph 32 of the NPPF requires that safe and accessible access to the site can be achieved and that any improvements to the transport network effectively limit the significant impacts of the development. The NPPF requires all developments that generate significant movements should be supported by an appropriate Transport Statement or Transport Assessment (TA). A Transport Assessment and Travel Plan have been submitted with the planning application.
- 8.2 The National Planning Practise Guidance (NPPG) (March 2014) states that Transport Assessments, Statements and Travel Plans can positively contribute to:
- Encouraging sustainable travel
 - Lessening traffic generation and its detrimental impacts
 - Reducing carbon emissions and climate impacts
 - Creating accessible, connected, inclusive communities
 - Improving health outcomes and quality of life
 - Improving road safety

- Reducing the need for new development to increase existing road capacity or provide new roads.
- 8.3 The applicant considers that the location is sustainable and accessible to public transport with bus services 141 (City Centre) and 228 (Hucknall – Bestwood – Bulwell) providing hourly bus service. Butlers Hill Tram stop is located approximately 1km away and is accessible via a footpath from Moor Road through Lean Valley Park. The location is close to Cycle Route 6.
- 8.4 The Highway Authority has no objection to the proposals on highways grounds and comments that the applicant has demonstrated that the traffic generation of the site would not have a severe impact on the existing highway network in the vicinity of the development. The Highway Authority has advised that it supports the proposals forwarded by the applicant to promote sustainable travel options, which would need to be secured via s106 Agreement for Integrated Transport Improvement contributions. The following are the proposals that have been forwarded:
- Providing pedestrian links and a suitable crossing point to the nearby bus stops;
 - Potential upgrades to the public footpath link to NET tram stop at Butlers Hill as well as cycle links to the Lean Valley Country Park;
 - Potential new “Gateway” treatment and extended traffic calming zone for Moor Road; and
 - Provision of Travel Information Welcome Packs for all residents.
- 8.5 A single access is proposed to the application site from Moor Road. The access would be 6.5 metres wide with visibility splays in excess of 42 metres and a setback of 2.4 metres. The Highway Authority considers that the general arrangement of the access appears to conform to the various details highlighted by the applicant, including visibility splays, and speed of approaching vehicles and also that the accident history of the road has been taken into account. The Highway Authority also notes that the access would appear to be designed to a standard that would be suitable for the full expansion of the site. It is added that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council’s Technical Design Manual (6C’s) and an appropriate condition requiring the access provision prior to any other development of the site is attached to this report. It is noted that any works to the public highway would need Technical Approval from the Highway Authority prior to adoption.
- 8.6 Having taken account of the Highway Authority’s comments, I have considered the proposals against ACS Policies 14 and 15. Policy 14 seeks to reduce travel demand by locating development in accordance with the ACS locational strategy for new development set out in ACS Policy 2. ACS Policy 14 then goes on to set out a hierarchical approach to delivering sustainable transport networks. ACS Policy 15 states that where development gives rise to the need for additional transport infrastructure, it should be prioritised in accordance with the locational strategy in ACS Policy 2. Part 2 of ACS Policy 15 requires new development on its own or in combination with other development to include a sufficient package of measures to encourage non-

car borne modes of travel, but requires that any residual car trips arising from the development should not unacceptably compromise the efficient operation of the wider transport system.

- 8.7 The proposal accords with ACS Policy 2, which identifies Bestwood Village as a strategic location for housing growth thereby according with both ACS Policies 14 and 15, which seeks to integrate planned housing growth with sustainable transport provision and investment priorities. The Highway Authority welcomes the proposals set out by the applicant to encourage more sustainable travel options, which accords with the provisions in ACS Policies 14 and 15 to promote sustainable travel modes. With respect to traffic impacts, the Highway Authority considers that the proposal and its resultant car borne traffic would not lead to a severe impact on the existing highway network. Accordingly, I consider that the proposal accords with ACS Policies 14 and 15 and Policy LPD61 Highway Safety.

9.0 Whether the development would have an adverse impact on neighbouring amenity;

- 9.1 Residential amenity considerations relevant to this proposal include the impact from noise generated from the development, the level of activity, overlooking, overshadowing and overbearing impacts, as well as impacts from construction and lighting. Criterion b. of Policy ENV1 of the GBRLP and LPD32 state that planning permission would be granted for development providing that it would not have a significant adverse impact upon the amenity of nearby properties or the locality in general. Criterion f) of Policy 10 of the GBACS relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.
- 9.2 The main impact from the development is likely to be from the construction phase of the development. The nearest buildings that could be affected are those properties on The Spinney where the rear boundaries adjoin the application site. The impacts of the construction activities would be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic, management, control of pollution, waste management, noise, dust, and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through planning condition. This would protect both the existing dwellings as well as new occupiers of the dwellings within the site.
- 9.3 The application site adjoins rear boundaries of properties on The Spinney. It is noted that an indicative layout plan has been submitted to support the outline planning application. Whilst only indicative at present the Masterplan illustrates that a single access road using an access from Moor Road could be provided centrally on the site to ensure that the rear boundaries of the existing residential properties can be adjoined by the rear garden boundaries of the proposed new dwellings. The properties on the Spinney that adjoin the side boundaries of the proposed dwellings all have long rear amenity areas that in my view would restrict any significant undue impact on neighbouring amenity.
- 9.4 It is considered that any amenity impacts from the development as a whole can be controlled to a large extent through the reserved matters application,

such matters being required to be in accordance with the principles and parameters illustrated in the indicative masterplan and the attached conditions.

- 9.5 Given the above, I am satisfied that the proposed development would not result in any material impact on residential amenity subject to the detailed submission at reserved matters stage. It is therefore considered that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS and LPD 32.

10.0 The impact on Ecology and Arboriculture;

- 10.1 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, GBRLP ENV36 and LPD18.
- 10.2 GBRLP Policy ENV36 requires the decision maker to weigh the reasons for the proposal against the local ecological and community value of the site. Where development is permitted a balance is to be struck between the need for the development and ecological interest of the site with damage to be kept to a minimum and mitigation and compensatory measures required where relevant.
- 10.3 I note the concerns raised by the Friends of Bestwood Country Park, I note that neither the County Council's Nature Conservation Unit nor the Nottinghamshire Wildlife Trust (*following consultation in 2014*) consider that the proposals would affect any designated nature conservation site and that appropriate mitigation measures for any protected species, together with biodiversity enhancements, could be secured by appropriate conditions.
- 10.4 With regard to the possible Sherwood potential Special Protection Area, I note that the addendum to the Ecology Report concludes that the existing habitats within the site do not appear suitable for woodlark or nightjar.
- 10.5 Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 10.6 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local

Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.

- 10.7 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.
- 10.8 Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated on the edge of an indicative 5km buffer zone. An addendum ecology report has however been prepared by the applicant and this confirms that the site does not appear to be suitable for woodlark or nightjar. I am therefore satisfied an assessment of the likely impacts arising from the proposals have been adequately identified. The precise extents of any buffer zones are not known and therefore I am of the opinion that the proposal would have a minimal variance with Paragraph 3.17.3 of the Council's ACS and in my view the benefits of the scheme would outweigh any harm identified.
- 10.9 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 118 refers to pSPAs and footnote 26 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 10.10 I note that there is a proposal to implement a Tree Preservation Order for a group of 9 trees and a group of 7 trees which is being considered at this planning committee. However, given that the application is outline with matters relating to landscaping being reserved for consideration at a later date, that an appropriate layout and design can be achieved without impacting on the trees which are proposed to be statutorily protected.
- 10.11 Given the above I am satisfied, therefore, that the proposed development would protect existing areas of biodiversity interest and provide new biodiversity features. As such I consider that the proposed development would accord with the aims of Section 11 of the NPPF, GBACS Policy 17, GBRLP ENV36, and LPD18 and where there is variance the public benefit of the scheme outweighs any harm identified.

11.0 Landscape & Visual Amenity;

- 11.1 GBACS Policies 10 and 16 requires a landscape character approach towards assessing the impacts of proposals on the landscape. Proposals should protect, conserve, or where appropriate, enhance landscape character. The Greater Nottinghamshire Landscape Character Assessment (GNLCA) includes the application site within the Killarney Park Wooded Farmlands which should be protected and enhanced. In addition, Policy 16 of the GBACS identifies that the application site is located within the Sub-Regional Green Infrastructure Corridor, which should be protected and enhanced. Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 11.2 Given existing features, in particular the hedges that delineate the rear boundaries on The Spinney are to be retained where possible, and that there is also potential to secure a comprehensive landscape management plan at reserved matters stage I consider that by securing precise details of landscaping through conditions, the proposal would be in accordance with Policy ENV37.
- 11.3 It is concluded that any reserved matters application should be accompanied by a Landscape Strategy to support the requirements of Policies 10 and 16 of the GBACS. Noting the above considerations, and accepting the visual impacts that the redevelopment of this disused farm would have; I consider that a Landscape Strategy (secured by condition), managed and delivered over the site would make the development visually acceptable under the provisions of GBACS Policies 10 and 16.

12.0 Pollution & Contamination;

- 12.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 11 of the NPPF, Policies ENV3 and ENV42 of the GBRLP and LPD7, LPD10 and LPD11.
- 12.2 Section 11 of the NPPF as reinforced by local policy requires development to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.
- 12.3 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.
- 12.4 I note that Gedling Borough Public Protection considers that the site is unlikely to be affected by significant contamination and have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that during development issues relating to construction dust are managed to an agreed level.

- 12.5 In addition, I note that Public Protection considers that most of the proposals included in the Travel Plan would help mitigate, and thus make the development sustainable, from an air quality point of view, including commitment to incorporate provisions for dwellings to have dedicated outside electric vehicle power points in order to allow residents to charge electric/hybrid vehicles.
- 12.6 The site is located on the Lenton Sandstone formation, which is a Principal Aquifer and is situated within the Source Protection Zone 3 of water supply. Whilst having no objection in principle, I note that the Environment Agency recommends the imposition of an appropriate condition, if permission is granted, to deal with the risks associated with contamination of the site in order to protect the water environment from pollution. It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and Policies ENV3 and ENV42 of the GBRLP and LPD7, LPD10 and LPD11.

13.0 Heritage;

- 13.1 Section 12 of the NPPF states at paragraph 126 that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 13.2 Policy 11 of the ACS states 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.
- 13.3 Archaeological and cultural heritage issues have been assessed within the Archaeological Desk-Based Assessment and the Design and Access Statement.
- 13.4 I am satisfied that the proposed residential development would not have any undue impact on the setting or significance of any nationally or locally designated assets and would not impact the Conservation Area of Bestwood given its location on the village edge on the opposing side of the village.
- 13.5 Following correspondence between the applicants consultant and the County's Archaeologist no objections are raised subject to the imposition of an appropriate condition to ensure that further investigation is undertaken on an area of potential archaeological interest.
- 13.6 I am satisfied that the proposed development would accord with the aims of Section 12 of the NPPF and Policy 11 of the ACS.

14.0 Socio Economic Impacts and Planning Obligations;

- 14.1 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 the NPPF, in relation to plan-making and decision-taking, Policies 18 and 19 of the ACS and Policy C2 of the GBRLP.

14.2 The National Planning Policy Framework policy on viability states that decision-taking on individual schemes does not normally require an assessment of viability; however, viability can be important where planning obligations or other costs are being introduced. Where the viability of a development is in question, local planning authorities are encouraged by the NPPF to look to be flexible in applying policy requirements wherever possible.

14.3 The Heads of Terms / Planning Obligations required for policy compliance with the Development Plan are set out below:

30% affordable housing provision onsite	
Healthcare contribution	£ 54,471
Transport	£ 70,000
Off Site Play Space (Assuming no provision Site)	£152,279
Off Site Maintenance Fee (only applicable if GBC adopt the Public Open Space)	£ 84,456
Education	<u>£252,601</u>
Total:	<u>£614,077</u>

14.4 Paragraph 5.3 of the Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy and Development Management. It is for the applicant to provide details of any abnormal costs, which may reduce ability to provide affordable housing.

14.5 Paragraph 176 of the NPPF states that *'Where safeguards are necessary to make particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.'* Paragraph 176 is further explained within the Planning Practice Guidance (PPG) which goes on to state: *'Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability'.*

14.6 The applicant has demonstrated abnormal construction costs associated with the scheme, which include external works to improve Moor Road and additional drainage solutions that would be utilised by the proposed school development. The viability of the development has been independently assessed by the District Valuer and they are content that the costs assigned to the scheme are appropriate. Given the contributions required by the scheme towards Healthcare, Transport, Offsite Play Space, Off Site Maintenance Fee, and Education the onsite requirement for 20% affordable housing has been omitted. The outcome of the assessment without the

Affordable Housing would still deem the development marginally unviable; however, following negotiation with the applicant it has been agreed that the Heads of Terms for all the financial contributions set out above would be met by the applicant. In line with the requirements of paragraph 176 and the guidance contained with the PPG I consider that the requirement for affordable housing would make the scheme unviable, and in this instance the affordable housing requirement should be omitted. Whilst it has been demonstrated that the scheme is unviable this would not account for changes in market circumstances moving forward. Should planning permission be forthcoming and a s106 agreement be completed it is my opinion that the s106 should include provision for viability reassessment to account for market changes and this could be based on a pre agreed market index trigger – e.g. house price / tender price index change of 10% or review based on a pre agreed phasing plan following reserved matters approval.

14.7 I note the comments from the Highway Authority with regards to the maintenance of flood attenuation and the incidental open space not to be adopted by the County Council. Given that the development would result in an attenuation pond, an access road and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the space not within the curtilages of dwellings or within the adopted highway would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.

14.7 I note the comments received from Ashfield District Council with regards to the distribution of s106 contributions connected with this development. With regards to the NHS contributions these are administered by CCG Clinical Commissioning Group East and would be distributed in accordance of established / future need and location, there is nothing restricting these contributions being allocated across boundaries. With regards to the education contribution this would be administered by Nottinghamshire County Council (which Ashfield District forms part of) and would need to be distributed in a manner that would benefit the immediate surrounding area. It is noted that there is a new primary school that has recently received planning permission within Bestwood Village. With regards to the transport contributions the Highway Authority are seeking improvements to Moor Road to facilitate the development. I note the comments with regards to Hucknall Town Centre but contributions need to be reasonable and justified and no evidence of a need generated by this development has been provided to support this request. I note the comments with regards to CIL and can confirm that the development in this location is not CIL liable.

15.0 Secretary of State Referral

15.1 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.

16.0 Other Issues

- 16.1 I note the comments of Village Vision regarding lack of consultation by the applicant with the local community. However, I am aware that the applicant wrote to the Parish Council shortly after first submission in 2014 and indicated that they would welcome the opportunity to meet with the Parish Council during the consultation period and to attend a public meeting which took place in April 2014.
- 16.2 I am satisfied that sufficient information has been provided in support of the application.
- 16.3 Loss of view and the impact of the proposed development on the valuation of existing properties are not material planning considerations that would warrant a refusal of this application.

17.0 Conclusions

- 17.1 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), and the Local Plan Part 2 where appropriate.
- 17.2 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.
- 17.3 Planning obligations are being sought in accordance with the requirements of the NPPF.
- 17.4 The application does not need to be referred to the Secretary of State for Communities and Local Government.

- 18.0 Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Open Space, Healthcare Facilities, Integrated Transport, Management Company and Educational Facilities; and subject to the following conditions:**

Conditions

- 1 Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.

- 3 The vehicular access hereby permitted shall be constructed strictly in accordance with the Proposed Site Access drawing (13152-010), deposited on 28th February 2014.
- 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 once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken and, where remediation is necessary, a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.
- 5 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.
- 6 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 7 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.
- 8 No development shall commence on any part of the application site unless or until; (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 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; have been provided to the satisfaction of the Local Planning Authority.

- 9 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. 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.
- 10 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 strictly in accordance with the approved details.
- 11 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree protection plan to graphically show the locations of any tree and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the arboricultural impact assessment. The AMS provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.
- 12 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 strictly in accordance with the approved details.
- 13 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 strictly in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

- 14 Before development is commenced, including any 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 strictly in accordance with the approved details before the development is first commenced.
- 15 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.
- 16 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.
- 17 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.
- 18 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.
- 19 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.

- 20 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.
- 21 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.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.
- 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 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).
- 6 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).
- 7 To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 8 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).
- 9 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.

- 10 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).
- 11 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).
- 12 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).
- 13 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).
- 14 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).
- 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 the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 17 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).
- 18 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).
- 19 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).
- 20 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).

- 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).

