

Agenda

Planning Committee

Date: **Wednesday 5 June 2024**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Planning Committee

Membership

Chair Councillor Roy Allan

Vice-Chair Councillor Paul Wilkinson

Councillor Sandra Barnes
Councillor Stuart Bestwick
Councillor David Ellis
Councillor Andrew Ellwood
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
Councillor Russell Whiting

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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

Page

1. **Apologies for Absence and Substitutions**
2. **To approve, as a correct record, the minutes of the meeting held on 27 March 2024** 5 - 38
Planning Committee Protocol
3. **Declaration of Interests**
4. **Application no. 2023/0830 - Land East of Killisick Lane, Arnold** 43 - 69
5. **Application no. 2024/0063 - Top Wighay Farm, Wighay Road, Linby** 71 - 109
6. **Application no. 2014/0273 - Land at Corner of Longdale Lane & Kighill Lane, Ravenshead** 111 - 153
7. **Enforcement ref. 0257/2022 - Nottingham Sun Club, Brackenwood, Newstead Abbey Park, Ravenshead** 155 - 162
8. **Enforcement ref. 0132/2023 - 22 Onchan Drive, Carlton** 163 - 169
9. **Enforcement ref. 0267/2022 - 91 Main Street, Burton Joyce** 171 - 177
10. **Future Planning Applications** 179 - 180
11. **Planning Delegation Panel Action Sheets** 181 - 195
12. **Any other items which the Chair considers urgent**

MINUTES PLANNING COMMITTEE

Wednesday 27 March 2024

Councillor Roy Allan (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Catherine Pope
 Councillor Michael Adams Councillor Grahame Pope
 Councillor Sandra Barnes Councillor Sam Smith
 Councillor David Ellis Councillor Ruth Strong
 Councillor Andrew Ellwood Councillor Henry Wheeler
 Councillor Ron McCrossen Councillor Russell Whiting
 Councillor Lynda Pearson

Absent: Councillor Stuart Bestwick, Councillor Helen
 Greensmith and Councillor Jane Walker

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

85 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Bestwick, Greensmith and Walker. Councillor Adams attended as substitute.

86 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 28 FEBRUARY 2024

RESOLVED:

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

87 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all members of the committee in item 8 on the agenda, as Gedling Borough Council was the applicant and owned the land and on item 9 on the agenda, as Gedling Borough Council owned the land.

88 APPLICATION NO. 2023/0913 - 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 of A W Lymn The Family Funeral Service (The Applicant), spoke in support of the application.

The Principal Planning Officer provided an update to the committee in respect of paragraph 7.14 of the report, which stated that the Section 106 legal agreement would ensure that if planning permission were to be granted, works could not commence on the current proposal until the previous proposal was substantially complete, but that it should read that if planning permission were to be granted, the current proposal could not be brought into use until the previous planning permission was substantially complete.

She added that the site location plan on page 19 of the public document pack was incorrect and then presented the correct plan to the committee.

She then went on to introduce the report.

RESOLVED:

To Grant Planning Permission, subject to the signing of a Section 106 legal agreement and subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the following drawings and documents, received 22nd December 2023;-

Application forms

Drawing no. 2019-18-05 Elevations

Drawing no. 2019-18-04 Sections

Drawing no. 2019-18-02 C Proposed site plan and site location plan

- 3 No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details. Facing stonework, Internal pathway and circulation area.

Reasons

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

- 2 For the avoidance of doubt
- 3 In the interests of visual amenity

Reasons for Decision

Appropriate facilities associated with cemeteries and burial grounds are an appropriate form of development within the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. The scheme has been re-designed to the minimum built-form necessary. However, there is still some built-form and the proposal does still have some impact on the openness of the Green Belt, albeit now limited. However, the development is inappropriate development within the Green Belt, due to this impact on the openness of the Green Belt. Very special circumstances exist which outweigh other policy considerations. These relate mostly to the need for such a facility within the area but also the link to the existing cemetery permission and the need for a rural location. As such, the proposal complies with paragraphs 152 and 153 of the NPPF. The proposal does not have an unacceptable impact on the visual amenity or landscape character of the area, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. As such, the proposal complies with the NPPF, Policies A, 1, 3, 10, 11 and 17 of the ACS, Policies 6, 19, 26, 30, 32, 57 and 61 of the LPD and Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view

that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

89 APPLICATION NO. 2023/0233 - LAND OFF MARION AVENUE, HUCKNALL

Residential development of 30 dwellings with associated infrastructure, open space and landscaping with access from Marion Avenue.

Ashley Ankrett, a local resident, spoke against the application.

Clayton Penny of Chevin homes, the applicant, spoke in support of the application.

The Principal Planning Officer introduced the report.

RESOLVED:

To GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, public transport improvements; education; health; play equipment; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Plan (ref: n2064_001) - submitted 15th March 2023
Planning Layout (ref: n2064_008F) - submitted 6th February 2024
House Type Pack Rev A - submitted 4th August 2023
Preliminary Ecological Appraisal - Reference BG22.187 REV1 submitted 15th March 2023
Open Space Plan (ref: n2064_015C) - submitted 14th March 2024
Ecological Impact Assessment (ref: BG22.187.13) - submitted 4th December 2023
Biodiversity Impact Assessment for Net Gain - Reference BG22.187.2 submitted 15th March 2023

Design and Access Statement - (ref: n2064_DAS) - submitted 15th March 2023

Flood Risk Assessment Report Ref: 2206730-01A - submitted 15th March 2023

Landscape Management Plan Ref: GL2077 - submitted 15th March 2023

Outline Trees, Arboricultural Consultancy Report Reference: JH0223ALISONAVE dated February 2023 - submitted 15th March 2023

Transport Technical Note Ref: 2206730-02 - submitted 15th March 2023

Soft Landscape Proposals (ref: GL2077 01 Rev A) - submitted 15th March 2024

3. No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
5. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Marion Avenue as shown on drawing number Planning Layout (ref: n2064_008F) - submitted 6th February 2024 has been provided in full.
6. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following: a) Details of

noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.

8. Development shall not 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. Thereafter, the development shall only commence in accordance with the Written Scheme of Investigation as approved.

9. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment Report Ref: 2206730-01A - submitted 15th March 2023 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change)

critical rain storm to QBar rates for the developable area. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year; No flooding shown in a 1 in 30 year.; For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

10. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
11. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Impact Assessment (ref: BG22.187.13) - submitted 4th December 2023 and the Biodiversity Impact Assessment for Net Gain - Reference BG22.187.2 submitted 15th March 2023 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.
12. The approved Landscaping Scheme pursuant to the Soft Landscape Proposals (Ref: GL2077 01 Rev A - submitted 15th

March 2024) and the Landscape Management (Plan Ref: GL2077 - submitted 15th March 2023)

must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

13. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
14. From the date of first occupation every dwelling built on the 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.
15. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Impact Assessment, Doc Ref: BG21.281.1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
16. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing

immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

- 17 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. To define the permission and for the avoidance of doubt.
3. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
4. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. 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.

8. To protect and record any potential heritage remains having regard to Policy LPD 30 - Archaeology of the adopted Local Plan.
9. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
10. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
11. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).
12. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
13. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
14. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
15. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2023).
16. To ensure the development is safe and suitable for use.

- 17 To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.

Notes to Applicant

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

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.

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

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

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

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

The applicant is reminded that this permission is also subject to another planning application in respect of the access arrangement within the administrative area of Ashfield District Council. The applicant should also note that there are planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

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

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, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

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

Councillor Whiting left the meeting at 6:50pm.
Councillor Whiting re-joined the meeting at 6:51pm.

90 APPLICATION NO. 2021/0072 - LAND TO THE WEST OF MANSFIELD ROAD, REDHILL

Proposals for 141 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60, Redhill.

Robbie Locke of Cora Homes, the applicant, spoke in support of the application.

The Principal Planning Officer provided the following updates:

- In the committee report there was a typo as it was detailed that 141 dwellings were proposed, when a total of 144 dwellings were actually proposed.
- Two further letters of objection had been received, but all matters raised no new issues to those already contained within the published committee report.
- One letter of support had been received, made on the grounds that the development would provide an affordable home for a local resident with specific special needs requirements; that they had been waiting for suitable premises, but none were available; and that buying a new home and adapting it to their needs would be financially prohibitive.
- The Deputy Leader had made very late representation on the basis that a signalised traffic junction from Mansfield Road onto Adams Drive needed to be provided; that sufficient measures should be in place to limit water run-off from the site into housing at Phase 1 at Lodge Close, Larkspur Avenue, Henry Street and Richmond Gardens; that a pedestrian only link should be provided link to the existing public footpath to the south of the site; that additional tree planting should be provided along the green space between private shared drive, the SUDS and the adjacent rear of the

properties on Lodge Close, Larkspur Avenue, Henry Street and Richmond Gardens; and that there would be a loss of green space.

- The Highway Authority had responded to state that a further condition should be added to require more details to be provided in respect of the submitted Travel Plan. They also requested that obligations for bus stops could also be used to upgrade existing bus stop infrastructure.

He then went on to introduce the report.

