

# Agenda

## Planning Committee

Date: **Wednesday 6 September 2023**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Democratic Services**

[committees@gedling.gov.uk](mailto:committees@gedling.gov.uk)

0115 901 3844

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# Planning Committee

## Membership

**Chair** Councillor Roy Allan

**Vice-Chair** Councillor Paul Wilkinson

Councillor Sandra Barnes  
Councillor Stuart Bestwick  
Councillor David Ellis  
Councillor Andrew Ellwood  
Councillor Des Gibbons  
Councillor Helen Greensmith  
Councillor Ron McCrossen  
Councillor Lynda Pearson  
Councillor Catherine Pope  
Councillor Grahame Pope  
Councillor Sam Smith  
Councillor Ruth Strong  
Councillor Jane Walker  
Councillor Henry Wheeler

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### **Responsibilities of the Planning Committee:**

- 1) To examine and investigate any proposals for development within or outside the Borough which affect the growth prosperity and wellbeing of the Borough and to consult on any action considered necessary.
- 2) Power to fix fees and charges in relation to the remit of the Committee.
- 3) Power to appoint delegates to conferences and to approve Member training in relation to the remit of the Committee.
- 4) To respond to consultative documents received by the Council and falling with the remit of the Committee.

- 5) Power to institute enforcement and legal proceedings in connection with any offences under any powers delegated to this Committee.
- 6) Power to determine applications for planning permission.
- 7) Power to determine applications to develop land without compliance with conditions previously attached.
- 8) Power to grant planning permission for development already carried out.
- 9) Power to decline to determine applications for planning permission.
- 10) Duties relating to the making of determinations of planning applications.
- 11) Power to determine applications for planning permission made to the Council.
- 12) Power to make determinations, give approvals and agree matters relating to the exercise of development rights.
- 13) Power to enter into agreements regulating the use or development of land.
- 14) Power to issue a certificate of existing or proposed lawful use or development.
- 15) Power to serve a completion notice.
- 16) Power to grant consent for the display of advertisements.
- 17) Power to authorise entry onto land pursuant to Section 196A of the Town and Country Planning Act 1990.
- 18) Power to require the discontinuance of a use of land.
- 19) Power to serve a contravention notice, breach of condition notice or stop notice.
- 20) Power to issue an enforcement notice.
- 21) Power to apply for an injunction restraining a breach of planning control.
- 22) Power to require proper maintenance of land pursuant to Section 215(1) of the Town and Country Planning Act 1990.
- 23) Power to determine applications for listed buildings consent.
- 24) Power to serve a building preservation notice
- 25) Power to acquire a listed building in need of repair and to serve a repairs notice.
- 26) Power to apply for an injunction in relation to a listed building.
- 27) Power to execute urgent works to a listed building.
- 28) Power to create, extinguish, stop up or divert footpaths or bridle ways after consultation, where appropriate, with the relevant Parish Council.
- 29) Power to make a rail crossing diversion or extinguishment order.
- 30) To exercise the Council's powers relating to the preservation of trees contained within the Town and Country Planning Act 1990.
- 31) To exercise the Council's powers with regard to the Hedgerows Regulations 1997.
- 32) Power to make, amend, revoke or re-enact byelaws within the remit of the Committee

# AGENDA

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1. **Apologies for Absence and Substitutions.**
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**Planning Committee Protocol.**
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4. **Application no. 2023/0468 - Land at Chase Farm (Former Gedling Colliery) and land off Lambley Lane, Gedling** 33 - 56
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8. **Any other items which the Chair considers urgent.**

## **MINUTES PLANNING COMMITTEE**

**Wednesday 26 July 2023**

Councillor Roy Allan (Chair)

In Attendance:      Councillor Paul Wilkinson              Councillor Helen Greensmith  
                            Councillor Michael Adams              Councillor Lynda Pearson  
                            Councillor Sandra Barnes              Councillor Catherine Pope  
                            Councillor Stuart Bestwick              Councillor Grahame Pope  
                            Councillor David Ellis                  Councillor Ruth Strong  
                            Councillor Andrew Ellwood              Councillor Jane Walker  
                            Councillor Des Gibbons                  Councillor Henry Wheeler

Absent:                  Councillor Ron McCrossen and Councillor Sam Smith

Officers in              M Avery, N Bryan, C Goodall, C Miles and N Osei  
Attendance:

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

Apologies for absence were received from Councillor Smith. Councillor Adams attended as substitute.

### **13              TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 JUNE 2023**

#### **RESOLVED:**

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

### **14              DECLARATION OF INTERESTS**

The Chair declared a collective non-pecuniary interest on behalf of all members of the committee in items 9 and 10 on the agenda, as Gedling Borough Council were the applicant.

### **15              APPLICATION NO. 2021/0934 - LAND NEXT TO PEPPERPOTS, MAPPERLEY PLAINS, MAPPERLEY**

**Erection of 8 detached dwellings and 3 apartment buildings (comprising 29 flats).**

Ron Hodges, a Trustee of 3rd Woodthorpe St Marks Scout Group, spoke in objection to the application.

The Principal Planning Officer informed members that further to the publication of the report, additional comments had been received from Nottinghamshire County Council, who had identified that a contribution of £18,500 was sought towards bus stop improvements in the area. He had noted the additional letters from objectors as reported to members that raised concerns in relation to possible noise pollution, air pollution and the removal of hedges which raised no new issues.

He then went on to introduce the report.

He concluded that the application was recommended for approval subject to the signing of a Section 106 agreement to include contributions to public transport and subject to the conditions as outlined in the committee report.

Following debate, the Principal Planning Officer proposed an amendment to Condition 19 – in relation to boundary treatments as follows:

#### **Condition 19**

Prior to the commencement of the development, no part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details.

#### **RESOLVED:**

To 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 Education Authority to secure a local labour agreement, affordable housing and financial contributions towards public transport, education, primary care, public open space and maintenance of the same and monitoring fees; and subject to the updated conditions listed for the reasons set out in the report.

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 approved drawings:

N1538\_127\_L\_ PROPOSED siteplan / roofplan  
N1538\_128\_G\_ PROPOSED ground floor (west)  
N1538\_129\_K\_ PROPOSED ground floor (east)

N1538\_130\_E\_ PROPOSED Building B Elevations  
N1538\_132\_E\_ PROPOSED Building A Elevations  
N1538\_133\_C\_ PROPOSED Building A Ground floor plan  
N1538\_134\_C\_ PROPOSED Building A First floor plan  
N1538\_135\_C\_ PROPOSED Building A Second floor plan  
N1538\_136\_C\_ PROPOSED Building A Roof plan  
N1538\_137\_E\_ PROPOSED Building B Ground floor plan  
N1538\_138\_E\_ PROPOSED Building B First floor plan  
N1538\_138\_E\_ PROPOSED Building B First floor plan  
N1538\_139\_D\_ PROPOSED Building B Second floor plan  
N1538\_141\_D\_ PROPOSED Building B Roof plan  
N1538\_142\_E\_ PROPOSED Building C Ground floor plan  
N1538\_143\_E\_ PROPOSED Building C Upper floor plans  
N1538\_144\_D\_ PROPOSED Building C Elevations  
N1538\_145\_E\_ PROPOSED Long Street Elevations  
N1538\_146\_E\_ PROPOSED First floor house plans  
N1538\_147\_C\_ PROPOSED Sections through site  
N1538\_149\_A\_ Location Plan

3. Prior to above ground works commencing details of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
4. No development shall be brought into use on any part of the application site unless or until junctions to the West/East of Colliery Way and access off Mapperley Plains have been provided as shown for indicative purposes only on the attached plan reference no. N1538-127-L.
5. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan reference no. N1538-127-L. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles
6. None of the five dwellings to be accessed off Mapperley Plains shall be occupied until a Traffic Regulation Order banning right hand turning on exiting the site as shown for indicative purposes only on drawing ref TP2250549/40 has been processed. The scheme to prevent the right hand turn shall then be implemented in accordance with the approved details prior to first occupation.
7. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle facilities shall be located near to the main entrance to the

development, be covered, lockable and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

8. Prior to the commencement of development, the following shall be 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.

9. 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.
10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the 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.



11. 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.
12. The noise mitigation identified in the noise report submitted in support of the application (ref: 784-B038289, dated May 2022), contained in section 6.0, shall be completed prior to occupation of any properties identified as being affected.
13. Prior to above grounds works commencing, the acoustic fence shown to be re-located to the eastern edge of the site, as identified on drawing N1538-127-L, shall be in-situ.
14. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been

completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

15. No part of the development hereby approved shall commence until a detailed surface and foul water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and drainage strategy dated 24 May 2023 (ref: MPNH-BSP-ZZ-XXRP-C 0001-P02\_Flood\_Risk\_Assessment), has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
16. From the date of first occupation of plots 1-8 built on site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. 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

Prior to the occupation of building(s) A-C hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of a minimum of five (5) Electric Vehicle Recharging Points [minimum four EV points serving Buildings A and B (two at each) and minimum one to Building C]. Charge points must have a minimum power rating output of 7kW, 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.

17. The development hereby approved shall completed in accordance with the mitigation identified in para 6.2 of the updated ecological report (dated April 2023 ref TS 2023/03/700), namely a qualified ecologist shall be on-site during site clearance.
18. Prior to the commencement of development, a scheme of landscaping showing the location, species and size of specimens to be planted 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.

19. Prior to the commencement of the development, no part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details.
20. No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

### **Reasons**

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt.
3. To ensure that the character of the area is respected and to comply with policy ACS10.
4. In the interests of highway safety and to comply with policy LPD61.
5. In the interests of highway safety and to provide adequate parking and comply with policies LPD57 and LPD61.
6. In the interests of highway safety and to comply with policy LPD61.
7. To encourage sustainable means of transport and comply with guidance within the NPPF.
8. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
9. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.

10. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
11. 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.
12. To ensure that residential amenity is respected and to comply with policy LPD32.
13. To ensure that residential amenity is respected and to comply with policy LPD32.
14. To ensure compliance with policy LPD30.
15. To ensure that the site is suitably drained and to comply with policies LPD3 and LPD4.
16. 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.
17. To ensure that any protected species are not harmed and to comply with policy LPD18
18. To ensure the character of the area is respected and biodiversity duly considered, and to comply with policies LPD18 and LPD19.
19. To ensure that the character of the area and residential amenity is respected and to comply with policies LPD32 and ASC10.
20. To ensure that the character of the area and residential amenity is respected and to comply with policies LPD32 and ASC10.

### **Notes to Applicant**

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) and The Electric Vehicles (Smart Charge Points) Regulations 2021. The applicant should note that notwithstanding any planning permission that any development serving 5 dwellings, or more is subject to the Advance Payments Code under the highways Act 1980 (as amended). All private roads will need to be maintained under a management company and a s106 agreement will need to be entered into which

should include how the roads are to be managed and maintained. Once the landowner has completed the roads 'fit for purpose' and the above completed the landowner can then be exempted from the APC.

a) 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. It is recommended that the developer contact the Highway Authority as early as possible.

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

Correspondence with the Highway Authority should be addressed to:-  
hdc.south@nottscg.go.uk

**16 APPLICATION NO. 2023/0091 - LAND OFF GEORGES LANE, CALVERTON**

Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.

Matthew Lymn Rose, Managing Director of AW Lymn, the applicant, spoke in support of the application.

The Principal Planning Officer informed members that since the publication of the report an additional letter of support had been received from the Reverend Canon Malachy Brett highlighting the need and desire for this type of burial provision. He then went on to introduce the report and concluded that the application was recommended for refusal, as outlined in the report.

**RESOLVED:**

To Refuse Planning Permission for the following reason(s):

- 1 The proposed development would represent inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt. The proposal does not meet any of the criteria listed in paragraphs 149 or 150 of the NPPF which list certain types of development that are not considered inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no special circumstances that outweigh the harm caused to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework (Section 13).