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) The Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document Part 2 where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

Notes to Applicant

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

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

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

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

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

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

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

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

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

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

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

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

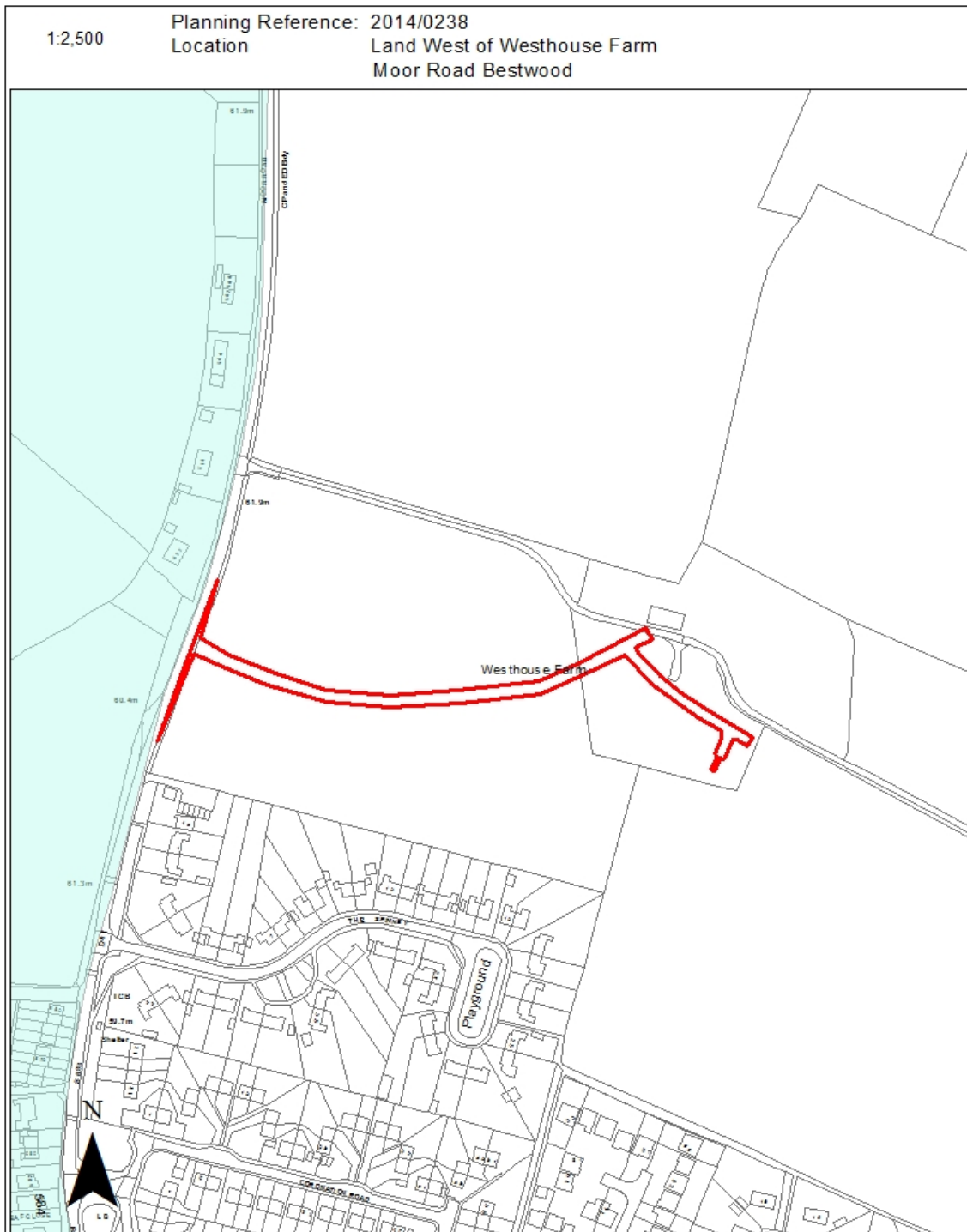
No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided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

Date Recommended: 18th June 2018



Planning Report for 2018/0578



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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Date: 20/06/2018

Report to Planning Committee

Application Number:	2018/0578
Location:	Land Adjoining Moor Road Moor Road Bestwood Nottinghamshire
Proposal:	New access road linking the new Hawthorne Primary school to Moor Road, Bestwood
Applicant:	Torkard Construction Ltd
Agent:	Halsall Lloyd Partnership
Case Officer:	David Gray

1.0 Site Description

- 1.1 The application site comprises an area of 0.42 hectares of agricultural land currently utilised for arable farming.
- 1.2 The site is located on the northern edge of built development in Bestwood Village to the east of Moor Road (B683). The B683 is the administrative boundary between Gedling Borough Council and Ashfield District Council.
- 1.3 The red line of the application site incorporates the main spine road proposed to serve a largescale residential development currently under consideration at Land West, Westhouse Farm and connects to Moor Road (ref: 2014/0238). This appears earlier in the planning committee agenda.
- 1.4 The application site is split between land that is designated as Safeguarded Land and Green Belt on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

2.0 Relevant Planning History

- 2.1 Full Planning Permission has been granted by Nottinghamshire County Council (NCC) for the construction of a 2 storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play, footpaths and campus access road. Associated landscaping and covered areas to nursery/reception classes, fenced bin store, and 2.4m high security fencing and gates. Off campus drainage works. The construction of an access road, footway and other associated works from Keeper's Close. (Nottinghamshire County Council Reference FR3/3756 and Gedling Borough Council Reference: 2017/1292NCC). Condition 36 of the planning approval reads:

36) *No later than one month of the vehicle access from Moor Road first being brought into operational use by the school, the vehicular access to the school from Keeper's Close shall cease to be used as a general vehicular school access and shall subsequently be used for the purpose of playing field maintenance or emergency access.*

2.2 An application for outline planning permission for a proposed residential development of 101 market dwelling houses is currently under consideration ref: 2014/0238. This application relates to 'Phase I' of a larger proposed residential development forming part of a Housing Allocation under the Local Plan Document Part 2. This item appears earlier in the agenda.

2.3 An application for a proposed Tree Preservation Order being made at Westhouse Farm for the Protection of a group of 9 trees and a group of 7 trees.

3.0 Proposed Development

3.1 Full Planning Permission is sought for a new estate road to serve both the new residential development and also to create a principal access from Moor Road to serve the proposed new Bestwood Hawthorn School. The new road would incorporate the main estate road for the proposed development of 101 market dwelling houses (ref: 2014/0238).

3.2 The development has been brought forward as a result of ongoing discussions with Langridge Homes Ltd (the applicant) and the County Council. Langridge Homes Ltd have facilitated the provision of land for the new primary school recently approved by Nottinghamshire County Council as part of their Masterplan proposals for the wider site in conjunction with their Phase I and Phase II proposals.

3.3 The access road would also form the main estate road of a later phase of residential development which is a proposed residential allocation in the Part 2 Local Planning Document (LPD).

3.3 Nottinghamshire County Council intend the construction of the new school to commence during July 2018 and Langridge Homes Ltd have agreed access for construction traffic via their existing farm access from Moor Road to limit inconvenience to existing residents from the ongoing construction operations. The planned opening of the school would be at the start of the academic year, September 2019.

3.4 The Design and Access statement states that the Langridge Home Ltd owns all of the land necessary for the construction of the road and is both able and committed to construct the adopted road prior to September 2019.

4.0 Application Publicity and Procedures

4.1 The application was publicised for representation on 15th June 2018. 4 x Site Notices (15.06.2018) were posted, a Press Notice (20.06.2018) was posted, and all statutory bodies were notified.

4.1.1 To date no representations have been received from local residents as a result of the statutory consultation period. Any material planning considerations received as a result of the consultation will be reported verbally at Planning Committee.

4.2 Gedling Borough Council (Scientific Officer) – No comments in relation to land contamination or air quality.

4.3 Nottinghamshire County Council (Forestry Officer) –

I am satisfied that the proposed construction will only involve the removal of trees of low visual amenity.

The construction of the new access will not be taking place within the root protection areas of the retained trees. Therefore, I would be happy if planning permission is granted conditionally that all tree protection methods for retained trees as described within the tree survey submitted are adhered to.

4.4 Nottinghamshire County Council (Highway Authority) –

Further to this application to construct a new access to the Hawthorn Primary School I can confirm that the link will be acceptable to serve the school and up to 101 dwellings as proposed under application reference 2014/0238.

Access to the site from B683 Moor Road is to be accommodated by providing a right hand turn harbourage which is indicated on Drawing 13152-010. There are currently no footways on either side of Moor Road in the vicinity of the development and footway provision will be required to the frontage of the site to link up with Bestwood Village to the South and the bus stop to the North. Footway will need to be provide opposite the crossing point on the West side of Moor Road to give pedestrians safe access to the bus stop. The current speed limit in the vicinity of the proposal is 40 mph and appropriate measures will need to be implemented to ensure that the speed of traffic is reduced to 30mph or less with a reduction in the speed limit. Appropriate visibility splays will need to be provided. Moor Road is a bus route with bus stops close to the site access and visibility splays of 2.4m x 47m will be required at the access together with satisfactory pedestrian facilities.

Should planning permission be granted the Highway Authority recommend standard conditions be attached requiring provision of the suitable access and precise technical details of the new road.

5.0 Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2 Relevant Policies & Background Information

This planning application is for the construction of a new access from Moor Road to the proposed Bestwood Hawthorn Primary School on safeguarded land adjacent to the village of Bestwood, which is identified as a 'key settlement for growth' in Policy 2 of the Aligned Core Strategy.

5.3 National Planning Policies

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

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

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

5.6 Local Planning Policies

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

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 1: Climate Change
- ACS Policy 2: The Spatial Strategy
- ACS Policy 3: The Green Belt
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 14: Managing Travel Demand
- ACS Policy 15 (Transport Infrastructure Priorities);
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure

5.7 Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:

- RLP Policy ENV1: Development Criteria
- RLP Policy ENV31 (Safeguarded Land);

- RLP Policy ENV42 (Aquifer Protection);
- RLP Policy ENV43: Greenwood Community Forest
- RLP Policy T10: Highway Design and Parking Guidelines

5.9 Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF.

5.10 Where the LPD policies meet the requirements set out in Paragraph 216 (i.e. the stage of preparation of the emerging plan) the greater weight may be given. The Inspectors report has now been received by the Borough Council and the inspector has recommended the Local Planning Document is 'sound' and provides an appropriate basis for the planning of the Borough. The Policies within the LPD can now be afforded 'significant weight' in the planning balance.

The following LPD policies are relevant to this application:

- LPD 7 Contaminated Land
- LPD 10 – Pollution
- LPD 11 – Air Quality
- LPD 32 – Amenity
- LPD 35 – Safe, Accessible and Inclusive Development
- LPD63 – Housing Distribution
- LPD65 – Housing Allocations – Bestwood Village

5.11 In making a recommendation in relation to this application the application site is required to be considered as two separate elements due to the classifications of land it occupies. The west section of the application site is on Safeguarded Land and the east section is within the Green Belt. Regard has been given to the above legislation and policies and as a result it has been determined that the main planning considerations in relation to this proposal (and each separate section) relate to: -

West Section of Application Site:

(a) Safeguarded Land

East Section of Application Site:

- (b) Whether the proposal would be inappropriate development in Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- (c) The effect on the openness of the Green Belt and the purposes of including land within it.
- (d) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the 'very special circumstances' necessary to justify it.

Other considerations relating to the whole application site:

- (e) Traffic and Transport;
- (f) Biodiversity / Ecology;
- (g) Neighbouring Amenity.

6.0 West Section of Application Site

(a) Safeguarded Land

- 6.1 Approximately two thirds of the proposed development is on land which was safeguarded for possible future development within the adopted RLP ENV31 and is not within Green Belt. It would also form the main arterial access road of a residential development currently under consideration for 101 dwellings (Ref: 2014/0238).

Paragraph 85 of the NPPF sets out that Safeguarded Land is land that has been removed from the Green Belt in order to meet long term development needs; it is not allocated for development and planning permission for the permanent development should only be granted following a Local Plan review which proposes the development. ENV31 identifies that Safeguarded Land shall be safeguarded from inappropriate development until such time that it is allocated for development; appropriateness is to be established by considering proposals as if they were in the Green Belt.

- 6.2 However Gedling Borough cannot demonstrate a five year housing land supply as required by the NPPF until the adoption the Local Plan Part 2 and in that situation policies which seek to control/direct/constrain residential development – including spatially – should be considered out of date and little or no weight attached to them. ENV31 constrains residential development as the residential development at Westhouse Farm would be restricted without this proposed development. ENV31 should therefore be considered out of date and have little or no weight afforded to it.

- 6.3 Paragraph 85 of the NPPF states at Bullet Point 4 that:

‘Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;’

- 6.4 I note paragraph 5.10 above which outlines that the Inspectors Report has been received in respect of the Local Planning Document, which now affords ‘significant weight’ in the planning balance, following its review. Under Policy LPD65 the whole of the application site would form part of housing allocation H12 and would not be safeguarded land following adoption. Due to the advance nature of the Local Plan significant weight can be afforded to LPD 65, under which the proposed development would not be prohibited.

- 6.5 The NPPF Technical Guidance adds that Local Authorities would need to indicate clearly why the development would prejudice the outcome of the Plan making process. Given the LPD has been examined I am satisfied that given the site is a Housing Allocation supported by LPD65 which now carries significant weight in the planning balance that the proposal would not compromise decisions about the scale, location or phasing of new

development and is consistent with the development plan for the area going forward.

- 6.6 The ACS identifies Bestwood Village as a Key Settlement and a strategic location for housing growth and as such the principle of the residential redevelopment of the site to include the new access road under consideration is supported by this policy.
- 6.7 Given the location of the development on safeguarded land which has been brought forward as a Housing Allocation under the emerging LPD, in my opinion, the construction of an arterial residential / school access is acceptable in principle. It is also my opinion that it would represent sustainable development providing a more sustainable access to the proposed Bestwood Hawthorne Replacement Primary and Nursery School.

7.0 East Section of Application Site

(b) Inappropriate Development

- 7.1 The remaining east section of the development is within the Green Belt until the adoption of the LPD, following which it would fall within housing allocation H12 – Westhouse Farm. Policy 3 of the ACS supports the principle of retaining Green Belt.
- 7.2 Paragraph 80 of the NPPF states that: ‘Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.’
- 7.3 Paragraph 87 of the NPPF provided that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF lists forms of development that would not be inappropriate development in the Green Belt. Paragraph 90 of the NPPF provides that engineering operations and local transport infrastructure are not inappropriate development in the Green Belt provided that they ‘preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 7.5 Given that the section of road to the east is within the Green Belt to the north of Bestwood Village it is my opinion that the proposal would not assist in safeguarding the countryside from encroachment and would therefore, under the current plan period, conflict with one of the five purposes listed at Paragraph 80. The proposal of the section of road to the east would therefore be inappropriate development.
- 7.6 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’ in accordance with paragraph 87 of the NPPF. Substantial weight should be given to any

harm to the Green Belt by reason of inappropriateness, and any other harm, and would need to be clearly outweighed by other considerations.

8.0 (c) The effects on the openness of the Green Belt and the purposes of including land within it.

8.1 Whilst there is no specific definition of openness in the NPPF, this is a concept which relates to the absence of building; it is land that is not built upon. Any construction harms openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions or qualities.

8.2 It is noted that the section of road within the Green Belt only extends approximately 40 metres in length and needs to be considered in relation to the extant planning permission for Bestwood Hawthorn Primary School. Whilst I consider that the development would harm the openness of the Green Belt in this location it is my assessment, when viewed in the context of providing access for the new school and the new housing development on safeguarded land, that the actual harm to the Green Belt in this location could be considered less than substantial.

8.3 I note the considerations highlighted in chapter 7.0 above, that the development would constitute inappropriate development within the Green Belt, and would result in other harm to the Green Belt in terms of five purposes of Green Belt. I have assess that there will be less than substantial impact on openness in this location. In line with paragraphs 87 – 89 of the NPPF an applicant is required to provide ‘very special circumstances’ that clearly outweigh the harm by reason of inappropriateness in the Green Belt and any other harm.

9.0 (d) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the ‘very special circumstances’ necessary to justify it.

9.1 The ‘very special circumstances test’ is a high test. The circumstances which are relied upon must be ‘very special’.

9.2 I note that the land to which the road relates forms part of a residential development currently under consideration (2014/0238) and adjacent land that is allocated for housing under LPD65 allocation H12.

9.3 I note in the supporting statement provided by the agent a number of ‘special circumstances’ have been forwarded in support this application. These can be outlined as follows: -

- 1) The applicant and land owner has facilitated the provision of land for the new Bestwood Hawthorn Primary School recently approved by Nottinghamshire County Council;
- 2) As part of the Master Planning proposals for the wider site in conjunction with the current outline planning application (2014/0238) and the provision of the New Primary School this proposal is the preferred access to the new school. A temporary access has been

approved subject to the release of the land from the Green Belt following the Local Planning Document adoption.

- 3) There is an identified need for a new primary school places in this area and there is a statutory requirement to find such places.
- 4) The expansion of the existing school has been thoroughly investigated with no potential for further expansion of existing buildings.
- 5) Nottinghamshire County Council has granted planning permission for the school (ref: 7/2017/1292NCC) with access currently agreed at the turning head of Keepers Close. It would be a public benefit for the access to be agreed from Moor Road – as proposed.
- 6) An extensive site selection exercise has been undertaken to establish that the school site now granted planning permission is the most suitable.
- 7) The construction of the new school site is proposed to begin in July 2018 and early provision of the access would facilitate its delivery.
- 8) The planned submission of Phase 2 of the residential development is under preparation and would be formally submitted on adoption of the Local Planning Document which releases the land from Green Belt.
- 9) The Client owns all the land necessary to achieve the development and is committed to construct the adopted road, prior to September 2019 in time for the school opening.

9.4 Since the submission of this application the Inspectors report has now been received by the Borough Council and the inspector has recommended the Local Planning Document is 'sound' and provides an appropriate basis for the planning of the Borough. Therefore significant weight can be attached to Policy LPD65 that designates the land subject to this application as a Housing Allocation no longer within the Green Belt.

9.5 In light of the above I consider that the following could be considered as being capable of forming the 'very special circumstances' required to permit inappropriate development in the Green Belt:

- 1) The release of the Inspectors Report and the Local Planning Document now receiving significant weight in the planning balance. The new plan period reclassifying the land as a housing allocation and not Green Belt;
- 2) The established need for new primary school places in the area and the facilitation of an extant planning permission for the new school with the preferred access through third party land;
- 3) The public benefit in providing the new access through a newly adopted arterial road preventing the requirement for traffic calming measures and parking restrictions on the existing network to the detriment of existing residents.

9.6 Whilst I consider that very special circumstances can be demonstrated that outweigh the less than substantial harm to the openness (paragraph 8.2 above) these need to be balanced against the overall harm to the Green Belt by means of inappropriateness, impacts on openness and the other constraining factors. The planning impacts that need addressing and balancing against the very special circumstances established relate to factors such as:

- Traffic and Transport;
- Biodiversity / Ecology;
- Neighbouring Amenity;

10.0 Traffic and Transport;

- 10.1 Paragraph 32 of the NPPF requires that safe and accessible access to the site can be achieved and that any improvements to the transport network effectively limit the significant impacts of the development. The NPPF requires all developments that generate significant movements should be supported by an appropriate Transport Statement or Transport Assessment (TA). As part of the wider planning exercise for the housing allocation H12 in the LPD the applicant has undertaken Transport Assessment.
- 10.2 Policy 14 seeks to reduce travel demand by locating development in accordance with the ACS locational strategy for new development set out in ACS Policy 2. ACS Policy 14 then goes on to set out a hierarchical approach to delivering sustainable transport networks. ACS Policy 15 states that where development gives rise to the need for additional transport infrastructure, it should be prioritised in accordance with the locational strategy in ACS Policy 2. Part 2 of ACS Policy 15 requires new development on its own or in combination with other development to include a sufficient package of measures to encourage non-car borne modes of travel, but requires that any residual car trips arising from the development should not unacceptably compromise the efficient operation of the wider transport system.
- 10.3 A single access is proposed to the application site from Moor Road. The access would be 6.5 metres wide with visibility splays in excess of 42 metres and a setback of 2.4 metres. The Highway Authority highlight that the final approved design of the junction layout and link road will need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council's Highway Technical Design Manual (6Cs) and it will be the responsibility of the applicant to ensure that this can be achieved. The Highway Authority also confirms that the link road will be acceptable to serve the school and up to 101 dwellings as proposed under application reference 2014/0238 subject to recommended conditions.
- 10.4 With respect to traffic impacts, the Highway Authority considers that the proposal and its resultant car borne traffic would not lead to a severe impact on the existing highway network. Accordingly, I consider that the proposal accords with ACS Policies 14 and 15.