Councillor McCrossen left the meeting at 7.20pm
Councillor McCrossen re-joined the meeting at 7:21pm

RESOLVED:

To GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, education improvements; healthcare enhancements; bus stop installations; library improvements and a Local Labour Agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Plan	Plan Ref:	3424-01 A2	received	02 Feb
		2021		
Planning Layout	Plan Ref:	REDH-SK-001-I-A1		26
		September		2023
Materials Layout	Plan Ref:	02352 - 005-A-A1	received	02
		Feb		2024
Open Space Plan	Plan Ref:	Redh-SK-002-A1	received	13
		September		2023
Proposed House Type M2 604	24/Three	Plan Ref:	P243-	
		-A2	received	19 April 2023
Proposed House Type B2	24/Three	Plan Ref:	P243-22017-	
		002-A2	received	19 April 2023
Proposed House Type 834 HQ1 2.1	24/Three	Plan Ref:	P243-22017-003	
		-A2	received	19 April 2023
Proposed House Type 904 HQ1 3.1	24/Three	Plan Ref:	P243-22017-004	
		-A2	received	19 April 2023

Proposed House Type BH_725 24/Three Plan Ref: P243-
22017-005 -A2 received 19 April 2023

Proposed House Type BH_866 24/Three Plan Ref: P243-
22017-006 -A2 received 19 April 2023

Proposed House Type BH_891 24/Three Plan Ref: P243-
22017-007 -A2 received 19 April 2023

Proposed House Type BH_937 24/Three Plan Ref: P243-
22017-008 -A2 received 19 April 2023

Proposed House Type BH_986 24/Three Plan Ref: P243-
22017-009 -A2 received 19 April 2023

Proposed House Type BH_1030 24/Three Plan Ref: P243-
22017-010 -A2 received 19 April 2023

Proposed House Type BH_1142 24/Three Plan Ref: P243-
22017-011 -A2 received 19 April 2023

Proposed House Type BH_1196 24/Three Plan Ref: P243-
22017-012 -A2 received 19 April 2023

Proposed House Type BH_1220 24/Three Plan Ref: P243-
22017-013 -A2 received 19 April 2023

Proposed House Type BH_1290 24/Three Plan Ref: P243-
22017-014 -A2 received 19 April 2023

Proposed House Type BH_1324 24/Three Plan Ref: P243-
22017-015 -A2 received 19 April 2023

Proposed House Type BH_1420 24/Three Plan Ref: P243-
22017-016 A-A2 received 19 April 2023

Proposed House Type BH_1428 24/Three Plan Ref: P243-
22017-017 -A2 received 19 April 2023

Proposed House Type BH_1578 24/Three Plan Ref: P243-
22017-018 -A2 received 19 April 2023

Proposed House Type BH_1696 24/Three Plan Ref: P243-
22017-019 -A2 received 19 April 2023

Proposed Sectional Street Scenes 24/Three Plan Ref:
P243-22017-S01 C-A0 received 19 April 2023

Landscape and Visual Baseline Ref: edp4818_r004b- B- A4
received 02 Feb 2021

Phase 1 and 2 Geo-environmental Site Assessment Ref: RSK
302161 R01 A4 received 02 Feb 2021

Travel Plan Ref: ADC-1759-RP-C-v3 3- A4 received 02 Feb
2021

Transport Assessment Ref: ADC-1759-RP-A-v4 4 A4
received 02 Feb 2021

Planning Statement Chave Planning Ref: 1046.R01.2 2
A4 received 02 Feb 2021

Arboricultural Technical Note Ref: edp4818_r001a A
A4 received 02 Feb 2021

Flood Risk Assessment Ref: ADC-1759-RP-B-v2
received 02 Feb 2021

Design & Access Statement received 02 Feb 2021

Swept Path Analysis Refuse Vehicle Ref: DR-400B-A1
received 26 September 2023

s278 Arrangement Works - Phase 2 General Arrangement Ref:
ADC2896-DR-101-P6-A1 received 26 September 2023
Proposed Highway Lighting & Electrical Works Via Ref:
H08630/4005-A2 received 26 September 2023
Traffic signalised junction arrangement overall scheme layout
Ref: TP2150932/TS101 - A2 received 26 September 2023
Ecological Appraisal prepared by Environmental Dimensions
Partnership LTd, Reference edp4818_r006a received 02
Feb 2021

3. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Adams Drive (Phase 1) as shown on drawing number Planning Layout Plan Ref: REDH-SK-001-I-A1 received on 26 September 2023 has been provided in full.
4. No dwelling hereby approved shall take place until such time as the signal-controlled T-junction and associated works as detailed on s278 Arrangement Works - Phase 2 General Arrangement Ref: ADC2896-DR-101-P6-A1 received 26 September 2023, Proposed Highway Lighting & Electrical Works Ref: H08630/4005-A2 received 26 September 2023, and Traffic signalised junction arrangement overall scheme layout Ref: TP2150932/TS101 - A2 received 26 September 2023 drawings are fully complete and the signal control junction is operational
5. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
6. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following: a) Details of noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is

required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.

7. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (Plan Ref: ADC-1759-RP-B-v2) received on 02 Feb 2021 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall: Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year; No flooding shown in a 1 in 30 year.; For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

8. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
9. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Appraisal prepared by Environmental Dimensions Partnership LTd, Reference edp4818_r006a received 02 Feb 2021 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.
10. Notwithstanding the details contained within the landscape proposals contained on plan reference: Soft Landscape Proposals (ref: GL2077 01) - submitted 15th March 2023, the development hereby permitted must not be occupied or first brought into use until a further details of the Landscaping Scheme, have been submitted to and approved in writing by the Local Planning Authority. They shall include: a. details of all hard and soft landscaping features to be used and include the following: b. Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow. c. A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees); d. Plans showing the proposed finished land levels/contours of landscaped areas; e. Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features; f. Details of the protection measures to be used of any existing landscape features to be retained. The approved Landscaping Scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next

planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

11. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
12. From the date of first occupation every dwelling built on the 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.
13. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Technical Note Ref: edp4818_r001a Rev A received on 02 Feb 2021 have been implemented in accordance with those approved details, with the exception of Tree reference G20 which can be removed due to its unsafe condition. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
14. Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a. 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.
- b. 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.
 - c. 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.
15. 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.
 16. Development shall not commence until an assessment of the air quality impacts (including exposure) of the proposal has been submitted to, and approved in writing by, the Local Planning Authority. The level of assessment/mitigation should be commensurate with the scale of development and should characterise the significance of the impact from all sources. Any air quality assessment should be carried out in accordance with relevant guidance by suitably qualified persons. Measures required, mitigating the air quality impacts of the development should be submitted to, and approved in writing by, the Local Planning Authority in the form of an Air Quality Mitigation Statement. Any mitigation measures shall be implemented before the completion of the development and shall thereafter be retained for the life of the development.
 17. 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.

18. Prior to the commencement of development hereby approved details of a Local Labour Agreement in relation to the construction phase of the development, and job creation once operational, shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details thereafter.
19. No dwelling hereby approved shall be occupied until such time as the associated visitor car parking space has been formed, surfaced in a bound material (not loose gravel), and delineated and as a visitor parking space. It shall thereafter be retained for the lifetime of the development.

Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt.
3. In the interest of highway safety.
4. In the interest of highway safety.
5. In the interest of highway safety.
6. In the interests of protecting neighbouring amenity and to ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
7. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major

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

8. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
9. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).
10. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
11. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
12. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
13. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2023).
14. To ensure the development is safe and suitable for use.
15. To ensure the development is safe and suitable for use.
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 paragraph 192 of the National Planning Policy Framework (2023) and Policy LPD11.

17. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
18. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
19. In the interest of highway safety and to define the permission having regard to Local Planning Document Policies LPD 57 and 61, and the Parking Provision for residential developments Supplementary Planning Document.

Notes to Applicant

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that the proposed 141 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety and ecological interests or would cause flood risk concerns. It is therefore considered that the granting of planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

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

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the

land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

5. 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

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

The applicant should also note that there are planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

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

91 APPLICATION NO. 2023/0701 - SITE OF DAYBROOK LAUNDRY, MANSFIELD ROAD, DAYBROOK

Erection of a 51 no. apartment retirement living development (use Class C3), landscaping, car parking and all associated works.

James Hanna of McCarthy Stone, the applicant, spoke in support of the application.

The Principal Planning Officer introduced the report.