- 2 The proposed development would have an undue impact upon the visual amenity and landscape character of the area.

The development consists of a barrow 9 metres in height (Barrow 3) with a steep slope of 70-80 percent. This will appear as a tall, prominent and alien feature within the landscape. The proposal is therefore contrary to the National Planning Policy Framework (Section 15), Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policy BE1.

## 17 **APPLICATION NO. 2022/0009 - SARVAL, STOKE LANE, STOKE BARDOLPH**

Erection of baggage storage facility on a raft foundation.

Dave Fox, Production Manager at Sarval Limited, the applicant, spoke in support of the application.

The Principal Planning Officer introduced the report.

The recommendation to refuse planning permission was not carried.

The Head of Development and Place had listened to the debate and noted that it was clear that members considered there were very special circumstances for granting development within the green belt, these being the need for the building to enhance the operational efficiency of the site, that it did not have an impact on the openness of the green belt, the whole area was an industrial estate, to support investment and future growth of the site and that it was a long-standing business.

He concluded that if members were to move an alternative proposal to grant planning permission, contrary to officer recommendation, they may wish to use the following proposed reason and condition for approval.

### **Proposed reason for approval:**

The development whilst considered to result in an inappropriate form of development in this Green Belt location, very special circumstances have been demonstrated in this instance, these being the need for the building to enhance the operational efficiency of the site, supporting investment for the future growth of the site and the economy. It is also considered given that this is an expansion of the existing business at the site there are no other viable options to locate the development in an alternative location. Whilst the building is fairly large in scale it is also considered given the location of the building adjacent to other buildings on the site, the visual appearance of the development will not be unduly

visible in this location. In addition, given the submission of a Flood Risk Assessment, there are no flood risk issues arising in regard to the development. The development results in no contamination issues or highway safety issues. The development therefore accords with the aims of the NPPF 2021, policies 1 and 10 of the Aligned Core Strategy 2014 and policies LPD 3, 7, 32 and 61 of the Local Planning Document 2018.

**Condition:**

The development shall be retained in accordance with the details as set out within the application form received on the 5<sup>th</sup> January 2022, the location plan received on the 5<sup>th</sup> January 2022, the plans received on the 5<sup>th</sup> January 2022, drawing number 2020/025/03C, the Design and Access Statement received on the 16<sup>th</sup> January 2022, the Flood Risk Assessment by J Roberts Design Ltd dated May 2023 and the letter from IDPlanning, demonstrating very special circumstances, dated the 20<sup>th</sup> June 2023.

**Reason:** To define the permission

An alternative motion to grant planning permission was moved by Councillor David Ellis and seconded by Councillor Gibbons and it was

**RESOLVED:**

To GRANT PLANNING PERMISSION for the following reason:

**Reason:**

1. The development whilst considered to result in an inappropriate form of development in this Green Belt location, very special circumstances have been demonstrated in this instance, these being the need for the building to enhance the operational efficiency of the site, supporting investment for the future growth of the site and the economy. It is also considered given that this is an expansion of the existing business at the site there are no other viable options to locate the development in an alternative location. Whilst the building is fairly large in scale it is also considered given the location of the building adjacent to other buildings on the site, the visual appearance of the development will not be unduly visible in this location. In addition, given the submission of a Flood Risk Assessment, there are no flood risk issues arising in regard to the development. The development results in no contamination issues or highway safety issues. The development therefore accords with the aims of the NPPF 2021, policies 1 and 10 of the Aligned Core Strategy 2014 and policies LPD 3, 7, 32 and 61 of the Local Planning Document 2018.

**Condition:**

1. The development shall be retained in accordance with the details as set out within the application form received on the 5<sup>th</sup> January 2022, the location plan received on the 5<sup>th</sup> January 2022, the plans received on the 5<sup>th</sup> January 2022, drawing number 2020/025/03C, the Design and Access Statement received on the 16<sup>th</sup> January 2022, the Flood Risk Assessment by J Roberts Design Ltd dated May 2023 and the letter from IDPlanning, demonstrating very special circumstances, dated the 20<sup>th</sup> June 2023.

**Reason for condition:**

1. To define the permission.

**18 APPLICATION NO. 2022/0338 - 4 DEABILL STREET, NETHERFIELD**

Two storey rear extension, single storey rear extension to create a 6 bedroom property to be occupied by one household.

The Principal Planning Officer introduced the report.

The recommendation to grant planning permission was not carried.

The Head of Development and Place had listened to the debate and had noted that members had concerns in relation to the intensification of the use of the site and the impact this would have on the amenity of adjoining residents and the character of the area and concerns about the additional demand for very limited on street car parking. He advised members that there was no evidence to refuse the application on highways safety grounds and that any refusal in terms of highways should be directed towards the additional demand for limited on street car parking.

He concluded that if members were to move an alternative proposal to refuse planning permission, contrary to officer recommendation, they may wish to provide the following proposed wording:

**Proposed reason for refusal:**

The proposed development would, by reason of the intensification of the use of the site, have an adverse impact upon the residential amenity of adjoining and nearby residents and the character of the area. The proposal would also result in additional demands for very limited on street car parking, to the detriment of existing residents. The development would therefore be contrary to Policy LPD32 – Amenity.



An alternative motion to refuse planning permission was moved by Councillor Grahame Pope and seconded by Councillor Wheeler and it was

**RESOLVED:**

To REFUSE PLANNING PERMISSION for the following reason:

**Reason:**

The proposed development would, by reason of the intensification of the use of the site, have an adverse impact upon the residential amenity of adjoining and nearby residents and the character of the area. The proposal would also result in additional demands for very limited on street car parking, to the detriment of existing residents. The development would therefore be contrary to Policy LPD32 – Amenity.

**19 APPLICATION NO. 2020/0581 - LAND TO REAR OF 169 MANSFIELD ROAD, PAPPLEWICK**

Demolition of buildings (single storey arched and flat roof structures) and proposed 5no 3 bedroom bungalows.

Ann Incerti, a local resident, spoke against the application.

The Principal Planning Officer informed members that since the publication of the report an additional comments had been received from Papplewick Parish Council but these raised no new issues to those already contained within the report.

He then went on to introduce the report.

He concluded that the recommendation was to grant full planning permission subject to conditions set out in the report with two additional conditions in relation to off-street car parking and surface water drainage.

**RESOLVED:**

To Grant Full Planning Permission subject to conditions:

**Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the application form received on 19th June 2020 and deposited plans, drawing no's SI21/1078/3-01A, SI21/1078/5-A, SI21/1078/2-D,

SI21/1078/4-B, SI21/1078/9 and SI21/1078/8, received on 31st March 2022. The development shall thereafter be undertaken in accordance with these plans/details.

- 3 Before development hereby approved is first commenced a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include full details of both soft and hard landscape works together with detailed landscape plans and particulars which shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, and the frontages of properties such as driveways and footpaths to front doors, and (d) a programme of implementation. The landscape scheme would need to demonstrate compliance with Section 4 of Biodiversity Net Gain Metric and Section 5 of the Preliminary Ecological Assessment. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 4 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 3, 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 Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.
- 5 The access driveway shall be surfaced in a hard-bound material (not loose gravel) for a minimum of 10.0 metres behind the Highway boundary and 4.8m in width as shown on drawing no. SI21/1078/2-D, before development is commenced. The surfaced drive shall then be maintained in such hard-bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the bin storage/ store/ collection point has been constructed and positioned within 25.0m of the public highway.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, AA, B, C, D, E and/or F of Part 1 of Schedule 2 to that Order shall be carried out.

- 8 From the date of first occupation each dwelling shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations 2010. 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 the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:
  - 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 and
  - 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.
- 10 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 to and approved in writing by the Local Planning Authority.
- 11 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.

- 12 No development shall take place until full details of finished floor levels, above ordnance datum, of the ground floors of the proposed dwellings and all hard landscaped surfaces, in relation to existing and proposed ground levels and cross sections of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 13 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.
- 14 Prior to above ground works commencing details of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
- 15 Development shall proceed in accordance with the approved Arboricultural Implications Assessment and Arboricultural Method Statement (dated 09 June 2020) in respect of trees to retained and protective fencing to be erected.
- 16 Development shall proceed in accordance with the conclusions and recommendations outlined in Biodiversity Net Gain Metric report, dated 05 January 2023.
- 17 Prior to the commencement of development, a further badger survey shall be completed and submitted for written approval by the Local Planning Authority. Any mitigation identified in the approved report shall thereafter be adhered to.
18. No dwelling hereby approved shall be occupied until such time as all off street car parking spaces for each respective dwelling has been formed, together with the communal turning space, as detailed on plan reference SI21/1078/9. The turning area and car parking spaces shall remain in place for the lifetime of the development.
19. None of the dwellings hereby permitted shall be occupied until works for the disposal of surface water drainage and sewage

have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority. They shall remain in place for the lifetime of the development unless otherwise agree in writing by the local planning authority.

## **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a satisfactory development in accordance with the aims of policy LPD 10 of the Aligned Core Strategy.
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
- 6 To enable the bins to be collected by the refuse team on collection day.
- 7 In order to protect the openness of the Green Belt.
- 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 Local Planning Document.
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 10 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 11 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 12 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.

- 13 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.
- 14 To ensure that the character of the area is respected and to comply with policy ACS10.
- 15 To comply with policies LPD18 an LPD19.
- 16 To comply with policy LP18.
- 17 To comply with policy LP18.
- 18 To ensure there are measures to pro-actively manage surface water including the use of appropriate surface treatments and to accord with Policy LDP4 of adopted of the Local Planning Document.
- 19 To ensure the development hereby approved include measures to pro-actively manage surface water including the use of appropriate surface treatments and foul drainage and to accord with the National Planning Policy Framework and Policy LPD4 of the Local Planning Document.

### **Reasons for Decision**

It is considered, given the scale, design and layout of the proposal, the proposed scheme would be appropriate development in the Green Belt, it would conserve and enhance the landscape character of the area, it would not result in harm to protected species and it would be acceptable from a residential amenity and highway safety perspective; in accordance with Sections 5, 11, 12, 13 and 15 of the National Planning Policy Framework, Policies 8 and 10 of the Aligned Core Strategy and Policies LPD 7, LPD 11, LPD 18, LPD 19, LPD 32, LPD 35, LPD 40, LPD 57 and LPD 61 of the Local Planning Document.

### **Notes to Applicant**

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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

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

The 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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

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) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

As part of the approval of details reserved by Condition 3 it is necessary to demonstrate how each of the plots is to be accessed from the shared access by virtue of materials.

**APPLICATION NO. 2023/0385TPO - ALL HALLOWS CHURCH,  
ARNOLD LANE, GEDLING**

14 Lime trees within G1 & G2 – Re-pollard back to old points. Remove epicormics growth up to grown break.

The Principal Planning Officer introduced the report.

**RESOLVED:**

To Grant consent subject to the following conditions:-

**Conditions**

- 1 The works must be carried out in within 2 years beginning of the date of this permission.
- 2 The works hereby permitted shall be carried out in accordance with the application form and details submitted to the Local Planning Authority on 5<sup>th</sup> May 2023.
- 3 All works are carried out in accordance with BS 3998 2010 and by good arboricultural practice.

**Reasons**

- 1 In order to comply with Section 17 2(d) of Part 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of safety and good tree husbandry.

**Notes to Applicant**

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

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage,



destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

**21 APPLICATION NO. 2023/0386TPO - LAND ADJACENT PAVILION ROAD, BESTWOOD**

T! – Oak – Reduce lateral branches by 50% that are growing towards property fence.

The Principal Planning Officer introduced the report.