11.0 Biodiversity / Ecology

- 11.1 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, GBRLP ENV36 and LPD18.
- 11.2 GBRLP Policy ENV36 requires the decision maker to weigh the reasons for the proposal against the local ecological and community value of the site. Where development is permitted a balance is to be struck between the need for the development and ecological interest of the site with damage to be kept

to a minimum and mitigation and compensatory measures required where relevant.

- 11.3 I note that there is a proposal to implement a Tree Preservation Order for a group of 9 trees and a group of 7 trees which is being considered at this planning committee. Following consultation with the Forestry Officer I am satisfied that the proposed protected trees would not be impacted by the development.
- 11.3 I also note that the application site is within the possible Sherwood potential Special Protection Area. Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 11.4 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.
- 11.5 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.
- 11.6 Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated on the edge of an indicative 5km buffer zone. An addendum ecology report has however been prepared by the applicant and this confirms that the site does not appear to be suitable for woodlark or nightjar. I am therefore satisfied an assessment of the likely impacts arising from the proposals have been adequately identified. The precise extents of any buffer zones are not known and therefore I am of the opinion that the

proposal would have a minimal variance with Paragraph 3.17.3 of the Council's ACS and the benefits of the scheme would outweigh any harm identified.

- 11.7 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 118 refers to pSPAs and footnote 26 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 11.8 I note the comments from the Forestry Officer and I am satisfied that the proposed development would not impact on any significant or visually important trees or vegetation.
- 11.9 Given the above I am satisfied, therefore, that the proposed development would protect existing areas of biodiversity interest and provide new biodiversity features. As such I consider that the proposed development would accord with the aims of Section 11 of the NPPF, GBACS Policy 17, GBRLP ENV36, and LPD18 and where there is variance the public benefit of the scheme outweighs any harm identified.

12.0 Neighbouring Amenity;

- 12.1 Residential amenity considerations relevant to this proposal include the impact from noise generated from the development, the level of activity, noise and disturbance during construction, and lighting. Criterion b. of Policy ENV1 of the GBRLP and LPD32 state that planning permission would be granted for development providing that it would not have a significant adverse impact upon the amenity of nearby properties or the locality in general. Criterion f) of Policy 10 of the GBACS relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.
- 12.2 The main impact from the development is likely to be from the construction phase of the development. The nearest buildings that could be affected are those properties on The Spinney where the rear boundaries are a minimum of 60 metres from the application site. The impacts of the construction activities would be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic, management, control of pollution, waste management, noise, dust, and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through planning condition. This would protect both the existing dwellings as well as new occupiers of the dwellings within the proposed outline residential development.

13.0 Conclusion

- 13.1 In light of the considerations given above in relation to:

- (a) Safeguarded Land
- (b) Whether the proposal would be inappropriate development in Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- (c) The effect on the openness of the Green Belt and the purposes of including land within it.
- (d) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the 'very special circumstances' necessary to justify it.
- (e) Traffic and Transport;
- (f) Biodiversity / Ecology;
- (g) Neighbouring Amenity.

I consider that, on balance and taking into account the benefits that would be generated as a result of this proposal, that it would constitute sustainable form of development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 – 12.0, above, I consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

- 13.2 This application has been advertised as a departure; however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this application should be referred to the Secretary of State.

14.0 Recommendation: Subject to no further material planning considerations being raised following the expiry of the Statutory Press Notice Consultation period - 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 approved shall be constructed in accordance with the details within the Application Form, Drawings, and Submission Documents received on 9th June 2018 drawing no's: Planning Statement dated 8th June 2018; RT-MME-126954-01 (Arboricultural Survey - Middlemarch Environmental); N1100/2 - GA_104 (School Access Road); N1100/2 - GA_105 (Site Location Plan); and N1100/2 - GA_107_A (Proposed Vegetation Alterations).

- 3 The new link road cannot be utilised unless or until; a suitable access arrangement as shown for indicative purposes on drawing number 13152-010 has been provided to the satisfaction of the Local Planning Authority.
- 4 No part of the New Access Road hereby permitted shall be provided until details of the new road have been submitted to and approved in writing by the Local Planning Authority 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. The access road shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure an adequate form of access arrangement is provided in the interests of highway safety
- 4 To ensure the new link road is constructed to adoptable standards.

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) The Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document Part 2 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

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

The link road should be designed to Nottinghamshire County Councils Highway Design guidance link <http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide> and an appropriate agreement entered into with the Highway Authority to enable construction of the highway

An application is to be made for a Traffic Regulation Order to reduce the speed limit on Moor Road from 40mph to 30mph to facilitate the access arrangement to the link

road which is to be undertaken at the applicants' expense. All correspondence with the Highway Authority should be addressed to: - NCC (Highways Development Control) (Floor 3), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford.

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

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.

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.

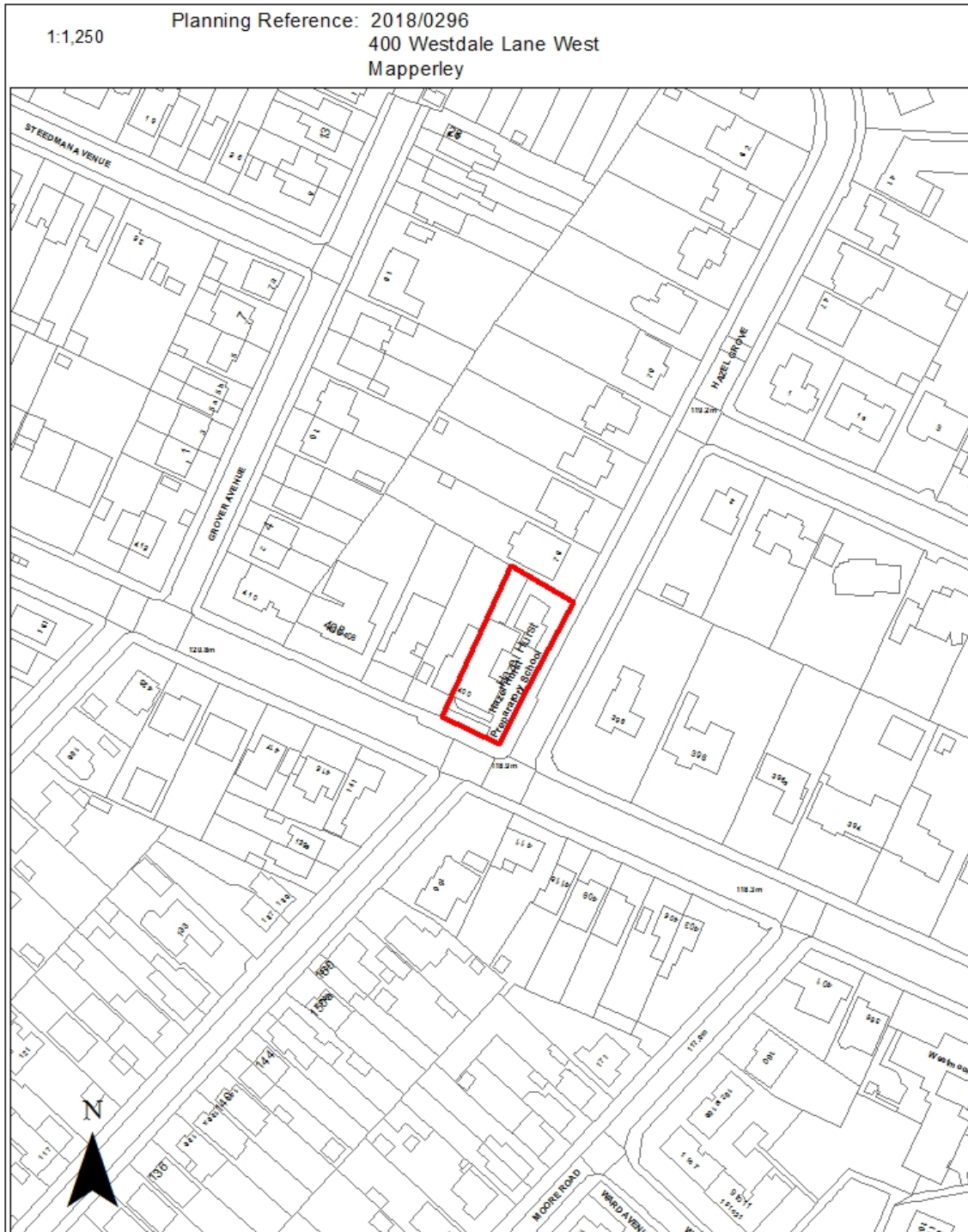
The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance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

The 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.

Date Recommended: 28th June 2018



Planning Report for 2018/0296



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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Date: 21/06/2018

Report to Planning Committee

Application Number: 2018/0296

Location: 400 Westdale Lane West Mapperley Nottinghamshire
NG5 4NN

Proposal: Erection of single storey extensions to the side and rear, installation of canopies, external alterations and buggy store to front, in conjunction with use as a day nursery

Applicant: Mr Robin Batten

Agent: A+G Architects Limited

Case Officer: Graham Wraight

This application is referred to Planning Committee at the request of the Planning Delegation Panel.

1.0 Site Description

1.1

1.2 The site is located on the corner of Westdale Lane West and Hazel Grove and was, until recently, operated as the Hazel Hurst private school. The use of the site falls within the D1 (non-residential institutions) use class.

1.3 The building on the site appears to have originally been constructed as a dwelling which has been subsequently converted to a school and extended to both the side and the rear. Two parking spaces are available on the site, accessed from Hazel Grove.

1.4 The northern and western boundaries are shared with residential properties, whilst the public highway bounds the east and south of the site. The surrounding area is predominantly residential in use, however the site is located within close proximity to the Mapperley Plains local centre.

2.0 Relevant Planning History

2.1 It would appear that the property was being used as a school prior to the current planning system coming into force in 1947. This being the case, there is no planning history relating to the initial change of use to a school and there is no evidence of there being any restrictions on the use at the point that the use was commenced (for example hours of operation or numbers of children).

2.2 92/0171 – CLASSROOM EXTENSION & ENTRANCE ATRIUM – APPROVED – This permission was for extensions to the building and was implemented. Condition 2 of the permission states that the maximum number of children who attend the school shall not exceed 75 at any time. This being the case, in planning terms, it is considered that the number of children that can attend the premises in conjunction with a D1 planning use is 75.

3.0 Proposed Development

3.1 The application proposes extensions to the side and rear of the building to provide additional floorspace within the property. The existing floorspace is approximately 245m² and the proposed additional floorspace would be approximately 96m². In addition, a small buggy store would be created to the front of the property, two canopies would be created to side elevation and alterations would be carried out including the installation of a ramped entrance and modification to an existing window.

3.2 The alterations proposed are to be undertaken in conjunction with the proposed use of the property as a children's day nursery. The change of use of the existing building from a private school to a children's day nursery does not require planning permission as it falls within the same D1 uses class. As a result, the existing property could be used as a children's day nursery without requiring planning permission.

4.0 Consultations

4.1 Gedling Borough Council Scientific Officer – no comments relating to land contamination or air quality.

4.2 Nottinghamshire County Council Highways – no observations.

4.3 Neighbouring properties were notified and a site notice was posted. 16 representations were received as a result and these are summarised as follows:

- Volume of traffic will be increased
- Blocking of driveways
- Verbal abuse from visitors
- Restricted access for emergency services
- Lack of parking
- Impact on highway safety from parking on junctions
- Is there a need for a nursery?
- Where will families, staff, delivery vehicles etc. park?
- Increase in noise and disturbance
- Extensions are oppressive, overbearing and overshadowing
- Limited areas would be available for children
- Materials are not suitable for the area
- Impact upon amenity as there will not be school holiday breaks and hours of use will increase
- Is there an upper limit on the number of children?
- Two large trees have been removed
- Cars blocking pavements
- Impact upon property value
- No permission has been sought from local residents

- Increase in the number of children at the property
 - Area is an accident hotspot
 - The site has already been developed to capacity
 - Hearse and cars have nowhere to park when visiting Hazel Grove for a funeral
 - The difference in traffic since the closure of the school has been dramatic
 - Changes are out of character
 - Will not promote healthy lifestyles for children
 - Money appears to be more important than residents
 - Sufficient off-street parking should be provided
 - Contrary to national and local planning policies
 - Facility will be used by commuters and not local families
 - A nursery should not be in the same use class as a school
 - Increase in the number of staff
 - A highways survey should be undertaken
 - This is a residential area
 - A hedge on the boundary belongs to 78 Hazel Grove
 - Access should be taken from the front only and other streets other than Hazel Grove should be used for parking
 - Site is already over-developed
 - A figure of 75 children has been quoted however Department of Education reports and Ofsted Reports show a range of between 35 to 45 children attended the former school
 - Will create poor air quality which will affect children
 - The site is not fit for purpose as a school or nursery, when judged against modern standards
 - A new planning application should be submitted and include the change of use of the building
 - Increased parking will have an impact upon the patients of the dental surgery
 - No benefit to the community
 - Could encourage further commercial developments
 - The application should be referred back to the Highway Authority
 - Inadequate consultation has been undertaken
- 4.4 On 15th June amended plans were provided which reduced the size of the rear extension. A further 7 day re-consultation period was undertaken and 5 representations were received. The following matters were raised in addition to those already listed above:
- Contrary to the Human Rights Act
 - Potential for existing internal areas to be used to accommodate more children
 - Will be unsafe for children to walk to
 - A resident's parking permit scheme is likely to be needed
 - 7 day re-consultation period is not long enough
 - Other nurseries have had to provide car parking

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2012 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework – sets out the national objectives for delivering sustainable development. Sections 4 (Promoting Sustainable Transport) and 7 (Requiring Good Design) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

- Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
- Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.
- Policy 10 –Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design consideration.
- Policy 12 – Local Services and Healthy Lifestyles – extended community facilities will be supported where they meet a local need and the development meets with the relevant criteria.

6.4 Replacement Local Plan 2005

- Saved Policy ENV1 – Development Criteria - sets out the criteria that all new development must meet with respect to design, amenity, access, crime prevention and the management of water resources
- Saved Policy T10 – Highway Design and Parking Guidelines – sets out the highway design and parking guidelines that new development should seek to meet.
- Saved Policy C3 – Nursery Facilities – states that planning permission will be granted for change of use to a day nursery provided that criteria relating to residential amenity, parking and play space are met.

6.5 Local Planning Document (Part 2 Local Plan)

Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF. The Inspector’s report has now been received by the Borough Council and the Inspector has recommended

the LPD is sound and provides an appropriate basis for the planning of the Borough. The policies with the LPD can now be afforded 'significant weight'.

- LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 57: Parking Standards – sets out the requirements for parking.
- LPD 61 – Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

7.0 Planning Considerations

Principle of the development

- 7.1 Given the previous planning history of the site and the fact that the use of the premises falls within the D1 planning use class, planning permission is not required to operate a day nursery from this site. It is therefore not considered necessary to assess whether the principle of a D1 use on this site is acceptable.
- 7.2 It is noted that Aligned Core Strategy Policy 12 – Local Services and Healthy Lifestyles states that extended community facilities will be supported where they meet a local need. Reference has been made in representations received from members of the public to there being no need for a day nursery on this site, due to the presence of existing day nurseries in the surrounding area. There is no evidence available to demonstrate whether there is a deficit or surplus of day nursery places available in this area, however a proposal for a new day nursery could not be resisted on business competition grounds, as this is not a material planning consideration. On consideration of this and the existing planning use of the site, it is not considered that the proposal compromises the objectives of Policy 12.