RESOLVED:

To Grant Planning Permission: Subject to the conditions listed for the reasons set out in the report:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and report specification listed below:

Plan Ref: 22024-1000 P2 – location plan received 11.10.2023
Plan Ref: 22024-1002 P2 – proposed site plan received 18.09.2023
Plan Ref: 22024-1007 P2 – boundary treatment received 18.09.2023
Plan Ref: 22024-1010 P1 – GF plan received 18.09.2023

Plan Ref: 22024-1012 P1 - roof plan received 18.09.2023
Plan Ref: 22024-1013 P1 – close boarded fence details received 18.09.2023
Plan Ref: 22024-2000 P2 – south & east elevations received 18.09.2023
Plan Ref: 22024-2001 P2 – north & west elevations received 18.09.2023
Plan Ref: 22024-2010 P2 - streetscene received 18.09.2023
Plan Ref: 22024-3000 P2 – site sections received 18.09.2023
Plan Ref: 22024-3010 P2 – daylight review received 18.09.2023
Plan Ref: R-2684-1C – landscape masterplan received 18.09.2023
Plan Ref: 29688/104 Rev B – Proposed Kerbing Layout received 18.09.2023
Design and Access statement dated June 2023, received 15.09.2023
Phase I and II Site Appraisal ReF: MRN-PPC-00-XX-R-G-0002 received 15.09.2023
Air Quality Assessment Ref: R6140-R1-V3 received 18.09.2023
Preliminary Ecological Appraisal – Ref: RT-MME-158919-03 Rev B received 18.09.2023
Flood Risk & Drainage Impact Assessment – Ref: 29688/DIA/WOB Rev 02 received 18.09.2023

3. No apartment hereby approved shall be occupied until such time as all car parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
4. Prior to the date of first occupation the development shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations and as detailed on Plan Ref: 22024-1002 P2 – proposed site plan received 18.09.2023. A minimum of two active charge points and, cable routes installed to at least one-fifth of the total number of parking spaces. 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 site users. They shall be thereafter maintained in the location as approved for the lifetime of the development.
5. The development hereby approved shall be undertaken in accordance with the submitted Flood Risk & Drainage Impact Assessment – Ref: 29688/DIA/WOB Rev 02 received 18.09.2023.
6. Prior to the commencement of development hereby approved details of a Local Labour Agreement in relation to the construction phase of the development, and job creation once operational, shall be submitted to and approved in writing by the Local Planning

Authority. The local labour agreement shall be implemented in accordance with the approved details thereafter.

7. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
8. No development shall commence until such time as a Waste Audit has been submitted and approved in writing by the Local Planning Authority, which shall demonstrate in both construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. In particular, the waste audit could cover the following:
 - a. the anticipated nature and volumes of waste that the development will generate;
 - b. where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
 - c. the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
 - d. any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete

Thereafter, development shall proceed in accordance with the approved Waste Audit.

9. The approved landscaping as detailed on the Soft Landscape Proposals (Plan Ref: R-2684-1C – landscape masterplan received 18.09.2023) shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the

same species and size as that originally planted shall be planted at the same place.

- 10.**The materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11.**Notwithstanding submitted details, prior to the use commencing, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter comply with the updated Travel Plan as approved.
- 12.**Each Unit of the development hereby permitted shall be occupied only by:
 - a) at least one person over the age of 60 years;
 - b) persons living as part of a single household with such a person or persons;
 - c) persons who where living in the unit as part of a single household with such a person or persons who have since died.
- 13.**Development shall not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) is 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. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.
- 14.**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.
- 15.**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 good practice 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.

16. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Preliminary Ecological Appraisal – Ref: RT-MME-158919-03 Rev B received 18.09.2023 have been implemented. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.

Reasons

- 1) To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.
- 2) For the avoidance of doubt and to define the permission.
- 3) In the interest of highway safety and to comply with policy LPD61.
- 4) To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 5) To reduce the risk of flooding to the proposed development and future occupants and to comply with policy LPD4.
- 6) To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
- 7) To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 8) To accord with Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy and paragraph 049 of the Planning Practice Guidance.
- 9) To ensure a satisfactory form of development and appropriate landscaping of the site and to comply policy LPD19.
- 10) To ensure that the character of the area is respected and to comply with policies ASC10 and LPD26.

- 11) To ensure that the development encourages forms of travel other than the private motor vehicle and to comply with guidance within the NPPF.
- 12) In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and given the lower level of parking provided, and subsequently to prevent the sale of these units on the open market to any individual and to comply with policies LPD36, LPD37 and LPD57.
- 13) To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 189 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 14) To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 189 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 15) To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 189 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 16) To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).

Informatives

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

Works to the public highway are subject to the approval of the Highway Authority. For the new accesses works to be carried out to the satisfaction of the Highway Authority, you should contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk to arrange for these works to take place.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional

flows, generated as a result of the development, without causing pollution.

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

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.

92 APPLICATION NO. 2024/0071 - EAGLE SQUARE, FRONT STREET, ARNOLD

Temporary planning permission of 12 Market Stalls to continue to trade for a further 12 months (change of use).

The Development Manager introduced the report.

RESOLVED:

To Grant Full Planning Permission subject to the conditions listed for the reasons set out in the report.

Conditions

- 1 This permission shall be for a period of 12 months only from the date of this permission, at the expiration of which time the market stalls and any ancillary structures shall be removed.
- 2 The development hereby permitted shall be completed in accordance with the following plans, received by the Local Planning Authority on 31 January 2024:

2020_1042-BLOCK_PLAN-916940
2020_1042-PLANNING_STATEMENT-916944

Reasons

- 1 To allow for the retention of a market facility within Arnold Town centre during the redevelopment of Arnold Market place and in the interests of the viability and vitality of the Town Centre.
- 2 For the avoidance of doubt.

Reasons for Decision

The principle of the development is supported in that it will result in retention of a market facility in Arnold Town Centre whilst the Arnold Market redevelopment scheme is under construction and as such it will enhance the character of the area as well as enhance the vitality and viability of Arnold Primary and Secondary Shopping Area. Furthermore, the application would not be detrimental to residential amenity or highway safety. The application is, therefore, deemed to comply with policies A, 2, 6, 10 and 10 of the Aligned Core Strategy (2014); policies 32, 35, 49, 50, 53, and 61 of the Local Planning Document (2018) and guidance within the National Planning Policy Framework (notably chapters 2, 4, 6, 7, 9, and 12).

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there was no problems for which the Local Planning Authority had to seek a solution in relation to this application.

Additionally, your attention is drawn to the following:-Sufficient electric supply should be provided for the stalls. The trees in the area and the in situ seating area should be protected when installing the market stalls to prevent damage. Access must be allowed from High Street into the precinct for shop deliveries, emergency vehicles and disable blue badge holders. As a public right of way it should not be blocked - unless an alternative route is arranged with Nottinghamshire County Council highways. The flood relief water storage tank under the Eagles Square shall remain accessible at all times. The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

93

**APPLICATION NO. 2023/0778 - RICHARD HERROD CENTRE,
FOXHILL ROAD CENTRAL, CARLTON**

New storage container associated with Gedling Southbank FC together with associated ground work in respect of site levels.

The Development Manager introduced the report.

RESOLVED:

To Grant Planning Permission subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall undertaken in accordance with the application form and the following drawings:- Steel Storage Container Adjacent Sports Pavillion Richard Herrod Leisure Centre Foxhill Road Scale 1:50 (Elevations); and- Site Location Plan (Amended and received 25th January 2024).

Reasons

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

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

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

**94 APPEAL REF: APP/N3020/W/23/3327141- 90 SOMERSBY ROAD,
WOODTHORPE**

Proposed front porch extension, increase in ridge height of existing roof, erection of pitched roof over existing two storey side extension and construction of front and rear dormers.

RESOLVED:

To note the information.

95 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

96 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

97 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.55 pm

Signed by Chair:
Date:

PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

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

Pre-determination and Predisposition

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

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

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

Lobbying

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

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

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

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

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

Oct 2015

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Planning Report for 2023/0830



Report to Planning Committee

Application Number:	2023/0830
Location:	Land East of Killisick Lane, Arnold
Proposal:	Erection of 45 dwellings, including associated infrastructure, landscaping and open space.
Applicant:	Strata Homes and Trustees of Norman Foster's Estate
Agent:	DLP Planning Ltd.
Case Officer:	Criag Miles

The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings and a legal agreement is required.

1.0 Site Description

- 1.1 The application site relates to land allocated for housing in the Gedling Borough Local Planning Document – Part 2 Local Plan, located on the northern edge of Arnold. The site forms part of 'Site H8: Killisick Lane' that is expected to deliver approximately 230 homes, including at least 43 affordable homes. A development brief has been adopted as a Supplementary Planning Document (SPD) for the three sites northeast of Arnold which includes site H8 that includes a wider masterplan detailing how the site should be developed.
- 1.2 The site is roughly rectangular in shape and is comprised of agricultural fields measuring some 2.6 hectares. The site is bounded by vegetation, of varying densities, on all sides. In terms of topography the site slopes quite steeply from its highest point on the west part of the site to the lowest on the east part.
- 1.3 To the north/ northwest of the site are additional parcels of land which also forms the housing allocation H8, beyond which is Dorket Head Quarry. To the east is adjoining agricultural fields with the housing allocation H7 (Howbeck Road/ Mapperley Plains) and protected open space for Henry Mellish Rugby Club beyond that forms part of the Nottinghamshire Green Belt.
- 1.4 Immediately to the south of the site is an established residential development forming Brechin Close, Strathmore Road and Shandwick Close. To the west of the site is Killisick Lane (a public bridleway) and beyond are additional parcels of land forming housing allocation H8 including the Hobbucks Local Nature Reserve.

1.5 The site is not within a fluvial flood risk area. However, land along the eastern boundary is an unnamed watercourse that is identified as being at risk from surface water flooding in the event of a 1 in thirty-year scenario.

1.6 There are no heritage assets on or directly adjacent to the application site.

2.0 Relevant Planning History

2.1 There are no previous planning applications relevant to the determination for the application site.

2.2 A development brief has been adopted as a Supplementary Planning Document (SPD) for the three sites northeast of Arnold which includes site H8 that includes a wider masterplan detailing how the site should be developed.