**RESOLVED:**

To Grant consent subject to the following conditions:-

**Conditions**

- 1 The works must be carried out in within 2 years beginning of the date of this permission.
- 2 The works hereby permitted shall be carried out in accordance with the application form and details submitted to the Local Planning Authority on 5<sup>th</sup> May 2023.
- 3 All works are carried out in accordance with BS 3998 2010 and by good arboricultural practice.

**Reasons**

- 1 In order to comply with Section 17 2(d) of Part 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of safety and good tree husbandry.

**Notes to Applicant**

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

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

**22 ENFORCEMENT REF: 0070/2023 - LAND TO THE NORTH OF 15 PADDOCK CLOSE, CALVERTON**

Unauthorised change of use from residential garden to storage of building materials/equipment with associated siting of storage containers.

The Principal Planning Officer introduced the report.

**RESOLVED:**

That the Head of Development and Place, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services, issue of proceedings through the courts, if required, to ensure the cessation of the unauthorised change of use of the site a storage facility and removal of all associated storage containers.

**23 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**24 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 8.15 pm

Signed by Chair:  
Date:

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## **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 2023/0468**

1:9,000      Planning Reference:      2023/0468  
Land at Chase Farm (Former Gedling Colliery) adjacent to Arnold Lane and Lambley Lane Gedling

NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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**Gedling**   Enriching People. Improving Lives      Date: 24/08/2023

**Report to Planning Committee**

**Application Number:** 2023/0468

**Location:** Land At Chase Farm (Former Gedling Colliery),  
Adjacent To Arnold Lane And Land Off Lambley Lane  
Gedling

**Proposal:** Modification of the Fourth Schedule of the Section 106  
Agreement at Chase Farm (2015/1376) in respect of  
the Primary School Contribution and Primary School  
Site.

**Applicant:** Nottinghamshire County Council

**Agent:**

**Case Officer:** Lewis Widdowson

**This application to modify a section 106 agreement which has been previously agreed by the Planning Committee, has been referred back to the planning committee because in the opinion of the Head of Development and Place it is of significant public interest.**

**1. Site Description**

- 1.1 The application site, known as Chase Farm, is located within the main built-up area of the settlement of Gedling, to the north of Arnold Lane and south of the newly constructed Colliery Way, the A6211.
- 1.2 The site comprises of a residential development with outline planning permission granted for up to 1,050 dwellings, a local centre with retail units and health centre, and new primary school. Approval of reserved matters has been granted for 970 dwellings and the local centre. The development is significantly advanced with approximately 400 completed/occupied dwellings at this time.
- 1.3 There are significant differences in ground level across the site with the north and north-western parts of the site being higher than the land to the southeast.
- 1.4 The gross site area is 33.12 hectares. The site shares its northern boundary with Colliery Way and Gedling Country Park but is otherwise surrounded by the urbanised areas of Gedling and Mapperley.

**2. Relevant Planning History.**

- 2.2 The below planning history outlines that for the entire allocated site since permission was granted in 2017

- 2.3 On the 3<sup>rd</sup> March 2017 conditional planning permission was granted for the “Demolition of existing structures and phased development of 1,050 dwellings, local centre with retail units and health centre, and new primary school. Full planning permission for phase 1 to comprise the erection of 506 no. dwellings (2, 3, 4 and 5 bedroom houses and flats), vehicular access from Arnold Lane, internal roads and all associated infrastructure. Outline planning permission for subsequent phases, all matters reserved except for indicative access to the sites from phase 1, and future accesses from Gedling Access Road.” app ref: 2015/1376.
- 2.4 In September 2017 a Non Material Amendment was granted for Plots 218 – 228 substituting brickwork and plots 38 – 47 window alterations. Ref: 2017/0927NMA
- 2.5 In September 2017 a Non Material Amendment was granted for changes to external elevations of plots 112, 114 and 156. Ref: 2017/0928NMA.
- 2.6 In December 2018 planning permission was granted for the ‘Re-design of the balancing pond’ (ref: 2018/0813)
- 2.7 In January 2019 full planning permission was granted to replace plots 01, 02, 03, 169, 170 and 171 with alternative house types (ref: 2017/1018).
- 2.8 In January 2019 full planning permission was granted for the repositioning of plots 5, 6 & 7(rotation through 90 degrees) (ref: 2017/1076).
- 2.9 In January 2019 full planning permission was granted for the re-elevation of 71 no. plots (ref: 2018/0392).
- 2.10 In January 2019 full planning permission was granted for the substitution of house types in respect to 30 plots (329 – 358) with amended house types and layouts, (ref: 2018/0684).
- 2.11 In August 2020 full planning permission was granted for the substitution of the house type to plot 329, (reference 2019/0586).
- 2.12 In August 2020 full planning permission was granted for a 3 plot re-plan of plots 229, 230 and 231 (reference 2019/0304).
- 2.13 In August 2020 full planning permission was granted for replacement house types of 204 dwellings (ref: 2019/0759).
- 2.14 In August 2019 full planning permission was granted for ‘construction of an access junction off the Gedling Access Road’ (ref: 2019/0500).
- 2.15 In June 2020 a resolution to grant permission to (2019/0696) ‘remove condition 2 of planning permission 2015/1376 to remove the construction cap of 315 dwellings and to allow building within Phase 1B prior to the completion of the Gedling Access Road’ was agreed. The decision notice was issued on the 20<sup>th</sup> August 2020.
- 2.16 In September 2020 a resolution to grant planning permission for the ‘re-design of the landscaping for the Urban Square’ was approved (2020/0545), subject to a deed of variation to the Section 106 legal agreement. The decision notice was issued on the 21<sup>st</sup> December 2021.

- 2.17 In October 2020 a resolution to grant planning permission for the erection of 31 dwellings (2020/0667) was approved subject to a deed of variation to the Section 106 legal agreement. The approval for a re-plan of a similar scheme for the erection of 29 dwellings approved under reference 2018/0684. The decision notice was issued on the 21<sup>st</sup> December 2021.
- 2.18 In March 2022, Reserved Matters planning permission for access, appearance, landscaping, layout and scale for the construction of 433 dwelling was granted at planning committee under the reference 2021/1294.
- 2.19 Gedling Borough Council, Nottinghamshire County Council, Keepmoat Homes and Homes England entered into a legal agreement dated 3<sup>rd</sup> March 2017 pursuant to Section 106 of the Town and Country Planning Act 1990 to secure planning obligations in relation to the hybrid planning application reference 2015/1376 (the 'Original Section 106 Agreement'). The Original Section 106 Agreement secured planning obligations relating to Affordable Housing, Air Quality, Open Space, Primary Healthcare, Education and Transport.
- 2.20 All parties subsequently entered into a variation of the Original Section 106 Agreement dated 7<sup>th</sup> January 2019 ('First Variation') to amend the definition of "Development" to include reference to "Ancillary Applications" which means the following planning permissions; 2017/1018, 2017/1076, 2017/1275, 2018/0249, 2018/0392 and 2018/0684.
- 2.21 A second variation of the Original Section 106 Agreement was entered into on the 17<sup>th</sup> August 2020 ('Second Variation') to amend the definition of "Ancillary Applications" to include reference to the following permissions; 2019/0304, 2019/0586, 2019/0759, 2018/0249, and 2019/0696.
- 2.22 The parties entered into another variation of the Original Section 106 Agreement on the 17<sup>th</sup> December 2021 ('Third Variation') to amend the definition of "Ancillary Applications" to include reference to the following permissions; 2020/1255, 2020/0667, and 2020/0545.

### **3. Background**

- 3.1 The Original Section 106 Agreement between Gedling Borough Council, Homes and Communities Agency (the 'Owner'), Nottinghamshire County Council ('the County Council') and Keepmoat Homes Limited (the 'Developer') was completed on the 3<sup>rd</sup> of March 2017, the provisions of which remain in force, albeit with variations, as detailed above.
- 3.2 Part 1 of the Fourth Schedule of the Original Section 106 Agreement details a planning obligation for the Owner to transfer the Primary School Site, as defined within the terms of the Original Section 106 Agreement, to the County Council or its nominee and outlines the requirement for the Owner to pay a financial contribution of £3,600,000 (index linked) to the County Council in prescribed instalments (the 'Primary School Contribution'). Part 1 also confirms that the County Council covenants with the Owner and Developer to only apply the Primary School Contribution for the provision of an on-site primary school or for extending and/or improving Stanhope Primary School or such other school or schools in the vicinity of the site.
- 3.3 Part 2 of the Fourth Schedule details the provisions relating specifically to the transfer of part of the site for the delivery of a primary school, including how

the costs of such a transfer shall be apportioned and what state the site should be in at the time of transfer.

#### **4. Proposal**

- 4.1 This application has been submitted by Nottinghamshire County Council “The County Council” as they seek to remove the planning obligation for the developer to provide the primary school site (1.2ha), as detailed within the Fourth Schedule of the Original Section 106 Agreement, and to modify the terms of the Primary School Contribution of £3,600,000 (index linked) to enable it to be repurposed to permit expenditure on expanding secondary school capacity within the vicinity of the development and a new pedestrian crossing on Arnold Lane.
- 4.2 The County Council have submitted a planning statement as part of the application which sets out the justification for seeking to modify the Original Section 106 Agreement.

#### **5. Consultations**

- 5.1 Consultation has been undertaken on the proposed modifications with site notices displayed around the application site and a press notice.
- 5.2 Nottinghamshire County Council (Highways Authority) - *It is understood the modification to the S.106 agreement will facilitate educational provision at other nearby facilities in view of the standalone school at Chase Farm no longer being progressed. There are opportunities to provide a pedestrian crossing on Arnold Lane that will accommodate the additional pupil patronage from the western side of the site, with monies of c. £100k being made available to ensure delivery.*
- 5.3 Keepmoat Homes – *Keepmoat express their disappointment that the school site will no longer be delivered on site at Chase Farm. The preference would be to see the site utilised for its original intention to serve the residents of Chase Farm by creating a community with local services within walking distance of their homes rather than a reliance on cars.*
- 5.4 Homes England – *No comment. Representation has been provided by Keepmoat Homes.*
- 5.5 In total 11 representations have been received following the public consultation. Of these, 10 representations have been received from members of the public in support of the application. A summary of the main comments raised in support of the application are as follows:
- *Increase in local pupils has resulted in a need to develop existing secondary provision to Redhill Academy Trust, including the provision of green space and redevelopment of existing spaces to meet with place pressure.*
  - *Expansion to Carlton Academy is sorely needed due to ever-expanding and over-subscribed schools. The current site is already stretched to its limits with lack of classrooms and unfit facilities.*
- 5.6 One representation was received from Councillor Jenny Hollingsworth objecting to the proposed modifications. The main points raised are summarised below:

- *The County Council confirmed that the development of 1050 dwellings would yield sufficient pupils to sustain a single form entry primary school. Houses on the development known as Chase Farm were marketed for sale with a Primary School as part and parcel of the development. New homeowners are now bitterly disappointed that the County Council are proposing their children go to another school some distance away.*
- *The proposal suggests that Stanhope, Haddon and Phoenix Infant Schools are within an acceptable and safe walking distance from Chase Farm. These schools may fall within a 20-minute walk of the development but are not considered to be acceptable alternatives given the busy roads pupils must cross. These are not considered to be safe or convenient in accordance with the Aligned Core Strategy 2014.*
- *The lack of a safe and convenient route encourages car usage which defeats the objectives of the emerging Greater Nottingham Strategic Plan and leads to congestion around schools and increases air pollution.*
- *Page 4, para 4.7 of the County Councils planning statement suggests possibility for a further pedestrian crossing to serve the west of the development to reduce walking distances however there appears insufficient space to install a footpath and even if this could be achieved could be years away.*
- *A search of the school catchment areas for Chase Farm shows Lambley Primary School and All Hallows School and does not mention Stanhope, Phoenix and Haddon. Children from Chase Farm already attend Lambley Primary School which is definitely not within a 20-minute walk. Rivendell has also been suggested but again is not suitable in terms of convince or safety.*
- *Finally, a new school at the heart of the development is fundamental to establishing a sense of place and encourage community cohesion. A school encourages community engagement in extra curricula activities such as a PTA, organising/supporting school events and school governorship. It also helps promote friendship bonds between local residents.*

## **6. Planning Considerations**

- 6.1 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'.

