

Agenda

Planning Committee

Date: **Wednesday 12 October 2022**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Paul Wilkinson

Councillor Michael Adams
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor David Ellis
Councillor Rachael Ellis
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Rosa Keneally
Councillor Meredith Lawrence
Councillor Ron McCrossen
Councillor Barbara Miller
Councillor Marje Paling
Councillor John Parr
Councillor Henry Wheeler

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AGENDA

Page

1. **Apologies for Absence and Substitutions**
2. **To approve, as a correct record, the minutes of the meeting held on 7 September 2022** 5 - 16
Planning Committee Protocol
3. **Declaration of Interests**
4. **Application no. 2022/0240 - Netherfield Methodist Church, Victoria Road. Netherfield** 21 - 34
5. **Application no. 2014/0273 - Land at Corner of Longdale Lane and Kighill Lane, Ravenshead** 35 - 76
6. **Application no. 2022/0584 - Land at North West Park Road, Calverton** 77 - 91
7. **Application no. 2021/1464 - Ashdale, Nottingham Road, Burton Joyce** 93 - 113
8. **Application no. 2022/0819 - Recreation Ground, Muirfield Road, Bestwood** 115 - 120
9. **Appeal Decision Ref: APP/N3020/C/21/3275688 & APP/N3020/C/21/3275690 - Land to the West of 175 Mansfield Road, Papplewick** 121 - 126
10. **Appeal Decision Ref: APP/N3020/W/22/3290775 - Land previously Warren Hill Community Church** 127 - 128
11. **Appeal Decision Ref: APP/N3020/W/22/3293642 - The Wrinkly Lettuce Cafe & Bistro, 16 Main Road, Gedling** 129 - 130
12. **Appeal Decision Ref: APP/N3020/D/21/3286329 - 27 Longdale Lane, Ravenshead** 131
13. **Future Planning Applications** 133
14. **Planning Delegation Panel Action Sheets** 135 - 142
15. **Any other items which the Chair considers urgent**

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MINUTES PLANNING COMMITTEE

Wednesday 7 September 2022

In Attendance: Councillor Paul Wilkinson Councillor Andrew Dunkin
 Councillor Michael Adams Councillor Meredith Lawrence
 Councillor Peter Barnes Councillor Ron McCrossen
 Councillor Chris Barnfather Councillor Barbara Miller
 Councillor David Ellis Councillor Marje Paling
 Councillor Rachael Ellis Councillor John Parr
 Councillor Mike Hope Councillor Lynda Pearson
 Councillor Rosa Keneally Councillor Henry Wheeler

Absent: Councillor John Truscott and Councillor Andrew Ellwood

Officers in M Avery, N Bryan, C Goodall and S Pregon
Attendance:

12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Ellwood and Truscott. Councillors Dunkin and Pearson attended as substitutes.

13 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 27 JULY 2022.

RESOLVED:

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

14 DECLARATION OF INTERESTS

The Chair declared collective non-pecuniary interests on behalf of all councillors in respect of item 5, application no. 2021/1225 as the Council had the benefit of servitudes which affected part of the application site and the Council owned part of the application site, and in respect of item 6 application no. 2022/0795 as the Council owned the application site.

Councillors Paling and Wheeler declared that they were predetermined on item 6, as they had been campaigning for CCTV to be installed on Killisick Recreation Ground for a number of years, and that they would therefore abstain from the debate and from voting on the application.

Councillor Rachael Ellis declared, in respect of item 5 on the agenda, that she was a member of St Albans Parish Council who had submitted comments, but that she had been careful not to predetermine herself.

Councillor David Ellis declared, in respect of item 6 on the agenda, that as Portfolio Holder he had signed off the application relating to the installation of the CCTV and would therefore not take part in the debate, nor the vote.

**15 APPLICATION NO. 2022/0153 - 49 CHANDOS STREET
NETHERFIELD**

Proposed change of use from dwelling (C3) to 7 bedroom HMO including rear dormer extension.

Rae Murphy of JBM Property Management (The applicant) spoke in support of the application.

The Principal Planning Officer 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 shall be carried out in accordance with the details as set out within the amended application form received on the 5th April 2022, the site location plan received on the 8th February 2022, the site/block plan received on the 8th February 2022 and the plan showing the proposed floor plans and elevations received on the 8th February 2022, drawing number: 22017-P-102.
- 3 The development shall be carried out in accordance with the submitted Flood Risk Assessment received on the 8th February 2022 titled 'Application for the Proposed Change of Use to 49 Chandos Street, Netherfield, NG4 2LP.

Reasons

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

- 3 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2021, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Reasons for Decision

The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are considered to be acceptable, a Licence however would need to be sought from the Borough Council. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 5, 12 and 14), Policies 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37 and 61 of the LPD.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021).

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.

Your attention is drawn to the following Building Regulations advice which will need to be adhered to: Sound Insulation & Building Regulations The resistance to the passage of sound in buildings must comply with Approved Document E of the building regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:- Separating walls, floors & associated flanking transmissions for new buildings-Internal walls, floors & stairs for new buildings-Dwelling houses & flats formed by a material change of use-Rooms for residential purposes-Common internal parts of buildings containing flats or rooms for residential purposes . Approved Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise is generated eg not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.

APPLICATION NO. 2021/1225 - NOTTINGHAMSHIRE FIRE AND RESCUE HEADQUARTERS BESTWOOD LODGE DRIVE

Outline planning application with means of access, layout and scale for consideration for the construction of 32 dwellings.

Margaret Davenport (on behalf of local residents of the Old Stable Block) spoke in objection to the application.

Terry Scott of Nottinghamshire Fire and Rescue Service (The applicant) spoke in support of the application.

The Head of Development and Place introduced the report.

RESOLVED:

To GRANT OUTLINE PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, education, health contributions, management company for the on-going maintenance of the access road and any other roads within the development and open spaces not within residential curtilages and not adopted by the Highway Authority or Borough Council and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1. 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.
2. Approval of the details of appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
3. This permission shall be read in accordance with the following approved plans:

Site Location Plan 20040-FSA-00-XX-DR-A-0001 P02 received 4th April 2022.

Site layout Plan 20040-FSA-00-XX-DR-A-0002 P01 received 20th June 2022.

Proposed Access Arrangements PBL5-BSP-ZZ-ZZ-DR-D-0001 Rev PO2 received 4th April 2022.

The development shall thereafter be undertaken in accordance with the approved plans.

4. Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
5. No part of the development hereby permitted shall commence until a detailed surface water drainage scheme based on the principles set out by the approved Flood Risk Assessment (FRA) and Drainage Strategy dated 27th May 2021 has been submitted to and approved in writing by the Local Planning Authority. These details shall include infiltration testing results for the site.

The scheme shall be implemented in accordance with the approved details prior to the completion of the development.

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, 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 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.

- a) 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.

- b) 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 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.

- 7. From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

- 8. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
- 9. No development shall be commenced until details of the means of foul drainage have been submitted to and approved in writing by

the local planning authority. The development shall be undertaken in accordance with the approved details.

10. No development shall commence on any part of the application site unless or until a suitable access arrangement as shown for indicative purposes on drawing number PBL5-BSP-ZZ- ZZ-DR-D-0001 Rev P02 has been provided to the satisfaction of the Local Planning Authority.
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 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. Notwithstanding the submitted details, the formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage. The development shall be undertaken in accordance with the approved details.
13. Notwithstanding the submitted details prior to the commencement of any development on site a further protective species survey of the site as advised by the submitted Preliminary Ecological Appraisal Report shall be undertaken. Should any protected species be found to be present then precise details of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
14. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for tree protection. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the land, identify those to be retained, identify root protection zones and set out measures for their protection throughout the course of development. The development shall be undertaken in accordance with the approved details.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) Class E, no buildings shall be erected other than those expressly authorised by this permission.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 2 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.
- 3 To define the permission, for the avoidance of doubt.
- 4 This pre-commencement condition is necessary to ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings
- 5 To ensure that satisfactory provision is made at the appropriate time for the disposal of surface water.
- 6 To ensure the development is safe and suitable for use.
- 7 In the interest of sustainable travel
- 8 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration policy LPD11 of the Councils Local Planning Document.
- 9 To ensure a satisfactory means of foul drainage.
- 10 In the interest of Highway Safety, to ensure adequate access.
- 11 In the interest of Highway Safety, to ensure adequate access.
- 12 To ensure appropriate access and parking arrangements are available.
- 13 In the interests of protecting ecological interests
- 14 In the interests of visual amenity.
- 15 To assess the impact on openness of the Green Belt of any additional buildings on the site.

Notes to applicant:

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application discussions

took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.

Informative: In relation to Condition 5 the details shall demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.

Informative: The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Informative: 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 any highway forming part of the development is to be constructed 'fit for purpose'. The new roads and any drainage should be built in line with 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 and a management company will need to be set up on the site to manage and maintain the highway elements of the development

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:-
hdc.south@nottsc.gov.uk

17 APPLICATION NO. 2022/0795 - RECREATION GROUND KILLISICK ROAD ARNOLD

To install a 10m cabinet style galvanised column together with a 2m antennae extension and a concrete base for a CCTV camera.

RESOLVED:

To Grant Conditional Planning Permission.

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the application form and following list of documents and approved drawings:
 - Application Form, received 7th July 2022
 - Site Location, received 20th July 2022
 - Drawing no. TC.10.10.400.01 entitled 400 Sq Cabinet Based 10 Mtr Pole, received 7th July 2022
 - Supporting Document - AUTODOME IP Starlight 5100i IR, received 7th July 2022
 - Supporting Document - Data Sheet: 5 GHz 450b, received 7th July 2022
 - Drawing no. WEC-467586A1 entitled CS2000 showing Plastic Bung, received 7th July 2022

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

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014) and Policy 32 of the LPD.

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 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 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.

18

FUTURE APPLICATIONS

RESOLVED:

To note the information.

19 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

20 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.00 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 2022/0240



Report to Planning Committee

Application Number: 2022/0240

Location: Netherfield Methodist Church Victoria Road
Netherfield

Proposal: Conversion of existing church property, with subsequent change of use, from community centre (Class F2 - former class D2) to 13 one-bed residential dwelling spaces (Class C3) with accompanying internal and external communal spaces, secure bin store, cycle store and parking provisions.

Applicant: Hockley Developments Ltd

Agent:

Case Officer: Alison Jackson

The application is referred to Planning Committee to comply with the Councils constitution as the development proposes more than 9 dwellings.

1.0 Site Description

- 1.1 The application site relates to the Netherfield Methodist Church located at Victoria Road between Dennis Street and Kingsley Drive, Netherfield. There is an existing vehicular access into the site from Victoria Road leading to a hard surfaced parking area to the frontage of the site. The building consists of the main Church and single storey additions to the building all constructed in red brick with tiled roofs. The site is currently vacant.
- 1.2 The site is situated outside of the designated Netherfield local centre but within close proximity to the local shopping centre. The site is surrounded predominately by residential properties with the exception of a commercial unit opposite the site on the corner of Dennis Street and Victoria Road and an area of open space opposite the site on Victoria Road.
- 1.3 The site is situated on a bus route.
- 1.4 The site falls within an area at risk of flooding.

2.0 Relevant Planning History

- 2.1 There is no recent planning history pertinent to the current application.

3.0 Proposed Development

- 3.1 The application is for the conversion of the existing Church from a community centre (Class F2 (former class D2)) to 13 one bedroom flats (Class C3) with accompanying internal and external communal spaces, a staff office, a bin storage area and a cycle store. The existing vehicular access point into the site is proposed to be widened and a parking area provided to the frontage of the site providing six car parking spaces.

The conversion of the building in order to accommodate the flats would require the insertion of a new floor in the former Church and church hall. No structural changes to the existing fenestration are required however new glazing will be inserted to meet modern standards, three roof lights are proposed to be inserted in the existing roof slopes, two new front doors are proposed with two existing windows proposed to be blocked up with brick work to match the existing building

- 3.2 The supporting information advises that the flats would be occupied by people who qualify for the Supported Living Programme, but the application does not seek to restrict the occupation of the flats and approval is sought for any residential use permitted by Use Class C3.
- 3.3 Six car parking spaces are proposed..
- 3.4 A flood risk assessment has been submitted with the application.

4.0 Consultations

- 4.1 A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of the consultation undertaken a total of 9 neighbour letters were received, all objecting to the application. A summary of the objections is drafted below;

- ☐ Loss of privacy
- ☐ Concerns over security
- ☐ Increase in noise
- ☐ Concerns that part of the building will be demolished
- ☐ The Planning Statement refers to meetings that have been undertaken and copies of the minutes of the meetings are therefore requested
- ☐ Lack of parking
- ☐ Road congestion
- ☐ Highway safety issues
- ☐ Concerns that neighbouring roads will be blocked by the increase demand for on street parking preventing emergency vehicles etc gaining access to properties
- ☐ Pedestrian safety issues
- ☐ Antisocial behaviour issues

- 4.2 Nottinghamshire County Council (NCC) Highway Authority – Raise no objections subject to a number of conditions, these being the widening of the access, the provision of a dropped kerb, the appropriate surfacing of the parking and turning areas, the parking bays being clearly delineated and the provision of the bin store/collection point.

- 4.3 NCC (Policy) – A bus stop infrastructure contribution of £8,825 should be paid to provide improvements to the bus stop on Victoria Road denoted GE0139 Kingsley Drive and shall include the removal and disposal of the current pole and the installation of real time bus stop poles and displays including associated electrical connections.
- 4.4 NHS (primary care) – no contributions are required as part of a Section 106 Agreement as the development does not meet the size criteria for our CCG. The threshold is 25 dwellings
- 4.5 NCC Education – as the proposal relates to the provision of one bedroom apartments no education contributions are sought.
- 4.6 Scientific Officer (Air Quality) – Request that a condition be added to ensure that electric vehicle charging points are secured on-site.
- 4.7 Environment Agency – raise no objections providing the development is carried out in accordance with the submitted Flood Risk Assessment.
- 4.8 Nottinghamshire County Council (Local Lead Flood Authority (LLFA)) – refer to their general advice as set out below:
1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
 2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
 3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
 4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
- 4.9 Economic Development – a Local Labour Agreement will be required.

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 2021 (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 The NPPF sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 9, (promoting sustainable transport) 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (conserving and enhancing the natural environment) are particularly pertinent.
- 6.3 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:
- Policy A – Presumption in favour of sustainable development
 - Policy 1 – Climate change
 - Policy 2 – The Spatial Strategy
 - Policy 8 – Housing size, mix and Choice
 - Policy 10 – Design and Enhancing Local Identity
 - Policy 19 - Developer Contributions
- 6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:
- ☐ LPD 3 – Managing Flood Risk
 - ☐ LPD 4 – Surface Water Management - sets out the approach to surface water management.
 - ☐ LPD 7 – Contaminated land - sets out the approach to land that is potentially contaminated.
 - ☐ LPD 11 – Air quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
 - ☐ 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 33 – Residential density – outlines the level of residential density that is likely to be acceptable in various locals within the Borough.
 - ☐ LPD 35 – Safe, Accessible and Inclusive Development – planning permission will be granted for development that is permeable in form and inclusive to all members of the community
 - ☐ LPD 37 – Housing type, size and tenure - states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
 - ☐ LPD 40 – Housing development on unallocated sites – planning permission will be granted for development on such sites provided the character of the area and residential amenity is respected and adequate parking is provided.
 - ☐ LPD 48 – Local Labour Agreements – identifies the threshold for seeking Local Labour Agreements.

- LPD 56 – Protection of community facilities – Identifies facilities that are intended to be protected and criteria against which removing them should be assessed.
- LPD 57 – Parking Standards – sets out parking standards for developments
- 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.

6.5 Other Guidance

Parking Provision for Residential and Non-Residential Developments SPD (2022).

Low Carbon Planning Guidance for Gedling Borough (May 2021) provides guidance on sustainable design and construction.

7.0 **Planning Considerations**

Principle of development

- 7.1 The application site falls within the main urban area of the Borough and there are no policy restrictions on the site. It has good access to services, including local shops and the public transport network. Therefore the principle of development is supported by policy LPD40, although there would be a need to ensure that the development would, amongst other criteria, respect the character of the area, residential amenity and highway safety, explored later in this report.
- 7.2 Policy LPD56 identifies that applications for development of community facilities, including places of worship/church halls, will not be granted unless particular criteria are met. One of the criteria is that it is no longer economically viable, feasible or practicable to retain the existing community use. It is understood that the church/church hall have been vacant for a period of over 12 months, the property was marketed by Innes England nationally on all property portals including Rightmove. Following a high profile national marketing campaign very few offers were made with no offers being made to keep it in its current use and therefore an offer was accepted to redevelop the site. Having been vacant for such a long-period of time it is considered appropriate for alternate development to come forward in that the building could fall into a state of disrepair if left vacant for a longer period of time. Further, the church/church hall is not identified as Asset of Community Value. I am also mindful that the St Georges Centre, a community centre, is situated in fairly close proximity to the application site on Victoria Road and this provides alternative provision with sufficient capacity. As a result an alternate use on the site is considered to be acceptable and the application deemed to comply with policy LPD56.

Impact on the character of the area

- 7.3 The immediate surrounding area is characterised by residential properties and therefore the introduction of flats within the existing building would reflect the overall character of the area.
- 7.4 The building is currently vacant and has been for a period of time, therefore the re-use of the building for residential purposes will bring a vacant building back into use which will undoubtedly improve the area rather than leaving a vacant building which could fall into disrepair and appear unsightly in the area.
- 7.5 The introduction of the supported living accommodation will provide a mix of housing types which is welcomed in the area. Although I note that if the application were to be granted, the permission would not restrict occupation to those in need of supported living.
- 7.6 As the existing building would remain predominately unchanged in terms of its appearance with very minor external alterations proposed I am satisfied that the proposed use would not adversely affect the character of the area.
- 7.7 The application relates to a site that is not allocated for residential development. LPD40 is therefore relevant. This policy states that planning permission will be granted for development on such sites provided the character of the area and residential amenity is respected. The proposal is not considered to be out of character with the area and would provide a mix of housing for the area. As a result, it is considered that the application complies with policies 8 and 10 of the ACS and policies LPD 37 and LPD40.

Impact on residential amenity

- 7.8 As the built form of the buildings will remain as is on site with very minor external changes required to the facade of the buildings in order to accommodate the residential accommodation I am satisfied that there will be no greater impact onto neighbouring properties than the existing situation.
- 7.9 Whilst the building would be used for residential purposes and therefore the windows to the building would be utilised to serve the accommodation, I consider that there will be no undue overlooking impact onto neighbouring properties.
- 7.10 I note that an upper floor would be installed within the Church and Church hall elements of the existing building and therefore the upper floor windows to the Church would be utilised to serve the upper floor accommodation, given the relationship of these windows with existing neighbouring development there would be no undue overlooking impact onto neighbouring properties.
- 7.11 Roof lights are proposed to be installed within the side elevation roof slope of the church hall serving the bedrooms to flats 5 and 7 on the upper floor, given the that these roof lights will look into the site and onto the roof slopes of the existing buildings I am satisfied that there will be no undue overlooking impact onto neighbouring properties. The roof lights were originally proposed to be located within the roof slope facing no. 1, Dennis Street however following concerns raised by Officers in respect to the potential overlooking impact onto

this immediate neighbouring property, the roof lights were re-positioned to face into the site.