3.0 Proposed Development

3.1 The proposal relates to the development of 45no. dwellings, plus open space and associated infrastructure.

3.2 The development would essentially form a loop road accessed from the top of Strathmore Road. Dwellings would front onto the public road and be set-back from the street and, in combination with the front gardens and open spaces, provide a relatively open and green aspect.

3.3 The proposed dwellings comprise a variety of different house types, with a mixture of 3 and 5 bedrooms (including 14no. 3 beds and 31no. 5 beds). This includes provision of 9no. affordable units, in accordance with the adopted Supplementary Planning Document - Development Brief for Three Sites to the North East of Arnold SPD (2019).

3.4 The majority of the proposed units would be detached, some of which feature separate garages. There are also a smaller number of semi-detached/ terraced units, which are dispersed throughout the scheme to add interest and variety to the streetscene. The scale of development would be predominantly 2.5-storeys i.e. room-in-roof (24no. units), with the remainder of the units (21no. units) comprising 2-storey dwellings.

3.5 Off-street parking is proposed throughout the development and the layout of the development provides active frontages and natural surveillance. Three-bedroom dwellings would be provided with at least 2no. allocated spaces per dwelling, whilst four or more bedroom dwellings are to be provided with at least 3no. spaces per dwelling. Each dwelling would also be provided with an EV charging point and cycle storage.

3.6 The proposed development also includes the creation of new pedestrian/ cycle links to integrate the development with the wider public realm/ strategic allocation parcels and encourage accessibility and use of open space.

3.7 Existing boundary trees and scrub would largely be retained, including a significant area of woodland on the eastern part of the site. Specimen trees,

native hedgerow and wildflower meadow planting are proposed as part of the scheme. A swathe of open/ green space is proposed alongside the entrance to the site and would be bounded by existing and proposed planting. Ornamental shrub/ hedge planting would provide the front boundary treatment to the majority of plots and a number of 'street trees' are proposed within the highway verge.

- 3.8 The access to the site would be taken via Strathmore Road, by providing an extension to where the existing carriageway currently terminates, at the southern boundary of the site. This would result in the carriageway width on Howbeck Road being narrowed to approximately 6.2m, in order to ensure that the visibility to westbound vehicles can be achieved.
- 3.9 A pedestrian link would also be provided to Killisick Lane.

4.0 Consultations

- 4.1 Lead Local Flood Authority - raise no objection to the application subject to a condition requiring the submission of a detailed surface water drainage strategy that complies with the submitted Flood Risk Assessment and Drainage Strategy.
- 4.2 Gedling Borough Council Arborist – Confirms that he is satisfied with the submitted tree protection method statement as the replacement planting plan and overall landscape plans provide suitable mitigation for the trees that would be removed.
- 4.3 Environment Agency – Has no objection to the proposal but notes that the development is within 250m of a landfill site that could result in contamination.
- 4.4 Gedling Borough Council Scientific Officer – Advises having reviewed the Eastwood Consulting Engineers, Phase 2 Geotechnical & Geo-environmental Site Investigation, ref. 48015-ECE-XX-XX-RP-C-0002, dated May 2023 (that considers contamination from all sources), confirms that no further assessment for land contamination is required and therefore no planning conditions are deemed necessary. In relation to air quality, they confirm that the site is not in an area of current air quality concern. In relation to electrical changing, they note that a EVCP and Parking Plan has been submitted and that it would be incorporated within the development. Advises that small developments require submission of a short Construction Emission Management Plan (CEMP) to control emissions from demolition and construction activities and that this can be controlled by condition.
- 4.5 NHS Primary Care Trust – note that the erection of 45 dwellings would require a contribution of £24,384 towards the expansion of primary care provision to include Highcroft Surgery, Stenhouse Medical Centre and Daybrook Medical Practice.
- 4.6 Local Education Authority (LEA) - note that there are adequate spaces in the locality for the projected increase in demand for primary education. However, there is insufficient space for secondary and post 16 education. As a result, the

LEA seeks a contribution of £237,550, which is broken down as a secondary education contribution of £210,032 (based on 7 pupils x £27,518 per place) and a post 16 education contribution of £27,518 (based on 1 pupil x £27,518 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).

- 4.7 Nottinghamshire County Council (Planning Policy) – Have responded to advise that the proposed site is in close proximity to an existing minerals extraction site named Dorket Head (Policy MP6b of the Nottinghamshire Minerals Local Plan). This active site is used for the extraction of Brick Clay and is associated with the adjacent brick factory in the manufacture of fired clay products. Depending on the timescales of the environmental permit being granted and fill commencing and the development of the housing on the site, there may be a slight overlap in the occupation of the houses and fill operations being undertaken. Considering the noise assessment submitted by the applicant and previous noise assessments conducted by the operator as well as conditions in place, environmental impacts (e.g. noise from vehicles on site) should be minimal but may still be detectable. The County Council would encourage the applicant to continue to discuss their development with Ibstock, the quarry operator, to understand timescales between the two developments. In terms of waste, the site is also to the south of areas of Dorket Head Landfill, comprising areas of the quarry being restored by landfill. The geotechnical investigation and geo-environmental site investigation details that there is no potential for ground gas migration from the non-hazardous landfill site due to the geology between the landfill site and the proposed development. Inert materials will be used to fill the current worked areas of Dorket Head and therefore there are no further issues to raise. In relation to archaeology, it was recommended that a pre-commencement condition be required so that a programme of archaeological work can be prepared and submitted for consideration. However, following the submission of a geophysical survey the county archaeologist has advised that the outcome of the survey has demonstrated that there are no areas of potential interest on the site and that no condition is required. In respect of sustainable travel a contribution of £45,000 is sought to provide sustainable travel improvements and to enhance local bus services.
- 4.8 Highway Authority – The initial response from the highway authority stated that the overall scope of development is such that it will not significantly affect the capacity of nearby junctions as they would still be within capacity, that the proposed level of parking is considered sufficient and that minor changes to the proposed layout including tracking for refuse vehicles would be required. Following the submission of revised plans, the highway authority does not object to the proposals subject to conditions.
- 4.9 Parks and Street Care – Advise that the site falls within the Councils adopted policy - New Housing Development, supplementary Planning Guidance for open space provision which is partly referenced in the supporting information. Comments that the SPG open space for new housing development requires 10% of the total development area of 2.6 hectares to be open space, of the total 10%, 60% for amenity open space and 40% for play area. If the play provision can't be provided on site an off-site contribution based on the planning gain calculator would be sought. The SPG stipulates requesting the highest calculation, in this case, the calculation based on the Development area. On

the basis that amenity space is provided on site, the green belt recreational area to be provided to the east of the site will have a play area, and we would seek a contribution towards this, in the circumstances as it is not to be provided on site. A contribution of £60,037.20 via commuted sum payment is therefore requested for play equipment and further £27,360.00 is requested for future maintenance.

- 4.10 Strategic Housing Manager – notes that 20% affordable housing would be required, which would equate to 9 dwellings, including 5 First Homes and 4 affordable rental properties.
- 4.11 Nottinghamshire Wildlife Trust – No comments received.
- 4.12 Severn Trent Water – No response received. Any response received will be reported verbally at the meeting.
- 4.13 The Friends of The Hobbucks Nature Reserve – raise concerns about the impact on wildlife and the increased footfall that would be placed upon the Hobbucks due to the loss of this space. They also raise concerns that local infrastructure such as doctors and schools need to be improved to so that they are capable of accepting the increased population; that there should be a Biodiversity Net Gain to benefit the Hobbucks Nature Reserve; that the bridlepath and hedgerow should be protected during building process and not used for construction; that access to the site would be via a small cul-de-sac which has already seen driveways blocked by survey vehicles; that measures should be in place to limit noise and disturbance to local residents during construction and that the risk of flooding/drainage been accounted for during the building phase including the stream bordering the site.
- 4.13 Members of the Public - A press notice was published; a site notice was displayed, and neighbour notification letters were posted. As a result of this consultation 39 letters of representation has been received, with 26 objecting to the application and 2 neither objecting nor supporting the application. The grounds of objection include:
- That the proposed access to the site via Strathmore Road is too narrow to serve the proposed development and it would be a road safety issue for local residents;
 - The adverse impact the development would have on the roads in the vicinity of the site;
 - It could lead to flooding of existing residential properties;
 - There would be a loss of green space;
 - It would create too many houses within the area and they should be elsewhere;
 - It is a well used recreational area for dog walking;
 - It would harm wildlife associated with the Hobbucks Nature Reserve;
 - It would create additional traffic movement through the existing estate;
 - There would be limited construction access;
 - That it would have an adverse impact on NHS services due to an increase in residents;
 - It would have a harmful impact on schools as there would be a much greater demand;

- There would be a loss of hedgerows and habitat;
- It would adversely affect air quality;
- There are no solar panels or other green technologies proposed;
- The development would have an adverse impact on the amenity of residents along Strathmore Road (and the adjoining roads) owing to the increase in traffic, particularly during construction;
- It is a greenfield site that should not be developed;
- It would have an adverse impact on local wildlife;
- It would harmfully affect views from existing properties;
- There would be significant noise disturbance during construction;
- There would be a lack of green space;
- There would be a loss of green belt;
- Hedgerows would be replaced by fences;
- The road infrastructure in the area is already at capacity;
- There is no need for any new dwellings; and
- The impact of the proposed affordable houses would harmfully affect amenity of existing residents.