## **7. Development Plan Policies**

### **7.1 National Planning Policy Framework 2021**

- 7.1.1 Sets out the national objectives for delivering sustainable development. Section 8 (Promoting healthy and safe communities) is of particular relevance. Section 9 (Promoting sustainable transport) is also relevant.

### **7.2 Gedling Borough Council Aligned Core Strategy Part 1 Local Plan (2014)**

- 7.2.1 **Policy 12: Local Services and Healthy Lifestyles sets out that, *inter alia*:-**

1. New, extended or improved community facilities will be supported where they meet a local need.
2. Community facilities should:
  - b) be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility

#### **7.2.2 Policy 14: Managing Travel Demand**

1. The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations, in combination with the delivery of sustainable transport networks to serve these developments.

#### **7.2.3 Policy 18: Infrastructure sets out that:-**

2. Contributions will be sought from development proposals which give rise to the need for new infrastructure.

#### **7.2.4 Policy 19: Developer Contributions sets out that:-**

1. All development will be expected to:
  - a) meet the reasonable cost of new infrastructure required as a consequence of the proposal;
  - b) where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
  - c) provide for the future maintenance of facilities provided as a result of the development.

#### **7.3 Local Planning Document Part 2 Local Plan (2018)**

- Policy LPD 35 Safe, Accessible and Inclusive Development
- Policy LPD 58 Cycle Routes, Recreational Routes and Public Rights of Way
- Policy LPD 61 Highway Safety

#### **7.4 Other Guidance**

##### **7.4.1 Nottinghamshire County Council – Developer Contributions Strategy (2021)**

This is a Nottinghamshire County Council document which describes its aim as being to provide a fair, consistent, and transparent basis for the negotiation of planning contributions for those matters that affect the services provided by the County Council.

## 8. Planning Considerations

- 8.1 Section 106A(1)(a) of the Town and Country Planning Act 1990 sets out that a planning obligation may be modified or discharged by agreement between the local planning authority and entity against whom the obligation is enforceable, in this case this would be both Homes England and Keepmoat.
- 8.2 Part 1 of the Fourth Schedule of the Original Section 106 Agreement contains an obligation for the owner of the site to transfer the Primary School Site to the County Council or its nominee and to undertake works to service the site and make it suitable for the construction of a primary school and to pay the Primary School Contribution in accordance with the provisions of this Schedule.
- 8.3 *Primary School* is a defined term within the agreement which “means a single form entry primary school to be constructed on the Primary School Site”.
- 8.4 The *Primary School Site* is similarly a defined term within the agreement which “means the 1.2 hectares of land shown for identification purposes only coloured light blue on the Parameters Plan to be transferred as a fully serviced site up to the boundary of the land in accordance with the provisions of the Fourth Schedule for the construction of the Primary School to serve the Development”.
- 8.5 The *Primary School Contribution* is defined within the Original Section 106 Agreement as “the sum of £3,600,000.00 (Three Million Six Hundred Thousand Pounds) index linked to the [County Council] BCIS Index”.
- 8.6 Paragraph 9. of Part 1 of the Fourth Schedule stipulates that:-  
“The County Council covenants with the Owner and the Developer only to apply the Primary School Contribution for the provision of the Primary School or for expenditure on the Primary School or for extending and/or improving Stanhope Primary School or such other school or schools in the vicinity of the Site able to accommodate the increases in primary pupil numbers arising from the development”.
- 8.7 The purpose of this obligation, is as set out in the Officers Recommendation Report taken to Planning Committee on the 18<sup>th</sup> May 2016, was to mitigate, in collaboration with potential future CIL receipts, the additional demand placed on educational facilities created by new residents of the Chase Farm development. Without this obligation it was at the time forecast that the additional demand would result in there being a shortfall in the capacity of both primary and secondary facilities within the locality.
- 8.8 The modifications proposed by this application would remove the obligation for the owner of the site to transfer the Primary School Site and would result in the Primary Education Contribution being re-allocated to allow the County Council to apply the contribution towards expanding Secondary School capacity within the vicinity of the development and to form a pedestrian crossing on Arnold Lane to facilitate improved accessibility and connectivity for residents of the Chase development to existing Primary School Facilities.
- 8.9 The County Council, as the Local Education Authority, has provided a Planning Statement as part of the application to vary the Section 106



Agreement. The Planning Statement provides The County Councils justification for the proposed modification as well as the evidence base used in determining the lack of need for additional Primary School Facilities within the locality.

- 8.10 The County Council have demonstrated that, since the original consultation comments were made in 2016 in relation to education requirements in the pupil planning place area, which informed the Original Section 106 Agreement, demand for school places across Nottinghamshire has evolved and that the number of pupils currently on-roll at primary schools has gradually reduced largely due to falling birth rates.

## 9. Primary Education

- 9.1 The Planning Statement goes on to explain in para. 4.3 that the County Council have also supported the delivery of a new one form entry primary school at Land at Teal Close (Rivendell Academy), which had increased the supply of places within the pupil planning area and will prevent pupils that are residents at Teal Close from needing to seek alternative school places within the Carlton Planning Area thus releasing additional capacity to support the Chase Farm development.

- 9.2 The Planning Statement provides data relating to the number of places, either a surplus or deficit, that schools within a certain planning area are expected to have across a 5 year period, see extract below (table 2). In total it is estimated that demand for an additional 105 pupils will be generated as a result of the Chase Farm Development which is accounted for in the forecast capacity. The latest 5 year projection for the Carlton Planning Area shows a capacity surplus of +257 places across 16 different schools. Of these schools, Haddon Primary and Nursery School (-51), Stanhope Primary School (+111) and Phoenix Infant School (+61) are the three which The County Council suggest are viable alternatives within suitable distance for the Chase Farm development.

Planning area	DfE no.	School	LA / academy	District	Net Capacity	Average 5 Year Projection	Pupils from housing commitments, 5 yrs	Surplus / Deficit Places
Carlton	3018	All Hallows C of E Primary School	LA	GEDLING	150	203	3	-56
Carlton	2699	Burton Joyce Primary School	Academy	GEDLING	315	286	27	+2
Carlton	2227	Carlton Infant Academy	Academy	GEDLING	200	155	7	+38
Carlton	2226	Carlton Junior Academy	Academy	GEDLING	240	220	9	+11
Carlton	2024	Haddon Primary and Nursery School	Academy	GEDLING	210	156	105	-51
Carlton	2033	Netherfield Primary School	Academy	GEDLING	420	344	101	-25
Carlton	2234	Parkdale Primary School	Academy	GEDLING	420	409	7	+4
Carlton	2239	Phoenix Infant and Nursery	LA	GEDLING	180	118	1	+61
Carlton	2236	Porchester Junior School	Academy	GEDLING	180	172	3	+5
Carlton	2238	Priory Junior School	LA	GEDLING	233	225	1	+7
Carlton	2044	Rivendell Primary	Academy	GEDLING	210	71	0	+139
Carlton	3690	Sacred Heart Catholic Academy	Academy	GEDLING	210	212	0	-2
Carlton	3352	St John's C of E Primary School	LA	GEDLING	210	197	0	+13
Carlton	2237	Standhill Infant School	LA	GEDLING	135	131	1	+3
Carlton	2911	Stanhope Primary and Nursery	LA	GEDLING	417	305	1	+111
Carlton	2244	Willow Farm Primary School	Academy	GEDLING	210	211	2	-3
Carlton	1008	PLANNING AREA TOTAL		GEDLING	3940	3415	268	+257

Table 2. Carlton Primary Planning Area Average Five Year Projection School. Extract from the Planning Statement received on the 7<sup>th</sup> June 2023.

- 9.3 The comments received in response to the proposal are noted, however, whilst it is accepted that some of the schools that the County Council propose as alternatives would have a commute involving several hills, topography is not a specific consideration within ACS12. The policy outlines that

households should have access to services and facilities within 30 minutes travel time and the proposal is therefore deemed to comply with this policy.

- 9.4 The County Council go on to state that to provide an additional Primary School at the Chase Farm development would in fact undermine existing schools within the locality and have a detrimental impact on their future viability.
- 9.5 Taking the above into account, it is considered that the County Council have provided sufficient evidence to demonstrate that a surplus capacity already exists within existing schools which can support the needs of the additional pupils expected from the development at Chase Farm.
- 9.6 It is acknowledged that the catchment primary schools for the site are currently Lambley Primary School and All Hallows Church of England Primary School. The County Council's School Admissions Team has advised that they are currently reviewing the catchment area for Chase Farm and will be working with maintained schools, within walking distance from the development, with a view to consulting on amendments to catchment areas later this year. They further advise that any proposed changes will form part of the statutory consultation for the 2025-2026 admission year. Admissions arrangements (including catchment areas) of academies are the responsibility of the Multi Academy Trust and the County Council have confirmed they will consult with local academies throughout the review.

## **10. Secondary Education**

- 10.1 The recommendation report taken to Planning Committee on the 18<sup>th</sup> May 2016, in relation to the original application 2015/1376, detailed that the proposed development would be expected to generate an additional 168 secondary school places. At the time it was considered that this additional demand could be mitigated through Gedling Borough Councils CIL receipts and as such a separate obligation seeking a Secondary Education Contribution was not included in the Original Section 106 Agreement.
- 10.2 Secondary School Contributions to Chase Farm are included on the Local Infrastructure Schedule as one of the potential items for funding through the Community Infrastructure Levy (CIL). Until the end of 2022 the strategic element of CIL receipts was allocated to the Gedling Access Road (GAR) / Colliery Way which has now been completed. No decision has yet been made by the Council about the future project prioritisation. This will be addressed through the CIL review which has been temporarily paused, pending the confirmation and subsequent implementation of planning reforms. In addition, the CIL Receipts are heavily dependent upon the commencement of development and as such cannot be accurately forecast.
- 10.3 Nottinghamshire County Councils Developer Contributions Strategy sets out the formula used to calculate developer contributions. The formula sets out that the cost per place for the expansion of Secondary Schools is £26,254 per place. As a result, the proportionate requirement for this development would be £4,410,672 (168 x £26,254). The above figures are based on the development creating an additional 1,050 dwellings as approved in the Outline Application. As previously discussed, Reserved Matters has been approved for up to 940 dwellings, which is the most that could be built pursuant to the

outline, which has now expired. Therefore, the most recent figure, in terms of demand for additional Second School Places created by the development would be 150.4 (based on 16 places per 100 dwellings). This would subsequently result in a proportionate requirement of £3,948,601.60.

- 10.4 Para. 4.1 of the Planning Statement advises that the County Council have identified a shortfall of Secondary School places within the locality and at the Carlton Academy which is the catchment school for the Chase Farm development. Table 3. (see extract below) details the expected projections in relation to secondary school places for the period 2022/23 to 2031/32. Overall, there is an expected deficit of -503 places within the Carlton Planning Area.