Impact upon residential amenity

- 7.3 The assessment of the impact upon residential amenity must be made against the background of the approved use and the number of children that are permitted to be present. As the number of children would not increase beyond the maximum already permitted at the site, it is not considered that there would be a material impact on residential amenity in terms of noise and disturbance, or from the general operation of a day nursery from this site.
- 7.4 Following concerns raised regarding the proposed rear extension, this has been amended to reduce both its length and its height. The extension would now project approximately 4.5m from the existing rear elevation and be approximately 3 metres in height. The extension would also be set approximately 0.9m from the common boundary with 402 Westdale Lane West, on which a mature hedge is located. Whilst it is noted that the proposed rear extension would be attached to a previous rear extension, it is considered that following the amendments made, it would not have an undue impact on the occupiers of the adjacent dwelling through its massing or through overshadowing. There are no overlooking concerns arising from this element of the proposal. Following the amendments made, the proposed rear extension would be located a significant distance from the dwelling at 78

- Hazel Grove and it is not considered that there would be any detrimental impact upon the residential amenity of the occupiers of that property.
- 7.5 The proposed side extension, canopies, buggy store, ramp and window alteration would not, due to their scale and positioning, have an undue impact upon residential amenity.
- 7.6 Concern has been raised by neighbouring residents that the day nursery would operate full time and there would no break in its operation during school holidays. Concern is also raised that the day nursery would operate for longer hours than the school did. Whilst both of these concerns are noted, the day nursery could operate from the existing building without any restrictions on the days it could be used or the hours it could be used. Due to the relatively small floorspace increase that is proposed and that the number of children permitted would not be increased, it is not considered that the operation of the day nursery from the proposed building as opposed to the existing building would have a greater impact upon residential amenity.
- 7.7 It is therefore considered that the proposal accords with the objectives of Saved Policies ENV1 and C3 of the Replacement Local Plan and Policy LPD 32 of the Local Planning Document.
- Design and appearance
- 7.8 The proposed extensions have been designed in a contemporary style to include the use of render panelling, flat roofs and aluminium windows. All of the development proposed is single storey in height.
- 7.9 The rear extension is set back into the site and would not have a significant impact upon the existing streetscene. The side extension and canopies would be more prominent however from most vantage points they would be viewed against the existing two storey building. Whilst they would have a visual impact upon the streetscene, it is not considered that their design, scale or positioning would mean that this would be in a manner that would cause visual harm. It is also noted that the site is surrounding by a mature hedge which provides a degree of screening.
- 7.10 It is noted that there are dwellings of contemporary design located in close proximity to the site on the opposite side of Westdale Lane West, however the majority of buildings are of a more traditional design. However, given that the design of the proposal is considered to be acceptable in visual terms and in terms of its relationship to the existing buildings on the site, it is considered that the contemporary approach is appropriate. The use of render is noted on existing properties in the vicinity of the site.
- 7.11 The proposed buggy store would be very small in its scale and would be well screened by the existing boundary hedge. The proposed ramp and window alterations would have no significant visual impact.
- 7.12 It is therefore considered that the proposal accords with the objectives of Section 7 of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Saved Policy ENV1 of the Replacement Local Plan and Policy LPD 32 of the Local Planning Document.
- Highways matters
- 7.13 The application site has two existing off-street car parking spaces which are proposed to be made available for use in conjunction with the day nursery. Parking on the nearest roads, Hazel Grove and Kent Road, is for the most part unrestricted (although the section of Hazel Grove closest to the site has 'school keep clear' markings) and it is noted that a pedestrian crossing is located on Westdale Lane West immediately opposite the site. Due to the

- presence of the pedestrian crossing, parking on Westdale Lane West is not possible in the area closest to the site.
- 7.14 The proposal has been considered by the Nottinghamshire County Council (the Highway Authority) who have advised that they do not wish to make any observations on the proposal.
- 7.15 Representations have been made by members of the public that the application should be referred back to the Highway Authority due to there being Department of Education reports and Ofsted reports that suggest that fewer children were actually taught at Hazel Hurst School than the 75 that were permitted under the 1992 planning permission. However, the plans that the Highway Authority considered clearly denote how many children are proposed to be present at the property (the original plans show 70 children but this has been since be revised down to 61, due to the proposed rear extension being reduced in size).
- 7.16 Department of Education and Ofsted requirements fall under separate, non-planning legislation, and are not relevant to the assessment of this proposal in planning terms. Whilst fewer children may have been taught at the property in the past, from a planning point of view up to 75 children are permitted. It is considered that adequate information was available to the Highway Authority in order for them to make a considered judgement of the impact that the proposal would have upon highway safety and the surrounding highway network. The Highway Authority will also have been aware that this application is not for a change of use of the existing building as it falls within the same use class. Having assessed the proposal the Highway Officer has advised that the Highway Authority does not wish to make any observations on the proposal and therefore no objection has been raised.
- 7.17 It is noted that the proposal would increase the floorspace available on the site and concern has been raised by local residents that this would lead to an intensification in the use of the site and to a greater number of movements to and from the site. Concern has been raised by residents that this would worsen parking issues on Hazel Grove and adjacent roads. Whilst this concern is noted, the plans submitted show that the day nursery would provide space for up to 61 children, whereas the approved use of the site is for up to 75 children. As a result there would not, in planning terms, be an intensification in use of the site. However given that the current proposal would increase the floorspace available and in light of the concerns that the use could intensify above that which is already permitted, it is considered reasonable and necessary to impose a planning condition on any new permission granted to restrict the number of children that can be present on the premises at any one time.
- 7.18 In light of the above matters it is considered that the highways impact of the proposal has been fully considered and that the impact upon highway safety and the surrounding highway network would not justify the refusal of planning permission for this proposal. It is therefore considered that the proposal accords with the objectives of the Section 4 of the National Planning Policy Framework, Replacement Local Plan Saved Policies T10 and C3 and Local Planning Document policies LPD 57 and LPD 61.

Other matters

- 7.19 Representations have been received from the occupiers of adjacent properties that the site does not meet the modern requirements for a day nursery, in particular with regard to its relationship to existing residential properties and in terms of the amount of off-street car parking that is

available. These points are accepted as being valid considerations and in the event that the site did not already have a D1 planning use class they may indeed be sufficient to resist any planning application that proposed the change of the use of the building to this use. However, the current planning application does not seek to change the use of the building as no change of use is required to operate the day nursery. Furthermore, there would not be an increase in children beyond the number which planning permission has already be granted for. In light of these considerations, the principle of the suitability of this site for operation within the D1 use class does not fall to be considered.

- 7.20 The blocking of private driveways or pavements by people who choose to park in such locations is not a planning matter, nor is any potential verbal abuse that may arise between parties as a result. It is not considered likely that parking arising from this use would compromise the ability of the emergency services to attend to other properties in the vicinity. External space is available for children to play outside and this appears reasonable, however the amount and suitability of this to meet the needs of the number of children proposed would be subject to control under non-planning legislation and standards.
- 7.21 It is noted that two trees have recently been removed from the site but this not relevant to the consideration of the merits of the current planning proposal. Loss of property value is not a material planning consideration and therefore can be considered as part of the determination process. There is no requirement for an applicant to seek permission from local residents before they submit a planning application. On the basis of the considerations outlined above it is considered that the proposed development can be accommodated on the site and that the site would not be overdeveloped as a result. Reference has been made to an occasion where parking on Hazel Grove blocked access to a hearse, however this instance could not justify the refusal of planning permission for the current proposal.
- 7.22 It has been observed by local residents that the amount of traffic has reduced since the school closed, however operations within the D1 use class could be resumed at any point. It is unclear as to why there is concern that the development may not promote healthy lifestyles for children however the specifics of this would not be a planning matter. The planning application must be considered upon its own merits and the financial interests of any parties involved are not a material planning consideration. Whether the day nursery is ultimately used by commuters or local residents is not a material planning consideration, nor is the opinion that has been offered by local residents that a day nursery should not fall within the same planning use class as a school. There is no basis for asking the applicant to withdraw the application and submit a new application for a change of use of the building when a change of use is not required.
- 7.23 The ownership of boundary hedging is a private legal matter between the parties involved. The impact of the proposal upon the patients of the nearby dental practice who may also park on Hazel Grove is not a material planning consideration. The Council's Scientific Officer has advised that there are no concerns relating to air quality that arise from this proposal. It is not necessary for the applicant to demonstrate whether there would be a benefit for the local community in order for a planning application to be considered favourably. Any proposals for commercial developments on other sites would be considered upon their own merits. The public consultation that has been

undertaken meets with the requirements of the Development Management Procedure Order 2015 and has included neighbour letters and the display of a site notice. The 7 day re-consultation period is considered to be proportionate to the scale of the amendments that were made to the plans.

- 7.24 It is not considered that the approval of this planning application would be contrary to the Human Rights Act. As the number of children would be limited to 75, the future conversion of internal areas to be used for childcare would not allow for an increase in numbers of children at the property. It is not considered that the site is unsafe for children to walk to. There is no permit parking scheme in place immediately adjacent to the site and the potential for there to be one in the future cannot be considered as part of the planning determination process. Planning applications for other nursery sites will be considered upon their own merits, however for the reasons set out above it is considered that the matter relating to parking has been addressed in relation to this planning application.

8.0 Conclusion

- 8.1 The site has an existing unrestricted use within planning use class D1 and planning permission is not required to change the use of the building to operate a day nursery. Subject to a condition restricting the number of children that can attend the premises, it is not considered that the impact of the proposed development would be materially different than that which would arise from the use of the existing building, in terms of the impact upon residential amenity and highway safety. The proposal is considered to be acceptable in design terms and would not cause harm to visual amenity of the surrounding streetscene.
- 8.2 For the reasons set out above, the proposal would accord with the objectives of the National Planning Policy Framework, Policies A, 1, 10 and 12 of the Aligned Core Strategy, Saved Policies ENV1, T10 and C3 of the Replacement Local Plan and Policies LPD 32, LPD 57 and LPD 61 of the Local Planning Document (Part 2 Local Plan).

9.0 Recommendation

Grant planning permission subject to conditions;

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the following plans submitted to the Local Planning Authority; 001 RevC, 100 Rev B, 101 Rev C, 125 Rev B, 126 Rev C, 150 Rev C and 151 Rev C received on 15th June 2018 and the buggy store details received on 3rd April 2018.
3. The maximum number of children on site at any time shall not exceed 75.
4. The extensions shall be rendered in accordance with the approved plans prior to being brought into first use.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of this permission.
3. To ensure that the number of children permitted at the property is not increased, in the interests of the residential amenities of adjacent occupiers and to ensure that there is not a material change in the amount of vehicular activity.
4. In the interests of visual amenity.

Reasons for Decision

The site has an existing unrestricted use within planning use class D1 and planning permission is not required to change the use of the building to operate a day nursery. Subject to a condition restricting the number of children that can attend the premises, it is not considered that the impact of the proposed development would be materially different than that which would arise from the use of the existing building, in terms of the impact upon residential amenity and highway safety. The proposal is considered to be acceptable in design terms and would not cause harm to visual amenity of the surrounding streetscene. For these reasons, the proposal would accord with the objectives of the National Planning Policy Framework, Policies A, 1, 10 and 12 of the Aligned Core Strategy, Saved Policies ENV1, T10 and C3 of the Replacement Local Plan and Policies LPD 32, LPD 57 and LPD 61 of the Local Planning Document (Part 2 Local Plan).

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. Following concerns raised about the impact of the rear extension, amended plans have been received which have successfully overcome this concern.

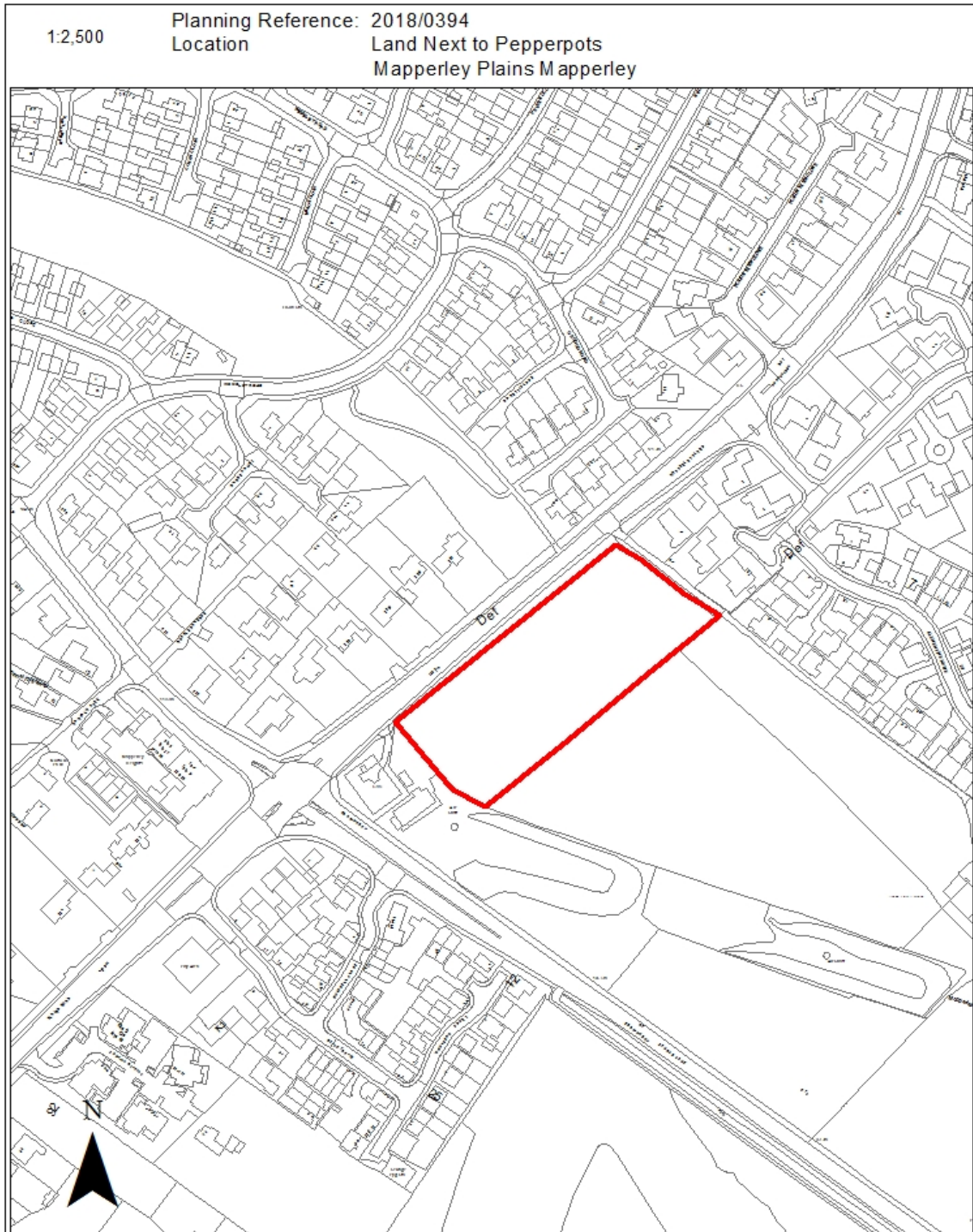
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal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

The 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 applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.



Planning Report for 2018/0394



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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Date: 20/06/2018

Report to Planning Committee

Application Number: 2018/0394

Location: Land next to Pepperpots, Mapperley Plains Mapperley Nottinghamshire

Proposal: Application for a S17 Certificate for Appropriate Alternative Development

Applicant: Killarney Homes Developments Ltd

Agent: Geoffrey Prince Associates

Case Officer: David Gray

1.0 Purpose of Report

- 1.1 Nottinghamshire County Council, as the Highway Authority and an authority possessing compulsory purchase powers, has approached the landowners, Killarney Homes (Developments) Ltd, to negotiate the acquisition of part of the site to enable it to construct a section of the proposed Gedling Access Road (GAR). The area required for the road extends to 0.35ha, which represents 30% of the total area of the site. The GAR received planning permission on 23 December 2014.
- 1.2 The land owner has made an Application for a Certificate of Appropriate Alternative Development (CAAD) under Section 17 Part III of the Land and Compensation Act 1961 (as amended) (ref: 2018/0934)).
- 1.3 An application for a CAAD is not a planning application. The purpose of the CAAD procedure is to identify alternative development which may be considered acceptable and likely to obtain planning permission were a submission made in order to assist in the valuation of the land in question for the purposes of the compulsory purchase procedure. The permissions or use indicated in a certificate of appropriate alternative development can briefly be described as those which an owner might reasonably have expected to sell his land in the open market if it had not been publically acquired.
- 1.4 The role of the Local Planning Authority (LPA) in this matter is to consider any land use for which planning permission would have been granted *“in respect of the land in question, if it were not proposed to be acquired by an authority possessing compulsory purchase powers”*
- 1.5 In this instance, the site is directly affected by the extant planning permission (ref: 2015/0110) for the ‘Construction of a 3.8km long road linking A612 Burton Road and B684 Mapperley Plains Road, known as the GAR.

2.0 Relevant Legislation

2.1 Section 17 of Part III of the Land and Compensation Act, 1961 (as amended) provides that an application for a CAAD may only be made by persons owning land which is proposed to be acquired by an authority possessing compulsory purchase powers or that authority and sets out the content of a certificate. The application may be for a positive or negative statement in respect of appropriate alternative development of the land in question.

17 (1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, either of the parties directly concerned may (subject to subsection (2)) apply to the local planning authority for a certificate containing whichever of the following statements is the applicable statement –

- (a) that in the local planning authority's opinion there is development that, for the purposes of section 14, is appropriate alternative development in relation to the acquisition;*
- (b) that in the local planning authority's opinion there is no development that for the purpose of section 14, is appropriate alternative development in relation to the acquisition.*

2.2 ... (5) If a certificate under this section contains a statement under subsection (1) (a) it must also –

- (a) identify every description of development (whether specified in application or not) that in the local planning authority's opinion is, for the purposes of section 14 appropriate alternative development in relation to the acquisition concerned, and
- (b) give a general indication –
 - (i) of any conditions to which planning permission for the development could reasonably have been expected to be subject,
 - (ii) of when permission could reasonable have been expected to be granted if it is one that could reasonably have been expected to be granted only at a time after the relevant valuation date, and
 - (iii) of any pre-condition for granted the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met.

2.3 Section 14 of Part II of the Land and Compensation Act 1961 (as amended)

2.4 Part II of the Land and Compensation Act 1961, as amended by Part 9 of the Localism Act 2011, (LCA) provides that compensation for the compulsory purchase of land is on a **market value basis**. In addition to existing planning permissions, section 14 of the LCA provides for certain assumptions as to what actual or prospective planning permissions might be taken into account in determining of market value of the land.

2.5 The planning assumptions are as follows:

- 2.5.1 Subsection (2): account may be taken of (a) any planning permission in force for the development on the relevant land or other land at the relevant valuation date; and (b) the prospect (on assumptions in subsection (5) but otherwise in the circumstances known to the market on the relevant valuation date) of planning permission being granted, other than for development for which planning permission is already in force or appropriate alternative development.
- 2.5.2 Subsection (3): it may also be assumed that planning permission for appropriate alternative development (as described in subsection (4)) is either in force at the relevant valuation date or it is certain that planning permission for that development would have been granted at a later date.
- 2.5.3 Subsection (4) defines appropriate alternative development as development, other than that for which planning permission is in force at the relevant valuation date, which would, on the assumptions set out in subsection (5) but otherwise in the circumstances known to the market at the relevant valuation date, reasonably have been expected to receive planning permission on that date or a later date. Appropriate alternative development may be on the relevant land alone or on the relevant land together with other land.
- 2.5.4 Subsection (5) contains the basic assumptions that:
- (a) the scheme of development underlying the acquisition had been cancelled on the launch date;
 - (b) that no action has been taken by the acquiring authority for the purposes of the scheme;
 - (c) that there is no prospect of the same or similar scheme being carried out by the exercise of statutory power or by compulsory purchase; and
 - (d) that if the scheme is for the construction of a highway, no other highway would be constructed to meet the same or substantially the same need as the scheme highway would have been constructed to meet.
- 2.5.5 Subsection (6): defines the 'launch date' as (a) for a compulsory purchase order, the publication date of the notice required under section 11 of or paragraph 2 of schedule 1 to the Acquisition of Land Act 1981; (b) for any order (such as Transport Works Act 1992 or a development consent order under the Planning Act 2008) the date of first publication or service of the relevant notice required in connection with the acquisition under section 15, planning permission is also to be assumed for the acquiring authority's proposal.

3.0 The Application

- 3.1 The applicant has applied to the LPA for a CAAD on the basis that a positive statement should be given under Section 17(a) of Part III of the LCA in that: - *'there is development that, for the purposes of section 14, 'is appropriate alternative development in relation to the acquisition'*.