- 7.12 Access to the site will remain as existing, albeit that the access point will be widened, it is therefore considered that the access and the proposed parking, given that the parking is contained within the complex of the buildings together with the fact that this area was previously being used for parking to serve the Church/Church hall there will be no greater impact on the amenity of neighbouring properties.
- 7.13 I note that communal outdoor spaces are proposed to serve the development and am satisfied that the outdoor spaces proposed are acceptable to serve a development of this nature and the use of these areas will result in no undue impact onto neighbouring properties given the location of the areas and the boundary treatments that are in place.
- 7.14 I note that concerns have been raised in respect to potential anti-social behaviour/crime as a result of the occupants of the property and the potential that the area will become unsafe, again I see no justification for this assertion. However, as the property would be tenanted should any anti-social behaviour issues arise, these can be reported to the owner/management company of the property or the Council's Public Protection department and these matters could therefore be investigated and any appropriate action taken. Any matters of a more serious nature could also be investigated by Nottinghamshire Police.
- 7.15 It is not considered that the use of the site would result in any significant noise impact on the amenity of neighbouring properties.
- 7.16 Having regard to the above, it is considered that the development has been sensitively designed so as to ensure that there would be no significant detrimental impact on residential amenity and the application is deemed to comply with policy LPD32.

Highway safety and parking

- 7.17 The Highway Authority has raised no objections to the proposal given the receipt of revised plans which show the access to the site being widened to serve the development, this being the case I consider that the access arrangements raise no highway safety issues.
- 7.18 The Highway Authority has requested that conditions are attached to any grant of planning permission requiring the hard surfacing of the parking and turning areas and the car parking spaces being clearly delineated in accordance with the submitted plan, I concur with this view in order to ensure that the surfacing of the parking/turning areas result in no undue impact on highway safety and the delineation of the parking spaces prevents haphazard parking.
- 7.19 The Highway Authority has also requested the provision of a bin storage area which I would clarify is shown on the submitted plan and is proposed to be

located in close proximity to the vehicular entrance to the site from Victoria Road.

- 7.20 In respect of parking provision I note that 6 car parking spaces are proposed to be provided at the site to serve the proposed use of the site for 13 flats. Policy LPD 57 as set out above, states that planning permission will be granted for residential development where the development proposal meets the requirements for parking provision as set out within Appendix D of the Local Planning Document or otherwise agreed in writing by the Local Planning Authority. Appendix D reflects the Parking Provision for Residential Development SPD which gives guidance on the parking provision required for development. Policy LPD57 together with Appendix D and the Council's Parking SPD refer to the requirement for parking provision for flats which identifies that for flat developments with unallocated spaces a provision of 0.8 per unit would be required, or 11 spaces. As a result, the parking provision proposed would not comply with Appendix D of the Local Planning Document however, I am mindful that LPD 57 states that planning permission can be granted for residential development providing parking provision is as 'otherwise agreed' by the Local Planning Authority. This does therefore permit the Local Planning Authority to agree an alternative level of parking provision where appropriate.
- 7.21 I consider given the sustainable location of the site in close proximity to the Netherfield designated shopping area and Victoria Retail Park, where there are a number of amenities, shops, etc. which are within walking distance of the application site and the fact that the site is situated on a public transport route, the full requirement for off road car parking at the site is not required in this instance and 6 car parking spaces would be sufficient to serve this development.
- 7.22 I am also mindful of the nature of the use of the site as supported living accommodation, where occupants are perhaps not likely to have cars. However if the flats were sold on the open market, as the development is for one bedroom units situated in a sustainable location it is considered unlikely that the occupants would have cars but if this is the case the site does offer some off road car parking albeit limited. I am also conscious that if the property is sold on the open market this would state that there is limited parking available at the site and therefore the parking issue may manage itself to a certain extent, as if future occupants required dedicated off street parking they would be unlikely to acquire a flat on this site.
- 7.23 The provision of a cycle storage area is welcomed to serve the site.
- 7.24 The supporting information submitted with the application states that the car parking spaces would be used for staff working at the site and for any potential contractors rather than for the use of residents.
- 7.25 It is therefore considered that the proposal accords with policy LPD61 in respect to highway safety and LPD57 in regard to the need for off street parking provision.

- 7.26 As the proposal relates to a change of use there is no requirement to undertake a sequential test and the updated flood risk assessment demonstrates compliance with the exception test. The proposal however has to be assessed as to whether or not the proposal results in any flood risk issues to the occupants of the premises. As the proposal is for the change of use of the premises, there will be no increased flood risk to the area in general.
- 7.27 I note that the Environment Agency has raised no objections to the proposal subject to the development being undertaken in accordance with the submitted Flood Risk Assessment and the mitigation measure proposed in that the finished floor levels of the development will be set no lower than 22.66 metres above Ordnance Datum. A condition therefore will need to be attached to any grant of planning permission to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment.
- 7.28 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2021, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Planning obligations

- 7.29 The application meets the trigger for a number of contributions to make the development acceptable in planning terms. To this end, the contributions sought from various statutory consultees are summarised below:
- ☐ NCC Transport (Bus Top Improvement) – it is identified that there is a requirement for bus stop improvement and therefore a contribution of £8,825 is sought.
 - ☐ A monitoring fee for the planning obligations is sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which calculates a figure based on the number of relevant triggers. The monitoring fee is subject to annual indexation, therefore the final sum will be determined at such time as the legal agreement is in an agreed form and ready to be completed.
 - ☐ Local Labour Agreement in accordance with LPD48.

Transport

- 7.30 In respect of the transport contribution, the County Council has identified that the development is likely to require the upgrading of the bus stop on Victoria Road denoted GE0139 Kingsley Drive therefore a contribution of £8,825 is sought towards the upgrade. This would need to be secured within a Section 106 Agreement, the Local Labour Agreement could also be secured as a planning obligation through the same s106 agreement.

- 7.31 All of the above requirements are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation, as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). The requirements would be secured as planning obligations through a s106 agreement.
- 7.32 Paragraph 65 of the NPPF states that “ Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership” Specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students) is specified as an exemption. I am satisfied that the design and layout of the proposed development is for a supported living complex and this comprises specialist accommodation. Local Planning Document Policy LPD36 is not engaged as the threshold is 15 or more dwellings. Having regard to the NPPF and the Local Planning Document, I am satisfied that there is no requirement to provide any affordable housing.

Other matters

- 7.32 In accordance with the Low Planning Carbon Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. In this respect the site is situated in a sustainable location with good access to a numbers of services. The development proposes the conversion of an existing building rather than the demolition and rebuild resulting in a more sustainable form of development. EV charging points would also be provided at the site to encourage electric car usage, all of which help to reduce the impact of the development on the environment and assist in reducing climate change.
- 7.33 A condition is required to ensure that electric vehicle charging points are secured on site in accordance with LPD11
- 7.34 On the submitted drawings a degree of planting is proposed, which would enhance the character of the area and help to green the environment, although no details of species have been supplied. Therefore, a landscaping condition in respect of securing details of the proposed planting would be acceptable in this instance.

8.0 Conclusion

- 8.1 The principle of development is supported in that the site falls within the main urban of the Borough, has good access to services and is currently a vacant site. The design, scale and layout of the built form is considered to be of a good quality design, respect the character of the area and be an enhancement on the existing; nor is considered that residential amenity would

be compromised through a dominating or overlooking impact. Furthermore, highway safety would not be compromised and parking provision would be acceptable.

- 8.2 The application is, therefore, deemed to comply with policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy; policies 3, 4, 7, 11, 32, 33, 35, 37, 40, 48, 56, 57 and 61 of Local Planning Document, the Low Carbon Planning Guidance for Gedling Borough and the guidance contained within the NPPF 2021.

9.0 Recommendation: Grant Planning Permission: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as the Local Highway to secure contributions towards transport and to secure a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be undertaken in accordance with the details as set out within the application form received on the 25th February 2022, the site location plan received on the 25th February 2022, the revised Planning Statement received on the 17th August 2022, the Marketing Information received on the 21st April 2022, the revised site/block plan received 16th June 2022, drawing name: VR-HD-20001-PI Rev B, the revised first floor plan and roof plan received on the 9th August 2022, drawing names: VR-HD-23001-PI Rev B and VR-HD-29001-PL Rev B, the plan received on the 25th February 2022 showing the basement plan, drawing name VR-HD-21001-PL Rev A, the plan received on the 22nd April 2022 showing the proposed ground floor plan, drawing name: VR-HD-22001-PL Rev A and the revised plan received on the 17th August 2022 showing the revised elevations, drawing name: VR-HD-20101-PL Rev B.
- 3 The development shall be carried out in accordance with the submitted flood risk assessment (titled FLOOD RISK ASSESSMENT; EA's Site Specific Modelled Data; Updated report in response to EA Letter: LT/2022/126926/01-L01, Ark Environmental Consultancy Ltd, dated April 2022) and the following mitigation measure it details:
 - Finished floor levels shall be set no lower than 22.66 metres above Ordnance Datum (AOD) (as per section 9.0 of the FRA).This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 4 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.

- 5 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing name VR-HD-20001-PI Rev B. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 6 No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing VR-HD-20001-PI Rev B has been provided.
- 7 No part of the development hereby permitted shall be brought into use until the bin store has been constructed and positioned in accordance with drawing number VR-HD-20001-PI Rev B.
- 8 Prior to the occupation of building(s) hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of at least two (2) Electric Vehicle Recharging Points. The Electric Vehicle Recharging Points shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of residents.
- 9 Prior to the commencement of development, a scheme of landscaping showing the location, species and size of specimens to be planted and those to be retained shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2021, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.
- 4 In the interests of highway safety and to comply with policy LPD61.

- 5 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and to comply with policy.
- 6 To ensure the cycle parking areas are available for use and to encourage alternative modes of transport to the private motor technical and to comply with guidance contained in the NPPF.
- 7 To enable the bins to be collected by the refuse team on collection day and reduce the likelihood of vehicles blocking the public highway and to comply with policy LPD61.
- 8 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework, ACS 1 and policy LPD11 of the Councils Local Plan.
- 9 To ensure the character of the area is respected and to comply with policy ASC10.

Notes to Applicant

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation.

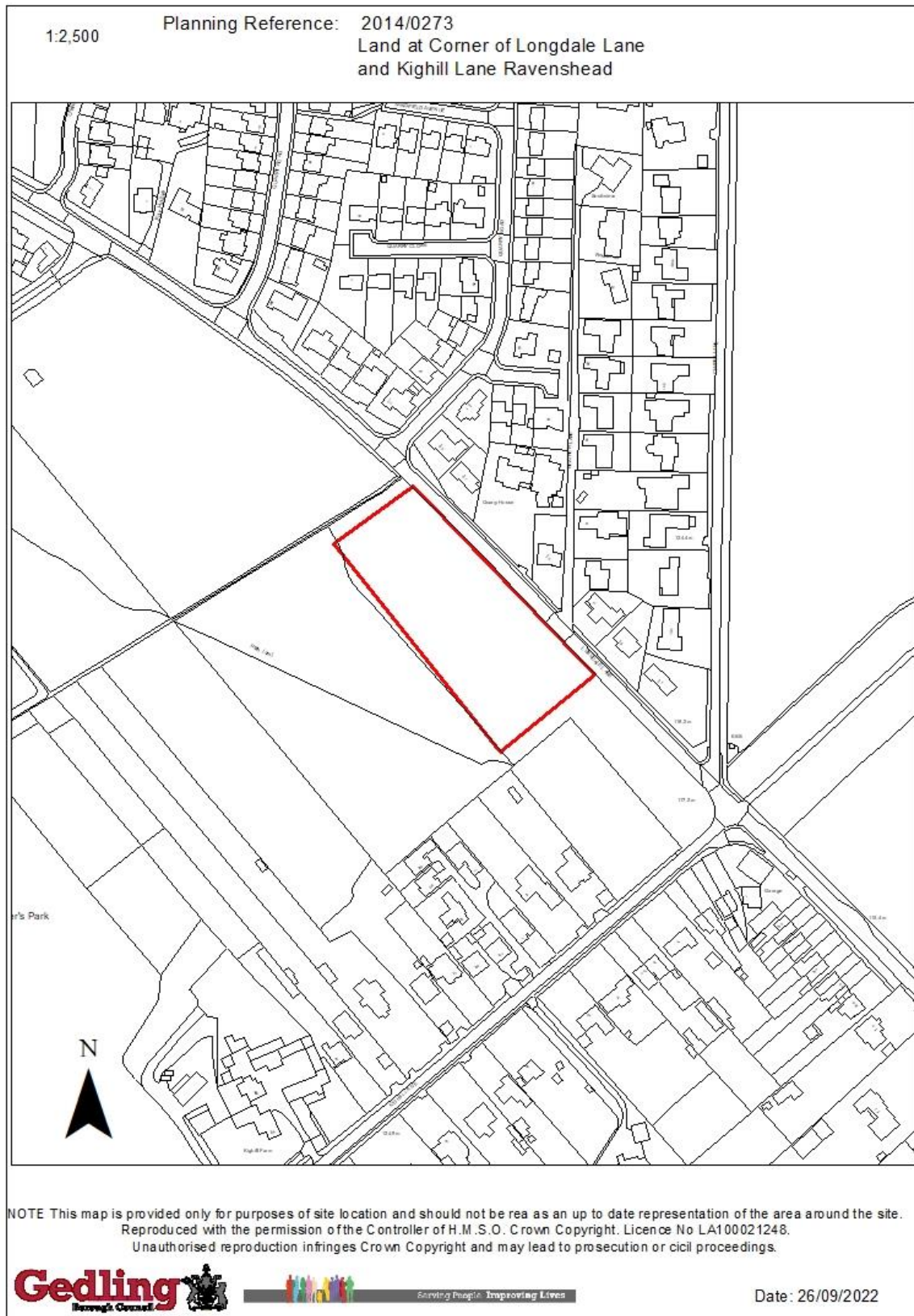
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable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

The development makes it necessary to construct a vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:
<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>.

Date Recommended: 17th Aug



Planning Report for 2014/0273



Report to Planning Committee

Application Number:	2014/0273
Location:	Land at Corner of Longdale Lane And Kighill Lane Ravenshead
Proposal:	Outline Planning Permission for up to 31 No. dwellings with all matters reserved
Applicant:	Aldergate Properties Ltd
Agent:	Mr Paul Stone
Case Officer:	Kevin Cartwright

Addendum Report

1.0 Introduction

- 1.1 The application was before members of the Planning Committee on 8th August 2018. The resolution was to grant outline planning permission subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as local highway and education authority to secure planning obligations for the provision of, or financial contributions towards, affordable housing, local labour agreement, transport infrastructure improvements, open space, management company and educational facilities; and subject to the conditions set out in the original committee report that is reproduced in full at the end of this addendum report.
- 1.2 Whilst progress has been made in relation to the legal agreement it was never completed. Additionally the applicant has indicated a desire to have the option to develop all or part of the site as a custom build/self-build development. The only changes proposed to facilitate this is the introduction of a phasing condition with subsequent amendments to proceeding conditions. This would allow conditions to be discharged on a plot by plot basis rather than for the site as a whole. A list of revised conditions incorporating these changes can be found at the end of this addendum report. It has also been necessary to undertake a re-consultation to ensure that the planning obligations requests are up to date.
- 1.3 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) does not distinguish between self-build and custom build but defines it as housebuilding which would allow individuals or a group of individuals to build on a plot by plot basis to be occupied by themselves as an alternative to a single developer building out the entire site.

The supporting text to policy LPD 42 Self Build and Custom Build defines self-build and custom build as:

Self build housing is when an individual directly organises the design and construction of their new home. Custom build housing is defined as when an individual commissions a builder to help to deliver their own home.

- 1.4 Government guidance encourages self-build/custom build housing on the basis that it:

“..helps diversify the housing market and increase customer choice .Self-build and custom house builders choose the design and layout of their home which can often be innovative in both its design and construction. (Planning Practice Guidance).

2.0 **Updated Consultation Responses**

- 2.1 Nottinghamshire County Council (Education) - The development of 31 dwellings would yield 6 secondary aged pupils (including 1 post-sixteen pupil). Based on current projection data, there continues to be a deficit of school places in the Rainworth Planning Area, where the proposal site is situated. The Council would therefore request a contribution of **£157,524** (6 pupils x £26,254 per place).
- 2.2 Nottinghamshire County Council (Strategic Highways) - The request for contributions to improve the nearby bus stops denoted GE0003 Kighill Lane and GE0012 Kighill Lane remains necessary. Based on current prices, the cost of delivering the improvements specified would be **£18,800**.
- 2.3 NHS –A contribution of **£16,906.50** is required to mitigate the impact of the development on local practices at either Abbey Medical Group Ravenshead, Abbey Medical Group Blidworth or Rainworth Health Centre.
- 2.4 Parks and Street Care – Open space contributions remain unchanged.

3.0 **Relevant Policies & Background Information**

- 3.1 A significant period of time has passed since the Planning Committee initially resolved to approve this development. It was considered against the Aligned Core Strategy (ACS) and Local Planning Document (LPD). As the application now proposes self-build/custom build, LPD42 is relevant and was not previously considered. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) were previously considered but these have since been updated. A new relevant Supplementary Planning Document has also been adopted by the Council.
- 3.2 The updated relevant policies are listed below:
- 3.3 National Planning Policies

- 3.4 National planning policy guidance is set out in the National Planning Policy Framework 2021 (NPPF), at the heart of which is a presumption in favour of sustainable development (paragraphs 11-14). With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:
- NPPF Section 5: Delivering a sufficient supply of homes
 - NPPF Section 9: Promoting sustainable transport
 - NPPF Section 12: Achieving well-designed places
 - NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change
 - NPPF Section 15: Conserving & enhancing the natural environment
- 3.5 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: Planning conditions and obligations (paragraphs 55 – 58)
 - NPPF: Annex 1: Implementation (paragraphs 218 - 223)
- 3.6 Planning Practice Guidance – First Homes – this provides further detail on First Homes and their implementation.
- 3.7 Additionally, the following Supplementary Planning Document (SPD) is relevant:
- Low Carbon Planning Guidance for Gedling Borough (2021)

4.0 Planning Considerations

The Principle of the Development

- 4.1 The above sections of the NPPF have been fully reviewed and they do not raise any new material considerations in respect of the principle of development. As the application now proposes the option to include custom/self-build properties, it is necessary to consider Policy LPD 42 – Self Build and Custom Homes which permits self-build/custom build properties, subject to a number of criteria being met, including the suitability of the location amongst other matters. The location of the development has previously been determined to be acceptable. The criteria in the policy relating to design, amenity and highway considerations would be considered through the determination of future approval of reserved matters applications.