5.0 Relevant Planning Policy

5.1 The Local Planning Authority adopted the Local Planning Document (LPD) Part 2 Local Plan on the 18th July 2018. The most pertinent policies to the determination of this application are as follows:

- LPD3 – Managing Flood Risk
- LPD4 – Surface water management
- LPD7 – Contaminated Land
- LPD10 - Pollution
- LPD11 – Air quality
- LPD18 – Protecting and Enhancing Biodiversity
- LPD19 – Landscape and Character and Visual Impact
- LPD21 – Provision of New Open Space
- LPD 30 – Archaeology
- LPD32 – Amenity
- LPD33 – Residential density
- LPD35 – Safe, accessible and inclusive development
- LPD36 - Affordable Housing
- LPD37 - Housing type, size and tenure
- LPD48 – Local Labour Agreements
- LPD57 – Parking standards
- LPD58 – Cycle Routes, Recreational Routes and Public Rights of Way
- LPD61 – Highway safety
- LPD62 – Comprehensive Development
- LPD64 – Housing Allocations

5.2 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application;

A: Presumption in favour of sustainable development; 1: Climate change; 2: The Spatial Strategy; 8: Housing size mix and choice; 10: Design, and Enhancing Local Identity; 14 Managing Travel Demand; 16: Green infrastructure, parks and open space, Policy 17: Biodiversity and 19 – Developer Contributions.

- 5.3 With respect of the National Planning Policy Framework 2023 (NPPF) the following chapters are considered to be most pertinent to the determination of the application; 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive economy; 9 - promoting sustainable transport; 11 – making effective use of land; 12 - achieving well-designed places; 14 – Meeting the challenge of climate change, flooding and coastal change and 15 – Conserving and enhancing the natural environment.
- 5.4 Other policy guidance of note includes: ‘Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document’ (2022); ‘Affordable Housing Supplementary Planning Document (2009)’ ‘New Housing Development Supplementary Planning Guidance for Open Space Provision’ (2001); ‘Low Carbon Planning Guidance for Gedling Borough (May 2021),’ Gedling Borough Council ‘Interim Planning Policy Statement: First Homes’ (2022), and the Development Brief for the three sites north east of Arnold (SPD) 2019.

6.0 Planning Considerations

Principle of development

- 6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan.
- 6.2 The application site is allocated for residential development in the development plan as it forms part of the housing allocation (H8 Killisick Lane) under Policy LPD 64 for 230 homes. The supporting text for this allocated site - H7 (as detailed in paragraphs 3.14 and 3.15 of the LPD) refers to access being from Killisick Lane, however, it also states that additional access may be taken from Strathmore Road. The principle of development on this site is therefore established.
- 6.3 A Development brief has been adopted as a SPD for the three sites northeast of Arnold which includes site H8. The development broadly comprise with the wider master plan which accompanies that the SPD.
- 6.4 Whilst the principle of development is supported there would also be a need to consider a wide range of other planning matters including whether or not the character of the area is respected, residential amenity, highway considerations, flooding matters, drainage, ecology, and more, which are all considered below.

Impact on Minerals and Waste

- 6.5 The supporting text of Policy LPD 64 also refers to maintaining an appropriate standoff between the housing development on H8 and the adjacent quarry workings (to the north). It is stated that prior extraction of brick clay from the site should be considered through the planning application process. Consideration should be given to whether extraction is viable and feasible. Consultation with Nottinghamshire County Council as the Minerals and Waste Planning Authority will be required.
- 6.6 Nottinghamshire County Council have responded to state that the proposed site is in close proximity to an existing minerals extraction site named Dorket Head (Policy MP6b of the Nottinghamshire Minerals Local Plan) and that it is actively used for the extraction of Brick Clay and is associated with the adjacent brick factory in the manufacture of fired clay products. They advise that depending on the timescales of the environmental permit being granted and fill commencing and the development of the housing on the site, there may be a slight overlap in the occupation of the houses and fill operations being undertaken. However, Considering the noise assessment submitted by the applicant and previous noise assessments conducted by the operator as well as conditions in place, environmental impacts (e.g. noise from vehicles on site) should be minimal but may still be detectable. It should also be noted that the application site would be located in the southern part of the south of the housing allocation (H8), which would maintain a significant standoff to the operational quarry
- 6.7 In terms of waste, the site is also to the south of areas of Dorket Head Landfill, comprising areas of the quarry being restored by landfill. The geotechnical investigation and geo-environmental site investigation details that there is no potential for ground gas migration from the non-hazardous landfill site due to the geology between the landfill site and the proposed development. Inert materials will be used to fill the current worked areas of Dorket Head and therefore there are no further issues to raise.

Impact on the character of the area and residential amenity

- 6.8 The site layout is designed within a perimeter block formation, which enables a continuous frontage including front doors and windows from habitable rooms at ground and first floor level that would face onto the highway and public open space with each dwelling having their own off-street car parking space and private amenity space.

The characteristics, opportunities and constraints of the site, along with the Development Brief for the wider allocation (i.e. 'Development Brief for Three Sites to the North East of Arnold SPD' (2019)), have intrinsically informed the layout of the proposed development.

- 6.9 There would be a good range of house types and sizes, including 3 and 5 bedroomed dwellings. 45 dwellings are proposed to be erected across the site, which would result in a density of development around 17.3 dwellings per hectare. Policy LPD33 requires a density of 30 dwellings per hectare unless there is convincing evidence of a need for a different figure. In this instance, if

a density of 30 dwellings per hectare was applied to this site, allocation would be for some 78 dwellings, that would unbalance the development of the wider allocation. The density is also representative of the existing neighbouring development along Strathmore Road and Brechin Close. The main constraint to developing the site in its entirety is topography where there are changes in land levels across the site, which essentially constrain the site from new housing development. The result is that 45 dwellings are proposed taking account land levels and the cost of re-profiling some of the site, together with retaining walls, etc. The impact on the layout is positive as there would be an area of 0.6ha of open space provided within the site as a result (the requirement being some 0.2ha). In these circumstances it is considered that there is convincing evidence that the density should be reduced.

- 6.10 Streetscene elevations have been submitted in support of the application and show an attractive streetscape with double fronted properties on key corner plots. Materials would be a mixture of red and buff brick under grey tiled roofs. Visually the design of the scheme is considered to be acceptable and would respect the wider character of the area. It is considered that the proposed layout reflects good urban design practice being designed with a clear street hierarchy and a variety of spaces. Dwellings are set-back from the street and, in combination with the front gardens and open spaces, provide a relatively open and green aspect.
- 6.11 In total some 0.6ha of amenity open space is proposed throughout the site. The Parks and Open Space Team advise that the SPG open space for new housing development requires 10% of the total development area of 2.6 hectares to be open space, of the total 10%, 60% for amenity open space and 40% for play area. If the play provision can't be provided on site an off-site contribution based on a planning gain calculator is sought. The SPG stipulates requesting the highest calculation, in this case, the calculation based on the Development area. However, on the basis that amenity space is provided on site, the green belt recreational area to be provided to the east of the site will have a play area, and we would seek a contribution towards this in the circumstances as it is not to be provided on site. A contribution of £60,037.20 via commuted sum payment is therefore requested for play equipment and further £27,360.00 is requested for future maintenance. The applicant is agreeable to providing this. As a result, the application is deemed to comply with policy LPD21.
- 6.12 In respect of residential amenity for future residents, rear gardens would be in the region of 10m in depth and views from properties would be across their own rear gardens. The proposed dwellings would be appropriately separated from one another to ensure that the amenity of future occupiers would be respected.
- 6.13 In terms of amenity for existing occupiers, the main impact would be through the continuation of the existing access road from Strathmore Road (and adjoining roads) as traffic would increase as a result of the proposals and there would also be some inevitable disruption during the construction phase of the development. This matter has already been considered as part of the allocation of the site in the development, through Examination when it was approved by the Secretary of State and subsequently adopted by Gedling Borough Council. It was also considered as part of the Development Brief for the three sites north

east of Arnold (SPD) 2019. There is also a national and local requirement (as set out in Section 5 of the NPPF) and key to the delivery is the development of allocated housing sites. The layout of the scheme details dwellings set back from the boundary of these access points and in-between an area of open space to provide a buffer between the existing and proposed dwellings. Planting and boundary treatment along almost all of the garden boundaries with those properties would further limit noise and disturbance. A construction management plan would also mitigate the impact during the construction phase of the development.

- 6.14 Having regard to the above it is considered that the development would result in a scheme that would respect the character of the area and have an appropriate density of development. Whilst there would be some harm to residential amenity, in the context that the site is allocated for residential development, the application is deemed to comply with policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36, LPD37 and LPD64, as well as the Development Brief for the three sites north east of Arnold (SPD) 2019.