3.2 The applicant considers *'that residential development falling into Use Class C3 (Dwellinghouses) is appropriate alternative development in relation to the acquisition of this land by the County Council'*.

4.0 Site Description

4.1 The site to which this application for CAAD relates is located within the Urban Area (of Gedling) with frontage along Plains Road and close to the junction of Plains Road (B684) and Arnold Lane (A6211). The total site area is 1.15 hectares. The site is currently open countryside with trees fronting Plains Road.

4.2 The area of this land required to construct the GAR measures 0.35ha.

5.0 Relevant Planning Policies

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

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

5.2 When referring to the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) the following Policies are relevant to this application for a Certificate of Appropriate Alternative Development:

- Policy ENV31 – Safeguarded Land
- Policy H3 – Land at Former Gedling Colliery and Chase Farm
- Policy T3 – Proposed Transport Schemes
- Policy H5 – Teal Close North of Victoria Park
- Policy H15 – Comprehensive Development

5.3 Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF.

- 5.10 Where the LPD policies meet the requirements set out in Paragraph 216 (i.e. the stage of preparation of the emerging plan) the greater weight may be given. The Inspectors report has now been received by the Borough Council and the inspector has recommended that the Local Planning Document is 'sound' and provides an appropriate basis for the planning of the Borough. The Policies within the LPD can now be afforded 'significant weight' in the planning balance.

The following LPD policies are relevant to this application:

- LPD 7 Contaminated Land
- LPD 10 – Pollution
- LPD 11 – Air Quality
- LPD 32 – Amenity
- LPD 33 – Residential Density
- LPD 34 – Residential Gardens
- LPD 35 – Safe, Accessible and Inclusive Development
- LPD63 – Housing Distribution

6.0 Planning Considerations

- 6.1 Paragraph 2.5.4 above sets out the assumptions in Section 14 (5) of Part II of the LCA.
- 6.2 In having regard to Section 14 (5) on the 'valuation date' (Date of receipt) the Gedling Access Road has planning permission (2014/0915 as amended by s73 application 2015/1033) and the Local Planning Authority is required to make the assumption that this development is not going ahead and no other highway would go ahead in place of this.
- 6.3 Whilst for the purpose of this assessment the area of land would still be allocated for comprehensive development under the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) (Policy H3, T15 and H15), Subsection (5) confirms that the scheme for the road (Gedling Access Road) has been cancelled on the launch date. In my opinion the assumption set out in Subsection (5) makes adopted policies relating to the Gedling Access Road, which restrict alternative development on the application site, silent in this instance as the road would not go ahead.
- 6.4 The proposed development, following the assumptions set out above, is therefore on land which was safeguarded for possible future development within the adopted RLP and not within Green Belt (ENV31 of the GBRLP). Paragraph 85 of the NPPF sets out that Safeguarded Land is land that has been removed from the Green Belt in order to meet long term development needs; it is not allocated for development and planning permission for the permanent development should only be granted following a Local Plan review. ENV31 identifies that Safeguarded Land shall be safeguarded from inappropriate development until such time that it is allocated for development; appropriateness is to be established by considering proposals as if they were in the Green Belt.
- 6.5 The Policy context contains tensions between different policies/guidance at Local Plan and NPPF level. The main factor in distilling the complex policy

considerations is that Gedling Borough cannot demonstrate a five year housing land supply as required by the NPPF and in that situation policies which seek to control/direct/constrain residential development – including spatially – should be considered out of date and little or no weight should be attached to them. Residential development should be assessed in line with Paragraphs 49 and 14 of the NPPF – the presumption in favour of sustainable development.

6.6 Paragraph 85 of the NPPF states at Bullet Point 4 that:

‘Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;’

Therefore, if Gedling Borough had a five year land supply then Paragraph 85 would mean that safeguarded land shouldn’t be developed prior to a Local Plan review, and a recommendation for residential development would be refused.

6.7 However, as the most recent assessment indicates that the Council cannot demonstrate a five year land supply, until the adoption of the Local Plan Part 2, policies which restrict the supply of houses are considered out of date in accordance with paragraph 49 of the NPPF and the presumption in favour of sustainable development contained in paragraph 14 of the NPPF should be applied to applications for residential development.

6.8 Whilst this includes assessing applications against the whole of the NPPF, including para 85, the need to meet housing targets is considered to outweigh the harm caused to the purpose of safeguarded land (i.e. meeting longer term development needs).

6.9 I consider it appropriate for a ‘Planning Judgement’ to be made where there are competing requirements or a ‘tension’ between different sections of the NPPF, and that the planning balance in this instance weighs in favour of paragraph 49 which directs Local Planning Authorities towards prioritising housing delivery and against paragraph 85 which seeks to safeguard land for, unknown, future development needs when the current situation is a clear and present need being unfulfilled in terms of housing delivery.

6.7 In this context the basis for protecting ‘Safeguarded Land’ is outweighed by the need to meet immediate housing needs. This position is in line with an appeal decision at a site at Wigan which found that the need for housing development outweighed the need to ‘safeguard’ land for future development; *Appeal Ref: APP/V4250/A/14/2226998 - Land South West of Bee Fold Lane, Atherton, Wigan, Greater Manchester.*

6.8 Notwithstanding the above considerations and its designation as safeguarded land, under the emerging Local Plan Part 2, the site would be released from the Green Belt which should now be afforded significant weight following the publication of the Inspectors Report.

- 6.9 The National Planning Practice Guidance and the accompanying NPPF Technical Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:
- The application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development; and
 - The Local Plan is at an advanced stage, but has not yet been adopted.
- 6.10 The NPPF Technical Guidance adds that Local Authorities would need to indicate clearly why the development would prejudice the outcome of the Plan making process. Given the LPD has been examined and the inspectors report released I am satisfied, given the site is proposed as being removed from the Green Belt, that the proposal would not compromise decisions about the scale, location or phasing of new development and is consistent with the development plan for the area going forward.
- 6.11 Policy H8 of the GBRLP sets out residential density requirements of at least 30 dwellings per hectare which is echoed in LPD33, the policies give support where higher densities are proposed provided that such proposals '*reflect local characteristics and does not harm the character of the area*'. The application site area equates to 0.35 hectare which would equate to a policy compliant residential density of 11 dwellings per hectare to accord with Policy H8 and LPD33.
- 6.12 Given the assessment above, the location of the development on safeguarded land, and that it would form part of the urban residential area following adoption of the LPD there would be no objection in principle to the residential redevelopment of the land. It is also my opinion that the development would be in a sustainable location and is therefore acceptable in principle.
- 6.13 Given the assumptions set out in Subsection (5) when determining any appropriate alternative development, planning permission residential development (Class C3) on the site could reasonably be expected to be granted.

7.0 Conclusion

- 7.1 A positive certificate under section 17(1)(a) of Part III of the LCA should be issued on the basis that in the LPA's opinion there is development (C3 Dwellinghouses) which would be appropriate alternative development for the site.

8.0 Certificate of Appropriate Alternative Development

- 8.1 Section 17(5) provides that where a certificate is issued under subsection (1) (a) it must:
- (a) identify every description of development that in the local planning authority's opinion would be appropriate alternative development; and
 - (b) give a general indication –
 - (i) of conditions to which planning permission for the development could reasonably have been expected to be subject.

- (ii) of when permission could reasonably have been expected to be granted only at a time after the relevant valuation date, and
- (iii) of any pre-condition for granted the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met.

8.2 **(a) Every description of development that would be Appropriate Alternative Development:**

In the opinion of the Borough Council on the basis of the information submitted within the application for a CAAD the Use Class C3 (Dwellinghouses) would be appropriate alternative development for the application site.

8.3 **(i) Give a general indication of - conditions to which planning permission for the development could reasonably have been expected to be subject:**

8.3.1 Given the above assessment that Residential Development would be appropriate alternative development, below is an indication of conditions to which outline planning permission could reasonably have been expected to be subject.

8.3.2 Following consultation with Nottinghamshire County Council (NCC) Archaeology – NCC would recommend a geophysical survey of the site, then trial trenching if necessary. If this located archaeological remains as expected, NCC would ask for a condition to be imposed requiring the implementation of a programme of archaeological mitigation work.

8.3.3 **Conditions:**

1. The First 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. Details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called the Reserved Matters) for the development shall be submitted to and approved in writing by the Borough Council before any development begins and the development shall be carried out as approved.
2. The development hereby permitted shall commence no later than two years from the date of approval of the last Reserved Matters to be approved.
3. The submission of reserved matters shall be accompanied by: - Application Forms; Design and Access Statement; Ecological Assessments; Arboricultural Assessment; Flood Risk Assessment; Archaeological Assessment; and Contaminated Land: Phase 1 Desk Top Study.
4. Prior to the commencement of development hereby approved there shall be submitted to and approved in writing by the Borough Council a site level survey plan for the development showing existing and proposed site levels. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.

5. Before development is commenced on site 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.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of 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.
7. The detailed plans and particulars to be submitted to the Local Planning Authority 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 agreed in writing by the Borough Council.
8. The detailed plans and particulars to be submitted to the Local Planning Authority as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. 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.
10. Unless otherwise agreed by the Borough Council, development must not commence until details relating to the following have been complied with: Site Characterisation An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Borough Council. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme Where

required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Borough Council. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme shall be implemented in accordance with the approved details.

11. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works under condition 14 above. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Borough Council.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above and, where remediation is necessary, a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.

8.5 **(iii) any pre-condition for granted the permission (for example, entry into an obligation) that could reasonably have been expected to have to be met.**

8.4.1 Planning obligations would be subject to an assessment of need and capacity of the various types of infrastructure for which contributions may be sought. The type and level of contributions sought would be based on the information contained within the County Councils adopted Planning Obligations Strategy which can be viewed at <http://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>.

8.4.2 Following consultation with Nottinghamshire County Council the following obligations would likely be sought:

- Public Transport - £5,000 towards bus stop improvements;
- Education – A scheme of 11 dwellings would generate 2 primary places and 2 secondary places. As you may be aware the County Council is currently updating its Planning Obligations Strategy and this is been taking to Committee for adoption in July. Therefore in responding to your request I think it would be more appropriate to use the updated costs per pupil place which are contained in the updated document. As such this would generate a primary contribution of £27,312 (2 x £13,656) and a secondary contribution of £35,506 (2 x £17,753). Further information about the review of the Planning Obligations Strategy can be viewed at:

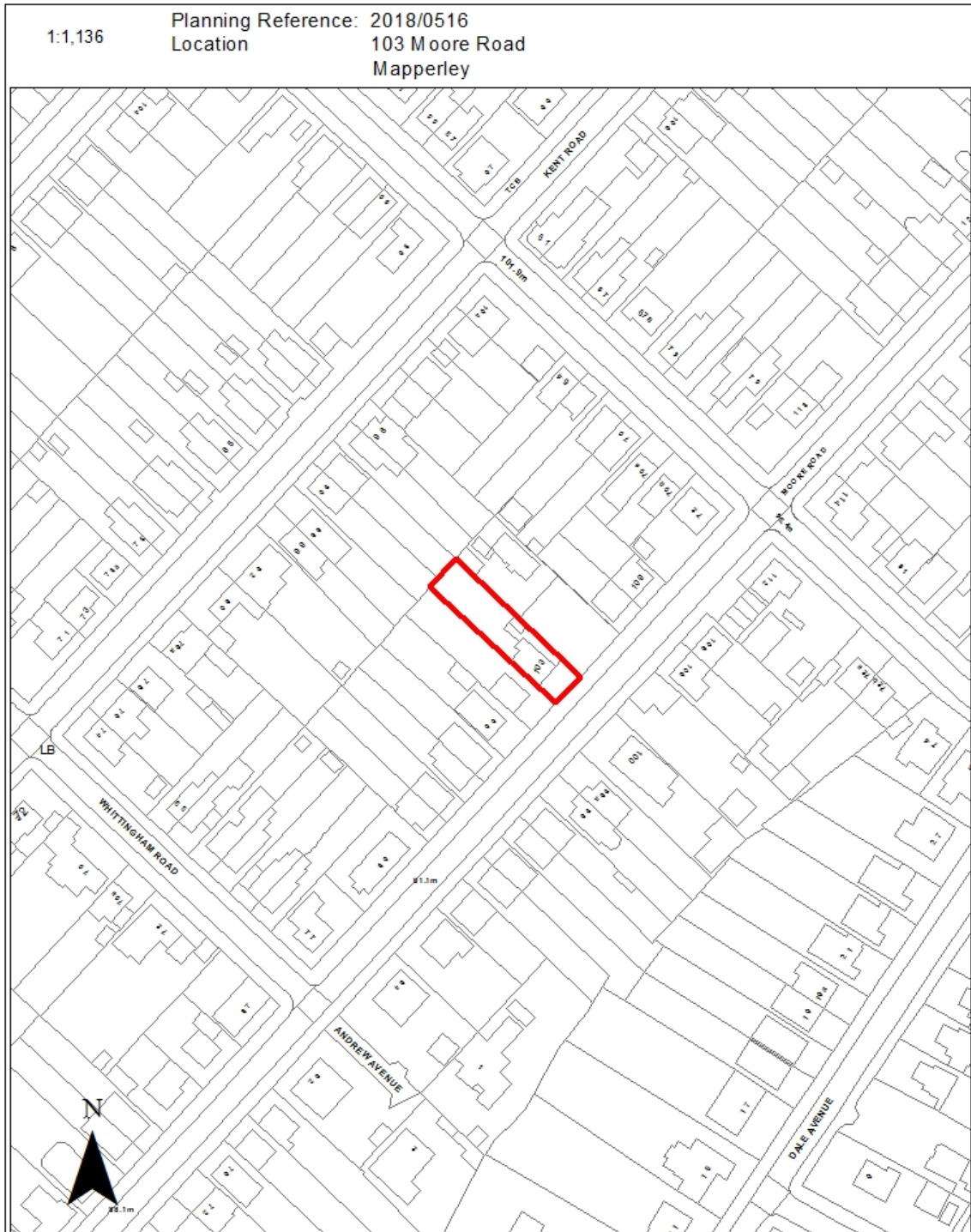
9.0 RECOMMENDATION:

9.1 (A) That a positive Certificate be issued under section 17(1)(a) of Part III of the Land and Compensation Act 1961, as amended by Part 9 of the Localism Act 2011, indicating that it is the opinion of the Local Planning Authority that planning permission would have been granted for development comprising of the construction of up to eleven dwelling houses within Class C3 use if it were not proposed to be acquired by the authority possessing compulsory purchase powers:

(B) That authorisation is given to the Service Manager, Development Services, in consultation with the Director for Organisational Development and Democratic Services, to issue the Certificate of Appropriate Alternative Development, including the conditions and planning obligations to which planning permission for the development could reasonably have been expected to be subject and a statement of the Council's reasons, which shall be based on the contents of this report, meeting the statutory requirements of the Land Compensation Act 1961 (as amended).



Planning Report for 2018/0516



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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Date: 20/06/2018

Report to Planning Committee

Application Number: 2018/0516
Location: 103 Moore Road Mapperley Nottinghamshire NG3 6EJ
Proposal: Erection of a single storey rear extension
Applicant: Mr Chris Widdowson
Agent:
Case Officer: Alison Jackson

The applicant is related to a member of staff and therefore in accordance with the Council's Constitution, this application has been referred to the Planning Committee.

1.0 Site Description

- 1.1. The application site relates to 103, Moore Road, Mapperley a two storey detached property which is set back from the road. There is a driveway to the front of the property together with a front garden area.
- 1.2. The north east side boundary of the application site adjoins the driveway serving the immediate neighbouring properties, no.'s 105 and 105a, Moore Road.
- 1.3. There is a patio area to the rear of the property together with a rear garden area. The garden area is set at a higher level than the floor level of the dwelling and the rear patio area.
- 1.4. There are existing single storey rear extensions to the property together with a two storey side extension.

2.0 Relevant Planning History

- 2.1. Planning permission was granted in March 2012, reference 2012/0133, for the erection of a two storey side extension to the property.
- 2.2. A non-material amendment application was approved in July 2012, reference 2012/0778NMA, which permitted an amendment to the roof of the side

extension to incorporate a full hip, the insertion of a roof light and the omission of a first floor window.

3.0 Proposed Development

- 3.1. Planning permission is sought for the erection of a single storey rear extension to the property measuring approximately 5 metres by 7.8 metres with an overall height of approximately 3.9 metres. This extension would replace the existing ground floor rear extension.
- 3.2. A window and patio doors are proposed to the rear elevation of the extension together with a high level window to the north east side elevation of the extension. Roof lights are also proposed to be inserted in the roof slopes of the extension.
- 3.3. The materials proposed for the construction of the extension are facing brick to match the existing dwelling and natural slate to the roof to match the existing dwelling.

4.0 Consultations

4.1. Neighbour Consultation

The occupiers of adjoining residential properties have been consulted by letter and a site notice has been posted – No letters of representation have been received as a result.

5.0 Assessment of Planning Considerations

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other material considerations indicate otherwise'.
- 5.2. The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). In particular the following chapters are relevant in considering this application:
 - Part 7 – Requiring good design.
- 5.3. Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant:
 - Policy A – Presumption in Favour of Sustainable Development
 - Policy 10 – Design and Enhancing Local Identity

5.4. Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:

- Policy ENV1 – Development Criteria
- Policy H10 – Extensions within the urban area and identified village envelopes

5.5. Where LPD policies meet the requirements set out in Paragraph 216 (i.e. the stage of preparation of the emerging plan) the greater weight may be given. The Inspectors report has now been received by the Borough Council and the inspector has recommended that the Local Planning Document is 'sound' and provides an appropriate basis for the planning of the Borough. The Policies within the LPD can now be afforded 'significant weight' in the planning balance.

The following LPD policies are relevant to this application:

- LPD32 – Amenity
- LPD42 - Extension to Dwellings not in the Green Belt

6.0 Visual Amenity

6.1. The proposed extension would be visually acceptable when viewed from neighbouring properties, given the design of the extension together with the materials to be used in the construction of the extension which would match those of the existing dwelling. It is also considered, given the above, that the extension would complement the character of the existing dwelling.

6.2. Given the siting of the extension to the rear of the property there would only be limited views of the extension within the street-scene, the only siting of the extension being along the driveway serving the two immediate neighbouring properties, no.'s 105 and 105a, Moore Road. These limited views would be visually acceptable within the street-scene and would not detract from the character of the area.