DfE No	School Name	District	Planning area	PAN	Net cap	Proj Year	School years							Whole school projection	
							7	8	9	10	11	12	13	TOTAL	surplus / deficit places
	Planning area summary	Gedling	Carlton	470	2903	2022-23	605	547	554	529	522	241	241	3239	-336
	Planning area summary	Gedling	Carlton	470	2903	2023-24	567	613	552	555	531	268	239	3325	-422
	Planning area summary	Gedling	Carlton	470	2903	2024-25	565	573	618	551	555	276	261	3399	-496
	Planning area summary	Gedling	Carlton	470	2903	2025-26	555	569	575	624	550	288	267	3428	-525
	Planning area summary	Gedling	Carlton	470	2903	2026-27	605	561	573	575	630	287	279	3510	-607
	Planning area summary	Gedling	Carlton	470	2903	2027-28	593	610	564	571	573	316	278	3505	-602
	Planning area summary	Gedling	Carlton	470	2903	2028-29	564	598	612	561	570	297	308	3510	-607
	Planning area summary	Gedling	Carlton	470	2903	2029-30	569	568	599	610	561	296	288	3491	-588
	Planning area summary	Gedling	Carlton	470	2903	2030-31	573	570	567	595	607	289	284	3485	-582
	Planning area summary	Gedling	Carlton	470	2903	2031-32	531	572	566	560	589	312	276	3406	-503

Table 3. Carlton Secondary Planning Area projections 2022/23 to 2031/32. Extract from the Planning Statement received on the 7<sup>th</sup> June 2023.

- 10.5 The County Council have already funded a 300-place expansion of the Carlton Academy, however there would remain a shortfall for secondary school places across the planning area for the ten-year forecast period. The County Council have committed to the funding of an additional 450 place expansion to Carlton-le-Willows Academy which is expected to complete in September 2023 but this again is not expected to meet the demand from 2024-25 onwards. As such, the Redhill Academy Trust are proposing a further 150 place expansion of the Carlton Academy which is dependent on external funding being made available. This project is anticipated to cost approx. £6,000,000.
- 10.6 The County Council advise that if additional resources are not obtained to provide additional funding for the development of the Carlton Academy, then it is expected that residents of the Chase Farm development would have to travel to secondary schools outside of the catchment area, which would involve unsustainable travel patterns. The County Council are therefore applying to modify the terms of the Primary School Contribution, secured through the Original Section 106 Agreement, to enable the funding to be used facilitate the expansion of Carlton Academy.

## 11. Other Matters

- 11.1 The Ward Councillor, in their response to the consultation, raised concerns that the current obligations contained within the Original Section 106 Agreement are fundamental to establishing a sense of place and encouraging community cohesion within the development. Whilst these comments are fully understood, the evidence provided by the County Council demonstrates that,

at this time, there is not a local need for a new Primary School or additional capacity within the vicinity.

- 11.2 As the Local Education Authority for Gedling Borough Council, it is the County Councils responsibility, under the Education Act 1996, to ensure that sufficient school places for children of all ages is provided within the Borough. The County Council produce projections of pupil demand on an annual basis based on catchment areas which are known as Planning Areas. These projections are used to inform the County Councils decisions as to where and when additional capacity needs to be provided.
- 11.3 The County Council adopted their Developer Contributions Strategy in December 2021. This document provides a framework to secure all necessary infrastructure to support sustainable growth in Nottinghamshire. The Developer Contributions Strategy sets out the County Councils approach to planning obligations secured through Section 106 Agreements and more specifically Education Infrastructure. Section 4, Para. 4.27 of the Developer Contribution Strategy details that “the delivery of a new school will be achieved through the free school presumption process, which aims to appoint a multi-academy trust to run the school. This approach requires the approval of the Regional Schools Commissioner acting on behalf of the Secretary of State.”
- 11.4 The County Council have also confirmed that the decision to commission a new school development is subject to the County Council’s own decision-making process which would be made by its Cabinet Member for Children and Young People and must be carried out in accordance with the County Councils constitution. In light of the new evidence provided, the County Council as Local Education Authority has concluded that a new primary school is not necessary and cannot be justified in this instance.
- 11.5 The proposed amendments include the provision of a new pedestrian crossing across Arnold Lane to improve connectivity and access to education facilities within the locality of the development and a financial contribution to enable these highway works would form part of the education contribution being reallocated. Para. 49 of the Department of Education’s – ‘Securing developer contributions for education (2023)’ outlines that it is possible to seek developer contributions towards the cost of offsite works that are required to deliver a new school or school expansion associated with housing development, such as traffic management measures, school streets, better streets for cycling, walking and people, to promote active travel. As such it is considered that the financial contribution towards the new pedestrian crossing could be considered a contribution towards off-site works required to deliver a school expansion associated with the housing development and within the scope of a developer contributions for education. The application is also deemed to comply with policies ACS14, LPD35, LPD58, and LPD61.
- 11.6 The new signalised crossing is proposed approx. 50m to the north of the junction between Arnold Lane / Linsdale Gardens. This crossing would adjoin a public footpath which has been approved as part of the approved plans for phase 2 of the Chase Farm Development (application reference. 2021/1294) to provide greater connectivity for residents travelling to Stanhope Primary School. The County Council, in its capacity as the Highways Authority, have been consulted and have raised no objections to the proposals. It is therefore

considered that the proposed location of the pedestrian crossing would be acceptable in principle and would improve the connectivity of phase 2 of the development to existing primary school facilities in the locality. The application would therefore be compliant with ACS18 and ACS19.

- 11.7 Having regards to the above, it is considered that the modifications to the Original Section 106 Agreement, as proposed by this application, would continue to serve the purposes of the original obligation by mitigating the impacts of the additional demand on both primary and secondary educational facilities. Primary facilities would benefit through the provision of a new pedestrian crossing, which would improve connectivity from the development to existing primary school facilities. In addition, the re-allocation of the financial contribution would provide a secure means of funding to expand existing Secondary School facilities

## **12. Conclusion**

- 12.1 It is considered that the County Council, in their capacity as Local Education Authority, have provided sufficient evidence to demonstrate that the development of a new Primary School at the site known as Chase Farm is no longer required. Instead, a deficit in Secondary School Places is forecast within the next 10 years. As such the County Council contend that the local need, as prescribed within the local policy framework, is now for additional capacity in relation to Secondary School places.
- 12.2 It is considered that the proposal to expand the Carlton Academy, given this school is within the catchment of the chase farm development, would not alter the policy compliant position as set out in the Original Section 106 Agreement with regards to meeting the local needs test.
- 12.3 In light of the proposed modifications to the financial contribution as set out within this report, it is considered that to retain the obligation for the Owner/s to suitably prepare and transfer the Primary School Site to the County Council would serve no useful purpose. The County Council have suitably demonstrated that there is no longer a demand for a new primary school in this location.
- 12.4 Whilst it is accepted that infrastructure, in this case the provision of a new Primary School situated within the centre of the development, helps contribute to a sustainable development and promotes a strong sense of place, the evidence submitted by the County Council provides justification for the proposed amendments and the discharging of the obligations contained within Part 1, Schedule 4 of the Original Section 106 Agreement.
- 12.5 It is therefore considered that the proposed modifications and discharge, as noted in the proposal section of this report, are acceptable. There are no other material planning considerations or implications that would arise as a result of this proposed modification and discharge of the relevant planning obligations.
- 12.6 As a result, the application is deemed to comply with policies LPD35, LPD58, and LPD61 of the Local Planning Document; policies A, 12, 14, 18 and 19 of the Aligned Core Strategy and guidance within the NPPF.
- 13. Recommendation:** Subject to the agreement of Nottinghamshire County Council, the Owner and the Developer, that a deed of variation be entered

into to discharge the obligation for the owner to provide the primary school site and to modify the terms of the Primary School Contribution to enable it to be re-allocated to permit expenditure on expanding secondary school capacity within the vicinity of the development and towards the pedestrian crossing on Arnold Lane.

#### **14. Appendices**

- 14.1 Appendix 1. Nottinghamshire County Council Planning Statement – pages 47-54
- 14.2 Appendix 2. NCC Objection Response to Application 2023/0468 - pages 55 - 56

Nottinghamshire County Council

Application to Modify the S106 Agreement Pursuant to  
the Outline Planning Permission 2015/1376

Land at Chase Farm (Former Gedling Colliery),  
Adjacent to Arnold Lane and Land Off Lambley Lane  
Gedling Nottinghamshire

Planning Statement  
Submitted June 2023



## 1. Introduction

- 1.1 Nottinghamshire County Council is applying to modify the Section 106 Agreement associated with the residential development at Land at Chase Farm (Former Gedling Colliery). It is seeking to remove the obligation for the housing developer to provide a serviced site for a primary school and to vary the terms of the primary school contribution such that it can be used towards the expansion of secondary education provision, which is necessary to support the development. This statement supports the application by providing the background and justification for the proposed modification.
- 1.2 The following sections provide the background and history in relation to the planning obligation, followed by an explanation for the proposed modification. The County Council contends that a new primary school is not required for the development to be acceptable in planning terms and that further investment into secondary school provision within the vicinity of the site is essential to mitigate the long term impact of the development on education infrastructure.

## 2. Background

- 2.1 Nottinghamshire County Council is the Local Education Authority for Gedling Borough and is responsible under the Education Act 1996 for ensuring a sufficiency of school places for all children of statutory school age who are resident within the Borough and whose parents want them to be educated in a state funded school. The County Council is required to produce projections of pupil demand on an annual basis based on groupings of schools and their catchment areas, known as planning areas. Planning area projections inform decisions on where and when additional places need to be provided, either through delivery of new schools or expansion of existing schools.
- 2.2 As part of this duty, the County Council will make representations to the Local Planning Authority in relation to planning proposals setting out whether developer contributions are required to mitigate the pupil demand from new housing developments on education infrastructure. The County Council seeks developer contributions in accordance with its Developer Contributions Strategy 2021 and guidance from the Department for Education 2019<sup>1</sup>, utilising both planning obligations secured through Section 106 Agreements and the Community Infrastructure Levy (CIL), where applicable.
- 2.3 In 2016, the County Council responded to a consultation from Gedling Borough Council in relation to the outline application for a phased development of up to 1050 dwellings at Land at Chase Farm. The County Council advised that a planning obligation should be secured for the delivery a single form entry primary school and that contributions would be required through the Borough Council CIL in order to mitigate the impact of the development on secondary education facilities.
- 2.4 The County Council subsequently entered into a Section 106 Agreement which secured a primary school contribution of £3,600,000 (index linked) and a serviced primary school site of 1.2 hectares from the housing developer to facilitate the construction of a primary school to serve the development. The delivery of additional secondary school places was intended to be funded through the Borough Council CIL, as set out in its former Regulation 123 List, now Infrastructure Funding Statement.

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<sup>1</sup> *Securing Developer Contributions for Education 2019*



### 3. Planning History

- 3.1 Gedling Borough Council, Nottinghamshire County Council, Keepmoat Homes and Homes England (the Parties) entered into a Deed under Section of the 106 of the Town and Country Planning Act 1990 dated 3rd March 2017 in relation to the hybrid planning permission issued by the Borough Council under reference 2015/1376 (the Original Section 106 Agreement): A phased development of 1,050 dwellings, local centre with retail units and health centre, and new primary school. Full planning permission for phase 1 to comprise the erection of 506 no. dwellings (2, 3, 4 and 5 bedroom houses and flats), vehicular access from Arnold Lane, internal roads, and all associated infrastructure. Outline planning permission for subsequent phases, all matters reserved except for indicative access to the sites from Phase 1, and future accesses from Gedling Access Road.
- 3.2 The Parties subsequently entered into a variation of the Original Section 106 Agreement dated 7 January 2019 (First Variation) to amend the definition of "Development" to include reference to "Ancillary Applications" which means the following applications for full planning permission: 2017/1018 for the replacement of plots 1,2,3,169,170 and 171, 2017/1076 for the repositioning of plots 5, 6 and 7, 2017/1275 for the re-elevation of 110 plots, 2018/0249 for the replan of plot 14, 2018/0392 for the re-elevation of 71 plots, and 2018/0684 for the replan of 30 units.
- 3.3 The Parties subsequently entered into a second variation to the Original Section 106 Agreement dated 17 August 2020 (Second Variation) to amend the definition of "Ancillary Applications" to include reference to the following planning permissions: 2019/0304 for the re-plan of plots 229, 230 and 231, 2019/0586 in respect to plot 329, 2019/0759 in respect to alteration of house types, and 2019/0696 to vary condition 2 of the original planning permission (phasing plan).
- 3.4 The Parties subsequently entered into a variation of the Original Section 106 Agreement dated 17 December 2021 (Third Variation) to amend the definition of "Ancillary Applications" to include reference to the following planning permissions: 2020/1255 for a balancing lagoon and outline permission for local shops, access and parking, 2020/0667 for the erection of 31 dwellings, and 2020/0545 for redesign and landscaping for the Urban Square.