Sustainability and Climate Change

- 4.2 In accordance with the Low Carbon Planning Guidance for Gedling Borough SPD it is noted that EV charging points are now required for each property. This will encourage electric car usage which will assist in reducing climate change and an additional condition is therefore required to secure such provision to comply with the SPD and LPD11.

Planning Obligations

- 4.3 The Planning obligations have been reviewed in light of the updated consultation responses and amendments to the Planning Practice Guidance (PPG) as detailed below.

Public Open Space

- 4.4 The development would be over the threshold of 0.4Ha and therefore a contribution towards open space would be required. The necessary improvements to open space can be secured by means of a financial contribution or provided on site by way of a S106 planning obligation, in accordance with Policies 12 and 19 of the ACS, LPD 21.
- 4.5 This equates to an offsite contribution required to enhance nearby recreational, play or sport open space areas (in the event of no onsite provision) of **£50,893.00**, and 10 year maintenance monies of: **£21,138.80** should the Public Open Space be adopted by the Borough Council or transferred to Ravenshead Parish Council. This position is unchanged since the Planning Committee previously considered the proposals.

Affordable Housing

- 4.6 In accordance with LPD36 as the proposed development is for more than 15 dwellings, up to 31 in this instance, the development must provide 30% of the dwellings as affordable housing. By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing. However, there is now a requirement to secure not less than 25% of the affordable housing requirement as First Homes or 10% of the total number of dwellings proposed. First homes is a new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations and should be sold at not less than 30% against market value. There is an eligibility criteria which a prospective purchaser must meet to qualify for a First Home, including being a first time buyer and meeting a local connection criteria. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 30% affordable homes and in accordance with the PPG a minimum of 10% of the total number dwellings must be First Homes. This equates to 9 dwellings which would consist of 3 First Homes and 6 affordable rent properties. This would be secured via a planning obligation. The level of provision is considered to be acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of First Homes.

4.7 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes is to be considered by Cabinet on 6th October. If approved the local requirements for First Homes are as follows:

1. A First Home must be discounted by a minimum of 30% against market value.
2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
4. Applicants should either:
 - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
 - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
 - have permanent employment within Gedling Borough Council's administrative area; or
 - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

An update on the Cabinet decision will be provided at the meeting.

Strategic Highways

4.8 Nottinghamshire County Council Transport and Travel Services request an increased financial contribution via a planning obligation for bus stop improvements (GE0003 and GE0012 to the value) of **£18,800** as cost have now increased. The development will be required to be served by public transport and the existing facilities justifiably requiring updating to meet the needs of the occupants of the proposed development.

Local Labour Agreement

4.9 I note the comments from the economic development officer, the size of the site and the numbers of dwellings to be built meet the Council's thresholds to implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. In relation to any self-build/custom build plots it is likely that they will engage their own contractors. As such it is considered that a Local Labour Agreement secured by a S106 agreement is now necessary in respect of non-self-build/custom build plots only.

Education

- 4.10 Nottinghamshire County Council have confirmed that the development of 31 dwellings would now yield 6 secondary aged pupils (including 1 post-sixteen pupil). Based on current projection data, there continues to be a deficit of school places in the Rainworth Planning Area, where the proposal site is situated. An increased contribution of **£157,524** (6 pupils x £26,254 per place) is therefore required in accordance with the updated response from the County Council.

Health

- 4.11 The National Health Service (NHS – Primary Care) have updated their position and confirmed that all practices in the area are working at capacity. A financial contribution of **£16,906.50** is required to mitigate the impact of the development on local practices and this should be expended on works at either Abbey Medical Group Ravenshead, Abbey Medical Group Blidworth or Rainworth Health Centre.

Upkeep of un-adopted land not within residential curtilages

- 4.12 Given that the indicative layout illustrates that the development would result some private drives and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should the Planning Committee resolve to grant planning permission planning obligations should be provided in respect of a Management Company responsible for the upkeep of the private access drives and open space not within the curtilages of dwellings to retain an acceptable appearance of the public realm associated with the development.
- 4.13 The revised contributions are deemed to comply with paragraph 56 of the NPPF, Policy 19 of the ACS and the tests set out in the CIL Regulations.

- 5.0 Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into planning obligations with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Affordable Housing, Transport Infrastructure Improvements, Open Space, Healthcare Facilities, Management Company, Local Labour Agreement and Educational Facilities; and subject to the following conditions:**

Conditions

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any phase of the 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 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule
- 4 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 strictly in accordance with the approved details.
- 5 No development shall commence within any phase unless or until a detailed design of the access to serve that phase has been submitted to and approved in writing by the local planning authority. The development shall be undertaken
- 6 No part of the development hereby permitted, within a phase, shall be brought into use until the visibility splays of 2.4m x 47m, serving that phase, are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 7 No part of the development hereby permitted, within a phase of development, shall be brought into use until a 2.00m wide footway has been provided across the site frontage, within that phase of development, on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 8 The formal written approval of the Local Planning Authority is required prior to commencement of any development, within a phase of development, in the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.) The development shall be undertaken in accordance with the approved details.
- 9 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing within a phase of development on site. The approved measures shall be implemented prior to any other works commencing on the phase of development.
- 10 No part of the development hereby permitted, within a phase of development, shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented strictly in accordance with the timetable set out in that plan.

- 11 A plan showing satisfactory arrangements for refuse collection shall be submitted with the 'layout' reserved matter.
- 12 No development shall take place, within a phase of development, 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 construction works.
- 13 Before development is commenced, within a phase of development, there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for that phase 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.
- 14 Before development is commenced, within a phase of development, there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (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 which 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.
- 15 No external artificial lighting shall be provided, within a phase of development, until there has been 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. The scheme shall be implemented strictly in accordance with the approved details.

- 16 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment in relation to each phase of development. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 17 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 strictly in accordance with the approved details, which shall be retained for the lifetime of the development.
- 18 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 any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) 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 (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 19 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.
- 20 Development must not commence, within a phase of development, 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; and 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 condition suitable for the intended use by removing unacceptable risks to critical receptors) should 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.

- 21 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.
- 22 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 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.
- 23 From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

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 enable the site to be developed in a phased manner
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014
- 5 In the interest of highway safety

- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 9 In the interest of Highway Safety.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 12 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 13 To prevent 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.
- 14 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.
- 15 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
- 16 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 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 that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
- 19 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough

- 20 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 LPD7.
- 21 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 LPD7.
- 22 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 LPD7.
- 23 In the interest of sustainable travel

Notes to Applicant

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

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 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 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.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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).

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

Advice regarding travel plans can be obtained from the Travel Plans Officer at Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham.

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.

Informative: The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

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 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.

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Report to Planning Committee

Application Number: 2014/0273

Location: Land at Corner of Longdale Lane and Kighill Lane

Proposal: Outline Planning Permission for up to 31 No. dwellings with all matters reserved

Applicant: Aldergate Properties Ltd

Agent: Mr Paul Stone

Case Officer: David Gray

1.0 Site Description

- 1.1 The application site comprises an area of 0.86ha. The site forms part of a land ownership that extends to a total land area of 2.64 ha.
- 1.2 The red line plan indicating the area for development is rectangular with its longest edge fronting Longdale Lane, which is located to the East. A blue line location plan indicates that the applicant also owns further land that surrounds the site in a 'b' shape.
- 1.3 Kighill Lane is located to part of its southern boundary; the other part of its southern boundary is formed by a field off Kighill Lane.
- 1.4 To the west of the site is mature woodland known as Trumpers Wood, which is subject to a Tree Preservation Order. The woodland is a designated Local Wildlife Site as indicated on the LPD – Part C: Policies Map which is within the blue line of the submission documents in the same ownership as the application site.
- 1.5 The site is indicated as a Housing Allocation on LPD – Part C: Policies Map.
- 1.6 There is an existing residential development to the north of the site.
- 1.7 To the east of the site on the opposite side of Longdale Lane are residential properties.
- 1.8 There are a few properties on Kighill Lane, which are located within the Green Belt.

2.0 Proposed Development

- 2.1 Outline Planning Permission is sought for up to 31 No. dwellings with all matters reserved.
- 2.2 An indicative layout showing a potential means of access and layout has been submitted. Following the adoption of the Local Planning Document the agent has revised the scheme to omit all references to biodiversity corridors that were previously forwarded as 'very special circumstances' to support the development. Following the adoption of the Local Planning Document the application site has been released from Green Belt and 'very special circumstances' are no longer required in support the application.
- 2.3 The application is accompanied by an extended phase 1 habitat survey, and an ecological appraisal, together with a Tree Survey dated 2014.

3.0 Application Publicity and Procedures

- 3.1 The application was originally publicised for representation on 2nd April 2014.
- 3.2 Following the original submission the agent requested a written agreement with the Borough Council to hold the application in abeyance in anticipation of the Local Planning Document - Part II, adoption.
- 3.3 The application was re-publicised with a Site Notice / Press Notice and Written Neighbour Letters for Representation.

4.0 Consultations

- 4.1 The comments below have been made in respect of the application as following re-consultation on 6th June 2018 or as indicated, 2nd April 2014, following original submission.
- 4.2 Ravenshead Parish Council (received following April 2014 consultation, any further comments received will be reported verbally at Planning Committee):
 - 1. The frontage of the development is too intensely developed. Suggested that 1 or 2 less 3 to 4 bedroom homes are developed.
 - 2. Ravenshead Parish Council welcomes the development of older people's bungalows and this should be encouraged. Although the plot is not in the SHLAA and is disapproved for development it would mitigate the danger of other developments in other inappropriate Green Belt locations.
 - 3. If the development is approved the developer has to consider/support the improvement of the sewage and water disposal on Longdale Lane.
 - 4. The Parish Council disagree with para 3.21 of the Planning Statement. The Parish have not accepted that the Green Belt boundaries will need to be amended as part 2 of the Local Plan emerges.
 - 5. Contrary to para 3.2.4 Ravenshead Parish Council have not advocated amendments to Green Belt boundaries.
 - 6. Ravenshead Parish Council need assurance, should the site be developed, that adequate funding is made available to keep the woodland maintained over a long period of time.

4.3 Nottinghamshire County Council (Highway Authority) –

The principle of the development is acceptable from a Highway Authority point of view, subject to the detailed access and layout being agreed.

The Highway Authority require the development to be served by a single point access onto Longdale Lane, with 2.4 m x 43 m visibility splays in both directions, 6.00 m radius kerbs, a 5.5 m carriageway and the provision of a 2.00 m footway across the site frontage from its northern boundary to the Kighill Lane junction.

The illustrative layout is indicative and the detailed design will have to accord with the County Council's Highway Design Guide the 6CsDG.

The Highway Authority do not object subject to conditions.

4.4 Nottinghamshire County Council (Strategic Planning Observations) (received 24th July 2018) –

4.4.1 Minerals and Waste

Minerals

In relation to the Minerals Plan, there are no Minerals Safeguarding and Consultation Areas covering the site. The site is approximately 300m to the north-east of a Sherwood Sandstone MSA/MCA and approximately 700m (at its closest extent) from areas of Bestwood II Quarry. Given this development would not bring housing any closer to the quarry than that already present it is unlikely that the proposed development would pose a sterilisation risk to extraction areas. Therefore, the County Council does not wish to raise any objections from a minerals perspective.

Waste

There are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development'. In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

4.4.2 Travel and Transport

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this in the context of the local public transport network. Whilst there are no bus services currently serving Kighill Lane or Longdale Lane, this development is only a short walk from the main A60 road from where passengers can board frequent buses to Nottingham and Mansfield. At this time it is not envisaged that contributions towards local bus service provision will be sought.

Current Infrastructure

Transport and Travel Services request a contribution via Section 106 agreement for Bus Stop Improvements to the value of £15,000. This would be used towards improvements to the Kighill Lane Bus Stops (GE0003 Kighill Lane and GE0012 Kighill Lane). The current level of facilities at the specified bus stops is not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve acceptable standards and are reasonably related in scale and kind to the development (31 dwellings).

4.4.3 Education

Nottinghamshire County Council request secondary education contributions from any proposed housing development on land at Longdale Lane / Kighill Lane Ravenshead.

A proposed development of 31 dwellings would yield an additional 7 primary and 5 secondary places.

Nottinghamshire County Council would therefore wish to seek an education contribution of £86,300 (5 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the development.

4.4.4 (NCC) Ecology (received following April 2014 consultation)

Following submission in 2014 the application site has been released from the Green Belt and comments relating to the designation of the application site as a Local Wildlife Site (LWS) are now out of date with the development plan for the area. The Woodland 'Trumpers Wood' is still within the applicant's ownership and the LWS designation is still relevant to this area.

The site in question is locally designated as a Local Wildlife Site (previously known as a Site of Importance for Nature Conservation) - Trumpers Park Wood LWS 2/356. The site extends to approximately 3.2ha in size, of which approximately 1ha is open Lowland Heathland/Lowland Dry Acid Grassland (albeit damaged by recent ploughing), whilst the other 2.2ha is Oak-birch Woodland. The proposals involve the retention of the woodland area, but the loss of the majority of the heathland area to housing.

An ecological appraisal of the site has been carried out, dated 26 February 2014. This highlights that the site has recently been subject to a management regime which has damaged the habitat which was present on the open part of the site, highlighting that this area is ploughed. However, this area is erroneously referred to variously as an 'arable field' or 'cultivated land'; it

should be noted that the site is neither of these, having not been subject to any sort of agricultural production or the growing of crops. Furthermore, surveys have demonstrated that heathland species, such as heather, sheep's sorrel and wavy-hair grass persist at the site, and it is the County Council's opinion that heathland vegetation would regenerate quickly if the unfavourable management regime were to be ceased.

Although the affected area of heathland is relatively small (*the application site*) (c.0.8ha), it should be noted that heathland is a characteristic habitat of the Sherwood area and that large areas (c.90% since 1920) have been lost to agricultural improvement, forestry, and development. The remaining areas are therefore extremely important, even those which are small and fragmented (as is the case here). The loss of this heathland area is therefore a significant concern for the County Council.

If planning permission were to be granted it is suggested that a number of planning conditions be attached to the permission in relation to the applicant providing a Woodland Management Plan, a Landscape Plan and a Lighting Plan.

Following further information received with regards to bats and lizards further comments were received from Nottinghamshire County Council Ecology (2014 consultation). They can be summarised as follows:

Surveys

Surveys for reptiles should be carried out prior to the determination of this application, the purpose of which would be to confirm the presence or likely absence of reptiles on the site, the extent to which they would be affected by development, and to allow appropriate mitigation measures to be secured. I note that the applicant's ecologist has provided further comment on this matter, identifying the confirmed presence of Common Lizards on land immediately to the north. Contrary to what is asserted, it is my view that this underlines the need for a reptile survey, rather than the opposite, as it now appears very likely that reptiles use the application site. To reiterate, paragraph 99 of Government Circular 01/2005 (which I understand remains in force), states that:

"It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances..."

In relation to bats, I am satisfied that the site itself is not likely to be of high value for bats and that no features with the potential to support roosting bats would be affected by the development, if permitted. Nevertheless, mitigation would be required to control artificial lighting from falling on site boundaries along which bats can reasonably be expected to forage.

4.5 Nottinghamshire Wildlife Trust (received following April 2014 consultation) –

State that the site was ploughed prior to the submission of the application, which destroyed the acid grassland/heathland part of a Local Wildlife Site (formerly SINC). This is seen as disappointing as Nottinghamshire has lost 90% of its heathlands since the 1920's and 97% - 99% of its unimproved grasslands since the 1930's.

A bat and reptile survey should be carried out before a decision is made on this application, especially as lizards were found on the adjacent site.

The potential Special Protection Area means the application should be viewed in context of Natural England's latest advice note. In addition there are concerns about the cumulative impact of residential development on the pSPA.

Should planning permission be forthcoming the proposed woodland management would need to be secured through robust conditions together with a biodiversity management plan.

Following submission of further information (letter 20th June 2014) regarding additional bat and reptile surveys the following comments were received: -

It is still considered that reptile surveys are justified as common lizards could be associated with boundaries but in the event of approval, as a minimum, the mitigation described in the final paragraph of section 'Survey for Reptiles' should be secured.

As with previous the correspondence; the Wildlife Trust require a reasonable package of mitigation secured for the loss of a substantial part of the Local Wildlife Site.

4.6 NHS

Contributions towards Primary and Community Care Facilities would be sought following a calculation which shows the likely impact of the new population in terms of additional consultations. A contribution towards health care would be sought via Section 106 obligation based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

Precise details of this figure will be updated verbally at Planning Committee.

4.7 Nottinghamshire County Council (Forestry Manager) –

The proposal would be unlikely to cause significant adverse effect upon the trees that surround the site if they are secured from harm by the erection of a protective fencing as described within the Arboricultural report submitted with the application. The protection measures should be secured by appropriate condition.

4.8 Police Architectural Officer (received following April 2014 consultation) –

No concerns have been raised but would like to notified should a reserved matters application be received to ensure the homes meet Section 58 of the National Planning Policy Framework which states 'create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

4.9 Natural England (received following April 2014 consultation)

The comments can be summarised as follows: -

- The development is unlikely to affect statutory nature conservation sites;
- Natural England have not assessed the impact on protected species, as the Standing Advice procedure should be used by the Local Planning Authority.
- The development would be located in an area where enhancements to Green Infrastructure are supported;
- The Local Planning Authority should consider the impact on local site designations on the site and close by;
- The development may provide opportunities for biodiversity enhancements, such as bird boxes;
- Development may provide opportunities to enhance character of the surrounding natural and built environment such as access.

4.10 Environment Agency (received following April 2014 consultation) – Standing Advice has been provided for this low risk application, No comment from the EA.

4.11 Severn Trent Water (received following April 2014 consultation) – No objection; subject to a condition requiring surface water and foul sewage details.

4.12 Housing Strategy and Development Officer –

The development would require 30% affordable housing in the Ravenshead submarket area. In accordance with the Borough Council's Affordable Housing Policy.

4.13 Scientific Officer –

The site has been predominantly used for agriculture. A land contamination study should be carried out prior to commencement and any necessary remediation carried out. This can be adequately controlled through conditions.

4.14 Economic Development Officer –

The proposed development meets the threshold for a local labour agreement to be developed and implemented in accordance with the Construction Industry Training Board (CITB) and the National Skills Academy for Construction's "Client Based Approach, Local; Local Client Guidance for England".

4.15 Parks and Street Care

The application site covers a site area of 0.86Ha and above the threshold of 0.4ha which would require a contribution towards public open space.