7.0 Impact on neighbouring residential amenity

7.1. The proposed extension, given its scale and relationship with neighbouring properties, would result in no undue overbearing or overshadowing impact onto neighbouring properties.

7.2. The window and patio doors to the rear elevation of the extension, given that these would look onto the rear garden area to the application dwelling would result in no undue overlooking impact onto neighbouring properties.

7.3. Whilst it is noted that a window is proposed to the side elevation of the extension facing onto the driveway to the immediate neighbouring properties, given that this window is shown to be located approximately 1.7 metres above

the floor level of the room, there would be no undue overlooking impact onto the residential amenity of neighbouring properties.

- 7.4. It is also noted that roof lights are proposed to be inserted in the roof slopes to the extension. As above, given that the roof lights will be located in the ceiling of the room, there will be no undue overlooking impact onto neighbouring properties.

8.0 Conclusion

- 8.1. In conclusion, the development is considered acceptable for the following reasons:

- The design of the extension is considered acceptable
- The proposal results in no undue impact on neighbouring properties, in terms of any overlooking, overbearing or overshadowing impacts

- 8.2. For the reasons set out above, the proposed development accords with Saved Policies ENV1 and H10 of the Gedling Borough Replacement Plan as well as Part 7 of the NPPF and Policy 10 of the Aligned Core Strategy. The development is also considered to accord with emerging policies LPD 32 and 42 of the Local Planning Document. It is therefore recommended that planning permission is granted subject to conditions.

9.0 Recommendation: That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to conditions;

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the application form received on the 16th May 2018, the location plan received on the 16th May 2018, the block plan received on the 16th May 2018 and the plan received on the 16th May 2018, drawing number 5/17/2. The development shall thereafter be undertaken in accordance with these plans/details.

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

In the opinion of the Borough Council as Local Planning Authority the proposed extension is visually acceptable and results in no significant impact on neighbouring residential properties. There are no highway safety implications arising from the proposal. The proposal therefore accords with the NPPF, Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014, Saved Policies ENV1 (Development Criteria) and H10 (Extensions) of the Gedling Borough Replacement Local Plan and Policies LPD 32 (Amenity) and LPD 42 (Extensions to Dwellings Not in the Green Belt) of the emerging Local Planning Document (Part 2 Local Plan).

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.gedling.gov.uk. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres.

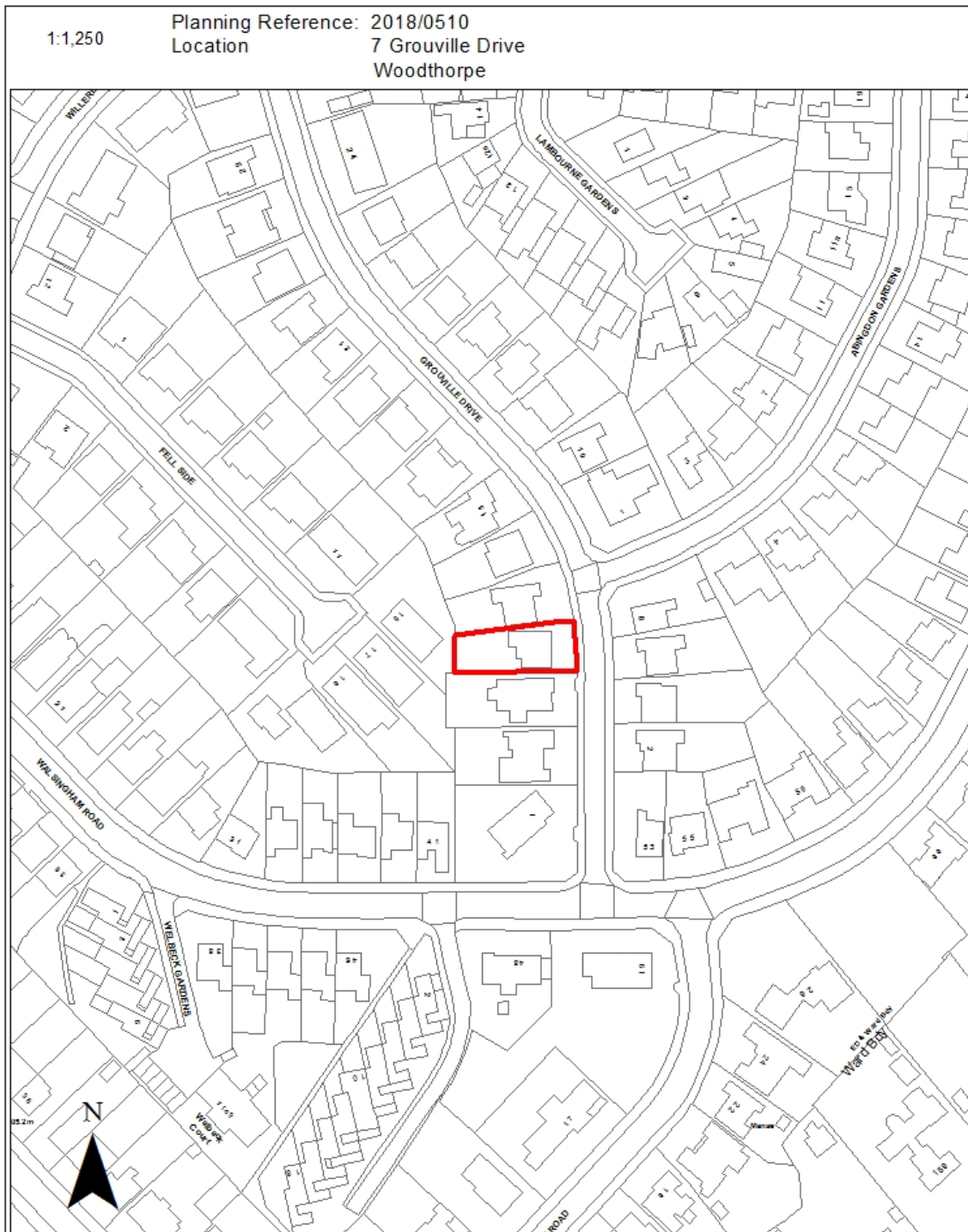
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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

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



Planning Report for 2018/0510



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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Date: 20/06/2018

Report to Planning Committee

Application Number: 2018/0510

Location: 7 Grouville Drive Woodthorpe Nottinghamshire NG5 4NN

Proposal: Single storey rear extension and raised terrace area to the rear

Applicant: Mr & Mrs Callingham

Agent: Steve Riley

Case Officer: Cristina Dinescu

The applicant is a member of staff and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.

1.0 Site Description

- 1.1 No.7 Grouville Drive is a two-storey detached dwelling located within the built up area of Woodthorpe.
- 1.2 Adjoining properties are comprised of other detached dwellings at no's 9 and 5 Grouville Road. Given the sloping nature of Grouville Drive, no.9 Grouville Drive is in a higher position and no.5 Grouville Drive is in a lower position than the application site, and the rear garden level is lower than the highway level.
- 1.3 The adjoining property at no.5 Grouville Drive has side facing windows overlooking the rear garden of the application site.

2.0 Proposed Development

- 2.1 The proposal seeks planning permission for a single storey rear extension to replace an existing rear porch and a raised covered terrace.
- 2.2 The rear extension would have a flat roof and would measure 2.6m in depth, 4.15m in width, 2.9m in height from ground floor level and 4.4m in height from rear garden level. It would be set in line with the adjoining property at no.9 Grouville Drive.
- 2.3 The raised terrace area would be covered with a canopy of translucent polycarbonate on an open wooden structure and would measure 4.4m in depth, 3.05m in width, 2.1m in height from ground floor level and 2.9m in height from

rear garden level. It would be set in line with the adjoining property at no.5 Grouville Drive and at approximately 8.0m from the boundary with no.9 Grouville Drive.

3.0 Consultations

3.1 Neighbour Consultation – Adjoining neighbours have been consulted and a Site Notice posted. No letters of representation have been received as a result.

4.0 Planning Considerations

4.1 Assessment of Planning Considerations

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: ‘if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

4.3 The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). In particular the following chapters are relevant in considering this application:

- Part 7 – Requiring good design.

4.4 Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant:

- Policy A – Presumption in Favour of Sustainable Development
- Policy 10 – Design and Enhancing Local Identity

4.5 Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:

- Policy ENV1 – Development Criteria
- Policy H10 – Extensions within the urban area and identified village envelopes

4.6 Where LPD policies meet the requirements set out in Paragraph 216 (i.e. the stage of preparation of the emerging plan) the greater weight may be given. The Inspectors report has now been received by the Borough Council and the inspector has recommended that the Local Planning Document is ‘sound’ and provides an appropriate basis for the planning of the Borough. The Policies within the LPD can now be afforded ‘significant weight’ in the planning balance.

The following LPD policies are relevant to this application:

- LPD32 – Amenity
- LPD42 - Extension to Dwellings not in the Green Belt

4.7 The main consideration in determining this application is the impact on the amenity of the adjoining properties. As the site is located within the built up

area of Woodthorpe there are no objections in principle to residential extensions.

5.0 Assessment of Impact on Neighbouring Amenity and Design

- 5.1 Given the location, the size and scale of the proposed extension, I am of the opinion the proposal would be in keeping character with the property itself and the wider area and would result in no significant undue overlooking, overbearing and overshadowing impact on any neighbouring property.
- 5.2 With regards to the proposed raised terrace area, I am satisfied, given the small difference in levels and the distance to adjoining properties, there would be no significant undue overlooking impact arising from this proposal. Furthermore, given the presence of side windows of the neighbouring property facing the rear garden of the application site, I am of the opinion the proposed canopy over the terrace area would mitigate the existing views and overlooking on to the rear garden of the application site.
- 5.3 For the reasons set out above I consider the proposal to accord with the above mentioned policies and therefore recommend that Planning Permission be granted.

6.0 Recommendation: Grant Planning Permission subject to conditions:-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the application form, site location plan and deposited plans, drawing no's 180012/PL03, 180012/PL04, 18002(PL)01 rev C and 18002(PL)02 rev A, received on 22nd May 2018. The development shall thereafter be undertaken in accordance with these plans/details.

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

In the opinion of the Borough Council, the proposed development would have no significant undue impact on neighbouring residential amenity or the locality in general. The proposal is of a size and design in keeping with the existing dwelling and its wider setting. The development therefore complies with the National Planning

Policy Framework (2012) and Policy 10 of the Gedling Borough Aligned Core Strategy, Policies ENV1 and H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014 and emerging LPD32 and LPD42.

Notes to Applicant

Positive and Proactive 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. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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

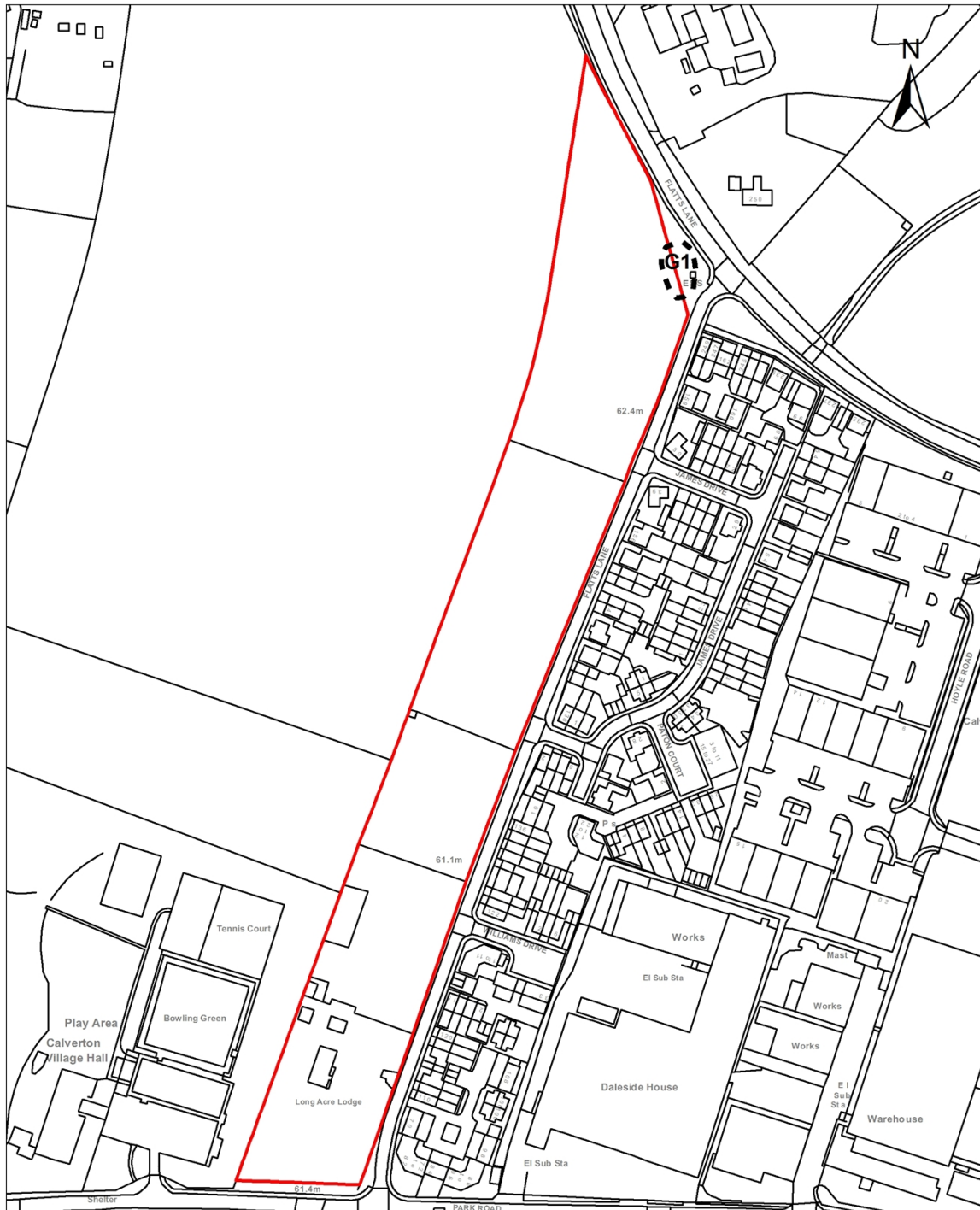
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal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

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.gedling.gov.uk. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres.

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Proposed TPO at Flatts Lane, Calverton



**Tree Preservation Order
Flatts Lane, Calverton**

TPO Number: 000116

Scale: 1:2,250



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Report to Planning Committee

Location: Land at Flatts Lane, Calverton

Proposal: Protection of a group of 2 trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1 The site is situated to the north-west of Calverton and is currently agricultural land.
- 1.2 The site is allocated in the emerging Local Planning Document (LPD) for up to 60 dwellings (site allocation X4).
- 1.3 Land uses to the west of the site are agricultural and also include the village hall and recreational ground and to the east are predominantly residential.
- 1.4 Two of the trees on the site are mature, and due to their size and prominence, they are considered to have significant amenity value within the Flatts Lane street scene.

2.0 Relevant History

- 2.1 The Forestry Officer inspected the trees on the 18th April 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1 Authorisation is sought to make a provisional TPO in relation to a group of 2 Quercus robur (English Oak) trees.

4.0 Consultations

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.
- 4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

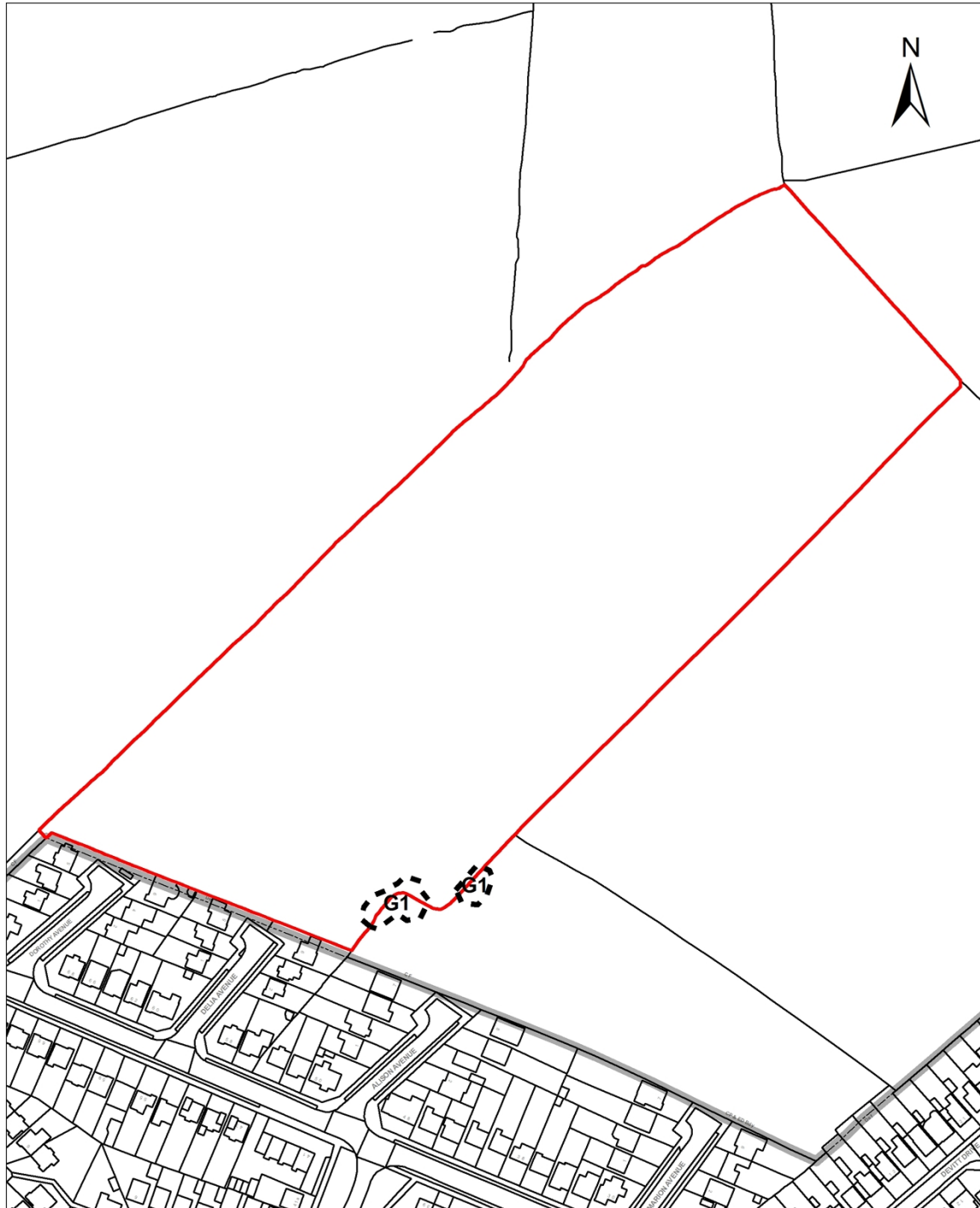
5.0 Planning Considerations

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.
- 5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.
- I. Condition and suitability for TPO: **5/5**
 - II. Retention span (in years) & suitability for TPO: **4/5**
 - III. Relative public visibility & suitability for TPO: **4/5**
 - IV. Other factors: **1/5**
- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the allocation of the site for housing in the emerging LPD and a score of **2/5** was deemed appropriate.
- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above group of trees scored a cumulative total of **16/25**.
- 5.5 In my opinion, the identified group of trees are located in a prominent location within the street-scene and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the group of trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Flatts Lane.**

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Proposed TPO at Hayden Lane, Linby



**Tree Preservation Order
Hayden Lane, Linby**

TPO Number: 000113

Scale: 1:2,000



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Report to Planning Committee

Location: Hayden Lane, Hucknall

Proposal: Protection of a group of 3 trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1 The site is situated adjacent to the sub-regional centre of Hucknall to the west of the North of Papplewick Lane site. The site is currently agricultural land.
- 1.2 The site is allocated in the emerging Local Planning Document (LPD) for up to 120 dwellings (site allocation H10).
- 1.3 Land uses to the north and east of the site are agricultural and to the south are predominantly residential.
- 1.4 Three of the trees on the site are mature, and due to their size and prominence, they are considered to have significant amenity value within the site.