Highway matters

- 6.15 The site would be accessed via a new junction which would be an extension of the existing cul-de-sac forming Strathmore Road which is located directly adjacent to the south of the site.
- 6.16 The internal site roads have been designed as 5.5m wide carriageways with 2.0m wide footpaths either side. Footpaths included within the development proposals would tie into the existing pedestrian infrastructure along Strathmore Road. A pedestrian link to the adjacent development to the north of the site is also proposed which forms part of the wider housing allocation (H8). A pedestrian link would also be provided to Killisick Lane.
- 6.17 A Transport Statement has been submitted in support of the application. The purpose of the Transport Statement is to provide the necessary level of detail to the Local Authority that the site can be accessed safely and sustainably, whilst also assessing the transport impact the proposals would have on the existing highway network.
- 6.18 The Transport Statement confirms that the proposed access from Strathmore Road would mean that the junction with Strathmore Road and Howbeck Road would need to be amended meaning that the carriageway width on Howbeck Road being narrowed to approximately 6.2m, in order to ensure that the required visibility to westbound vehicles 2m x 43m, can be achieved. It is stated that the proposed build out would tie back in with the existing footway, as required. Detail of the proposed build out would be agreed as part of a S278 Agreement with the Highway Authority.
- 6.19 In respect of accident data, there Transport Statement notes that no accidents have been recorded within the study area across the most recent 5-year period, highlighting there are no existing road safety issues. In terms of vehicle movements as a result of the proposals, the statement estimates that it is likely to generate 23 two-way vehicle trips in the AM and PM peak hour and concludes that “the development proposals are expected to generate a

negligible amount of vehicular traffic and will not, therefore, result in a material impact on the existing road safety record and no further assessment of the impact of the proposed development on the wider highway network is required.” As a result, the development proposals would not result in any adverse impacts on the surrounding highway network, and no mitigating improvements are required in respect to the proposals.

- 6.20 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Transport Statement and have no objections to the proposals on the basis that the traffic generation from the site would be acceptable within the wider highway network. There is a requirement for a S278 Agreement for the junction improvement and subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61.
- 6.21 Likewise, it is considered that with regard to parking provision as required by policy LPD57, along with the recently adopted ‘Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document’ that the proposed layout demonstrates that each proposed dwelling would have sufficient off-street parking spaces. Each 3 bedroomed dwelling would have at least 2 off-street parking spaces and each 5 bedroomed dwelling would have at least 3 spaces in accordance with the SPD. Therefore, having regard to the above, the overall level of car parking provision complies with the Supplementary Planning Document and LPD57.
- 6.22 It should be noted that a planning condition is in place (should permission be granted), as requested by the Highway Authority that the access improvements to Strathmore Road and Howbeck Road needs to be constructed prior to the occupation of any dwelling, that would mean that permission would first be required via the S278 Agreement before a dwelling is occupied.

Ecology and Biodiversity

- 6.23 In terms of ecology Policy 18 – Protecting and Enhancing Biodiversity requires that “... Where proposals affect sites supporting priority habitats or species, it should be demonstrated that the need for the development outweighs the need to safeguard the biodiversity and other value of the site.
- 6.24 The applicant an ecological appraisal has submitted in support of the application which incorporates a desk study, and an Extended Phase 1 Habitat survey. The report summarises the potential ecological constraints to the planning application and includes measures to protect species during site clearance and recommendations to improve the biodiversity status of the site post development.
- 6.25 The appraisal confirms the site is “dominated by improved grassland and is bordered by a defunct hedgerow to the north, and a semi-mature tree line to the west. A semi-natural broadleaved woodland lies to the east, and pockets of mixed dense scrub are seen throughout the site. The site is bound by Killisick Lane to the west, separating the site from the Hobbucks Nature Reserve (Local Nature Reserve, LNR), which contains a semi-natural broadleaved woodland.

Red Hill LNR is also located north-west of the site however this is fragmented from the Hobbucks via Calverton Road. The site is in a semi-rural location, with residential properties along the southern boundary. The Hobbucks Nature Reserve is located to the west, a commercial quarry is located to the north, and Mellish Rugby Football Club is located to the east of the site. The south of the site is largely dominated by residential and commercial properties within the wider area.”

- 6.26 No part of the site is covered by any statutory designation of international or national significance, and there are none immediately adjacent to the Site. There are no statutory sites of international importance within 10km of the Site and no sites of national importance within 2km of the Site. There are two Local Nature Reserves (LNRs) within 2km of the Site, these are The Hobbucks LNR and Redhill LNR. There are three Local Wildlife Site (LWS) within 2km of the Site, Fox Covert Grassland, Marshy Grassland, and Lamp Wood. It is stated that “Direct impacts of habitats in nearby designated sites as a result of the proposed development are considered unlikely based on the existing low value habitats on site which are not dependent on the LNRs, and the small footprint of the development. The retention of boundary features on the site also means that the habitat connectivity to the LNRs is retained.”
- 6.27 In terms of habitats, it is stated that habitats on site have been evaluated as having local value in relation to the immediate surroundings and a regional context. The site is dominated by habitats including improved grassland, dense scrub, treeline and defunct species-poor, native hedgerow, which are considered to hold a low biodiversity value. However, the semi-natural broadleaved woodland which accounts for the eastern extent of the site holds an elevated value as it is local habitat of principle importance (LHPI). No evidence of protected species were found on the site during the survey period. The potential presence of bats and other protected species has also been assessed and it was considered to be unlikely.
- 6.28 In terms of biodiversity enhancement it should be noted that the application was submitted prior to the requirement to provide 10% Biodiversity Net Gain (BNG) on major applications. A BNG assessment has been submitted which demonstrates that there would be a marginal loss of habitat units (8.9%) and an increase in hedgerow units of some 26.47%.
- 6.29 In terms of mitigation, the proposals have sought to maximise the provision of on-site biodiversity improvements as much as possible whilst also ensuring that the development remains viable and deliverable. The scheme has been informed by qualified, experienced ecologists who have guided the formation of the site layout and on-site landscaping scheme. A summary of these measures are as follows:
- Proposed mown general purpose meadow mixture to the east
 - Gardens for properties
 - Mixed scrub around the periphery of the site (north, west)
 - Grassland strip to the north & west of the residential properties - Seeded with EH1 hedgerow mix
 - 31 small trees positioned along access roads
 - Modified Grassland within the Public Open Space

- 4 small trees along the northern edge of the site, expected to achieve moderate condition with oversailing vegetation.
 - 4 medium sized trees proposed within open space to the east of the site extending from the retained woodland
- 6.30 In addition, it is recommended that measures to restore and enhance existing habitats, through the installation of bird and bat boxes to ensure successful establishment of new habitats, and to maintain the value of all ecological features in the long-term are detailed within an Ecological Management Plan (EMP) secured by planning condition.
- 6.31 The ecological appraisal concludes that the proposals would avoid 'significant harm' to biodiversity and that the mitigation and enhancements proposed will deliver net gains for biodiversity on the site (as a whole). The Nottinghamshire Wildlife Trust have not commented on the application.
- 6.32 It should be acknowledged that Policy 18 – Protecting and Enhancing states that a loss of habitat should be weighed against the benefits of the proposals. At a national level there is currently no requirement to provide biodiversity net gain as part of this application, and in this instance the development of 45 dwellings would contribute towards meeting the authority's housing targets by developing on an allocated housing site. In this scenario it is considered that mitigation measures as set out in the Ecological Appraisal would be sufficient to meet the requirements set out in LDP - Policy 18.

Climate Change

- 6.33 In accordance with the Low Carbon Planning Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. EV charging points are proposed on the units to encourage electric car usage, all of which will help to reduce the impact of the development on the environment and assist in reducing climate change.

Archaeology

- 6.34 Policy LPD 30 – Archaeology requires that where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards. The consultation response form the County Archaeologist states that an archaeological watching brief would not be a practical consideration on large residential developments and instead recommend that a geophysical survey be undertaken, in order to justify any further archaeological mitigation (if necessary) through planning conditions. The applicant has since submitted a geophysical survey that demonstrated no evidence of any potential remains and following an updated response form the County Archaeologist, no condition is now required. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

Impact on Trees

- 6.35 The planning application is supported by a Tree Survey, Impact Assessment and a Method Statement (including Tree Protection Plan). The report details that three individual trees (T5 - Sycamore, T7 – Wild Cherry and T8 – common Hawthorn) along the south, west and north boundaries would need to be felled and in part other hedgerows, and parts of existing woodland to facilitate the future development of the site.
- 6.36 None of the trees recommended for removal were protected by a Tree Preservation Order.
- 6.37 The Tree Officer confirms that he is satisfied with the submitted tree protection method statement as the replacement planning plan and overall landscape plans provide suitable mitigation for the trees that would be removed. Tree protection and replacement tree planting can also be secured by a planning condition.
- 6.38 By way of mitigation a landscaping scheme has been submitted that would
- Retain and improve the hedgerows on the east-west green corridor between The Hobbucks and the Recreation Area, and consider the retention of other existing hedgerow features as boundary treatments of amenity features to retain the historical field boundary pattern;
 - Retain and enhance existing hedging and trees at the boundary of Site H7 adjacent to Mellish Rugby Club and The Gables;
 - Retain and enhance hedgerow and buffer planting at the eastern edge of Site H7 adjacent to Mapperley Plains;
 - Provide a landscape buffer in the proposed green corridor along the western edges of Site H7, which are defined by rear gardens of properties on Roxburgh Close; and
 - Integrate existing and new hedge and tree planting as boundary treatments on streets and adjacent to open spaces to create a soft street scene and attractive setting for new development and open spaces
- 6.39 Subject to this mitigation it is considered that the impact on trees would be acceptable and is deemed to comply with policy LPD18.