If 10% open provision is not being provided on site a contribution in lieu of the non-provision on site to enhance existing publicly accessible facilities nearby, with an additional 10 year maintenance contribution to support this if the site is to be maintained by the Borough Council.

Offsite contribution required to enhance nearby recreational, play or sport open space areas. (Assuming no onsite provision) **£50,893.00**

10 year maintenance monies required: **£21,138.80** if maintained by the Borough Council.

4.16 Neighbouring Properties were notified, a Site Notice posted and the application has been advertised in the Local Press.

10 letters of representation were received as a result and the comments can be outlined as follows: -

- The site is within the Green Belt;
- The site is designated as a site for nature conservation;
- The site has never been used for growing crops;
- The site has been ruined by bulldozing oaks, hawthorns and birch trees;
- Ploughing has only been undertaken since 2000 in order to get planning permission;
- Bioactive herbicide has been used intensively on the site;
- All new housing in Ravenshead has been directed to the south side of the village;
- There would be an overload on the existing sewage system and soakaway;
- Additional traffic on Longdale Lane would impact negatively on highway safety;
- The local school is oversubscribed;
- Longdale Lane is already hazardous and dangerous and there have been road accident deaths;
- Another planning fiasco;
- The site used to be heathland with ancient footpaths, all destroyed by the applicants;
- Traffic on Longdale Lane does not adhere to the 30mph speed limit;
- Insufficient capacity at the local doctors surgery;
- Inadequate infrastructure for another housing estate;
- Details submitted with the application include a letter from NCC making it clear that despite the ploughing of the site it is still important as it was part of Sherwood Forest;
- The site should be protected as few sites like the application site remain;
- The Borough Council should protect biodiversity and wildlife not just provide new homes;
- The site has been used as a common for many years;
- 80% of world heathland has been lost since 1800, and of the remaining 5% is in the UK, so it is globally rarer than rainforest.

- Change in National Planning Guidance has given too much leeway to developers;
- The density proposed is higher than the new development on Longdale Lane;
- The Council's consultants say a density of 25 dwellings per hectare is appropriate, whilst this plan is for 39 dwellings per hectare;
- The landowner is not known for biodiversity interest, so may not deliver biodiversity corridor and woodland management proposed;
- There is a lack of public transport in the area;
- The development would increase traffic at the health centre, schools and shops in the village;
- There would be an increase in car journeys to take children to schools outside Ravenshead;
- The nearest bus stop is on Nottingham Road which is not really feasible for the elderly or less mobile;
- There would be a lack of public places to walk to, like a park or green open space.
- There would be nowhere in Ravenshead for dogs to run free;
- Green Belt should not be developed for short term convenience;
- Land provides a wildlife corridor between Newstead Abbey and Blidworth;
- The Borough Council would need to ensure the woodland management proposals are carried out;
- All Planning Contributions and Obligations will need to be explicit and comprehensive;
- Drainage is inadequate and overloaded;
- Longdale Lane floods in heavy rain with water 18 inches deep;
- Local flooding has worsened since the Cornwater fields housing development was constructed;
- The existing soakaway is located in the proposed biodiversity area;
- Recent new development in Ravenshead is out of character in style and is a visual and environmental clash.
- Each house would have 2 cars and parking provision needs to reflect this;
- The development would be too dense;
- If the Green Belt is to be developed this should be by way of a properly debated, widely consulted and defensible plan;
- Plans showing the spacing of housing are misleading;
- Need to preserve the open semi-rural village environment;
- The development would result in an inappropriate urban environment.

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 up to 31 new dwellings, new access, amenity space and open space on land at the corner of Longdale Lane and Kighill Lane.

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 9: Promoting sustainable transport
- NPPF Section 5: Delivering a sufficient supply of homes
- NPPF Section 12: Achieving well-designed places
- NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change
- NPPF Section 15: Conserving & enhancing the natural environment

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: Planning conditions and obligations (paragraphs 54 – 57)
- NPPF: Annex 1: Implementation (paragraphs 212 - 217)

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

- 5.10 At Full Council on 18th July 2018 the Borough Council Adopted the Local Planning Document Part II which is now part of the development plan for the area. 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
 - LPD67 – Site Allocations – Ravenshead
- 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;
 - Ecology / Trees
 - The impact on neighbouring amenity
 - Masterplan and design
 - Transport and connectivity
 - Water resources, flood risk and drainage
 - Pollution and Contamination
 - Public Open Space
 - Socio Economic Impacts
 - Other material considerations

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

- 6.1 The NPPF attaches great importance to sustainable development. It states paragraph 11 that: *'plans and decisions should apply a presumption in favour of sustainable development'*. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.
- 6.2 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the GBACS adopts a strategy of urban concentration with regeneration. This means the following hierarchy will be used to identify sites:
- Within or on the edge of the built up area of Nottingham
 - Adjacent to the sub regional centre of Hucknall

- Key villages (Bestwood, Calverton, and Ravenshead)
- Other villages.

- 6.3 The application site is located within the defined village envelope of Ravenshead which has recently been removed from the Green Belt following the adoption of the Local Planning Document. The redevelopment of the site for residential purposes accords with the hierarchy of urban concentration and regeneration with Ravenshead being a Key Village for growth.
- 6.4 The application site has been allocated for residential development in Policy LPD67 – Ravenshead. Policy LPD67 allocates the site as Housing Allocation H18 and indicates an approximate minimum density of 30 homes. Given the application is for the residential development of up to 31 homes it accords with the density provisions of LPD67 and would make an effective and efficient use of the land.
- 6.5 Given the location of the development within the village envelope of Ravenshead which has been identified as a Key Settlement for growth and its allocation under LPD67 there would be no objection in principle to the residential redevelopment of the site. 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 considered acceptable in principle.

7.0 Ecology / Trees

- 7.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS, LPD18, and Policy LPD67. The application site is adjacent to a Local Wildlife Site (LWS) to the south west.
- 7.2 The application site, now a housing allocation, was previously designated as a Site of Importance for Nature Conservation under the Replacement Local Plan (2014). However, following the adoption of the Local Planning Document the application site has been removed from the SINC/LWS.
- 7.3 Policy LPD18 (Protecting and Enhancing Biodiversity) sets out that development proposals affecting designated sites and priority habitats and species should only be permitted if there is no significant harm to the biodiversity site. Any harm should be avoided, and where this is not possible the impacts should be mitigated. The policy goes on to state that lastly, residual impacts should be compensated. Policy LPD67 states in its supporting text that the site adjoins woodland Tree Preservation Order which is also a Local Wildlife Site which is in the same ownership as the application site. It will be necessary to ensure that mitigation measures are in place to protect the Local Wildlife Site from disturbance due to the development through appropriate management plan and for the provision of other mitigation measures including for example, wildlife corridors and potential to provide compensatory habitat on part of the site.
- 7.4 Following the allocation of the whole of the site, within the submitted red line plan, the agent has subsequently written and amended the plans and

documents to remove all reference to the biodiversity corridors to the southeast and northwest of the application site.

- 7.5 The applicant has provided information regarding the Local Wildlife Site (reclassified from SINC) designation and has undertaken a Phase 1 Habitat Survey and Ecological Appraisal, albeit that the studies are presently out of date due to the length of time the application has been held in abeyance. The agent has, however, indicated that the studies would be updated to support any subsequent reserved matters application.
- 7.6 Paragraph 175 of the NPPF states: When determining applications, local planning authorities apply the following principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.7 I note the contents of the Ecological Appraisal, however, since the date of publication the application site has been removed from the SINC which previously designated the area as acid grassland and heathland. Therefore under the current policy framework the main material planning consideration in relation to ecology and trees would be the impact of the development on the Local Wildlife Site adjoining the site which is also covered by a Group Tree Preservation Order.
- 7.8 Given the removal of the application site from the LWS I do not consider the requirement for biodiversity offsetting on areas of the application site to be appropriate in this instance. I do however note that the Ecological Appraisal identifies the woodland and woodland edge of scrub and perennials as having high biodiversity potential.
- 7.9 The conditions attached to this report would seek precise details to form the basis of the wildlife and ecology mitigation strategy. The conditions would require, at reserved matters stage, an updated Extended Phase 1 Habitat Survey and Ecological Appraisal and mitigation strategy to cover the boundary of the application site with the woodland / Local Wildlife Site - to the south west. It would also require details of management to the woodland area, in particular the edge adjacent to the development, to incorporate thinning of the crowded tree stock and invasive sycamores.
- 7.10 Given the statutory protection of the woodland by a Group Tree Preservation Order I also consider that a tree survey should also be sought as part of the reserved matters to ensure appropriate tree protection measures are in place prior to any development commencing to ensure that there is no adverse impact on the protected trees during construction.
- 7.11 I note that the ACS outlines the Green Infrastructure in the Plan Area and 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’.

- 7.12 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.
- 7.13 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.
- 7.14 Having regard to evidence submitted to the inquiry in 2010, the site is located within an area of ornithological interest for breeding nightjar and woodlark area within the RSPB IBA Boundary 5km buffer. 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.
- 7.15 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 176 refers to pSPAs and footnote 59 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.
- 7.16 Subject to the details being sought to mitigate potential biodiversity impacts, whilst there is a minor variance with Section 11 of the NPPF, Policy 17 of the ACS, LPD18, and Policy LPD67 I consider that, on balance and taking into

account the public benefits achieved as a result of the proposal, it would constitute sustainable form of development.

8.0 The impact on neighbouring amenity

- 8.1 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.
- 8.2 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 Longdale Lane opposite 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 occupiers of existing dwellings as well as new occupiers of the dwellings within the site.
- 8.3 Whilst only indicative at present the Masterplan illustrates that a single access road using an access from Longdale Lane could be provided centrally on the site to ensure that the rear boundaries of the residential properties can be adjoined by the site boundaries and the private drives of the proposed new development.
- 8.4 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.
- 8.5 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.

9.0 Masterplan and Design

- 9.1 Policies LPD35 and Policy 10 of the ACS requires development to create well defined and inter-connected spaces and streets that allow for convenient access. It also requires massing, scale and the proportion of development to be appropriate in the immediate context, site constraints, character of adjoining streets and spaces (including consideration of materials,

architectural style and detailing), the setting, public function and/or importance of the proposed development and the location within the townscape.

- 9.2 All matters 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.
- 9.3 Whilst only indicative a layout has been submitted in support of this application that indicates that a development of 31 dwellings can be accommodated on the application site without appearing over intensive. The layout illustrates the use of front facing development along Longdale Lane with strong frontages to the public realm, 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.
- 9.4 Overall it is considered that an imaginative design can be achieved on the site that suitably connects to the existing residential boundary of Ravenshead. 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.

10.0 Transport and connectivity

- 10.1 LPD 35 requires that development should be safe, accessible and inclusive and should accommodate adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. Policy T10 of the RLP also requires that in considering proposals for new development reference will be made to the Highway Authority's highway design and parking guidance.
- 10.2 I note that the Highway Authority have not objected to the principle of the development. The proposal would be acceptable from a Highway Authority point of view subject to the detailed layout and design according to the County Council's Highway Design Guide the 6Cs Design Guide. I therefore consider that the proposal would accord with LPD 35 and T10 of the ACS subject to the Reserved Matters application addressing the requirements for safe access, and circulation of vehicles and pedestrians.
- 10.3 I note the HA request for a Travel Plan / Assessment to promote sustainable travel and should planning permission be forthcoming the appropriate condition would be attached to any approval.
- 10.3 I also consider the indicative scheme could provide a satisfactory level of off street parking provision in accordance with the adopted Parking Provision for Residential Development SPD.

11.0 Water resources, flood risk and drainage

- 11.1 I note that the site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. Given that the application site is not over 1 hectare and does not impact on an area at risk of flooding or existing water courses the Environment Agency were not required to be consulted for this development.
- 11.2 Policy LPD 4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.3 Paragraph 100 of the NPPF states that: Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 11.4 Paragraph 103 states: ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’
- 11.5 In my opinion, given the site is low risk of flooding, subject to acceptable surface water drainage plans being approved at reserved matters the development is acceptable in terms of water resources, flood risk and drainage.

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, 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 require a land contamination survey prior to development.
- 12.6 It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and LPD7, LPD10 and LPD11.

13.0 Public Open Space

- 13.1 I note that the development would be over the threshold of 0.4Ha and that a contribution towards open space would be required. The necessary improvements to open space can be secured by means of a financial contribution or provided on site by way of a S106 planning obligation, in accordance with Policies 12 and 19 of the ACS, LPD 21 and paragraph 204.

This equates to an offsite contribution required to enhance nearby recreational, play or sport open space areas. (Assuming no onsite provision) of **£50,893.00**, and 10 year maintenance monies of: **£21,138.80** should the Public Open Space be adopted by the Borough Council.

14.0 Socio Economic Impacts

14.1 Affordable Housing

In accordance with LPD 67 the development of the site would equate to the requirement of nine affordable homes to be provided onsite. The appropriate mix and tenure would be secured by the planning obligation in accordance with the Council's Affordable Housing SDP.

14.2 Strategic Highways

Transport and Travel Services request a contribution via Section 106 for Bus Stop improvements to the value of **£15,000**. I consider that this is reasonable as the development will be required to be served by public transport and the existing facilities justifiably requiring updating.

14.3 Economic

I note the comments from the economic development officer, the size of the site and the numbers of dwellings to be built meet the Council's thresholds to implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. Should planning permission be forthcoming CITB would form part of the s106.

14.4 Education

An education contribution of £86,300 (5 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the development would be sought via s106.

14.5 Health

Contributions towards Primary and Community Care Facilities would be sought following a calculation which shows the likely impact of the new population in terms of additional consultations. A contribution towards health care would be sought via Section 106 obligation based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

14.6 Upkeep of un-adopted land not within residential curtilages

Given that the indicative layout illustrates that the development would result some private drives 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 private access drives and open space not within the curtilages of dwellings would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.

15.0 Conclusion

- 15.1 I consider that, on balance, and taking into account the benefits that would be generated as a result of this proposal, it would constitute a 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 above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits of the scheme.

- 16.0 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, Affordable Housing, Local Labour Agreement, Transport Infrastructure Improvements, Open Space, Healthcare Facilities, Management Company and Educational Facilities; and subject to the following conditions:**

Conditions

- 1 Approval of the details of Access, 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 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 Local Planning Authority.
- 4 No development shall commence on any part of the application site unless or until a detailed design of the major / minor T junction, as shown for indicative purposes on the illustrative layout has been submitted for approval.

- 5 No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 6 No part of the development hereby permitted shall be brought into use until a 2.00m wide footway has been provided across the site frontage on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 7 The formal written approval of the Local Planning Authority is required prior to commencement of any development within the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.)
- 8 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.
- 9 No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.
- 10 A swept path for a Refuse lorry to turn and exit the site in a forward gear shall be submitted with the 'layout' reserved matter. The Refuse Lorry is an Elite 6 - 8x4MS wide Track (Euro 6 specifications).
- 11 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 construction works.
- 12 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority 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.

- 13 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A Woodland Management Plan detailing (i) any crown thinning of the crowded tree stock and invasive sycamores within the Local Wildlife Site adjacent to the application site, and (ii) any tree, shrub or undergrowth removal within the designated Local Wildlife Site adjoining the application site; (2) A tree protection plan to graphically show the locations of any tree and root protection barriers; (3) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (4) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which 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.
- 14 No development shall take place until there has been 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. The scheme shall be implemented strictly in accordance with the approved details.
- 15 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 16 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.

- 17 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 any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) 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 (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 18 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.
- 19 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; and 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 condition suitable for the intended use by removing unacceptable risks to critical receptors) should 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.
- 20 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.
- 21 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 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.

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 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).
- 4 In the interest of highway safety.
- 5 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 In the interest of Highway Safety.
- 9 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 12 To 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.
- 13 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.

- 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, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 16 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).
- 17 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).
- 18 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).
- 19 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 LPD7.
- 20 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 LPD7.
- 21 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 LPD7.

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

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.

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 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.

Advice regarding travel plans can be obtained from the Travel Plans Officer at Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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).

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

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

Date Recommended: 24th July 2018



Planning Report for 2022/0584



Report to Planning Committee

Application Number: 2022/0584

Location: Land North West Park Road Calverton

Proposal: Application for the approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 101 dwellings and associated infrastructure, pursuant to outline approval 2018/0607 (re-plan of reserved matters approval 2020/0020, which includes an additional 12 units taking the total number of units to 363).

Applicant: Persimmon Homes Nottingham

Agent:

Case Officer: Nigel Bryan

The application is referred to Planning Committee to comply with the Councils constitution as the development proposes more than 9 dwellings.

1.0 Site Description

- 1.1 The site is located to the north of the main built up area of the settlement of Calverton and consists of formerly agricultural land utilised for arable purposes. There are significant differences in ground level across the site with the eastern part being higher than the land to the north and the west.
- 1.2 The northern boundary of the allocated site is shared with open land, the eastern boundary with Calverton Village Hall and the William Lee Memorial Park. The southern boundary with Park Road and Collyer Road and the west with Calverton Miners Welfare and existing dwellings on North Green.
- 1.3 The overall site area for the larger site granted planning permission is 13.6 hectares. However, the application site for this particular section of the site is just over 3 hectares in size and is for alterations to the layout as previously approved. Development has commenced on the larger site and a number of dwellings in the western section, between Collyer Road and North green, are being built and some occupied.

2.0 Relevant Planning History

2016/0499EIA – Screening Opinion for housing development. Concluded that an Environmental Impact Assessment was not required.

2018/0607 - Outline planning application for up to 365 No. dwellings with all matters reserved except access, with access served from Park Road and Collyer Road.

2020/0103 - Diversion of footpath 39 for 90m – the application was considered at the 05 August 2020 Planning Committee meeting and an Order to divert the footpath has been made.

2020/0156DOC - Approval of details reserved by condition 13 (archaeology) of outline planning permission 2018/0607 – approved on the 20 March 2020.

2020/0020 - Application for the approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 351 dwellings and associated infrastructure, pursuant to outline approval 2018/0607 – the application was considered at the 09th September 2020 planning Committee with the decision notice issued on the 11 September 2020.

2020/1063DOC - Approval of details reserved by conditions 4 (Topographical Survey), 5 (drainage), 6 (contamination), 7 (trees), 8 (EVCP), 9 (CEMP), 10 (lighting), 11 (bat and bird box), 12 (hedging), 14 (highways), 15 (highways), 16 (Travel Plan), 17 (landscaping) and 18 (CMP) of outline planning permission 2018/0607 – approved on the 06th April 2021.