2.0 Relevant History

- 2.1 The Forestry Officer inspected the trees on the 23rd March 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1 Authorisation is sought to make a provisional TPO in relation to a group of three *Quercus robur* (English Oak) trees.

4.0 Consultations

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.
- 4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

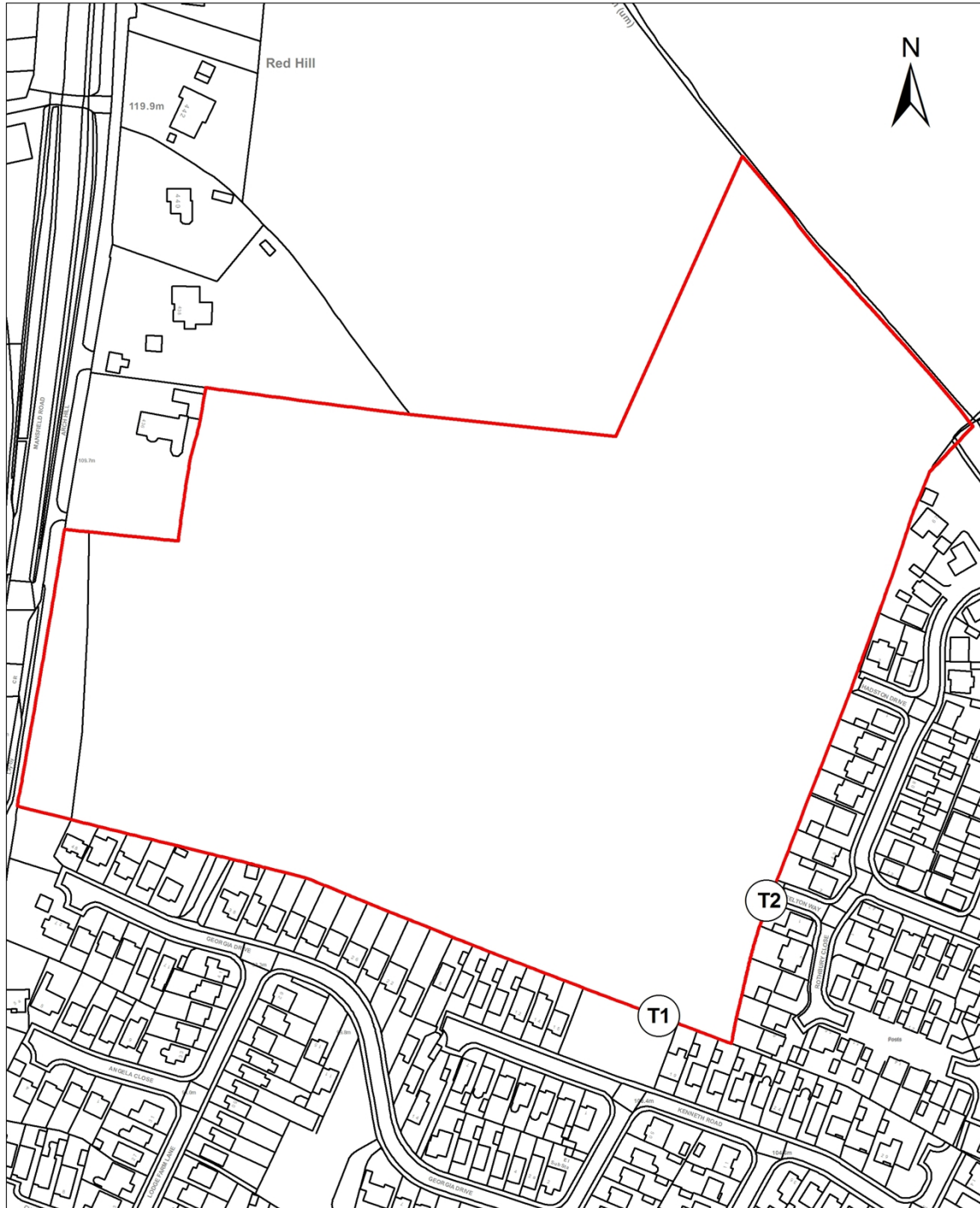
5.0 Planning Considerations

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.
- 5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.
- I. Condition and suitability for TPO: **3/5**
 - II. Retention span (in years) & suitability for TPO: **4/5**
 - III. Relative public visibility & suitability for TPO: **2/5**
 - IV. Other factors: **3/5**
- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the allocation of the site for housing in the emerging LPD and a score of **2/5** was deemed appropriate.
- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above group of trees scored a cumulative total of **14/25**.
- 5.5 In my opinion, the identified group of trees are located in a prominent location within the site and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the group of trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Hayden Lane.**

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Proposed TPO at Lodge Farm Lane, Arnold



**Tree Preservation Order
Lodge Farm Lane, Arnold**

TPO Number: 000112

Scale: 1:2,000



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Report to Planning Committee

Location: Land at Lodge Farm Lane, Arnold

Proposal: Protection of two individual trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1 The site is situated to the north of Arnold and is currently agricultural land.
- 1.2 The site is allocated in the emerging Local Planning Document (LPD) for up to 150 dwellings (site allocation H5).
- 1.3 Land uses to the north of the site are agricultural and to the south are predominantly residential.
- 1.4 Two trees on the site are veteran, and due to their size and prominence, they are considered to have significant amenity value within the site.

2.0 Relevant History

- 2.1 The Forestry Officer inspected the trees on the 23rd May 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1 Authorisation is sought to make a provisional TPO in relation to two individual Quercus robur (English Oak) trees on Kenneth Road (T1) and Rothbury Close Drive (T2).

4.0 Consultations

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.
- 4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

5.0 Planning Considerations

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.
- 5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.

Tree T1

- I. Condition and suitability for TPO: **5/5**
- II. Retention span (in years) & suitability for TPO: **4/5**
- III. Relative public visibility & suitability for TPO: **5/5**
- IV. Other factors: **5/5**

Tree T2

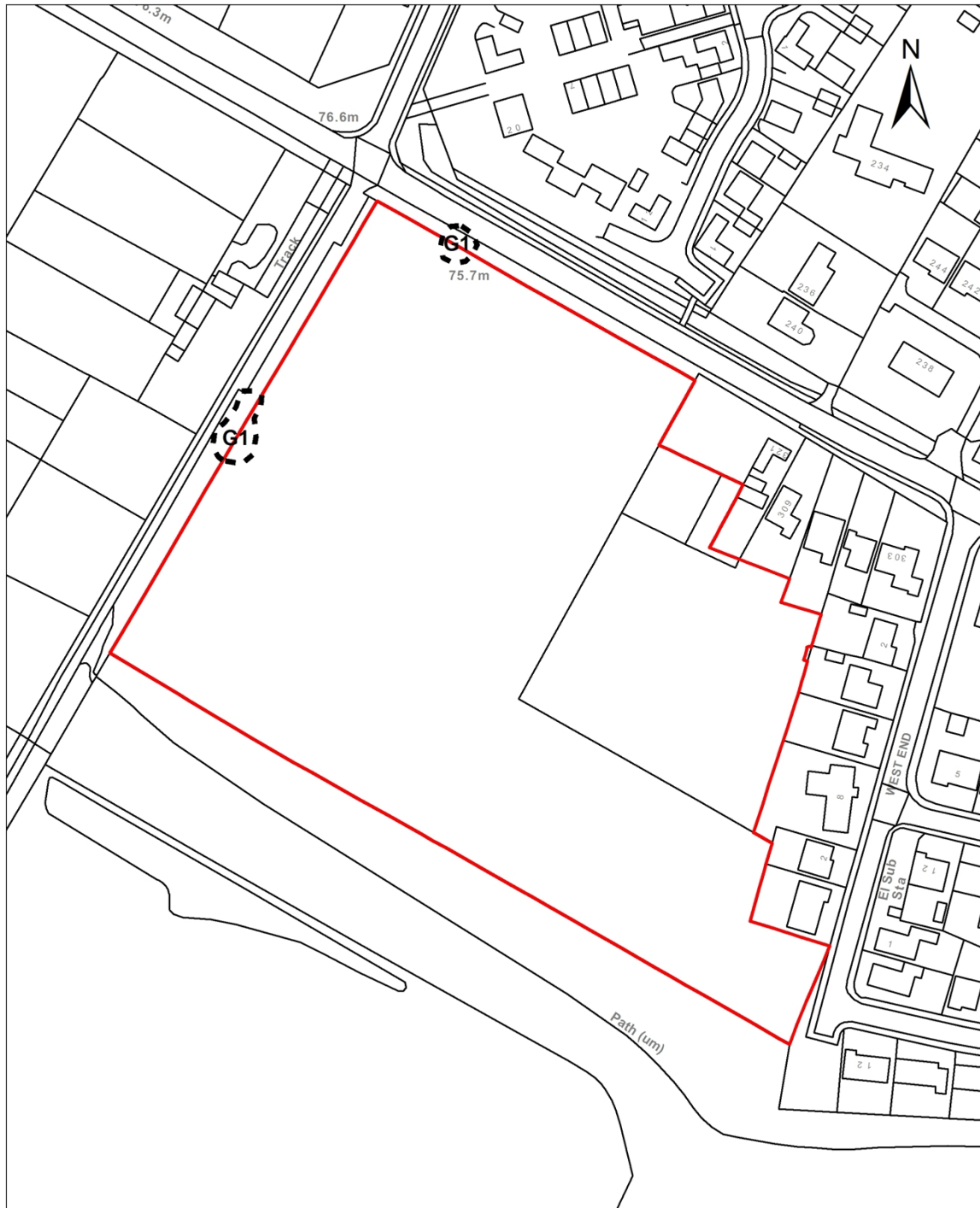
- I. Condition and suitability for TPO: **3/5**
- II. Retention span (in years) & suitability for TPO: **4/5**
- III. Relative public visibility & suitability for TPO: **5/5**
- IV. Other factors: **5/5**

- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the allocation of the site for housing in the emerging LPD and a score of **2/5** for both individual trees was deemed appropriate.
- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above individual trees scored a cumulative total of **21/25** for T1 and **19/25** for T2 respectively.
- 5.5 In my opinion, the identified trees are located in a prominent location within the site and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the individual trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Lodge Farm Lane.**

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Proposed TPO at Main Street, Calverton



**Tree Preservation Order
Main Street, Calverton**

TPO Number: 000115

Scale: 1:1,500



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Report to Planning Committee

Location: Land at Main Street, Calverton

Proposal: Protection of a group of 3 trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1 The site is situated to the west of Calverton close to the junction between Main Street and Hollinwood Lane. The site is currently used for grazing.
- 1.2 The site is allocated in the emerging Local Planning Document (LPD) for up to 75 dwellings (site allocation H15).
- 1.3 Land uses to the north and east of the site are predominantly residential and to the south and west there is a golf course.
- 1.4 Three of the trees on the site are mature, and due to their size and prominence, they are considered to have significant amenity value within the Main Street street scene.

2.0 Relevant History

- 2.1 The Forestry Officer inspected the trees on the 4th April 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1 Authorisation is sought to make a provisional TPO in relation to a group of 3 *Quercus robur* (English Oak) trees.

4.0 Consultations

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.
- 4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

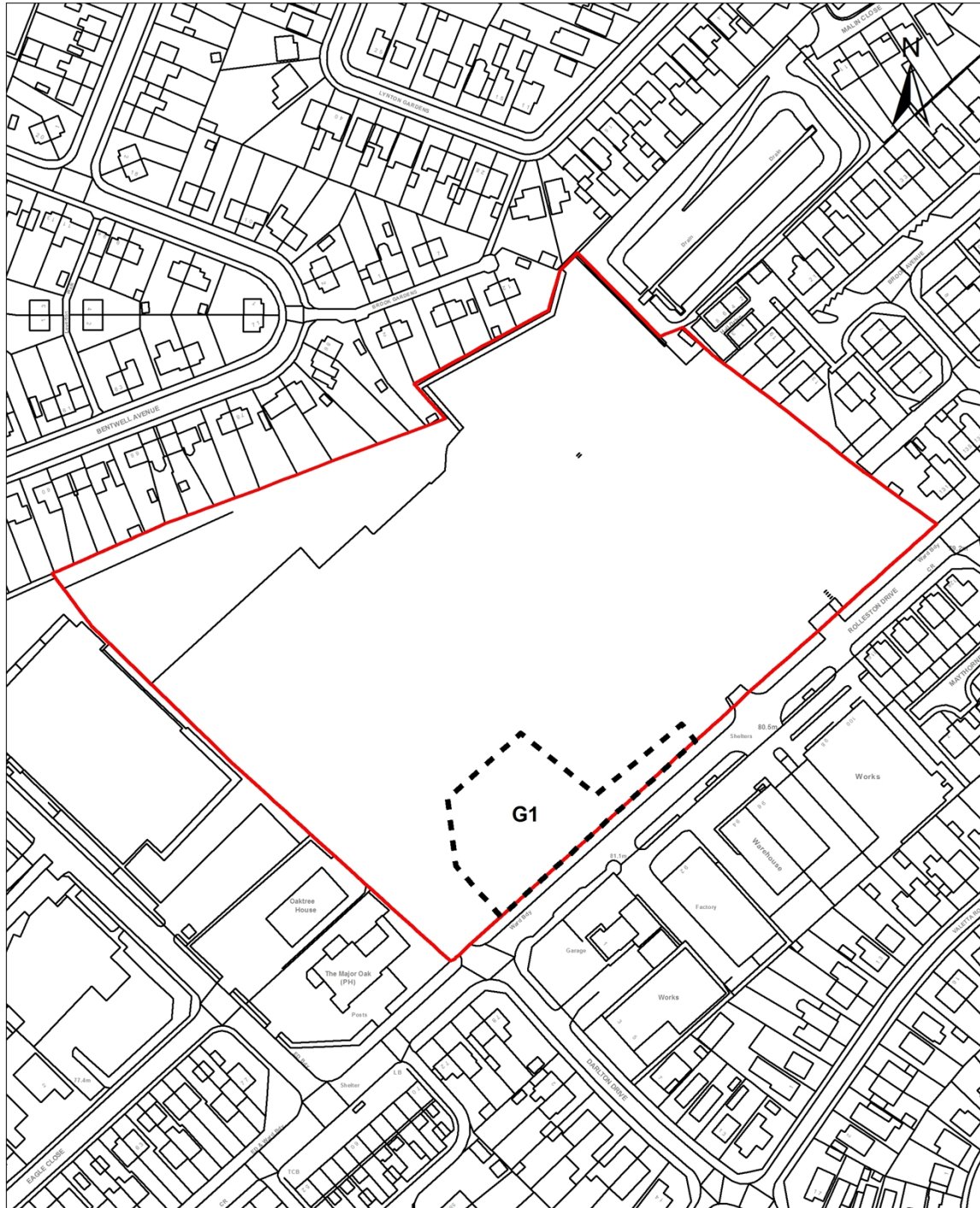
5.0 Planning Considerations

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.
- 5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.
- I. Condition and suitability for TPO: **5/5**
 - II. Retention span (in years) & suitability for TPO: **4/5**
 - III. Relative public visibility & suitability for TPO: **4/5**
 - IV. Other factors: **4/5**
- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the allocation of the site for housing in the emerging LPD and a score of **2/5** was deemed appropriate.
- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above group of trees scored a cumulative total of **19/25**.
- 5.5 In my opinion, the identified group of trees are located in a prominent location within the street-scene and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the group of trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Main Street.**

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Proposed TPO at Rolleston Drive, Arnold



**Tree Preservation Order
Rolleston Drive, Arnold**

TPO Number: 000111

Scale: 1:1,725



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Report to Planning Committee

Location: Land at Rolleston Drive, Arnold

Proposal: Protection of a group of 8 trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1 The site is situated within the existing built up area of Arnold on the northwest side of Rolleston Drive. The former buildings on the site have recently been demolished and temporary fencing has been erected along the site boundaries following a fire last year.
- 1.2 The site is allocated in the emerging Local Planning Document (LPD) for up to 90 dwellings (site allocation H1).
- 1.3 Land uses on the opposite side of Rolleston Drive and Brookfield Road are commercial but the wider area is predominantly residential.
- 1.4 Eight of the trees on the site are mature, and due to their size and prominence, they are considered to have significant amenity value within the Rolleston Drive street scene.