### 4. The Proposal

- 4.1 The County Council is applying to remove the obligation for the developer to provide the primary school site (1.2ha) and to modify the terms of the primary school contribution (£3.6m (index linked)) to enable it to be used towards expanding secondary school capacity within the vicinity of the development. This statement sets out the County Council's justification for seeking to modify the S106 Agreement and comments on the implications of not providing a primary school at Land at Chase Farm.

#### Primary Education

- 4.2 The County Council produced an Education Statement in April 2016 following consultation on the proposals for Land at Chase Farm, which confirmed that the development of 1050 dwellings would yield sufficient pupils to sustain a single form entry primary school and that there was no available capacity forecasted in local schools that could accommodate the growth in pupil population. On this basis, the County Council advised that a new primary school should be provided onsite.



4.3 Since this time, the demand for school places across Nottinghamshire has evolved and the number of pupils on-roll at primary school has gradually reduced largely due to falling birth rates which has been reflected nationwide. Moreover, the County Council has supported the delivery of a new one form entry primary school at Land at Teal Close (Rivendell Academy), which has increased the supply of places within the planning area and will prevent pupils that are resident at Land at Teal Close from needing to seek a school place at existing schools in the Carlton Planning Area, thereby releasing additional capacity to support the demand from Chase Farm.

4.4 The latest pupil projection data which was submitted to and approved by the Department for Education (DfE) in October 2022 indicates that there will be a surplus of places at schools within the Carlton Planning Area over the next five years. Table 1 shows that there is forecast to be approx. 300 primary school places available across the planning area during each academic year. The projected demand is inclusive of the demand for school places anticipated from the housing at Chase Farm during the projection period (which equates to 704 of the 1050 dwellings permitted).

Table 1 – Carlton Primary Planning Area projections 2022/23 to 2026/27

School Name	Planning Area	PAN			Net ca	Proj Yea	School years						Whole school projection	
		FA	IJ				R	1	2	3	4	5	6	TOT
Planning area summary	Carlton	615	120	4000	2022-23	501	512	535	550	502	523	533	3656	+344
Planning area summary	Carlton	615	120	4000	2023-24	523	503	520	539	555	515	532	3687	+313
Planning area summary	Carlton	615	120	4000	2024-25	499	524	507	522	538	567	521	3678	+322
Planning area summary	Carlton	615	120	4000	2025-26	505	499	528	526	521	549	574	3702	+298
Planning area summary	Carlton	615	120	4000	2026-27	513	507	505	545	528	534	556	3688	+312

4.5 It is recognised that housing developments should provide for safe and convenient cycling and walking routes to education facilities, in accordance with the Aligned Core Strategy 2014, and the ambitions of the emerging Greater Nottingham Strategic Plan, which places emphasis on the principles of the “20 minute neighbourhood” where communities can access their everyday needs with a short 20-minute walk (equating to approximately one mile). There are three primary schools within a one mile walking distance of the centre of Chase Farm (Poole Avenue), including Stanhope Primary School (0.7 miles), Phoenix Infant School (0.9 miles), and Haddon Primary School (1.0 miles). The number of places forecast to be available at each of these schools is shown in Table 2.

4.6 In Table 2, the pupil demand arising from Chase Farm (105 pupils) has been attributed to Haddon Primary School, which consequently displays a deficit of places. However, it is unlikely that all pupils would attend the same school. There is forecast to be sufficient capacity at Stanhope Primary School (+111) and Phoenix Infant School (+61) to offset the undersupply at Haddon Primary School (-51). The closest school to the development, Stanhope Primary School, is a 16 minute walk from centre of Chase Farm (Poole Avenue) and has the second largest forecast surplus capacity within the planning area, sufficient to accommodate the growth in pupil population.

4.7 A new pedestrian crossing close to the junction of the spine road into Chase Farm has been installed which will provide safe passage across Arnold Lane (A6211), thus ensuring that these local schools will be accessible via a safe walking route. There may be scope to install a further pedestrian crossing to serve the west of the development to further reduce walking distances, especially to Stanhope Primary School. It is estimated that the cost of installing a signalled crossing

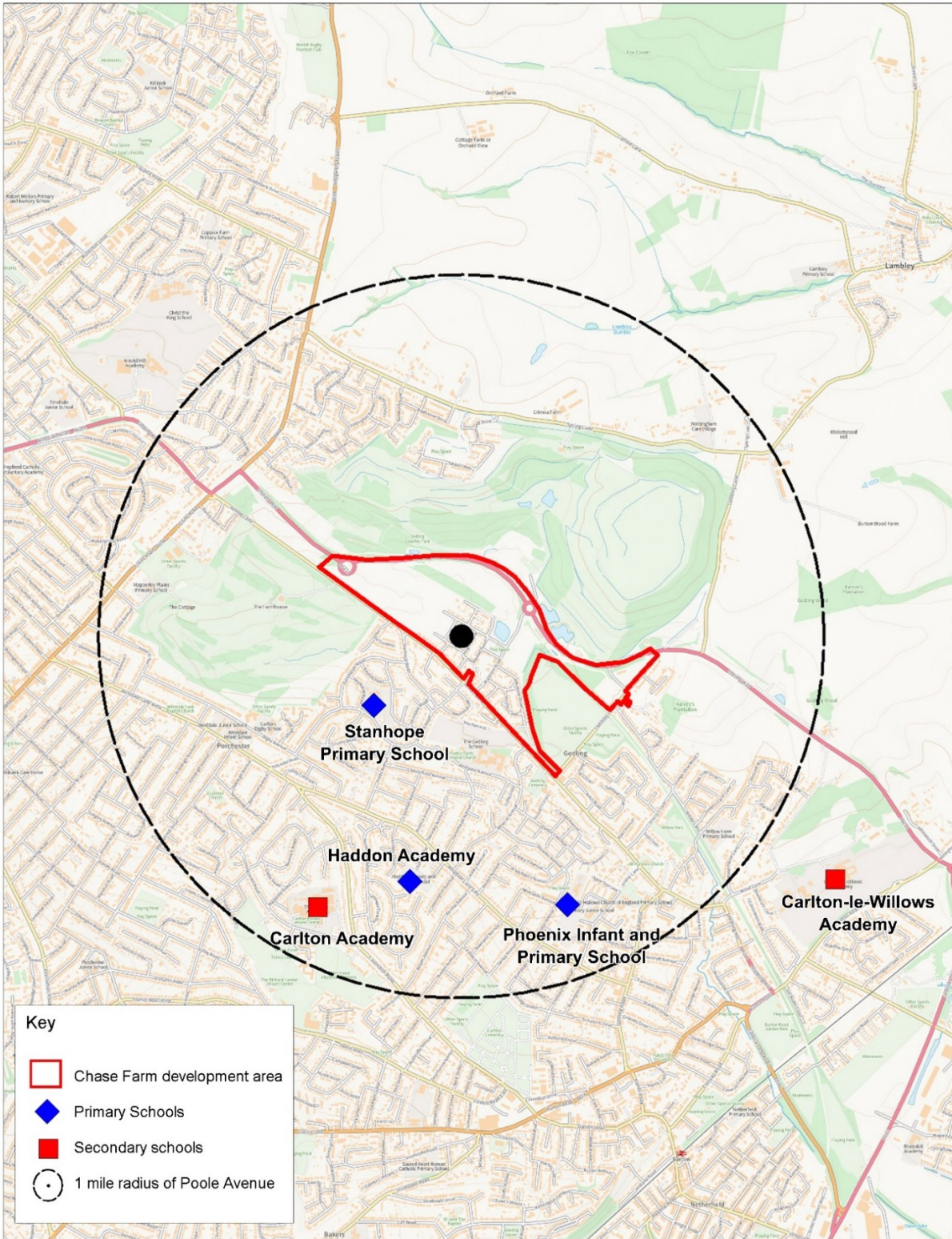
would be £100,000, plus the cost of an associated footway from the site entrance along Arnold Lane. It is proposed that this cost could be deducted from the value of the education contribution as part of the proposed modification agreement.

4.8 The County Council does not consider that the sustainability of the development at Land at Chase Farm will be undermined by the absence of a primary school onsite, or that it will conflict with the requirements of the Aligned Core Strategy or emerging Greater Nottingham Strategic Plan. The school site was reserved only on the basis that there were forecast to be insufficient school places within the locality at the time that the Aligned Core Strategy was adopted (2014) and planning application determined (2016). This was in accordance with Policy 12: Local Services and Healthy Lifestyles of the Aligned Core Strategy which supports new, extended or improved community facilities *where they meet a local need*. Given the proximity of the local schools and their projected surplus capacity, the provision of a new school onsite is not considered to be necessary to meet local need. Therefore, proceeding with the development without a new primary school would continue to accord with Policy 12 of the Aligned Core Strategy. The County Council considers that the decision to proceed with the development of a new school should be based on latest evidence of local need and the provision of a school within the site is not integral to the functionality of the development.

Table 2 – Carlton Primary Planning Area Average Five Year Projection by School

Planning area	DfE no.	School	LA / academy	District	Net Capacity	Average 5 Year Projection	Pupils from housing commitments, 5 yrs	Surplus / Deficit Places
Carlton	3018	All Hallows C of E Primary School	LA	GEDLING	150	203	3	-56
Carlton	2699	Burton Joyce Primary School	Academy	GEDLING	315	286	27	+2
Carlton	2227	Carlton Infant Academy	Academy	GEDLING	200	155	7	+38
Carlton	2226	Carlton Junior Academy	Academy	GEDLING	240	220	9	+11
Carlton	2024	Haddon Primary and Nursery School	Academy	GEDLING	210	156	105	-51
Carlton	2033	Netherfield Primary School	Academy	GEDLING	420	344	101	-25
Carlton	2234	Parkdale Primary School	Academy	GEDLING	420	409	7	+4
Carlton	2239	Phoenix Infant and Nursery	LA	GEDLING	180	118	1	+61
Carlton	2236	Porchester Junior School	Academy	GEDLING	180	172	3	+5
Carlton	2238	Priory Junior School	LA	GEDLING	233	225	1	+7
Carlton	2044	Rivendell Primary	Academy	GEDLING	210	71	0	+139
Carlton	3690	Sacred Heart Catholic Academy	Academy	GEDLING	210	212	0	-2
Carlton	3352	St John's C of E Primary School	LA	GEDLING	210	197	0	+13
Carlton	2237	Standhill Infant School	LA	GEDLING	135	131	1	+3
Carlton	2911	Stanhope Primary and Nursery	LA	GEDLING	417	305	1	+111
Carlton	2244	Willow Farm Primary School	Academy	GEDLING	210	211	2	-3
Carlton	1008	PLANNING AREA TOTAL		GEDLING	3940	3415	268	+257

4.9 The development of a new primary school in this locality would have a detrimental impact on the viability of the existing schools, which are projected to admit below their capacity. If the demand from Chase Farm (105 pupils) was removed from the projection data in Table 2, there would be a forecast surplus of 54 places at Haddon Primary School, as well as the surplus of 111 places at Stanhope Primary School and 61 places at Phoenix Infant School, which would remain intact. The County Council cannot undermine the sustainability of existing schools and any proposal to develop a new school would be susceptible to resistance from local schools and potentially the DfE.