3.0 Proposed Development

- 3.1 The application seeks reserved matters approval pursuant to outline permission 2018/0607. Matters under consideration for this reserved matters approval are, layout, scale, landscaping and appearance. The application is for the erection of 101 dwellings, which would see a number of units re-sited and an additional 12 units erected. It is understood that the changes are required due to a private right of way and because of a previously unknown water pipe that runs through the eastern part of the site.
- 3.2 The layout as amended broadly follows that as previously approved; however, the most notable change is that a number of units are now proposed to be sited on land to the north of the site, between an attenuation pond and Public Open Space (POS), which previously formed part of the larger POS. To accommodate the identified water pipe there has been a change to the layout and POS that will house a Local Equipped Area of Play (LEAP).
- 3.3. An additional 3 affordable homes are to be accommodated on the site, taking the total to 73, with 51 units for affordable rent and 22 for intermediate or shared ownership. The additional 12 units will primarily utilise the same house types as previously approved under reserved matters approval 2022/0020.

4.0 Consultations

- 4.1 Nottinghamshire County Council Highways – Following receipt of amended plans confirming details of visibility splays and turning heads etc., they raise no objection to the application subject to the imposition of conditions. They

have also indicated that an indicative access point to serve a small parcel of remaining allocated land to the north would be acceptable. Furthermore, the agent has clarified that there are two access roads, to the west of the attenuation pond, that are 6.75m in width and will, if required, be capable of accommodating a bus route should the safeguarded land to the north come forward in the next review of the Local Planning Document.

- 4.4 Gedling Borough Council Housing Strategy – The affordable housing requirement is 20% of proposed dwellings to be provided on-site of which 70% will be social/affordable rent and 30% intermediate sale i.e. shared ownership. Based on a development of 363 units this would equate to 73 units affordable housing units on site. Of these, 51 are for affordable/social rent and 22. It has been highlighted there is a demand for 4-bedroom properties and the two additional affordable rented units have been amended to meet this demand. As this is a reserved matters application the affordable housing tenure has been established through the existing Section 106 Legal Agreement and, therefore, no first homes can be sought.
- 4.5 Gedling Borough Council Parks and Street Care – note that despite the incursion of dwellings into parts of the Public Open Space (POS) the provision would still provide the requisite provision of 10%. The location of the Local Equipped Area of Play (LEAP) is acceptable and final details of that will be approved through the Section 106 Legal Agreement.
- 4.6 Gedling Borough Council Scientific Officer – note that conditions pertinent to air quality management and contamination are attached to the outline and, therefore, raise no objection to the reserved matters application.
- 4.7 Lead Flood Authority – raise no objection to the application.
- 4.7 Calverton Parish Council – No comments received
- 4.8 Members of the Public

A press notice was published and site notices erected. Neighbour letters were sent to properties on Park Road, Collyer Road and North Green, with additional consultation undertaken on amended plans to those that made representation on the original consultation. In total 3 letters of objection have been received and a summary of the objections received are drafted below:

- Calverton does not have the infrastructure to deal with the number of dwellings proposed to be erected, including the Doctors Surgery, they should be built elsewhere;
- Building works are already disturbing local residents, enough is enough;
- Hedges will need to be removed and wildlife detrimentally impacted;
- Due to the excessive building Calverton no longer feels like a village but a small town;
- There is too much crime in the area and this will make it worse, and more money should be spent on the village centre and shops;
- A private right of way that exists through the site will be detrimentally impacted; whilst built form has been removed from the right of way there are still other barrier e.g. landscaping;

- The layout as proposed is contrary to policy LPD62 ‘comprehensive development’ in that part of the allocated site to the north, which could house 45 dwellings, cannot come forward;

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’.

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2021 (NPPF)

The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy (ACS) 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 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 11: Historic Environment – sets out the criteria for assessing applications affecting the historic environmental and heritage assets and their settings.

Policy 17: Biodiversity – sets out the approach to ecological interests.

Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 4: Surface Water Management – sets out the approach to surface water management.

LPD 7: Contaminated Land – sets out the approach to land that is potentially contaminated.

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 18 Protecting and Enhancing Biodiversity – sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.

LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.

LPD30: Archaeology – sets out the measures to protect sites with archaeological potential.

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 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 36: Affordable Housing – sets out that a 20% affordable housing provision will be required in Calverton but that a lower requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

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.

LPD62: Comprehensive development – requires development to come forward in a manner which would not compromise development of a larger allocated site.

LPD 66: Housing Allocations– identifies the application site as housing allocation H16, for approximately 390 new dwellings.

6.5 Calverton Neighbourhood Plan (CNP)

The Calverton Neighbourhood Plan was adopted by Gedling Borough Council on 31 January 2018. As such the Calverton Neighbourhood Plan forms part of the Development Plan for Gedling Borough.

Policy G1: Comprehensive Development – Sets out that proposals for residential development in the North Western Quadrant Urban Extension will only be permitted where it is accompanied by an overall masterplan illustrating a high quality residential environment; highway access links including to/from the existing village road network and the feasibility of links to/from the B6386 Oxtun Road; off-site highway improvements; footpath and cycle links into the village; open spaces and structural landscaping; retention of open frontages between development and North Green and Park Road; interrelationship between the new development and the Community Hall & Sports Pavilion and William Lee Memorial Park; Housing mix; ecological corridors and health impact assessment.

Policy G2: Developer Contributions – sets out that developer contributions will be sought towards education provision (nursery, primary, secondary, 16-18), primary GP healthcare provision and village centre environmental improvements.

Policy G5: Housing Mix – states that development should include a mix of dwelling sizes, that planning permission will be granted for developments which provide bungalow and other types of accommodation for elderly and disabled people, that proposals for major development that do not include a mix of dwelling sizes and tenures and accommodation suitable for elderly and disabled people will be refused, that on all major development schemes, planning permission will be granted for the provision of plots for self-build subject to other policies in the development plan and that affordable housing

should be designed and delivered to be indistinguishable from market housing and should be distributed throughout the development as a whole.

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3 – Highway Impact – sets out the criteria for assessing highway impact.

Policy ISF4: Infrastructure Provision – states that residential developments will be required to provide the necessary infrastructure, such as education provision, healthcare provision, open space and drainage provision.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE2: Local Distinctiveness and Aesthetics – states that development should be designed to a high quality that reinforces local distinctiveness including that buildings on the fringes of major developments should have variations in height, style and position.

Policy BE3: Public Realm – sets out the approach to the public realm and to landscaping.

Policy BE4: Parking Provision – sets out that adequate parking must be provided.

Policy BE5: Heritage Assets – sets out that development proposals should take account of their effect on Ancient Monument and their setting within Calverton and non-designated sites with potential archaeological interest.

Policy NE3: Flooding- sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure –sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

6.6 Other

Parking Provision for Residential and non-Residential Developments – Supplementary Planning Document 2022 – sets out the car parking requirements for new residential development.

Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.

Affordable Housing SPD (2009) – sets out the affordable housing requirements for new residential development.

Low Carbon Planning Guidance for Gedling Borough (May 2021) - provides guidance on sustainable design and construction.

7.0 Planning Considerations

Principle of the development

- 7.1 The site is allocated as a housing site, H16, under Policy LPD 66 of the Local Planning Document, which was adopted in July 2018. Policy LPD 66 identifies the site as providing approximately 390 dwellings and therefore the principle of residential development on this site is established, although it should be noted that it does not include all of the H16 land; elements to the west and north are not included within this application and are understood to be under different ownership. Furthermore, the proposal is a reserved matters application and, therefore, the site benefits from outline permission for up to 365 dwellings. In addition, as outlined in section 2.0 of this report, reserved matters approval has been granted on the site for 351 Dwellings, with this application for alterations and extensions to the scheme as approved. The total number of dwellings which would be delivered on the site would be 363; this would conform with the outline permission, with it permissible to submit a number of reserved matters applications on the site.
- 7.2 The Calverton Neighbourhood Plan (CNP) also identifies the wider area between Park Road and Oxton Road as being the location for the North East Quadrant Urban Extension Site. Policy G1 of the CNP is considered to be most pertinent to the determination of the application, which outlines 10 criteria that need to be considered, outlined in paragraph 6.5 of this report.
- 7.3 The layout accords with the indicative layout and masterplan that was submitted with the outline application. Information with regard to how the site will interact with future phases of the allocated land and safeguarded land is limited save for it being identified that the main access road will lead into safeguarded land, which is, in the longer term, likely to be utilised by a bus route, and, ultimately, link to Oxton Road, and there is the possibility for vehicular access to the remainder of the allocated land to the north. This first phase of development will provide a broad design ethos that later phases will need to follow and final agreement over the internal highway layout will be progressed through later phases of the development and need to comply with policy G1. The Design and Access Statement submitted in support of this application addresses policy G1 of the CNP.
- 7.4 Having regard to the above it is apparent that the site is allocated for residential development, benefits from outline planning permission (ref: 2018/0607) and reserved matters approval (2020/0020), therefore, the principle of residential development is supported and deemed to comply with policies LPD66 and G1 of the CNP.

Layout, scale and appearance

- 7.5 The layout as proposed broadly follows that approved under the previously approved reserved matters application but does encroach onto land that was Public Open Space (POS) to the north. However, 10% of the site area would be POS to comply with policy LPD21 and the land as identified as POS within the Neighbourhood Plan remains unaffected. The overall density of development would increase from 25.8 dwellings per hectare to 26.7, with policy LPD 33 identifying that development in Calverton should be of a minimum density of 25 dwellings per hectare. Therefore, the density of development has increased but the scheme is still considered to respect the character of the area comprising a mixture of detached, semi's and terraces of up to 4 dwellings.
- 7.6 The layout has taken into account the Neighbourhood Plan in that it provides open space adjacent to existing properties on North Green. Furthermore, the broad principles of good design are considered to be followed in that the main areas of open space are overlooked, the development is largely outward facing and there are focal buildings at key nodes. A number of 'double fronted' properties are also proposed on corner plots to ensure that blank gables are not on prominent corners and frontages are, where possible, active and overlooked. The affordable housing has been spaced out in small groups to allow their management without having large groupings, which is acceptable in both social and design terms.
- 7.7 With regard to scale, all of the dwellings will either be two-storey or two and a-half in scale; the larger properties are typically located at focal points within the site e.g. view termination. No bungalows are to be provided but there will be an acceptable mix of properties ranging from 2 to 5 bedrooms, with a mixture of tenures. Furthermore, no specialist housing, bungalows or self-build units will be provided but it is still considered that the mix of dwellings would be appropriate for a wide range of socially diverse occupants. Two additional affordable rented units have also been amended to be 4-bedroom, with an identified demand for such units. Having regard to the above, on balance, the mix and tenure of properties is considered to be acceptable and comply with policy G5 of the CNP and LPD37.
- 7.8 A materials schedule has been provided and identifies a mixture of red and buff brick properties, with red brick predominate. The front elevation of some properties will have render focal point and tiles will largely be mixture of red and darker colours, with red predominate. The materials as identified are acceptable and will respect the character of the area having regard to materials utilised on existing properties in the area and approved on the wider site that benefit from planning permission.
- 7.9 In respect of affordable housing provision, the requisite number of dwellings required by the outline permission have been provided, along with the requisite mix sought by Housing Strategy e.g. 51 affordable/social rent and 22 intermediate sale, including the additional four-bed properties for affordable rent. The dwellings are also appropriately spread across the site. No first homes are sought on the site in that such provision was not in place when the outline permission was granted and intermediate housing e.g. shared

ownership, is instead provided. The application is, therefore, deemed to comply with LPD36.

- 7.10 The elevation treatments of the dwellings are typical of dwellings of this size and it is the key features of detailing around the windows and doors, some of which will have brick cills and others stone, which will create visual diversity within the buildings. As noted above, some will have render focal points and a number will have porches to break up the front aspect. Furthermore, some of the dwellings have been specifically designed and sited for their context e.g. double fronted dwellings. The external appearance of the dwellings will respect the character of the area and house types will be the same as previously approved, along with 3 additional units. As a result the overall layout, scale and appearance of the development is deemed to comply with policy ASC10 of the aligned core strategy, policy BE1 of the CNP and guidance within the NPPF.

Landscaping

- 7.11 A detailed landscaping scheme has been submitted in support of the application. Given that the site was until recently arable farmed there are no trees of note within this smaller application site that would be affected. Given that there has been an increase in density of development it is considered important to break up the parked cars and this is to be done through low level planting and trees, including crab apple. Within the larger site the landscaping will remain as previously approved. Having regard to the above it is considered that the landscaping scheme is acceptable and complies with policy LPD18 and guidance within the NPPF.

Other considerations

- 7.12 For the avoidance of doubt, there are a number of other topics that were covered when the outline application was determined. Notably, a Section 106 Legal Agreement secured planning obligations in respect of affordable housing, health care, education, bus service and bus stop improvements, a local labour agreement and maintenance of the Public Open Space. This should mitigate infrastructure concerns relating to this development. Other matters covered by condition on the outline permission include archaeology, drainage, possible contamination and a Construction Method Statement.
- 7.13 With regard to residential amenity it is noted that the site is largely self-contained and the impact on properties on the opposite side of Park and Collyer Road would be minimal. Internally, the layout has been designed to ensure that any potential overlooking is kept to a minimum with rear gardens in the region of 10m in depth. Therefore, it is considered that the impact on the amenity is acceptable and complies with policy LPD32.
- 7.14 Each dwelling will have off street parking provision and conditions are proposed to be added to the decision notice to ensure that the identified provision is provided. The Highway Authority raise no objection to the level of provision provided, which is considered to be acceptable with at least two parking spaces available for each property and more for the larger units including both integral and detached garages, which would comply with policy

LPD57 and guidance within the Parking Provision for Residential and non-Residential Developments SPD. With respect to public transport to serve the site, a contribution to do this has been secured through financial contributions in the Section 106 legal agreement attached to the outline permission. The final path of any bus route is likely to be determined should the remainder of the safeguarded land come forward for development, which is not yet currently known, although the scheme as outlined would, if the safeguarded land were to come forward, allow buses to pass through it

- 7.15 There are public rights of way in the area, including one that has been diverted under application 2019/0103 but the development will not fundamentally alter the right of way or ability of members of the public to access adjacent land.
- 7.16 Concern has been expressed about a private right of way, which has been brought to the applicant's attention. However, a private right of way is a civil legal matter between relevant parties and not a material planning consideration in the determination of this reserved matters application. Matters in respect of infrastructure have been considered, including the Doctors Surgery, at the outline stage. There is no reason why the application would increase crime. Disturbance during construction was controlled through a condition on the outline permission and there are powers under Environmental Health Legislation if this were to equate to a statutory nuisance.
- 7.17 In accordance with the Low Carbon Planning Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. EV charging points would be required for each dwelling and encourage electric car usage. The site is also sustainably located with good access to services and the has been designed in a manner whereby a bus route could access the site should safeguarded land come forward, all of which will reduce help to reduce the impact of the development on the environment and assist in reducing climate change.

8.0 Conclusion

- 8.1 The principle of the development has been established flowing the grant of outline application 2018/0607; the fact that the site is allocated for residential development in the Local Planning Document; and the approval of reserved matters application 2020/0020. Access has already been approved with the internal access arrangements also now considered to be acceptable. The density of development is acceptable and the layout considered to respect the character of the area. The design of the dwellings is acceptable with a mixture of materials and scale of properties, with public open space overlooked and residential amenity respected. Having regard to the above it is considered that the application complies with policies A, 1, 2, 8, 10,17 and 19 of the Aligned Core Strategy; policies 4, 7, 11, 18, 19, 21, 30, 32, 33, 35, 36, 37, 48, 57, 61, 62 and 66 of the Local Planning Document; policies G1, G2, G5, ISF1, ISF2, ISF3, ISF4, BE1, BE2, BE3, BE4, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan; guidance within the NPPF and Open Space Provision SPG; Affordable Housing SPD; Parkin Provision for

**Recommendation: to grant reserved matters approval, subject to the
imposition of conditions, as set out in the report:**

1. This permission shall be read in accordance with the application form and following list of approved drawings:
Calverton-Location Plan (08) 003 Rev C
Planning Layout SS - 1256 - (08) 001 Rev S
Affordable Housing Plan CAL-AHP-001 Rev G
Public Open Space Plan CAL-POSP-001
7403-L-13-21 Planting Plans REV I
CAL-CPR-001 Calverton Charter Plan Replan (1 of 2) Rev E
CAL-CPR-002 Calverton Charter Plan Replan (2 of 2) Rev F
Calverton PROW Plan SS - 1256 - (08) 002 Rev K

House types:

Danbury End DA_MA_End_R21 -901
Danbury Mid DA_MAQ_Mid_R21 -901
Alnwick 638-PL-01
Chatsworth 918-PL-01
Chedworth Bay (side) 1222-PL-04
Chedworth Bay 1222-PL-03
Chedworth Render 1222-PL-02
Chedworth 999-PL-02
Clayton Corner Render 999-PL-01
Corfe Render 1415-PL-02
Corfe 1415-PL-01
Garages STDGD-02
Hanbury 761-PL-01
Hatfield Corner Render 969-PL-04
Hatfield Corner 969-PL-03
Hatfield Render 969-PL-02
Hatfield 969-PL-01
Kendal Render 1190-PL-02
Kendal 1190-PL-01
Lumley Render 1220-PL-02
Lumley 1220-PL-01
Roseberry Render 1096-PL-02
Roseberry 1096-PL-01
Rufford 870-PL-01
Souter Render 951-PL-02
Souter 951-PL-01
Sutton Render 987-PL-02
Sutton 987-PL-01
Winster Render 1275-PL-02
Winster 1275-PL-01

The development shall thereafter be undertaken in accordance with these plans/details.

2. 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.
3. 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.
4. The landscaping scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

Reasons

1. For the avoidance of doubt.
2. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to comply with policy LPD61.
3. To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy LPD61.
4. To ensure that the development assimilate within the green environment and to comply with guidance within the NPPF.