2.0 Relevant History

- 2.1 The Forestry Officer inspected the trees on the 18th April 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1 Authorisation is sought to make a provisional TPO in relation to a group of 8 trees. The group comprises of:
 - 3 x Sorbus trees,
 - 2 x European Lime trees,
 - 1 x Sycamore tree,
 - 1 x Ash tree, and
 - 1 x Norway Maple tree.

4.0 Consultations

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and

Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.

- 4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

5.0 Planning Considerations

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.

- 5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.

- I. Condition and suitability for TPO: **5/5**
- II. Retention span (in years) & suitability for TPO: **2/5**
- III. Relative public visibility & suitability for TPO: **4/5**
- IV. Other factors: **4/5**

- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the allocation of the site for housing in the emerging LPD and a score of **2/5** was deemed appropriate.

- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above group of trees scored a cumulative total of **17/25**.

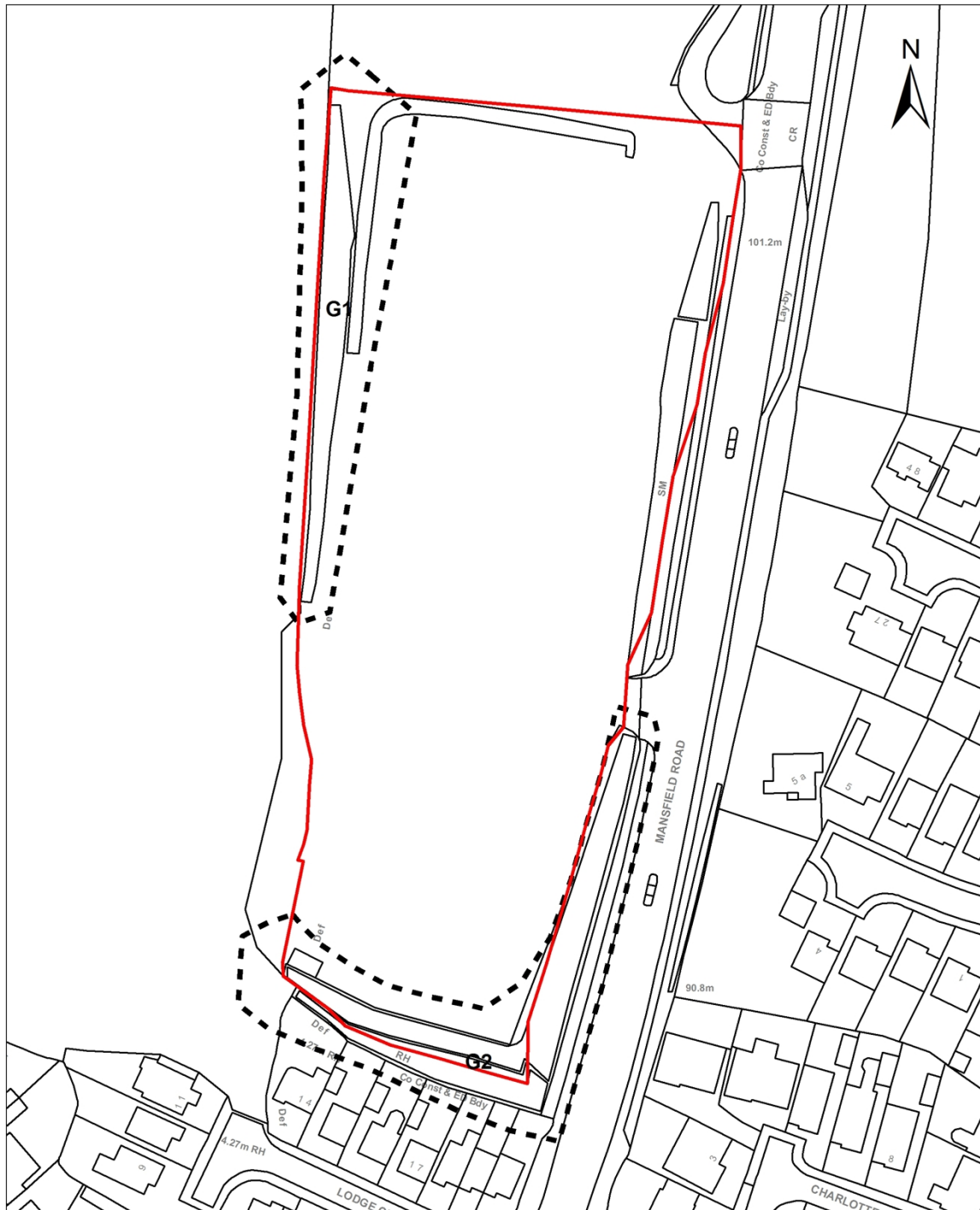
- 5.5 In my opinion, the identified group of trees are located in a prominent location within the street-scene and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the group of trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.

- 5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Rolleston Drive.**

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Proposed TPO West of A60, Redhill



**Tree Preservation Order
West of A60, Redhill**

TPO Number: 000117

Scale: 1:1,000



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Report to Planning Committee

Location: West of A60, Redhill

Proposal: Protection of two groups of trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1 The site is the former Metallifacure Engineering Works situated to the north of Redhill. The site was granted planning permission for 72 homes in August 2017 subject to the section 106 agreement (planning ref 2016/0854).
- 1.2 The site is allocated in the emerging Local Planning Document (LPD) for up to 70 dwellings (site allocation X2).
- 1.3 Land uses to the north and west of the site are agricultural and to the south are predominantly residential.
- 1.4 The two groups of trees on the site are mature, and due to their size and prominence, they are considered to have significant amenity value within the site.

2.0 Relevant History

- 2.1 The Forestry Officer inspected the two groups of trees on the 9th May 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1 Authorisation is sought to make a provisional TPO in relation to a group of Silver birch, Common hawthorn, Lombardy Poplar and Willow English Oak trees to the north east of the site (G1) and a group of London plane, Lombardy Poplar and Poplar trees to the south of the site (G2).

4.0 Consultations

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.

4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

5.0 Planning Considerations

5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.

5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.

- I. Condition and suitability for TPO: **5/5**
- II. Retention span (in years) & suitability for TPO: **2/5**
- III. Relative public visibility & suitability for TPO: **4/5**
- IV. Other factors: **4/5**

5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the allocation of the site for housing in the emerging LPD and a score of **2/5** was deemed appropriate.

5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above trees scored a cumulative total of **17/25**.

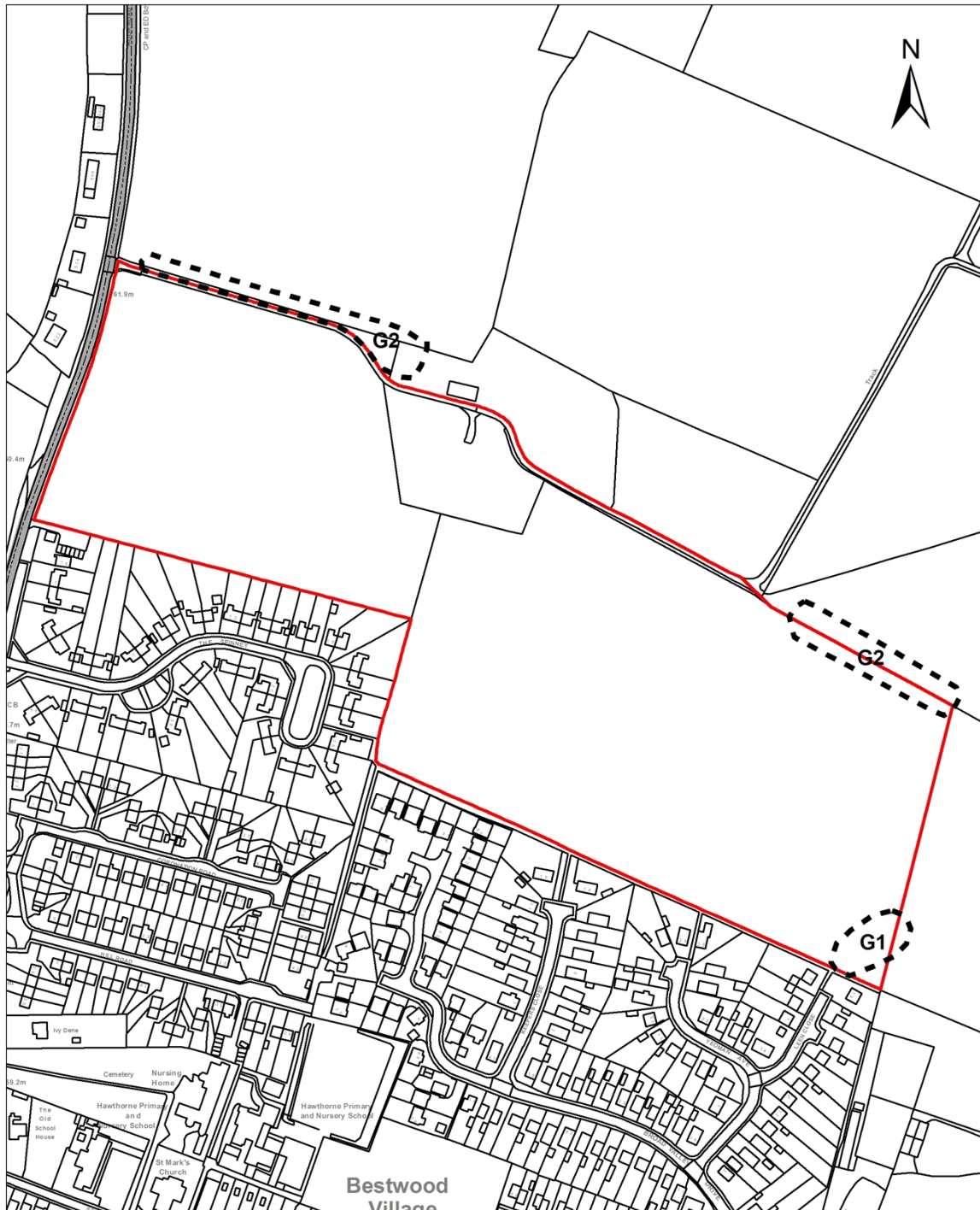
5.5 In my opinion, the identified group of trees are located in a prominent location within the site and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the group of trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.

5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at West of A60, Redhill.**

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Proposed TPO at Westhouse Farm, Bestwood



**Tree Preservation Order
Westhouse Farm, Bestwood**

TPO Number: 000114

Scale: 1:3,000



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Report to Planning Committee

Location: Westhouse Farm, Bestwood Village

Proposal: Protection of a group of 9 trees and a group of 7 trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1 The site is situated on the northern edge of Bestwood Village and is currently agricultural land.
- 1.2 The site is allocated in the emerging Local Planning Document (LPD) for up to 210 dwellings (site allocation H12).
- 1.3 Land uses to the north of the site are agricultural and to the south are predominantly residential.
- 1.4 Two groups of trees on the site are mature, and due to their size and prominence, they are considered to have significant amenity value within the site.

2.0 Relevant History

- 2.1 The Forestry Officer inspected the two groups of trees on the 28th March 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1 Authorisation is sought to make a provisional TPO in relation to a group of nine *Fagus sylvatica* (Beech) trees to the southern-east corner of the site (G1) and a group of seven Ash and Oak trees to the north of the site (G2).

4.0 Consultations

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.

4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

5.0 Planning Considerations

5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.

5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.

Group G1

- I. Condition and suitability for TPO: **5/5**
- II. Retention span (in years) & suitability for TPO: **4/5**
- III. Relative public visibility & suitability for TPO: **4/5**
- IV. Other factors: **4/5**

Group G2

- I. Condition and suitability for TPO: **5/5**
- II. Retention span (in years) & suitability for TPO: **4/5**
- III. Relative public visibility & suitability for TPO: **3/5**
- IV. Other factors: **4/5**

5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the allocation of the site for housing in the emerging LPD and a score of **2/5** for both groups of trees was deemed appropriate.

5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above groups of trees scored a cumulative total of **19/25** for G1 and **18/25** for G2 respectively.

5.5 In my opinion, the identified group of trees are located in a prominent location within the site and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the groups of trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.

5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Westhouse Farm.**

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ACTION SHEET PLANNING DELEGATION PANEL 8th June 2018

2018/0121

2 Birchfield Road Arnold NG5 8BL

Two storey side and rear extensions

Withdrawn from the agenda.

2018/0146

21 Rowland Avenue Mapperley NG3 6BZ

Single storey rear/side extension and insertion of/alterations to windows and doors in both side elevations and front elevation.

The proposed development would have no undue impact on the character of the area or the amenity of nearby residential properties.

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

Decision to be issued following completion of paperwork.

2018/0182

151 Main Street Woodborough Nottinghamshire

Ground and first floor rear extension, conversion of storage area over garage, construction of side elevation dormer window and internal alterations.

The proposed development would have no undue impact on the character of the Woodborough Conservation Area or the amenity of nearby residential properties.

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

Decision to be issued following completion of paperwork.

2018/0244

10 Green Avenue Netherfield NG4 2LZ

Two Storey Side Extension

The proposed development would have an unacceptable impact on the street scene due to the significant projection beyond the existing building line.

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

Decision to be issued following completion of paperwork.

2018/0295

Warren Place Oxton Road Calverton

Section 73 application to remove Condition 2 (agricultural occupancy restriction) on planning permission reference 2005/1014

The proposed development would not cause harm to the openness of the Green Belt and there are no other material considerations to warrant a refusal of permission.

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

Decision to be issued following completion of paperwork.

2018/0327

31 Arno Vale Road Woodthorpe NG5 4JG

Proposed single storey side & rear extension.

The proposed development would have no undue impact on the character of the area or the amenity of nearby residential properties.

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

Decision to be issued following completion of paperwork.

2018/0330

2 Huckerbys Field Carlton NG4 3SN

Construct part two storey and part single storey rear extension with patio area, new window to front elevation and new side facing ground floor window.

The proposed development would have no undue impact on the character of the area or the amenity of nearby residential properties.

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

Decision to be issued following completion of paperwork.

2018/0395TPO

Glebe Farm Glebe Drive Burton Joyce

Crown lift and prune trees subject to the TPO. Remove dead and unhealthy trees. Remove and replant any tree subject to the TPO which impedes access to the land.

Withdrawn from the agenda

2018/0430
52 Kappler Close Netherfield Nottinghamshire
Single storey rear/side extension and two storey side extension.

The proposed development would have no undue impact on the character of the area or the amenity of nearby residential properties.

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

Decision to be issued following completion of paperwork.

Mike Avery
Service Manager, Development Services
10th June 2018

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ACTION SHEET PLANNING DELEGATION PANEL 15th June 2018

2018/0343

2 The Mount Redhill NG5 8LU

Revised scheme with single storey extension and front porch

The proposed development would have no undue impact on the residential amenity of adjoining properties or on the character of the existing streetscene.

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

Decision to be issued following completion of paperwork.

2018/0345

Land Adjacent To 33A Lambley Lane Burton Joyce

New 5 bed 2 story dwelling

The proposed development would have no undue impact on the character of the area, highway safety, ecology, or the amenity of nearby residential properties.

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

Decision to be issued following completion of paperwork.

2018/0415

11 Hillside Avenue Mapperley NG3 6DP

Single and two storey side and rear extensions and alterations to windows on existing side elevation

The proposed development would have no undue impact on the residential amenity of adjoining properties or on the character of the existing streetscene.

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

Decision to be issued following completion of paperwork.

David Gray - 15th June 2018

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ACTION SHEET PLANNING DELEGATION PANEL 22nd June 2018

2016/0372

Epperstone Park Hatcheries Epperstone By Pass Woodborough

Convert existing agricultural storage building and extensions to create farm managed dwelling.

Withdrawn from the agenda.

2018/0040

Land Southwest Whinbush Lane Calverton

Erection of replacement stable building and reconfigured and improved access arrangements

The proposed development would not cause harm to the openness of the Green Belt.

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

Decision to be issued following completion of paperwork.

2018/0121

2 Birchfield Road Arnold NG5 8BL

Two storey side and rear extensions and retention of 2.35m high fence.

The proposed development would have no undue impact on the character of the streetscene or on the amenity of adjoining neighbouring properties.

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

Decision to be issued following completion of paperwork.

2018/0296

400 Westdale Lane West Mapperley NG3 6DG

Erection of single storey extensions to side and rear, installation of canopies, external alterations and buggy store to front, in conjunction with use as day nursery

The Panel recommended that the application be referred to Planning Committee

2018/0317

23 Meadow Road Netherfield Nottinghamshire

Convert upper floor of the building to a non residential teaching establishment (D1 use)

The proposed development would not have an undue impact upon amenity or highway safety.

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

Decision to be issued following completion of paperwork.

2018/0378

84 Plains Road Mapperley NG3 5RH

Demolish existing dormer bungalow and construct 4 bedroom detached dwelling.

The proposed development would have no undue impact on the character of the area or on the amenities of adjoining residential properties.

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

Decision to be issued following completion of paperwork.

2018/0425

86 Sheepwalk Lane Ravenshead NG15 9FB

Demolition of existing dwelling and erection of replacement dwelling with garage.

The proposed development would have no undue impact on the character of the area or on the amenities of adjoining residential properties.

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

Decision to be issued following completion of paperwork.

2018/0492

44 Coronation Road Woodthorpe Nottinghamshire

Erection of a two storey 1 x 2 bed dwelling house (Use Class C3).

The proposed development would result in an over intensive form of development to the detriment of the character of the area, and would have an undue overbearing impact on the amenity of the adjoining neighbouring property.

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

Decision to be issued following completion of paperwork.

David Gray & Graham Wright - 22nd June 2018

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Report to Planning Committee

Subject: Future Planning Applications

Date: 02/07/2018

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 Management.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2018/055	Land at the Rear of 144 Front Street	CCTV on the footpath linking Front Street and Smith Crescent.	08/08/2018
2018/0471	Land Ashwell Street Netherfield	Construction of a new medical centre and pharmacy including associated car and cycle parking facilities, sub-station and landscaping	08/08/2018
2018/0551	Colwick Business Park	Demolition of two existing two storey office buildings, partial demolition of existing block of light industrial/ warehouse buildings. Construction of new three storey office building including roof plant screens and associated parking and landscape works	08/08/2018
2017/0273	Land Corner Longdale Lane and Kighill Lane	Site for Residential Development.	08/08/2018
2018/0228	Land adjacent Oakdene Georges Lane Calverton	Change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities buildings	11/07/2018
2018/0365	Land on the North Side Of Briarbank Avenue Carlton	Erect 14 No. apartments	11/07/2018

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.

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