**Key**

- Chase Farm development area
- ◆ Primary Schools
- Secondary schools
- 1 mile radius of Poole Avenue

**Nottinghamshire  
County Council**

Chase Farm, Gedling, 'Primary and Secondary Schools'

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Scale 1:25,000  
Produced by: JW  
Date: JUN 2023

## Secondary Education

- 4.10 The County Council's Education Statement of April 2016 identified an insufficiency of secondary school places at the catchment school, the Carlton Academy. Since this time, the County Council has funded a 300-place expansion of the Carlton Academy, which was completed in 2020, but there remains a forecast deficit of secondary school places across the planning area over the ten year forecast period, including at both the Carlton Academy and Carlton-le-Willows Academy.
- 4.11 The County Council is committed to funding the expansion of Carlton-le-Willows Academy by 450 places, which is expected to complete in time for September 2023. This additional capacity will temporarily remove the deficit of school places within the planning area during the 2023-24 academic year but would be insufficient to meet the shortfall from 2024-25 onwards, which is forecast to exceed 450 places (see Table 3). To address the residual deficit in places, the Redhill Academy Trust is proposing to expand the Carlton Academy by a further 150 places. However, this is dependent on external funding being made available. The project is anticipated to cost £6m.

*Table 3 - Carlton Secondary Planning Area projections 2022/23 to 2031/32*

DfE No	School Name	District	Planning area	PAN	Net cap	Proj Year	School years							Whole school projection	
							7	8	9	10	11	12	13	TOTAL	surplus / deficit places
	Planning area summary	Gedling	Carlton	470	2903	2022-23	605	547	554	529	522	241	241	3239	-336
	Planning area summary	Gedling	Carlton	470	2903	2023-24	567	613	552	555	531	268	239	3325	-422
	Planning area summary	Gedling	Carlton	470	2903	2024-25	565	573	618	551	555	276	261	3399	-496
	Planning area summary	Gedling	Carlton	470	2903	2025-26	555	569	575	624	550	288	267	3428	-525
	Planning area summary	Gedling	Carlton	470	2903	2026-27	605	561	573	575	630	287	279	3510	-607
	Planning area summary	Gedling	Carlton	470	2903	2027-28	593	610	564	571	573	316	278	3505	-602
	Planning area summary	Gedling	Carlton	470	2903	2028-29	564	598	612	561	570	297	308	3510	-607
	Planning area summary	Gedling	Carlton	470	2903	2029-30	569	568	599	610	561	296	288	3491	-588
	Planning area summary	Gedling	Carlton	470	2903	2030-31	573	570	567	595	607	289	284	3485	-582
	Planning area summary	Gedling	Carlton	470	2903	2031-32	531	572	566	560	589	312	276	3406	-503

- 4.12 Due to the prioritisation of the Gedling Access Road (GAR), the County Council has been unable to secure any funding from the Gedling CIL for the Carlton Academy. The Borough Council has ringfenced the CIL until £4.48m is collected for the GAR and, as of the end of March 2022, the proceeds collected totalled approximately £4m<sup>2</sup>. This means there is no excess CIL available to support a secondary school expansion at this time. The future availability of secondary school places to support the growth in pupil population associated with Chase Farm is therefore in doubt.
- 4.13 The Carlton Academy is a 1.3 mile walk from the centre of Chase Farm (Poole Ave) and therefore within a sustainable walking distance. Carlton-le-Willows Academy is the next closest school to the development and a 1.5 mile walk from the site centre. Should the expansion of Carlton Academy not be secured then secondary aged pupils at Chase Farm would likely need to travel to secondary schools outside of the planning area, which would involve unsustainable travel patterns.

<sup>2</sup> Gedling Borough Council Infrastructure Funding Statement 2021-22

## 5. Conclusion

- 5.1 Nottinghamshire County Council is applying to modify the terms of the primary school contribution secured through the S106 Agreement to enable the funding to be used towards the expansion of secondary school capacity within the vicinity of the development. Since the time that the outline planning application was submitted, the demand for school places has evolved and the latest pupil forecasts indicate that there will be sufficient places at the closest primary schools to the development to accommodate the demand arising from the new housing over the next five years. As such, there is no justification for using developer funding or other public funds to build a new school which is not necessary, and which could undermine the viability of existing schools.
- 5.2 There is a forecast deficit of secondary school places within walking distance of Chase Farm, which cannot be rectified through the expansion programme at Carlton-le-Willows Academy. There is no current prospect of the County Council securing any funding towards secondary education provision through the Borough Council CIL due to the prioritisation of other infrastructure which has supported the development. Therefore, the County Council is proposing to amend the planning obligation to facilitate the expansion of Carlton Academy. Carlton Academy is the catchment school for Chase Farm and its expansion would directly benefit the residents of the new housing by ensuring there are sufficient school places within an acceptable walking distance. Failure to secure this modification will place further strain on secondary school places, resulting in a development which is not appropriately mitigated, and will place further pressure on the CIL which is already overcommitted.



## **NCC RESPONSE - OBJECTION TO APPLICATION 2023/0468**

The letter received from the ward member (dated 24/07/23) is objecting to the County Council's decision not to commission a new primary school on the Chase Farm Development. It does not object to the proposal to vary the Section 106 Agreement to enable the primary education contribution - which would otherwise remain unused - to be spent on secondary school provision. The County Council has concluded that there is no justification for building a new school in this location and is under no obligation under the S106 Agreement to commission the delivery of a new school.

**A decision to refuse the application to modify the S106 Agreement would not result in a new primary school being delivered.** If an alternative use for the education contribution cannot be agreed, then it is likely that the funding would have to be returned to the housing developer and the additional places required at secondary level could not be delivered. This would result in a development that is not appropriately mitigated because secondary school pupils who are resident at Chase Farm would need to travel further than their catchment school to obtain a place.

It is acknowledged that the catchment primary schools for the site are currently Lambley Primary School and All Hallows Church of England Primary School. The County Council's School Admissions Team is currently reviewing the catchment area for Chase Farm and will be working with maintained schools, within walking distance from the development, with a view to consulting on amendments to catchment areas later this year. Any proposed changes will form part of the statutory consultation for the 2025-2026 admission year. Admissions arrangements (including catchment areas) of academies are the responsibility of the Multi Academy Trust. The County Council will consult with local academies throughout the review.

As set out in the planning statement, there is a forecast sufficiency of primary school places at schools within a one mile walk of Chase Farm. Current admissions data shows that pupils who are already living on the Chase Farm development have applied for and been offered places at numerous schools and academies in the local area.

The concerns regarding the accessibility of these nearest schools are noted, but no evidence is available to suggest that the walking routes would be unsafe. As outlined in the planning statement, existing residents would have safe passage across Arnold Lane using the signalised pedestrian crossing close to Waldrom Road. The approved plans for the second phase of the development (ref. 2021/1294) includes a pedestrian connection to Arnold Lane, slightly offset from the entrance to Linsdale Gardens. It is proposed that an additional pedestrian crossing is installed in this location to provide connectivity to the established footpath on the opposite side of Arnold Lane, to assist residents travelling to Stanhope Primary School. Please see plan overleaf.

Residents travelling to Phoenix Infant School and Haddon Primary School would travel via Basecar Avenue which is a traffic calmed street due to the presence of speed bumps. There is an operational school crossing patrol on Westdale Lane and, on the approach to Haddon Close, there is a footway build-out to aid pedestrians accessing Haddon Primary School. Although this crossing is not controlled with signals, there have been no reported collisions at this location in the last 23 year period.

The County Council contends that the development is connected to existing primary schools via direct and safe walking routes, which are within the statutory walking distance required by its Home to School Transport Policy. Therefore, it is not considered that the proposal would contravene Policy LPD 35 of the Gedling Local Plan - Safe, Accessible and Inclusive Development. The expansion of Carlton Academy would ensure there is a sufficiency of secondary school places within a reasonable walking distance of the development, which are accessible via direct and safe walking routes, thereby supporting the principles of Policy LPD 35.

Proposed location for additional signalised crossing to serve phase two:









Planning Report for 2021/0734

1:1,250      Planning Reference:      2021/0734  
16 Westdale Lane East  
Gedling NG4 3JA

NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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**Gedling**   Serving People. Improving Lives      Date: 24/08/2023

**Report to Planning Committee**

**Application Number:** 2021/0734

**Location:** 16 Westdale Lane East, Gedling. NG4 3JA

**Proposal:** Change of use of rear ground floor store to be incorporated into the existing ground floor flat to create a two bedroom flat and first floor extension to create a one bedroom flat with external steel staircase.

**Applicant:** Mrs Nasim Iqbal

**Agent:**

**Case Officer:** Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel to allow matters in respect to parking issues to be fully reviewed.

**1.0 Site Description**

1.1 The application site relates to 16, Westdale Lane, Gedling. The premises are currently used at ground floor as a takeaway with a ground floor flat to the rear together with a storage area. Access to the premises is gained from Westdale Lane and there is an existing rear access to the premises from the rear service yard. There is a parcel of land to the north west of the property which is accessed via Victoria Street. The premises are situated within the Gedling Village Local Centre. The site is situated between existing commercial premises with residential properties adjoining on Victoria Street.

**2.0 Relevant Planning History**

2.1 96/0937 – planning permission was granted for the change of use of the premises to a takeaway.

**3.0 Proposed Development**

3.1 Planning permission was initially sought for the change of use of the rear storage area serving the existing commercial use to a one bedroom flat. The existing ground floor one bedroom flat would also be retained but with internal alterations to create a storage area to serve the commercial use.

3.2 Permission is also sought for the erection of a first floor rear extension to the property together with an external staircase in order to provide a two bedroom flat at first floor level. The first floor extension would require the removal of a first floor kitchen window to the existing flat but there is another window to this room.

3.3 The plans were revised during the processing of the application following concerns raised by Officers in regard to the space standards for the proposed flats, it is now proposed that the initially proposed two ground floor flats are amalgamated to provide a one bedroom flat at ground floor and for the upper floor flat to be a one bedroom flat.

3.4 The plans were also revised to omit the proposed car parking space to the frontage of flat 1 accessed via Victoria Street, with this previously proposed parking space now being proposed to be used as a garden area to serve the proposed ground floor flat.

3.5 The materials proposed for the construction of the extensions are specified to match those of the existing building.

#### **4.0 Consultations**

4.1 NCC Highway Authority – it appears that no parking is proposed to serve the flats, could details be provided to show where any off street parking would be located.

4.2 Public Protection – No objections but the proposal should comply with the Building Regulations 2010 (the 'Building Regulations'), specifically:

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.

Approve 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 e.g. not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.”

4.3 Local residents have been notified by letter and a site notice has been posted – I have received eleven letters of representation as a result and a petition signed by 31 neighbouring residents, the contents of the letters and petition are summarised below:

- Access would be gained to the commercial use from Victoria Street which is entirely residential.
- Loss of privacy.
- Parking issues.
- Increase in noise.
- Disturbance to neighbouring properties.
- The store room is not suitable to be converted, it is too small and cramped.
- Concerns over the capability of the sewers to cope with anymore drainage.
- Concerns over surface water drainage.
- Too close to neighbouring properties causing noise and disturbance.
- Loss of light.
- Concerns over fire safety issues.
- The external staircase would be located in an area that is used by takeaway staff and is full of rubbish and is unsuitable.
- Neighbouring properties would be more vulnerable to burglary and anti-social behaviour.
- The pavement area to the front of the premises is in a state of disrepair.
- Lack of consultation on the application.
- Concerns that the area to the front of the ground floor flat off Victoria Street will be used for parking.
- Concerns raised in regard to the use of Victoria Street which is a private road.
- Not in keeping with the area.
- Lack of maintenance at the site.
- Concerns over drug use at the site.

## **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 At the national level the National Planning Policy Framework (NPPF) (2021) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable

development. The following sections and paragraphs are particularly pertinent.