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, 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. All correspondence with the Highway Authority should be addressed to:-
Hdc.south@nottsccl.gov.uk

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

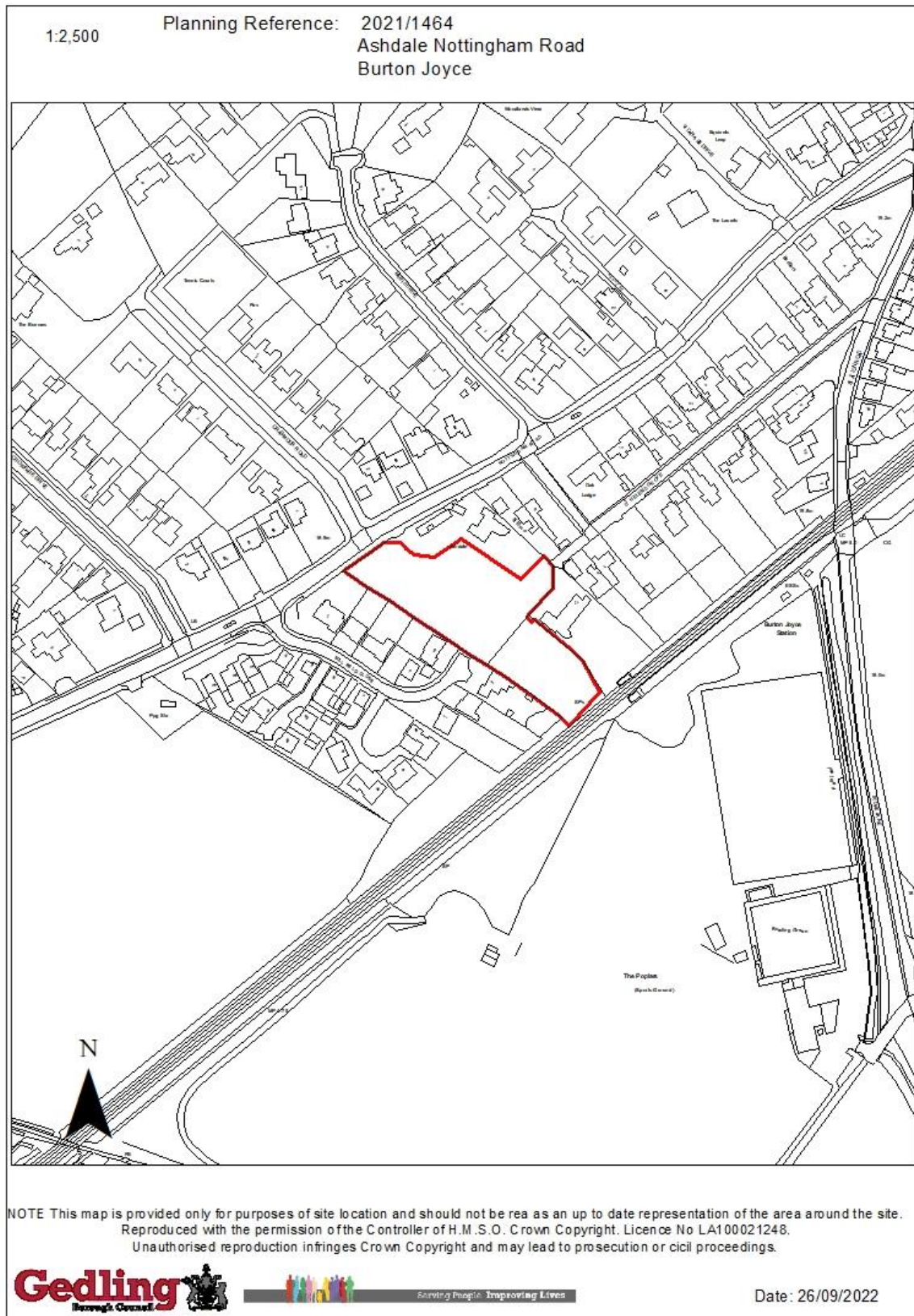
Wheel washing facilities shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

Please note that in accordance with Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015, there would be a need to ensure that any hard surface over 5m squared would need to be permeable or drained in such a manner so as to ensure surface water drains within the curtilage of the property.

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Planning Report for 2021/1464



Report to Planning Committee

Application Number: 2021/1464

Location: Ashdale Nottingham Road Burton Joyce

Proposal: Variation of conditions 3 (approved drawings), 4 (highways) and 18 (trees) of planning permission 2020/0238 (An outline application for 11 new dwellings with matters of access, scale and layout under consideration).

Applicant: Mr Dan Stack

Agent: Grace Machin Planning & Property

Case Officer: Alison Jackson

The application is referred to Planning Committee to comply with the Councils constitution as the development proposes more than 9 dwellings and requires alterations to the S106 Legal Agreement.

1.0 Site Description

- 1.1 The application site relates to land at 'Ashdale' Nottingham Road, Burton Joyce. The application site comprises approximately 0.568 hectares of land which currently forms part of the large curtilage serving Ashdale, a two storey detached Victorian property. The substantial garden to the dwelling surrounds the property to the east, south and west. The dwelling itself together with associated outbuildings are situated to the northern corner of the plot. The site lies within the village envelope of Burton Joyce. Access to the site is via a driveway leading from Nottingham Road.
- 1.2 The site is mainly laid to lawn however there are a number of trees on the site which are formally protected with Tree Preservation Orders, together with shrubs and other planting. The site is overgrown in part.
- 1.3 The site is surrounded by existing residential properties situated at St Helens Grove to the north and north east and residential properties on Mill Field Close which are to the south and south west. Mill Field Close is a cul-de-sac with the turning head to the cul-de-sac adjoining the southern boundary of the application site. To the south east the site is bounded by the railway line.
- 1.4 The site is situated within an area at risk of flooding.

2.0 Relevant Planning History

- 2.1 Application 2020/0238 was an outline application for the erection of 11 dwellings with the matters of access, layout and scale being considered; other reserved matters (appearance and landscaping) were for consideration at a later date, which would be submitted under a reserved matters application. The details of the development as granted permission at this outline stage are summarised below:

The approved layout plan showed the erection of 11 dwellings on the site, these being 3 no. 2 bed units to plots 1, 4 and 5 no. three bed units to plots 2, 3, 7, 8 and 9 and 3 no. four bed units to plots 6, 10 and 11.

The scale of the dwellings as approved are set out within the table below:

Plot	Type	Width	Depth	Height
1	2-Bed	6.18m	7.64m	8.07m
2	3-Bed	8.77m	6.07m	7.70m
3	3-Bed	8.77m	6.07m	7.95m
4	2-Bed	6.18m	7.64m	8.07m
5	2-Bed	6.18m	7.64m	8.07m
6	4-Bed	10.12m	7.19m	7.95m
7	3-Bed	8.77m	6.07m	7.70m
8	3-Bed	7.42m	7.64m	8.07m
9	3-Bed	10.12m	7.19m	7.95m
10	4-Bed	11.69m	16.41m	7.82m
11	4-Bed	11.69m	16.41m	7.82m

- 2.2 The dwellings were approved to be accessed from Mill Field Close. The width of the access including the pavement is 6.8 metres with a 0.7 metre wide service strip and would provide a turning head within the site, this section of the highway is proposed to be adopted. The adopted highway would serve plots 4, 5, 7, 8 and 9 directly and private driveways would then lead from the adopted highway to plots 1, 2, 3, 6, 10 and 11.
- 2.3 The approved development required the removal of 32 trees or tree groups for removal, these being T18, T36, T41, T42, G46, T47, T48, G49, T67 to T71, T77 to T85 and G90 to G99. In addition works would be required to tree group G19 which would require thinning/selective removal. The Poplar trees to the southern site boundary T27 to T34 are proposed to be pollarded at suitable points to around 6 metres in height.
- 2.4 This application was considered by Planning Committee on the 2nd December 2020 when they resolved to grant planning permission subject to a Section 106 Agreement which was subsequently entered into by the Owner with the

Borough Council as Local Planning Authority and with the County Council as Local Education Authority and secured financial contributions towards open space and education and a local labour agreement. The decision notice was issued on the 11 August 2021. The application was also subject to a number of conditions including the following:

3. This permission shall be read in accordance with the application form and following list of approved drawings:

1508G/002 Revision H - Site Block Plan

1508G/004 Revision E - Site Block Plan - Impact Plan

The development shall thereafter be undertaken in accordance with these plans/details.

4. No dwelling hereby approved shall be occupied until a suitable access arrangement has been provided in accordance with the approved drawing no. 1508G/004 Revision E - Site Block plan - Impact Plan.

18. The development shall be undertaken in accordance with the Arboricultural Report and Impact Assessment by AWA Tree Consultants, dated August 2020, Reference AWA2971 and the Arboricultural Method Statement by AWA Tree Consultants, dated August 2020 reference AWA3363, specific attention shall be given to the timings of events from arboricultural works through erection of protective fencing and development to protective fence removal and the need for strict monitoring throughout the process. The protective fencing shall be provided before site preparation commences and the protective fencing shall remain in place at all times during site preparation and development. The protective fencing shall only be removed following completion of the development.

3.0 Proposed Development

3.1 The application has been made under Section 73 of the Town and Country Planning Act 1990 (as amended), for the variations of conditions 3, 4 and 18 as set out above. The alterations proposed are summarised below:

The scale of the dwellings have been amended in accordance with the details as set out within the table below:

Plot	Type	Width	Depth	Height
1	3 bed	5.2	9.7	9.5
2	3 bed	5.2	9.7	8.5
3	4 bed	13.0	8.7	7.5
4	2 bed	5.6	8.0	8.0
5	2 bed	5.6	8.0	8.0
6	4 bed	9.7	8.6	7.6
7	3 bed	5.2	9.7	8.5
8	4 bed	6.9	11.6	7.5
9	5 bed	10.2	12.1	7.9
10	3 bed	12.0	16.7	5.6
11	3 bed	10.6	10.6	6.0

- The dwellings are now proposed to range from 2 bedroom dwellings to five bedroom dwellings.
- Plots 10 and 11 were initially proposed under the outline application to be two storey dwellings however under this current application these plots would offer bungalows.
- The layout of the site has been slightly amended in order to accommodate the house types proposed by Chevin Homes, the owners of the site.
- The roadway has been amended to propose a private driveway with no parts of the access being adopted as previously proposed.

3.2 An updated Arboricultural Assessment has been submitted with the application which concludes the same details as proposed under the outline application, this being:

The approved development requires the removal of 32 trees or tree groups for removal, these being T18, T36, T41, T42, G46, T47, T48, G49, T67 to T71, T77 to T85 and G90 to G99. In addition works would be required to tree group G19 which would require thinning/selective removal. The Poplar trees to the southern site boundary T27 to T34 are proposed to be pollarded at suitable points to around 6 metres in height.

4.0 Consultations

- 4.1 Nottinghamshire County Council (Local Lead Flood Authority (LLFA)) – no objections subject to the submission and approval of a detailed surface water drainage scheme.
- 4.2 Severn Trent – request that the following condition is attached to any grant of planning permission:

The development hereby permitted shall not commence 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 NCC Historic Buildings – the site is adjacent to Ashdale a non-designated heritage asset and therefore the impact of the proposal on this heritage asset should be assessed.
- 4.4 Highway Authority (Nottinghamshire County Council (NCC)) – raise no objections subject to the development being undertaken with the submitted plans, the appropriate surfacing and drainage of the access, details of the proposed arrangement for the future management and maintenance of the access driveway and the provision of a dropped vehicular footway crossing.
- 4.5 NHS (Primary Care) – no contributions are required as part of a Section 106 Agreement as the development does not meet the size criteria.
- 4.6 Nottinghamshire County Council (Education) – note that places in the primary planning area have spare capacity to absorb the number of pupils, 3, that the development is predicted to generate so do not request a contribution for primary education. With regard to secondary provision, there would be insufficient places to accommodate the 2 secondary aged pupils. As a result of contribution of £47,750 is sought.
- 4.7 Scientific Officer (Air Quality) – requests conditions requiring the submission and approval of a Construction Environmental Management Plan and the installation of electric charging points at the site.
- 4.8 Environmental Health (noise) - concur with the conclusions outlined in the submitted noise report and raise no objection to the application subject to the mitigation measures identified being implemented and a condition requiring verification that the approved sound insulation scheme has been implemented and is fully operational.
- 4.9 Environmental Health (contamination) – request the attachment of a condition relating to any unexpected contamination being found at the site being remediated and verified.
- 4.10 Arborist - raises no objection to the application, subject to conditions regarding the development being carried out in accordance with the Arboricultural Report and Impact Assessment and the Tree Protection Method Statement.
- 4.11 Gedling Borough Council (Parks and Street Care) – as no public open space would be provided on the application site a financial contribution for provision of offsite open space and maintenance is required, as a result a contribution of £54,990.18 is sought (£38,710.98 capital contribution and £16,279.20 10 year maintenance) index linked.
- 4.12 Parish Council – no objections.

4.13 Members of the Public

A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of consultations undertaken a total of 5 neighbour letters were received, objecting to the application, these comments are summarised below:

- The application is not specific in terms of what is proposed.
- The trees have only been surveyed from the application site so the impact on neighbouring properties has not been assessed.
- The pollarding of the Poplar trees is welcomed but this should be done around the circumference of the trees and as a matter of urgency.
- The Sycamore trees should be removed.
- Highway and pedestrian safety issues in respect to the increased use of the access from Nottingham Road into Mill Field Close.
- Concerns over the disruption caused by construction traffic including the road being blocked preventing bins being collected.
- Workers vehicles should be parked on the construction site.
- It is unclear why the garden areas to plots 10 and 11 are divided.

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 2021 (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 2021 (NPPF)

The National Planning Policy Framework (2021) sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 8 (promoting healthy and safe communities), 9, (promoting sustainable transport) 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).

6.3 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan

The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- 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 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.
- Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.
- Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- Policy 17: Biodiversity – sets out the approach to ecological interests.
- Policy 18: Infrastructure – sets out the approach to ensure new development is supported by the required infrastructure and the appropriate stage.
- Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:

- ☐ LPD 3: Managing Flood Risk – states permission will be granted for development in areas at risk of flooding providing a sequential test is undertaken and there is no increase in risk of flooding on the site or elsewhere.
- ☐ LPD 4: Surface Water Management – sets out the approach to surface water management.
- ☐ LPD 7: Contamination – states that permission will be granted for development on land potentially affected by land contamination provided the contamination is treated, contained or controlled.
- ☐ LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- ☐ LPD 18: Protecting and Enhancing Biodiversity – encourages measures to deliver biodiversity enhancements to be included into developments.
- ☐ LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.
- ☐ LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.
- ☐ 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 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.
- LPD 34: Residential Gardens – states development involving the loss of residential garden will not be permitted unless the development represents a more efficient use of land.
- LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.
- LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD 40 – Housing Development on Unallocated sites – states planning permission will be granted for residential development subject to design, impact and appropriate provision of parking.
- LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.
- 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.

6.5 Burton Joyce Neighbourhood Plan (BJNP)

Burton Joyce Neighbourhood Plan adopted on the 10th January 2019. The following policies are therefore relevant to the determination of the application:

- NP1: Spatial Strategy – states that development proposals will be supported where they result in sustainable development.
- NP2: Protecting the Landscape Character of Burton Joyce and Enhancing Biodiversity – states development is required to demonstrate that it does not result in a significant impact into the landscape and biodiversity is protected and enhanced.
- NP3: Design Principles for Residential Development – sets out what design principles are expected for development.
- NP4: Mix of Housing Types – sets out that housing schemes should deliver a mix of housing

6.6 Other

Parking Provision for Residential and non-Residential Developments – Supplementary Planning Document 2022 – sets out the car parking requirements for new residential development.

Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.

7.0 Planning Considerations

Principle of the development

- 7.1 The application site benefits from outline planning permission as set out above, 2020/0238 and this application proposes to vary conditions 3, 4 and 18 of that permission to amend the layout of the site, the scale of the dwellings, the road layout including the details that the road is no longer proposed to be adopted and the details relating to the impact of the proposed revisions on the protected trees at the site.
- 7.2 Having regard to the above the principle of development is established as outline planning permission has been approved for the erection of 11 dwellings on the site. As a result this report will not review matters that have previously been considered as part of the previous approval, rather it will focus on the matters under consideration as part of this application to vary conditions 3, 4 and 18 relating to the layout of the site, the scale of the dwellings, the proposed access arrangements and the impact of the revisions on the protected trees at the site.

Scale

- 7.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines scale as 'the height, width and length of each building proposed within the development in relation to its surroundings'.
- 7.4 In my opinion the proposed scale of the dwellings, as now proposed and as set out within the table at 3.1 above, are relatively modest in their scale and reflect the number of bedrooms which would be provided to each dwelling, the two bedroom properties being smaller in scale and the three, four and five bedroom properties being larger in scale.
- 7.5 In my opinion the scale of the dwellings reflects the scale of existing neighbouring development within the surrounding area, the area being predominately characterised by two storey dwellings. The scale of the dwellings would not appear overly large or dominant within the site, both in relation to existing neighbouring development or between the proposed dwellings.
- 7.6 In addition, the scale and massing of the proposed dwellings, given their relationship and distance to existing neighbouring dwellings will not result in any undue overbearing or overshadowing impact onto these neighbouring properties. I am also satisfied that the scale of the proposed dwellings in terms of their relationship to one another will also be acceptable and will result in no undue overbearing or overshadowing impact between the proposed dwellings. The changes to the house types would also create a better housing mix, including bungalows, to comply with policy NP4.

Layout

- 7.7 I am satisfied that the proposed development does not result in an over-intensive form of development on the site. The revised layout of the site together with the size of the proposed plots in my opinion reflects the character of the area and does not appear incongruous.

- 7.8 The space about and between the dwellings, in terms of access arrangements, private residential amenity areas to each dwelling as shown on the submitted plan clearly show that the development of the site would, given the relationship and distance to neighbouring properties and between the proposed dwellings, result in no significant adverse impact on the amenity of existing neighbouring properties or between the proposed dwellings, in terms of any overbearing, overshadowing or potential overlooking impacts.
- 7.9 The matter of appearance of the proposed dwellings has been reserved for subsequent approval. The appearance of the proposed dwellings therefore cannot be considered at this outline stage, however, I am satisfied that the appearance of the proposed dwellings can be adequately controlled at a reserved matters stage in order to ensure that appearance of the dwellings are visually acceptable and the dwellings reflect the character of the area and achieve high quality in terms of design. The exact location of windows to the proposed dwellings would also form part of this reserved matter, whereby it can be ensured that the location of windows to dwellings would not result in any undue overlooking impact onto neighbouring dwellings or between the proposed dwellings.
- 7.10 The proposal, in accordance with the aims of policy NP2, as set out above, of the Burton Joyce Neighbourhood Plan has to demonstrate that there would not be a visual intrusion into the landscape setting. The site falls within a number of view corridors as set out within the neighbourhood plan and therefore the proposal should not adversely impact on these publicly accessible views. In this case, I am satisfied, given the location of the development within the built up area of Burton Joyce together with the nature of the development that the proposals would not adversely impact upon the landscape setting and the specific view corridors in this location.
- 7.11 Given the above I am therefore satisfied, that the character of the area and residential amenity will not be detrimentally impacted. As a result the proposal complies with policies LPD32, ACS policy 10 and NP2, as set out above.

Trees and landscaping

- 7.12 Given the revisions to the layout of the site an Arboricultural Report has been submitted with the application which concludes as with the outline application that some trees are required to be removed and works are required to trees, as set out above, having liaised with the Council Arborist I am satisfied that the revised layout raises no additional issues to those under the outline application and therefore providing the development is undertaken in accordance with the submitted Arboricultural Assessment and the Impact Assessment together with a Tree Protection Method Statement submitted under the outline application there will be no undue impact on the health of the retained trees.
- 7.13 A condition however will need to be attached to any grant of planning permission to ensure that the development is undertaken in accordance with the submitted Arboricultural Report and Impact Assessment together with a

Tree Protection Method Statement and to ensure that there is strict monitoring in this respect throughout the development process.

- 7.14 Given the above I am therefore satisfied that the proposal accords with the aims of policy LPD19 and NP2 as set out above.

Highways

- 7.15 Vehicular access remains as approved under the outline application with access to the site being gained from Mill Field Close. The Highway Authority has raised no objection to the proposed access or visibility serving the access.
- 7.16 The access road is now proposed to be a private driveway as opposed to the initial proposal under the outline application to adopt part of the access road into the site.
- 7.17 Having liaised with the Highway Authority in respect to the proposal to have a private driveway to serve the dwellings, the Highway Authority have raised no objections provided a future management and maintenance agreement are put in place and the access is appropriately surfaced and drained.
- 7.18 In this respect given that 11 dwellings would be now be served off a private drive the Council would require an additional planning obligation secured through a Deed of Variation to the Section 106 Agreement to ensure that the roadway is suitably managed and maintained in the future.
- 7.19 The parking provision serving each dwelling is acceptable in terms of adequate off road car parking being provided to serve each dwelling in accordance with the aims of the Council's Parking SPD in that each unit will have at least 2 parking spaces and the larger units having not less than 3. The conditions suggested by the Highway Authority should also be attached to any grant of planning permission.
- 7.20 In conclusion therefore I am satisfied that the proposal accords with the aims of policies LPD57 and LPD61 and the requirements of the Council's Parking SPD as set out above.

Planning obligations

- 7.21 Planning obligations, which were secured through a Section 106 Legal Agreement tied to the previous permission, secured financial contributions towards education, open space, and a local labour agreement. The planning obligations within the Section 106 Agreement do transfer to a new permission granted under s73. However in this instance as the roadway will no longer be adopted under the new permission a Deed of Variation to the original S106 Agreement is required to obtain planning obligations to secure the long term maintenance of the road. For the avoidance of doubt, the financial contributions already secured, namely education, parks and a local labour agreement, will not be affected.

Other considerations

- 7.22 I note that a query was raised in regard to the fact that the rear garden areas to plots 10 and 11 are shown to be divided on the submitted plan, this matter has been clarified and all the land shown to plots 10 and 11 is to be conveyed to these plots but the land to the rear will be delineated by a fence from the formal garden area to each plot.
- 7.23 It is noted that Ashdale, or 5 St Helens Grove, is designated as a Local Interest Building; given the relationship between the existing dwelling and proposed development, including its siting and scale, it is not considered that the setting of the property would detrimentally be impacted.

Conditions

- 7.24 As this is a Section 73 application the conditions attached to the original application, 2020/0238, remain relevant and will need to be attached to any grant of planning permission for this section 73 application however some of the conditions attached to the original permission will need to be updated to reflect the proposed changes to the scheme, including the updated drawing numbers.

8.0 Conclusion

- 8.1 The principle of the development has been established following the grant of outline planning permission 2020/0238. The proposal is to amend the scale of the dwellings, the layout of the site and to provide a private driveway to serve the dwellings as opposed to the initially proposed part adopted roadway. These proposed minor material amendments are considered acceptable and therefore it is considered that the grant of planning permission accords with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents (Open Space Provision and Parking Provision).

Recommendation: GRANT PLANNING PERMISSION subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority to secure the long term maintenance of the road and subject to the following conditions for the reasons set out in the report.

Conditions

- 1 Details of appearance and landscaping (hereinafter called the reserved matters) for the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2 The application for the approval of reserved matters must be made not later the 11th August 2024 and the development to which this permission relates

must be begun within two years from the date of the final approval of reserved matters.

- 3 This permission shall be read in accordance with the application form and following approved drawing: 153/A-NR-BJ/PI-2 Rev D. The development shall thereafter be undertaken in accordance with these plans/details.
- 4 No dwelling hereby approved shall be occupied until a suitable access arrangement has been provided in accordance with the approved drawing no. 153/A-NR-BJ/PI-2 Rev D.
- 5 No dwelling shall be occupied until the roads necessary to serve that dwelling have been constructed to base level.
- 6 No dwelling shall be occupied 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 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 8 No dwelling shall be occupied until one or more dedicated vehicle parking spaces and/ or a garage have been provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 9 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment; all works on site shall, thereafter, be undertaken in accordance with the approved CEMP
- 10 The development shall be carried out in accordance with the submitted flood risk assessment (ref: Land at Ashdale, Nottingham Road, Burton Joyce, Gracemachin Planning and Property Ltd, Farrow Walsh Consulting, FW1907_FRA_001, V2.1, 06/04/2020) and the following mitigation measures it details: Finished floor levels shall be set no lower than 19.82 metres above Ordnance Datum (AOD) as stated within section 7.2.1 of the FRA. The mitigation measures shall then be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 11 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling. The scheme to be submitted shall: - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area. - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.
- 12 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority 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 thereafter.
- 13 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.
- 14 Development shall be undertaken in accordance with the approved noise report, completed by BSP Consulting, BSP Document Ref: RDBJ-BSP-ZZ-XX-RP-C-001-P1_Environmental_Noise_Assessment and the mitigation therein, notably with regard to window details and ventilation to the dwellings and fencing to the garden areas. Verification that the approved sound insulation has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

- 15 Development shall be undertaken in accordance with the Ecological Appraisal Report by JJH Consulting Ltd dated December 2019 and the recommendations and mitigation measures adhered to at all times.
- 16 Prior to the commencement of development, a further badger survey of the site shall be submitted and approved in writing by the Local Planning Authority. Any mitigation contained in the approved report shall thereafter be implemented.
- 17 Prior to the commencement of development, Great Crested Newt presence/absence surveys shall be submitted and approved in writing by the Local Planning Authority. Any mitigation contained in the approved report shall thereafter be implemented.
- 18 The development shall be undertaken in accordance with the Arboricultural Report submitted as part of this Section 73 application and Impact Assessment by AWA Tree Consultants, dated August 2020, Reference AWA2971 and the Arboricultural Method Statement by AWA Tree Consultants, dated August 2020 reference AWA3363 submitted as part of the outline application, specific attention shall be given to the timings of events from arboricultural works through erection of protective fencing and development to protective fence removal and the need for strict monitoring throughout the process. The protective fencing shall be provided before site preparation commences and the protective fencing shall remain in place at all times during site preparation and development. The protective fencing shall only be removed following completion of the development.
- 19 Prior to the erection of any external lighting (other than within the curtilages of the approved dwellings) there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance. The external lighting shall be provided in accordance with the approved details and shall be retained as such thereafter for the lifetime of the development.
- 20 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.
- 21 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 the approved details and retained thereafter for the life of the development.
- 22 All access driveways and parking areas shall be 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.

- 23 No development hereby permitted shall commence until details of wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities thereby approved shall be maintained in working order for the duration of the construction works 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.

Reasons

- 1 To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.
- 2 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 For the avoidance of doubt.
- 4 To ensure an adequate form of development in the interests of highway safety and to comply with policy LPD61.
- 5 To ensure that each dwelling has appropriate vehicular access and to comply policy LPD61.
- 6 To ensure that loose material does not enter the highway and to comply with policy LPD61.
- 7 This pre-commencement condition is necessary to ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 8 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2021 (NPPF), policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.
- 11 A detailed surface water management plan is required to ensure that the development is in accordance with National Planning Policy Framework 2021 and local planning policies. It should be ensured that all major developments

have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

- 12 To ensure foul water is adequately disposed of and to comply with policies LPD4, LPD5 and LPD6.
- 13 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 14 To ensure that amenity of proposed dwellings are suitably protected and to comply with guidance within the NPPF.
- 15 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 16 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 17 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 18 To ensure that the trees to be retained at the site are appropriately protected at all times.
- 19 In the interests of protecting ecological interests.
- 20 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.
- 21 To ensure the development is constructed to an acceptable standard.
- 22 In the interests of highway safety.
- 23 In the interests of highway safety.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies. It is considered that the site could be used for residential development without causing undue harm to visual and residential amenity, highway safety, ecological interests or flooding. It is therefore considered that the granting of outline planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

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 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 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. 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 Nottingham, NG2 7QP

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.

The applicant is advised that any site clearance works are undertaken outside of the bird breeding season - October to February inclusive.

The applicant is advised that conditions 16 and 17, relating to the requirement for a further badger survey and a survey regarding the potential presence of Great Crested Newts shall be read in conjunction with the submitted Ecological Appraisal Report by JJH Consulting Ltd December 2019.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). Negotiations have taken place during the assessment of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

In relation to the lighting condition above the submission of a bat-sensitive lighting scheme, should be developed in accordance with the Bat Conservation Trust publication "Artificial Lighting and Wildlife - Interim Guidance: recommendations to help minimise the impact of artificial lighting" dated June 2014.

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.

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

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

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Planning Report for 2022/0819



Report to Planning Committee

Application Number: 2022/0819

Location: Recreation Ground Muirfield Road Bestwood

Proposal: Install a 6m column together with a 2m antennae extension and concrete base for a CCTV camera.

Applicant: Gedling Borough Council

Agent:

Case Officer: Peter Langton

The applicant is Gedling Borough Council and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.

1.0 Site Description

- 1.1 The application site is within the Muirfield Road Recreation Ground, with the site of the proposed CCTV camera being in the north west corner of the site, adjacent to the footpath that runs through the site.
- 1.2 The site is located within the urban area of Bestwood. Neighbouring land uses are predominantly residential, with the Warren Academy to the north and the recreation ground extending to the south and east of the site.

2.0 Relevant Planning History

- 2.1 2016/01669 – planning permission granted to replace existing playground with new play equipment, outdoor gym equipment and installation of multi-use games system. Playground area to be extended beyond fence with equipment for older children.
- 2019/0549 – planning permission granted for installation of a climbing unit in the play area.

3.0 Proposed Development

- 3.1 The application seeks full planning permission for the erection of a 6m high column and 2m antennae extension for a CCTV camera and associated transmitter equipment, with a concrete base. The total height of the proposed column with antennae extension will be 8m.

- 3.2 The purpose of the camera is to assist in the prevention and detection of anti-social behaviour at the site.

4.0 Consultations

- 4.1 A public consultation has been undertaken with letters sent to neighbouring properties. No public representations have been received as a result of the consultation.

5.0 Development Plan Policies

- 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 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). The Greater Nottingham Aligned Core Strategy Part 1 Local Plan and the Local Planning Documents (Part 2 Local Plan) is also pertinent.

- 5.3 The following policies are relevant to the application:

5.4 National Planning Policy Framework 2021

Sets out the national objectives for delivering sustainable development. Section 8, paragraph 92 (promoting healthy and safe communities) makes specific reference to the need to ensure that crime, and the fear of crime, does not undermine community cohesion. Section 12, paragraph 130 (Achieving well-designed places) also makes reference to how crime, and the fear of crime, can undermine the quality of life.

5.5 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

5.6 Local Planning Document (Part 2 Local Plan)

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.

6.0 Assessment of Planning Considerations

- 6.1 The key issues in the determination of this application are the impact of the proposal on the immediate surroundings in terms of the design and appearance of the proposal, the impact of the proposal on the residential amenity of nearby properties, and the support provided towards crime prevention in the area.

7.0 Principle of development

- 7.1 The principle of the development is supported in that the site is located within a built-up area and there is a need to ensure that crime, and the fear of crime is, where possible, reduced. The applicant has advised that there has been a number of complaints about anti-social behaviour and general crime in the local area. As a result, it is considered that the erection of the pole and CCTV camera will reduce the fear of crime as well as helping with the detection of crime. The proposal is, therefore, deemed to comply with guidance within the NPPF (sections 8 and 12).

8.0 Design

- 8.1 The proposed CCTV column would be located close to the boundary of the site, adjacent to large trees. Whilst it would stand reasonably tall at 8m (including the antennae) the trees would provide some screening, and its location close to these and to the boundary of the site ensures it would not appear overly prominent or out of keeping with the character of the surrounding area. It will be set away from the highway and as such will not have a harmful impact on street scene.
- 8.2 It is considered that the pole and camera would not have any material adverse impact on the character of the area by reason of its scale, bulk, form, layout or materials such that it would comply with the requirements of Policy 10 of the ACS and LPD32.

9.0 Residential amenity

- 9.1 The CCTV is to be used for the recreation ground, play area and public footpath running through the recreation ground as a deterrent and to record possible crimes in the area. There are residential properties in the area, mainly to west of the proposed development. The purpose of the camera is not to impinge on the privacy of occupiers or members of the public but to observe the public realm with the aim of reducing crime and anti-social behaviour.
- 9.2 The proposed pole will have a slender design, and the trees to the west of the site will provide a good degree of screening from the nearby residential properties. As such it is not considered to result in an overbearing or overshadowing impact on the residents of any neighbouring properties.
- 9.3 Given the above, it is considered that the proposal will not result in an unacceptable loss of amenity for the residents of nearby dwellings and is therefore in accordance with all relevant aims of policy LPD32.

10.0 Crime prevention

- 10.1 Paragraph 92 of the NPPF advises that planning decisions should aim to ensure that developments, inter-alia, 'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'. Policy 10 of the Core Strategy also supports the 'incorporation of features to reduce opportunities for crime and the fear of crime,

disorder and anti-social behaviour, and promotion of safer living environments'. It is considered that the operation of a CCTV camera at this location would be acceptable due to its purpose to reduce crime and the fear of crime. It is therefore considered that the proposal complies with the advice of the NPPF and Core Strategy Policy 10.

11.0 Conclusion

- 12.1 The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties.

It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014) and Policy 32 of the LPD.

Recommendation: Grant Conditional Planning Permission subject to the following conditions:

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be carried out in accordance with the details set out in the application form, Site Location Plan, and Technical Specification; received by the Local Planning Authority on 18 August 2022.

Reasons

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

Reasons for Decision

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014) and Policy 32 of the LPD.

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 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 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.

Report to Planning Committee

Enforcement Ref: 0046/2020

Appeal Ref: APP/N3020/C/21/3275688 & APP/N3020/C/21/3275690

Location: Land to the West of 175 Mansfield Road, Papplewick

Subject: The construction of unauthorised buildings, security cameras and lighting columns, front boundary walls with lanterns and gates, the erection of two ornamental statues, the material change of use of the land to a mixed used for the storage of vehicles, trailers and vehicle parts and the repairing of motor vehicles, also for the disposal of items by burning and the change of use of part of the access road to a landscaped grassed area and for the siting of two ornamental statues.

Background

Two separate Planning Enforcement Notices were served on the appellant on 23rd April 2021. One related to operational development on site and the other addressed an unauthorised change of use.

Material Change of Use (Appeal A)

The notice outlined the breach of planning control as:

Without planning permission, the material change of use of the land to a mixed used for the storage of vehicles, trailers and vehicle parts and the repairing of motor vehicles, also for the disposal of items by burning and the change of use of part of the access road to a landscaped grassed area and for the siting of two ornamental statues.

The reason for issuing the notice:

It appears to the Council that the above breach of planning control concerning unauthorised material change of use has occurred within the last ten years.

The site is situated in a rural location within the Green Belt where there is a presumption against material changes of use of the land which do not fall within the exceptions given in Paragraph 146 of the NPPF. The storage of motor vehicles, mechanical equipment, tools and vehicle parts on the land, the brick built boundary walls, pillars, electronic gates with lanterns and a domestic type letterbox, and the construction of the wooden three sided building used as a repair workshop, together with ornamental walls sub dividing the land and the change in the character of the stable building by the insertion of doors and windows of a design not compatible with an equine use, together with the lighting and CCTV columns all of which are

associated with the unauthorised use of the land to store and repair vehicles and in addition the change of use of part of the access road to a landscaped grassed area and the positioning of the two ornamental statues, are incongruous features in the Green Belt and in this open area of countryside causing a significant adverse impact on the character of the landscape and contrary to Policy LPD 19 and the principles of the NPPF which seeks to protect the Green Belt with the fundamental aim to prevent urban sprawl by keeping land permanently open.

The use of the site for vehicle repairs and the constant use of recovery vehicles using the private access road creates noise and disturbance for the occupiers of the residential properties to the east of the site. Furthermore, the floodlighting on tall columns impacts on the residents of the properties to the east and the wider area.

The disposal of items on the site by burning on bonfires has caused smoke, smell and light pollution and has also had a detrimental impact on the amenities of nearby neighbours.

The unauthorised use is contrary to the NPPF (2019), Policy 10 of the Aligned Core Strategy and Policy LPD 32 of the Local Plan.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

Operational Development (Appeal B)

The notice outlined the breach of planning control as:

Without planning permission, the construction of unauthorised buildings, security cameras and lighting columns, front boundary walls with lanterns and gates and the erection of two ornamental statues.

The reason for issuing the notice:

It appears to the Council that the above breach of planning control concerning built development has occurred within the last four years.

The brick built stable building is not constructed as approved. The fenestration details and the doors are of a domestic design and are not compatible with an equestrian use. The three sided wooden built structure has the appearance of a domestic garage and there is a further domestication of the site with a front boundary treatment, comprising of a brick wall with metal railings on the top, pillars with lanterns and a solid electronic gate, measuring over 1 metre in height which is adjacent to the access road. The landscaping works beyond the front boundary wall and gates with two ornamental statues adds to the domestic feel of the site.

The security lighting and tall poles with CCTV cameras on the top which have been erected on the site, present an industrial feel.

The unauthorised development represents inappropriate development in the Green Belt and reduces the openness of the Green Belt. There is an adverse impact on the character and appearance of the area and there are no very special circumstances to justify the development.

Given the loss of openness to the Green Belt and in accordance with the Framework, the development is inappropriate development which impacts on the Green Belt's purpose of safeguarding the countryside from encroachment and is in conflict with the NPPF and Policy 10 of the Aligned Core Strategy.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

Appeals

Appeals against both notices and applications for award of costs were subsequently lodged with the Planning Inspectorate and were determined following a Hearing held at the Council Offices on 28th June 2022.

Appeal A (material change of use) proceeded on the following grounds as set out under Section 174 of The Town and Country Planning Act 1990:

- (b) that those matters outlined in the notice had not occurred,
- (f) that the steps required by the notice exceeded what was necessary to remedy the breach, and
- (g) that the period for compliance falls short of what is necessary.

Appeal B (operational development) proceeded on the grounds:

- (a) that planning permission ought to be granted for part of the breach of planning control,
- (b) those matters (if they did occur) did not constitute a breach of planning control,
- (c) those matters outlined in the notice had not occurred,
- (f) that the steps required by the notice exceeded what was necessary to remedy the breach, and
- (g) that the period for compliance falls short of what is necessary.

Despite withdrawal of the same, consideration was also made to appeal on ground (e) that copies of the notice were not served as required under The Town and Country Planning Act 1990 as not all interested parties were served.

The appellant also submitted an application for full costs against the Council on the grounds that the Council had behaved unreasonably by serving notices that were nullities due to uncertainties of the requirements therein or, in the case where the Notice/Notices were to be quashed, due to them being incorrectly served and defective. They also made an application for partial award of costs should full costs not have been justified.