- 5 – Delivering a sufficient supply of homes
- 7 – Ensuring the vitality of town centres
- 11 – Making effective use of land
- 12 – Achieving well-designed places

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

- Policy 6 – Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity

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 32 – Amenity
- LPD 50 - Development within Town and Local Centres
- LPD 51 – Upper Floors
- LPD 57 – Parking Standards
- LPD 61 – Highway Safety

6.5 In respect to car parking, regard should be had to the Borough Council's Supplementary Planning Document Parking Provision for Residential and Non-Residential Developments 2022.

## **7.0 Planning Considerations**

### Principle of Development

7.1 The site is located within an urban area where the principle of a development of this nature is considered acceptable subject to the assessment of all material planning considerations, these are considered below. The site is also within the Gedling Shopping area but the proposed development will not adversely affect the shopping area, with the commercial use on the ground floor street frontage retained. As a result the application is deemed to comply with policies ACS6, LPD50 and LPD51.

### Impact on Neighbouring Properties

7.2 In terms of the proposed use of the premises and the potential impact on neighbouring properties I am satisfied given the nature of the works and the relationship with neighbouring properties there will be no adverse impact on neighbouring properties or the area in general.

7.3 Use of the existing storage area to the rear of the premises as residential accommodation in association with the existing flat will not result in any

greater impact onto neighbouring properties. I appreciate that the existing storage area which would be used as residential accommodation adjoins the side boundary of the neighbouring property, no. 17, Victoria Street, it is not considered that the use of this area of the building for residential accommodation will adversely affect the amenity of this immediate property or other neighbouring properties.

- 7.4 It is noted that the Council's Public Protection Officer (noise) has advised that this matter would be assessed under a Building Regulations application to ensure that there is no undue noise impact onto neighbouring properties, these regulations are set out above. I would suggest that a note is attached to any grant of planning permission drawing the applicant's attention to these regulations.
- 7.5 In regard to the proposed extension to the premises in order to provide a first floor flat, I am satisfied that this extension will result in no adverse impact onto neighbouring properties, in terms of any overbearing or overshadowing impact.
- 7.6 In regard to the use of the upper floor for residential accommodation I am satisfied that the use will not adversely affect neighbouring properties.
- 7.7 Concerns have been raised in regard to potential overlooking onto neighbouring properties from the proposed first floor windows serving the upper floor flat, having visited the site and considering their location and relationship with neighbouring properties, I am satisfied that the proposed first floor windows will not result in an undue overlooking impact onto neighbouring properties, the windows are orientated to look onto the rear service yard area to the rear of the premises.
- 7.8 Windows serving the flats will result in no undue overlooking impact onto neighbouring properties.
- 7.9 Concerns have been raised in regard to the use of the area of land to the front of the ground floor flat, this area is specified to be used as a garden area to serve the ground floor flat and I consider that this acceptable and will not result in any adverse impact onto neighbouring properties. As a result the application is deemed to comply with policy LPD32.

#### Visual appearance

- 7.10 In regard to the visual appearance of the proposed extension and proposed external alterations to the facade of the building, I am satisfied that these will be visually acceptable and will not detract from the character of the area.
- 7.11 The materials are specified to match those of the existing building which will complement the character of the area and will not look out of place. As a result the application is deemed to comply with policy ASC10.

#### Highway Safety and Parking

- 7.12 I note the comments of the Highway Authority in regard the fact that no off road parking is shown to be provided to serve the proposed flat. I have sought confirmation from the applicant who has confirmed that he does not intend to provide off street parking to serve the flat. Whilst the Council's SPD for 'Parking Provision for Residential and Non-Residential Developments' would require 0.8 spaces per flat, or 1 space when rounded up, the document outlines that where sites have good access to public transport and services, as the current site does, a reduced requirement could be considered acceptable. Taking this into account, it is considered that the parking provision is acceptable and complies with the aforementioned SPD and LPD57. For the avoidance of doubt, only one additional flat is proposed and the existing flat does not have access to a parking place.
- 7.13 Concerns raised in regard to the use of Victoria Street for access to the site has been clarified with the applicant who has confirmed that the land which was initially proposed to be used as a parking area being accessed from Victoria Street is now proposed to be used as a garden area to serve the ground floor flat.

#### Other

- 7.14 The concerns raised in regard to the capability of the existing drains to accommodate any more sewerage would be dealt with under the submission of a Building Regulations application and by Severn Trent Water.
- 7.15 Similarly, matters of fire safety would be dealt with under the submission of a Building Regulations application.
- 7.16 There is no reason to consider that the proposal, given the nature of the works proposed, would result in any significant surface water run off issues.
- 7.17 There is no evidence to suggest that the proposal would result in neighbouring properties being more vulnerable to burglary or anti-social behaviour issues, however should this be found to be the case once the property is occupied it would be a Police matter.
- 7.18 Similarly any concerns in regard to the use of drugs at the site would be a Police matter. Uneven payments to the front of the site is not material to the current application.
- 7.19 The concerns raised in regard to the maintenance of the property would be a matter for the owners of the site.
- 7.20 I note that concerns have been raised in regard to the lack of consultation on the application and can confirm that the consultations have been undertaken in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

#### **8.0 Conclusion**

- 8.1 I am therefore satisfied that the development and use of the premises will result in no undue impact onto neighbouring properties or the area in general. The development will also result in no undue impact on highway safety and whilst no parking is provided to serve the flats, given that the site is in a sustainable location I am satisfied that off road car parking is not required in this instance. The proposal therefore accords with the NPPF 2021, policies 6 and 10 of the Aligned Core Strategy 2014 and policies LPD32, LPD50, LPD57 and LPD61 of the Local Planning Document 2018.

**Recommendation: GRANT PLANNING PERMISSION:** subject to the following conditions:

### **Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be undertaken in accordance with the revised site location plan received on the 12th June 2023 and the revised elevation and floor plans received on the 10th May 2023, drawing number PO1A, B.

### **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**

I am therefore satisfied that the development and use of the premises will result in no undue impact onto neighbouring properties or the area in general. The development will also result in no undue impact on highway safety and whilst no parking is provided to serve the flats, given the location of the site in a sustainable location I am satisfied that off road car parking is not required in this instance. The proposal therefore accords with the NPPF 2021, policies 6 and 10 of the Aligned Core Strategy 2014 and policies LPD32, LPD50, LPD57 and LPD61 of the Local Planning Document 2018.

### **Notes to Applicant**

Your attention is drawn to the attached comments from the Council's Public Protection Officer: The resistance to the passage of sound in buildings must comply with Approved Document E of the Building Regulations 2010 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."

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

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.

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 25/08/2023

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.

<b><u>App No</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Possible Date</u></b>
2019/1080	Land At Broad Close Woodborough	Outline application for 11 no. residential properties	TBC
2023/0083	Land Off Longdale Lane, Ravenshead	Erection of 33 dwellings, including open space, landscaping and associated infrastructure	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
2023/0135	Land North West, Park Road, Calverton	Application for the approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 195 dwellings and associated infrastructure, pursuant to outline approval 2018/0607 (re-plan of reserved matters approvals 2020/0020 and 2022/0584 with 363 units in total)	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 - 21st July 2023

2021/0193

Land Adjacent Sherwood Croft, Newstead Abbey Park, Nottingham Road  
Proposed infill dwelling

The proposed development would have a detrimental impact on the openness of the Green Belt and result in inappropriate development, with no very special circumstances to justify the proposal. Furthermore, the proposal would have a detrimental impact on the setting of the adjacent grade II\* Park and Garden of Newstead Abbey.

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

**Decision: Refuse Planning Permission.**

2023/0045

Barn Farm, Challenge Consulting, Nottingham Road, Lambley  
Conversion of barn to dwelling. Demolition of the existing training and conference centre building and barn-outbuilding and erection of 1no. dwelling.

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

2023/0361

155 Lowdham Lane, Woodborough, Nottinghamshire  
Proposed 4no. 3 bedroom detached dwellings on previously developed land using existing access to Lowdham Lane

The proposed development would have a detrimental impact on the openness of the Green Belt and result in inappropriate development, with no very special circumstances to justify the proposal. Furthermore, there would be a detrimental impact on the wider landscape character of the area.

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

**Decision: Refuse Planning Permission.**

2023/0483

214 Longdale Lane, Ravenshead, NG15 9AH

Retrospective application for works undertaken to change ground levels.

**Withdrawn from the agenda.**

Video Conference Call Meeting

Cllr Roy Allan

Cllr Stuart Bestwick

Cllr David Ellis

Cllr Lynda Pearson

Nigel Bryan – Development Manager

Craig Miles – Principal Planning Officer

**21st July 2023**

## ACTION SHEET PLANNING DELEGATION PANEL - 4th August 2023

2021/0734

Westdale Balti, 16 Westdale Lane East, Gedling

Change of use of rear ground floor store to be incorporated into the existing ground floor flat to create a two bedroom flat and first floor extension to create a one bedroom flat with external steel staircase.

**The Panel recommended that the application be determined at Planning Committee to allow parking matters to be fully reviewed.**

2023/0200

14 Vernon Avenue, Carlton, Nottinghamshire

Proposed side extension, single storey rear extension and removal of boundary wall to front of property to create parking space.

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.**

2023/0229

Land at Chase Farm (Former Gedling Colliery), Adjacent To Arnold Lane And Land Off Lambley Lane, Gedling

Variation of condition 1 (approved drawings) of reserved matter approval 2021/1294 (Reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 433 dwellings pursuant to outline permission 2015/1376)

The proposed changes to the layout would have a minimal impact on the overall scheme 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 reserved matters approval subject to conditions.**

2023/0402

7 Freda Avenue, Gedling, Nottinghamshire

Two storey rear extension and infill existing car port to form habitable room

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.**

Video Conference Call Meeting

Cllr Roy Allan

Cllr Stuart Bestwick

Cllr Ruth Strong

Cllr Ron McCrossen

Cllr David Ellis

Cllr Lynda Pearson

Cllr Jenny Hollingsworth

Nigel Bryan – Development Manager

**4th August 2023**





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## ACTION SHEET PLANNING DELEGATION PANEL - 25th August 2023

2023/0390

35 Main Road, Ravenshead, Nottinghamshire

Single storey rear extension.

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.**

2023/0423

36 Church Street, Arnold, Nottinghamshire

Proposed redevelopment of the site to provide an Independent Living Scheme (Use Class C2) comprising nine apartments and communal/office space following site clearance

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.**

2023/0425

Kielys 308 Carlton Hill, Carlton

Conversion of former storage garage to single dwelling. Roof, walls and floors to be insulation internally. First floor to be constructed. Existing blank window opening to side to be enlarged in height and utilised and glazed doors. Blank window at first floor to be reglazed. Rooflights to be added.

The building subject of the application is not considered to be a storage or distribution centre and therefore the prior notification is not supported.

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

**Decision: Refuse prior notification**

2023/0464

Newstead Abbey Park, Oak View Lodge, Station Avenue, Newstead

Proposed first floor extension over the front entrance porch

The proposal would result in a disproportionate extension to a dwelling within the Green Belt with no very special circumstances to justify inappropriate development.

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

**Decision: Refuse permission.**

2023/0513  
139 Worrall Avenue, Arnold, Nottinghamshire  
Proposed removal of hedge and erection of fence

The proposed development would have a detrimental impact on the character of the area.

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

**Decision: Refuse permission.**

2023/0522  
7 Dereham Drive, Arnold, Nottinghamshire  
Single storey rear and side extension

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.**

2023/0549  
2 Dale Avenue, Mapperley, Nottinghamshire  
Proposed first floor extension with single storey side and rear extension

The proposed development would have a detrimental impact on the character of the area and residential amenity.

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

**Decision: Refuse permission.**

**25th August 2023**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr Stuart Bestwick  
Cllr Ron McCrossen  
Cllr David Ellis  
Cllr Lynda Pearson

Nigel Bryan – Development Manager  
Craig Miles – Principal Planning Officer

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