Decisions

Appeal A (material change of use)

The Planning Inspector considered the details of the case and concluded that the alleged breach of planning control as set out in the notice was incorrect. **The appeal therefore succeeded on ground (b) and the notice quashed.** The remaining grounds for appeal were therefore not considered. The Local Planning Authority was not however at fault for the notice being quashed, as set out below.

The discrepancy lay in part with the breach of planning control identifying storage and repair of motor vehicles instead of dismantling and valeting.

The appellant was duly served with a Planning Contravention Notice (PCN) on 12th March 2021 as part of investigations into the alleged breaches of planning control on site. This notice required information to be provided to the Council regarding the ownership, use and development of the land. The appellant had a statutory duty to respond to the notice but did not provide a response. The Council could therefore only rely on observations made by officers, members of the public and the relevant planning history to draft the enforcement notices. If the appellant had completed the PCN in accordance with their statutory duty, their responses would have been fully considered, prior to the enforcement notices being drafted and served by the Council.

The Council was able to demonstrate that whilst there were faults in the wording of some requirements of the notices, they largely followed from the misidentification of the breach of planning control, which, had the applicant responded to the PCN, would have been avoided.

The appellant had ample opportunity to clarify what activities were taking place on site had he responded to requests and reminders to submit the PCN response. Without this distinction the Council could only act on the information it had. None of the evidence obtained by the Council suggested valeting was being undertaken on site.

It is noted that whilst the notice has been quashed, the Council is satisfied that at the time of the Hearing, the unauthorised change of use regarding vehicle dismantling and valeting had ceased in full.

Appeal B (operational development)

The Planning Inspector considered the details of the case and concluded that the appeal succeeded in part on grounds (b) and (f) and failed on grounds (a) and (g). In view of the success on ground (b), the appeal on ground (c) did not need to be considered. **Amendments to the wording of the notices were made and the appeal dismissed.**

It was identified late on in the appeals process that not all interested parties had been served with the notice. The Council demonstrated that the land registry plan is not entirely clear in terms of the precise extent of the front boundary and other land ownerships. Clarification should have been provided as part of the PCN response that was legally required. The PCN included a red line plan outlining the site of concern which included parts of the development subject to the notices served. It also specifically sought confirmation of the appellant's interest in the land and requested details of the full name and address of anyone else with interest in the land.

The Planning Inspector has removed from the notice all reference to breaches and requirements that lie outside of the appellants ownership and has amended the red line of the plan accompanying the notice accordingly. These areas will now be subject to separate investigation and enforcement action where necessary.

The appellant is now required to undertake the following works within 3 months of the date of the decision, being by 2nd November 2022:

- 1) Alter the brick built stable building to accord with drawing 06/151/01 approved by planning permission reference 2006/1064.
- 2) Demolish the unauthorised three sided wooden building (as identified on a plan attached to the notice).
- 3) Remove all other lighting and security camera columns from the land.

Outcome-Costs

The Planning Inspector considered the details of the case and concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Policy Guidance, was not been demonstrated in either application. **Both applications were therefore dismissed with no costs awarded.**

It is noted that based on the evidence presented at the Hearing the Inspector commented that "had there been a response to the PCN, a diligent authority would have reviewed its assumptions and considered the need for dialogue or further investigation. It would therefore be unreasonable to hold the Council wholly responsible for the costs the applicant incurred in the appeal in terms of the

misidentification of vehicle valeting and dismantling as the storage and repair of vehicles.”

With regards to the stable building, which was demonstrated not to have been built in accordance with approved plans, the Inspector concluded “it has not been shown that there was no lawful reason for enforcement action to be taken in respect of its variation from the approved drawing, if deemed expedient.”

Recommendation: To note the information.

Report to Planning Committee

Application Number: 2021/0042

Appeal Ref: APP/N3020/W/22/3290775

Site Address: Land previously Warren Hill Community Church, NG5 9QR

Application description: Erection of 6 two storey dwellings

Case Officer: Peter Langton

The planning application was refused permission under delegated powers on 19th November 2021 and for the reason outlined below:

Plots 1 and 2 of the proposed development would be set forward of the existing building line which forms an important part of the street scene to the east of the application site. As such the proposed units would result in an overly prominent addition that would be harmful to the street scene. Furthermore the relationship between plots 1 and 2, and 3 and 4, is considered to be result in a cramped and over intensive form of development that would be out of keeping with the character of the surrounding area. Subsequently the proposed development is contrary to Section 12 of the NPPF, policy 10 of the Aligned Core Strategy (2014) and policy LPD 40 of the Gedling Part 2 Local Plan (2018).

The Planning Inspector considered that whilst Plots 1 and 2 would be sited forward of 121 Muirfield Road, and they would be visible from the Highway:

“they would appear as a continuation of the existing residential development. Furthermore, due to the varied building line along Muirfield Road and the sense of enclosure created by the existing boundary fences, the siting of these dwellings would not be incongruous to the character or appearance of the surrounding area or appear unduly prominent.

The eastern and western boundaries of the appeal site are currently defined by landscaping in the form of mature hedges and trees which screen the appeal site from Muirfield Road. This landscaping would reduce the appearance of the proposed development. Even if this landscaping were to be replaced, I am satisfied that the replacement planting could also soften the impact of the development and partially screen the proposed dwellings from Muirfield Road. Such a landscaping scheme should be secured by condition.

The plot sizes of neighbouring dwellings vary in size and shape, and consequently the spacing between them. It is recognised that some plots are larger than those at the appeal site, but equally there are examples of plots that are commensurate in size with a similar grain of development as is proposed here. I therefore do not agree that the development would appear cramped or result in an over-intensive form of development that is out of character with the surrounding area.

The development is largely the same as a previous scheme that was approved by the Council, ref: 2017/0557 (the 2017 permission). The Council state that due to the recent publication of the Gedling Borough Local Planning Document Part 2 Local Plan (Part 2 Local Plan) and amendments to the National Planning Policy Framework (NPPF), the development should be dismissed. No evidence has been provided as to how the Council's design policy has changed in the intervening period. Therefore, on the basis of the above evidence, even with the greater emphasis on design and the need to create beautiful places in the NPPF, I consider that the proposal would provide an acceptable effect on the character and appearance of the surrounding area.

Consequently, the development would have an acceptable impact on the character and appearance of the street scene, compliant with Policy 10 of the Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan and Policy LPD40 of the Part 2 Local Plan, which together seek to provide a high standard of design and layout and for development to have regard to local context.

Notwithstanding the Inspector's assessment of the scheme, they had to consider the requested pre-commencement conditions for if the appeal was allowed. These included a requirement for the appellant to submit information in respect of contamination and a Construction and Emissions Management Plan (CEMP). Section 100ZA(5) of the Town and Country Planning Act 1990 (as amended) states that "planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition..." The appellant did not accept the pre-commencement conditions in respect of contamination and a CEMP as they were not imposed on the previous condition.

The Inspector noted that the contamination condition had been included on the previous permission. As the required information had not been submitted by the appellant the Inspector could not ascertain whether the proposed dwellings would be satisfactorily safe from sources contamination. Whilst the Inspector agreed that the CEMP condition had not been included on the previous application, they noted that the Part 2 Local Plan had been adopted since this permission had been granted and therefore the proposed development would be assessed against different policies. The Inspector determined that the recommended CEMP condition was clearly justified in accordance with LPD 11 of the Part 2 Local Plan.

The Inspector was satisfied that these conditions could not be imposed other than as pre-commencement conditions and they are so fundamental to the proposed development that the appeal could not be allowed without them. As the suggested pre-commencement conditions cannot be imposed without the appellant's agreement and the appellant did not accept their imposition the Inspector concluded that the development would not comply with Policies LPD 10 and 11 of the Part 2 Local Plan.

As a result, the appeal has been dismissed.

Recommendation: To note the information.

Report to Planning Committee

Application Number: 2021/0693

Appeal Ref: APP/N3020/W/22/3293642

Site Address: The Wrinkly Lettuce Cafe & Bistro, 16 Main Road, Gedling, Nottingham, NG4 3HP

Application description: Installation of decking

Case Officer: Claire Turton

The planning application description was altered during the planning application process from;-

“Erection of decking (retrospective)”

to;-

“Decking to the rear of cafe and change of use of site from Bistro (Class E) to a mixed use as a Café (Class E) and Pub (Sui Generis) (retrospective).”

This was to take into account the current unauthorised use as a micro bar / pub. The applicant / appellant agreed in writing to the change of application description as outlined above.

However, despite this written confirmation from the applicant / appellant, the Inspector decided that there was a lack of clarity as to the extent that the implications of the altered description were fully communicated to the appellant who was representing herself. As, such the Inspector only considered this appeal as it relates to the installation of the decking only, as stated on the initial application and appeal forms.

The planning application was refused permission on the 8th December 2021 for the reason outlined below:

- 1) *“Due to its nature, the pub use will cause unacceptable issues of noise and disturbance to the occupiers of the adjoining neighbouring properties. The creation of the decking to be used as an outside seating area adds to these issues of noise and disturbance and also causes additional issues of overlooking onto the adjacent neighbouring property. As such the proposal is contrary to policies LPD 32, 46 and 50.”*

The Planning Inspectors view on the decking is reproduced below. The Planning Inspector agreed that the decking would cause unacceptable issues of overlooking onto neighbouring properties. However, he did not agree that the decking added to issues of noise and disturbance caused by the existing, authorised external seating areas elsewhere on the site. For the reasons stated at the start of this report, he did not assess the change of use to a micro bar / pub.

The appeal site is a small commercial property, with a residential flat above. The attached neighbour is also in commercial use at ground floor. The detached neighbour is a residential property in domestic use. While I acknowledge that the site is within the Gedling Local Centre, its character in the vicinity of this site is mixed due to the small scale of the commercial properties and intervening residential properties to the remainder of the centre.

It is not in dispute that the rear garden area can legitimately be used by the appellant in the operation of their business, or that the business can operate for extended hours. However, it is clear from the pictures provided by the appellant of the area prior to the decking being installed and the pitch of the steps leading from the decking to the lower area of the garden that it would not reasonably have been possible for this area to be used by customers of the café. The introduction of the decking results in customers of the café being able to look directly into the rear gardens of the adjacent residential property. This would be for extended periods of time while sitting at the tables on the decking. This increase in overlooking and consequent loss of privacy has an unacceptable impact on the living conditions of the occupiers of that property.

At my site visit, I observed seating had been provided elsewhere in the garden area which could give rise to a degree of noise and disturbance. While the decking area does allow for a greater area of seating, it is a limited increase beyond the seating that exists elsewhere in the garden. I consider that the increase in noise and disturbance would not be materially beyond that which could occur from the accepted use of the garden area.

As a result, the appeal has been dismissed.

Recommendation: To note the information.

Report to Planning Committee

Application Number: 2021/0976

Appeal Ref: APP/N3020/D/21/3286329

Site Address: 27 Longdale Lane, Ravenshead

Application description: Detached garage

Case Officer: Joe Mtison/Nigel Bryan

The planning application was refused permission on the 18th October 2021 for the reason outlined below:

- 1) In the opinion of the Council due to the size, scale, and siting of the proposed double garage, the proposal would have a significantly detrimental impact on the site, streetscene and the surrounding area which is characterised by largely undeveloped open frontages. The development would therefore be contrary to Part 12 of the National Planning Policy Framework, Policy 10 of Gedling Borough Council Aligned Core Strategy (2014) and Gedling Borough Council Local Planning Document Policy 43 (2018). The Planning Inspectors view on the extension is reproduced below who agreed with the Council in respect of the detrimental impact the proposal would have, in particular on Blenheim Avenue.

The Inspector felt that the area was characterised by a mixture of properties with some having detached garages to the front. It was felt that whilst the dwelling had a shallower front garden than is typical, the garage would not have been unduly prominent or out of character with the area. As a result the appeal was allowed and planning permission granted.

It should also be noted that an application for costs was made and this too was allowed. The Inspector felt that due regard had not been given to the fact that other garages forward of the principal elevation were in situ in the area. Whilst accepting that each application needs to be judged on its own merits, the Inspector felt that the Council had disregarded nearby garages and that because of this a different conclusion should have been reached. The Inspector also felt that there should have been better communication between Officers and the applicant, which, in the round, amounted to unreasonable behaviour.

Recommendation: To note the information.

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Report to Planning Committee

Subject: Future Planning Applications

Date: 07/09/2022

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>
2021/0934	Land next to Pepperpots, Mapperley Plains	Erection of 8 detached dwellings and 3 apartment building, comprising 32 units	TBC
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	TBC
2021/1398	Land at Grange View Road, Gedling	Erection of 24 dwellings, associated parking and access road	TBC
2022/0501	Land Off Hayden Lane Linby	Full planning permission for 135 dwelling with access from Delia Avenue And Dorothy Avenue	TBC
2021/072	Land To The West Mansfield Road Redhill	Proposals for 157 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60, Redhill, Nottingham	TBC

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

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ACTION SHEET PLANNING DELEGATION PANEL - 2nd September 2022

2022/0249

21 Milton Crescent, Ravenshead, NG15 9BA

Alterations and extension to provide additional bedrooms in roof

The proposed development would respect the character of the area, residential amenity and highway safety.

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

Decision: Grant permission subject to conditions.

2022/0530

10 Bank Hill, Woodborough, Nottingham

Variation of condition 2 (approved plans) attached to planning permission 2019/0790 for the demolition of existing dwelling and construction of replacement dwelling

The proposed development would respect the character of the area, residential amenity, highway safety and not be inappropriate development in the Green Belt.

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

Decision: Grant permission subject to conditions.

2022/0539TPO

46 Padleys Lane, Burton Joyce, Nottingham

Fell T1, situated within the grounds of 46 Padleys Lane, adjacent to the boundary with 19 Foxhill Road, to ground level due to poor structural condition of the tree.

The proposed development would be acceptable in that the tree is in decline.

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

Decision: Grant consent subject to conditions.

2022/0672

52 Roseleigh Avenue, Mapperley, Nottinghamshire

Erection of outbuilding (part retrospective)

The proposed development would respect the character of the area and residential amenity.

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

Decision: Grant permission subject to conditions.

2nd September 2022

Cllr John Truscott
Cllr Paul Wilkinson
Cllr Marge Paling
Cllr John Parr
Cllr David Ellis
Cllr Meredith Lawrence

Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 9th September 2022

2022/0620

170 Oakdale Road, Carlton, Nottinghamshire

Retain raised decking to get access to the outside from the back conservatory

The proposed development would respect the character of the area and residential amenity.

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

Decision: Grant permission subject to conditions.

2022/0729

Carlton Le Willows Academy, Wood Lane, Gedling

One temporary building to include two classrooms, two storage rooms, lobby and access ramp.

The proposed development would be in-appropriate development in the Green Belt; however, it is considered that the overriding need for the school spaces is a very special circumstance to allow the grant of planning permission with the proposal deemed to respect the character of the area and residential amenity.

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

Decision: Grant permission subject to conditions.

2022/0742

Land off Teal Close, Netherfield

Provision of external AC plant to elevations of unit 2, 3, 4, 5, 6 and 7

The proposed development would respect the character of the area and residential amenity.

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

Decision: Grant permission subject to conditions.

2022/0758

28 Church Lane, Linby, Nottingham

Existing driveway wall to be raised in height by approx 475mm to a maximum height of 1675mm & removal of conifer hedge

The proposed development would be in-appropriate development within the Green Belt with no very special circumstances to justify the grant of planning permission.

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

Decision: Refuse permission.

9th September 2022

Cllr Paul Wilkinson

Cllr Marge Paling

Cllr John Parr

Cllr David Ellis

Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer

Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 16th September 2022

2021/1445

Site of 7-8 and Hall, Burnor Pool, Calverton

Amended Scheme for the Restoration, Extension and Conversion to Residential use of the Old School House (Oasis Building), Burnor Pool with additional two storey extension to West of existing property to include a double height glazed garden room with single storey garage on the ground floor, a landing open to the ground floor on the first floor and a master bedroom with ensuite wet room above the garage.

The proposed development would respect the character of the area, residential amenity, highway safety and the Conservation Area.

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

Decision: Grant permission subject to conditions.

2022/0267

8 Strelley Close, Linby, Nottinghamshire

Erection of a single-storey side extension with garage conversion (Re-submission of 2021/1351)

The proposed development would respect the character of the area, residential amenity and highway safety.

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

Decision: Grant permission subject to conditions.

2022/0441

Land on east side of Roe Hill, Woodborough

Proposed erection of 1 no. dwelling

The proposed development would respect the character of the area, residential amenity and highway safety.

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

Decision: Grant permission subject to conditions.

2022/0648
14 Longdale Lane, Ravenshead, Nottinghamshire
Detached Garage with Home Office above

The proposed development would result in the erection of a large and unduly prominent garage that would be out of character with the area.

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

Decision: Refuse permission

2022/0850TPO
3 Pilgrim Close, Ravenshead, Nottinghamshire
Fell T1 - T5 (Scots Pine trees) - Reasons - See Addendum to Report

The proposed trees do not make a valuable contribution to the wider character of the area and their removal would be of benefit to more native trees in the immediate area.

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

Decision: Grant consent subject to conditions.

2022/0858
36 Thackerays Lane, Woodthorpe, NG5 4HQ
Single storey front extension, Single storey rear extension. External wall insulation and rendering to front, side and rear elevations

The proposed development would respect the character of the area and residential amenity.

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

Decision: Grant permission subject to conditions.

16th September 2022

Cllr Marge Paling
Cllr John Parr
Cllr David Ellis
Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer
Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 30th September 2022

2021/1078

20A Calverton Road, Arnold, NG5 8FH

Outline application for demolition of existing bungalow and outbuilding and erection of 3 dwellings

The principle of development is supported, subject to the approval of reserved matters, and would respect the character of the area, residential amenity and highway safety.

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

Decision: Grant permission subject to conditions.

2022/0847

456 Arch Hill, Redhill, Nottinghamshire

Construct replacement dwelling and minor external works to existing outbuildings.

The proposed development would respect the character of the area, residential amenity, highway safety and not be detrimental to the openness of the Green Belt.

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

Decision: Grant permission subject to conditions.

2022/0879

40 Weaverthorpe Road, Woodthorpe, Nottinghamshire

Proposed single storey rear and side extension.

The proposed development would respect the character of the area and residential amenity.

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

Decision: Grant permission subject to conditions.

2022/0931

2A Victoria Road, Netherfield, Nottinghamshire

Change of use from car showroom (sui generis) to gym E(d)

The proposed development would be in conflict with policy LPD50; however, it would bring back into use an empty unit and enhance the vitality of Netherfield Local Centre.

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

Decision: Grant permission subject to conditions.

30th September 2022

Cllr John Truscott
Cllr Paul Wilkinson
Cllr Meredith Lawrence

Nigel Bryan – Principal Planning Officer