Flooding and Drainage

- 6.40 In respect of drainage, a flood risk assessment and drainage strategy has been submitted in support of the application and identifies that the site falls within flood zone 1 so is at a low risk of flooding. A small part of the east part of the site is at higher risk of flooding. The Environment Agency do not object to the proposals.

- 6.41 Foul water disposal is proposed to be Foul effluent will discharge via gravity to the 150mm public foul sewer in Strathmore Road, south of the site via a new connection.
- 6.42 Surface water is intended to be via gravity to the unnamed watercourse located along the eastern boundary linked into an underground drainage tank located on the east part of the site (under the area of open space) together with permeable paving and soakaways that would also function as a holding area for surface water in terms of high water volume. The Lead Lead Flood Authority do not object to this approach.
- 6.43 The approach identified is considered to be acceptable and subject to conditions, as identified by the Lead Flood Authority, the drainage strategy as outlined is considered to be acceptable and comply with policies LPD3 and LPD4.

Planning Obligations

- 6.44 The application meets the trigger for a number of contributions to make the development acceptable in planning terms.

Affordable housing

- 6.45 In accordance with LPD36 as the proposed development is for more than 15 dwellings, the development must provide 20% of the dwellings as affordable housing. By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing.
- 6.46 However, there is now a requirement to secure not less than 25% of affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.
- 6.47 First Homes is a relatively new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a First Home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value). Certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 30% affordable homes. This equates to 9 dwellings. This would be secured via a planning obligation. The level of provision is considered to be acceptable and

comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of First Homes.

6.48 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6th October 2022 and approved. Accordingly the local requirements for First Homes are as follows:

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

6.49 Five First Homes are therefore now required having regard to the change in national guidance and the Interim Position Statement adopted by the Council in October 2022, 4 affordable rented dwellings are also proposed. The Strategic Housing Manager does not object to the amount or form of proposed affordable housing. Therefore, the level of provision is considered to be acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

6.50 The contributions sought from various other statutory consultees are summarised below:

- Transport and travel – a developer contribution of £45,00 is sought to provide sustainable travel improvements and to enhance local bus services.
- Education – a contribution of £237,550, which is broken down as a secondary education contribution of £210,032 (based on 7 pupils x £27,518 per place) and a post 16 education contribution of £27,518 (based on 1 pupil x £27,518 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).
- Primary Care Trust – a contribution of £24,384 towards the expansion of primary care provision to include Highcroft Surgery, Stenhouse Medical Centre and Daybrook Medical Practice

- Parks and Street Care –A contribution of £60,037.20 via commuted sum payment is therefore requested for play equipment and further £27,360.00 is requested for future maintenance
- A monitoring fee for the planning obligations is sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which calculates a figure based on the number of relevant triggers. The monitoring fee is subject to annual indexation, therefore, the final sum will be determined at such time as the legal agreement is in an agreed form and ready to be completed.
- Local Labour Agreement – A local labour agreement would be required.
- A requirement for S278 Works to have been completed to the junction of Strathmore Road and Howbeck Road.

6.51 The applicant has provided a draft Head of Terms document agreeing to providing these contributions through a S106 legal agreement, should permission be granted.

6.52 There is a requirement for contributions sought to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which identifies the tests required to seek a planning obligation and guidance as outlined in paragraph 57 of the NPPF and ACS19. All of the above contributions are considered to comply with relevant guidance in respect of being pertinent to the application under consideration.

6.53 The planning obligations in relation to education, affordable housing, NHS Primary Care, public play provision together with road and sustainable transport improvements, as set out above are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation, paragraph 65 of the NPPF, as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It also complies with Policies COM1 and DC1 of the Linby Neighbourhood Plan 2018 – 2032. The requirements would be secured as planning obligations through a s106 agreement.

Other considerations

6.54 With the development meeting the threshold identified in policy LP48, a Local Labour Agreement would also be sought in the Planning Obligation

6.55 In response to the matters raised through representations, most of these matters have been considered above. In relation to others: it is unavoidable that there would be a loss of trees as a result of the development because the site is already allocated in the development plan for housing development.

6.56 The impacted services as a result of the development would be addressed by contributions for healthcare, education and sustainable improvements. There is no right to a view, and it is not considered that the amenity of existing occupiers would be compromised given the distance of the site to properties on either Strathmore Road or Brechin Close. Furthermore, it has been concluded that the highway network has capacity to absorb the vehicle movements that would be created, and the land is allocated for residential development.

6.57 The Borough Council's Scientific Officer has considered the potential for contamination on the site. They note there to be a low risk of contamination however a condition should be in place for the applicant/developer to have a contingency plan in place should development reveal any contaminated made ground.

7.0 Conclusion

7.1 Having regard to the above it is noted that the principle of the development is supported Policy 2 of the ACS. The layout, scale and appearance of the development as proposed would respect the character of the area and residential amenity. The impact on the highway network would be acceptable and adequate parking would be provided. Affordable housing provision would be acceptable and the other planning obligations sought directly relate to the development in question.

7.2 As a result the application is deemed to comply with policies LPD3, LPD4, LPD7, LPD11, LPD18, LPD19, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57 and LPD61 of the Local Planning Document; policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document'; Affordable Housing Supplementary Planning Document and the Low Carbon Planning Guidance for Gedling Borough and guidance within the NPPF.

8.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, public transport improvements; education; health; public open space; highway improvements; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Construction Management and Mitigation for Killisick Lane – July 2023
Transport Statement P2247_20230810 - TPS August 2023
Noise Impact Assessment NIA-10905-23-11104 V2.0.
Arboricultural Method Statement BG23.146.18 Rev 1
Arboricultural Impact Assessment BG23.146.17 Rev 1
Preliminary Ecological Appraisal BG23.146 Rev 1

Archaeological Desk Based Assessment – MAPArch 5.19.23
 Flood Risk Assessment 48015-ECE-XX-XX-RP-C-0003 Issue 3
 Landscape & Visual Impact Assessment BG23.146.10 Rev 1
 Location plan BY00131-STH-B01-00-DR-A-003-P02 Revision A
 Planning Layout BY00131-STH-B01-00-DR-A-0001PL-P05 Revision F
 EVCP and Parking Plan BY00131-STH-B01-00-DR-A-0005.-P02 Revision A
 Single Garage – MY-SG1-01
 Landscape Management Plan BY00131-STH-B01-00-DR-A-0011
 Landscape Masterplan BG23.146-BRGR-ZZ-ZZ-DR-L-0001 Revision P02
 Welcome Centre MY-P-405 Revision –
 S278 Layout 48015-ECE-XX-XX-DR-C-0031 Revision P02
 Production Management Plan BY00131-STH-B01-00-DR-A-0016-P01
 Close Coupled Substation Pyramid Roof Detail General Arrangement GTC-E-SS-0012_R2-1_1_of_1
 Bologna BM-C4-1000-A1 Planning Drawing 01 Revision P1
 Valencia BM-C5-0201-A1 Planning Drawing 01 Revision P3
 Naples BM-C5-0301-A1 Planning Drawing 01 Revision P3
 Siena BM-C5-0601-A1 Planning Drawing 01 Revision P3
 T2 BM-C3-0301-A2 Planning Drawing 01 Revision R3

3. No dwelling shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
5. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Strathmore Road / Howbeck Road as shown on drawing number S278 Layout 48015-ECE-XX-XX-DR-C-0031 Revision P02 has been provided in full.
6. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
7. Construction of the development hereby approved shall comply with the Construction Management and Mitigation for Killisick Lane – July 2023. The

development shall be carried out in accordance with the approved details for its entire construction phase.

8. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment 48015-ECE-XX-XX-RP-C-0003 Issue 3 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- a. Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.

- b. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.

- c. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

No surcharge shown in a 1 in 1 year;

No flooding shown in a 1 in 30 year.;

For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- d. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

- e. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

- f. Evidence of approval for drainage infrastructure crossing third party land where applicable.

- g. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- h. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

9. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
10. No part of the development hereby approved shall commence until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Preliminary Ecological Appraisal BG23.146 Rev 1 and the Biodiversity Impact Assessment for Net Gain Matrix - submitted 15th November 2023 have been submitted to and approved by the Local Planning Authority in the form of a Land and Environmental Management Plan (LEMP) to secure recommended enhancements and habitat creation, and provide detail how enhancement will be managed subsequently. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development in accordance with the LEMP.
11. The approved Landscaping Scheme pursuant to the Landscape Masterplan BG23.146-BRGR-ZZ-ZZ-DR-L-0001 Revision P02 and the Landscape Management Plan BY00131-STH-B01-00-DR-A-0011 must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.
12. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
13. From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in accordance with the EVCP and Parking Plan (Ref: BY00131-STH-B01-00-DR-A-0005.- P02 Revision A). 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.

14. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Method Statement BG23.146.18 Rev 1 and Arboricultural Impact Assessment BG23.146.17 Rev 1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
15. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
16. 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.
17. The footpath connections to Killisick Lane and other parts of the housing allocation (H8) as detailed on Planning Layout BY00131-STH-B01-00-DR-A-0001PL-P05 Revision F shall be formed and made available for use prior to the completion of the development hereby approved.

Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt.
3. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.

4. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
8. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
9. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
10. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).
11. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
12. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
13. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
14. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to

having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2023).

15. To ensure the development is safe and suitable for use.
16. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
17. To ensure that connectivity is provided to other parts of the housing allocation and Killisck Lane and to comply with

Notes to Applicant

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

The applicant should note that there are planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

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

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

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

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

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

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

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Planning Report for 2024/0063



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Date: 21/05/2024

Report to Planning Committee

Application Number:	2024/0063
Location:	Top Wighay Farm, Wighay Road, Linby
Proposal:	Variation of section 106 Legal Agreement (Schedule 5 Provision of Open Spaces – Definitions Section) for outline planning permission 2020/0050.
Applicant:	Nottinghamshire County Council
Agent:	Pegasus Planning
Case Officer:	Criag Miles

The application is referred to Planning Committee to comply with the Council's Constitution because it relates to a change to a S106 legal agreement that was previously consented by Planning Committee as part of a proposed development.

1. Site Description

- 1.1 The application site comprises an area of land covering 40.347 hectares. It is located to the north of Linby and Hucknall and is bound by Wighay Road to the south and Annesley Road to the west.
- 1.2 Development has commenced on the wider site, through parts of the road network now being in situ and a commencement of an office building. Besides which, the application site comprises a number of agricultural fields marked by hedgerows and an access track to the adjacent farmstead, which is raised above the surrounding fields. Whilst the majority of the site is intensively farmed there is one local wildlife site within it, Top Wighay Farm Drive.
- 1.3 The application site is allocated for a mixed use development under policy 2 of the Aligned Core Strategy and Gedling Borough Council have also produced a Top Wighay Farm Development Brief Supplementary Planning Document (SPD) to guide the overall development. The site is strategically located to the edge of Hucknall and the wider Nottingham conurbation and falls next to the administrative boundary of Ashfield District Council.

2. Deed of Variation through Section 106A of Town and Country Planning Act

- 2.1 Section 106A of the Town and Country Planning Act 1990 makes provision for existing planning obligations to be modified or discharged by agreement between the authority and the person or persons by whom the obligation is enforceable.

Section 106A enables modification or discharge to be achieved either by an agreement with the Local Planning Authority (which must be executed as a deed), or by an application to the Local Planning Authority.

- 2.2 For obligations entered into after 6 April 2010, an application can only be made after 5 years beginning with the date the obligation has been entered into to. However, the Council may (at its own discretion), agree to vary obligations to a legal agreement within this period. In this case, as the original obligation was made within the last 5 years, an obligation can only be modified or discharged through an agreement with the Local Planning Authority (which must be executed as a deed). In such cases, there is no right of appeal under section 106B if any application is refused.
- 2.3 The proposed change to the Section 106 Agreement relates to the provision of playing pitches associated with the development which is considered in more detail below.

3. Background

- 3.1 The application site is allocated within the Aligned Core Strategy under Policy 2 (The Spatial Strategy). Gedling Borough Council prepared and adopted a Development Brief Supplementary Planning Document for the Top Wighay Farm site in 2017.
- 3.2 In 2020, Nottinghamshire County Council submitted an outline application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m² of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m²), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development) (REF: 2020/0050).
- 3.3 The resolution to grant planning permission was made by Gedling Borough Councils Planning Committee in March 2021 and the outline application was subsequently granted permission on 25th March 2022 following the completion of the S106 Legal Agreement.
- 3.4 Permission was granted subject to conditions which require the development be carried out in accordance with details provided at the outline stage including an Illustrative Masterplan and Parameter Plan. These plans set out where certain land uses would be located on the wider site and how much be provided.
- 3.5 The Legal Agreement is made in a standardised Section 106 Agreement format with definitions set out at the start of the Agreement and the necessary provisions set out in following Schedules, which are:

Schedule 1 – Primary School Contribution and School Land Transfer

Schedule 2 – Affordable Housing

Schedule 3 – Employment and Skills Plan

Schedule 4 – Primary Healthcare Contribution

Schedule 5 – Provision of Open Spaces

Schedule 6 – Bus Contribution, toucan Crossing Contribution, Cycle Way Contribution and Travel Plan Monitoring fee

Schedule 7 – Re-assessment of viability
Schedule 8 – Viability Review Mechanism
Schedule 9 – Plan 1 – Site Plan
Schedule 10 – Plan 2 – Illustrative Masterplan with drawing number P19-0346 007 Sheet no.1 Rev K.
Schedule 11 – Plan 3 – Plan D – Green Infrastructure Plan
Schedule 12 – Plan 4 – Primary School Lane
Schedule 13 – Draft Decision Notice
Schedule 14 – County Land Plan

- 3.6 Since the grant of planning permission, Nottinghamshire County Council gained full planning permission for the erection of an office building on the land identified for employment development within the outline planning permission (Application Ref:FR3/4371). This development has started and due to be complete at the end of 2024.
- 3.7 Separately, prior to the submission of the outline application, Strata Homes also obtained full planning permission for the erection of 38 dwellings on land adjacent the site, to the east along Wighay Road. This development is complete and fully occupied.
- 3.8 More recently, Countryside Partnerships have now submitted the reserved matters application (pursuant to the approved outline application) for 763 dwellings within the residential parcels as shown under Parameter Plan P19-0346_005 Revision D, including bell mouth entrances for the School and Local Centre, Public Open space, comprising of informal games area, 3No. LEAP, 1No. Community Hub/MUGA and Allotments, and associated infrastructure – reference 2023/0872. This application is currently pending subject to the outcome of this Deed of Variation application.

4. Proposals

- 4.1 Nottinghamshire County Council have made a request to change the existing Section 106 Agreement (the Agreement) at Top Wighay Farm.
- 4.2 The original Agreement, dated 25th March 2022, and was made between Gedling Borough Council and Nottinghamshire County Council in respect of an application for outline planning permission for; mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m² of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m²), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development) (REF: 2020/0050).
- 4.3 It is stated by the applicant that it is not possible to deliver all the proposed open space requirement as indicated in the Agreement because there is a conflict with the requirement of Paragraph 1 of Schedule 5 as it necessitates the submission and approval of an “Open Spaces Scheme”. The Open Spaces Scheme is defined as a scheme to be submitted to and approved in writing by the Council pursuant to Schedule 5 which gives details of the Open Spaces. These include:

allotments, Community Hub, Local Equipped Area for Play (LEAP), Local Wildlife Site, a sustainable urban drainage system (Suds) and crucially Playing Fields.

- 4.4 The playing fields themselves are defined as being *“two full size football pitches including run-off areas to be provided on the site in accordance with the relevant approved subsequent application in the location identified on Plan 2 or such alternative location.”*
- 4.5 When the land requirements for all the typologies is added together, the space required to deliver the “Open Spaces” far exceeds the space available within the open space areas of the approved Illustrative Masterplan. As it is a requirement for both the Open Spaces to be provided and for them to be provided “as defined on Plan 2 and Plan 3”. It is not possible to comply with both stipulations as there is not the physical space to deliver the number of houses and provide the level of open space required by the wording of the Agreement.
- 4.6 It should be noted that there would be no less open space provided compared to the approved outline application and associated illustrative masterplan. The matter relates to not being able to fit 2 full sized football pitches on to the defined area of open space that is the main consideration of this application. Condition number 3 on the outline application also states that the development should comply with the illustrative masterplan.
- 4.7 The Deed of Variation proposes to amend the specific definition of “Playing Fields” within the Agreement as detailed above. It is proposed to amend this definition to: *“Playing Fields – means two 11 year old/12 year old (9v9) pitches including run off areas to be provided on the Site in accordance with the relevant approved Subsequent Application in the location identified on Plan 2 or such alternative location approved in a Subsequent Application which shall be provided in accordance with an approved Open Spaces Scheme and this Schedule 5.”*
- 4.8 The definitions proposed align with the size and specification of the provision being proposed by Countryside Partnerships within their current reserved matters application, and this is the only definition which requires amending as all other definitions are accommodated within the masterplan.
- 4.9 Importantly, the applicant confirms that the delivery of these provisions has therefore been tested at detailed design stage and are feasible and deliverable. They have taken account of a detailed drainage strategy for the site and particularly the attenuation proposals adjacent to the central open space area (where the proposed pitches are located). The approved illustrative masterplan was informed by a site wide drainage strategy developed at the time of the outline submission. However, detailed calculations have now revealed that the storage requirements within the area of the central open space significantly exceed the space shown on the illustrative masterplan. However, Countryside Partnerships

have a design solution in place which is to create underground cellular tanks to accommodate additional storage and therefore the basin can remain mainly as indicated on the Illustrative Masterplan.

5. Consultations

- 5.1 Public consultation has been undertaken on the proposed modifications via a press notice. No public comment has been received.
- 5.2 It should be noted that there is no statutory requirement to carry out public consultation on an application under Section 106A to modify or discharge existing planning obligations. However, given the nature of development Sport England have been consulted about the proposals.
- 5.3 Sport England have responded to state that they object to this application as it would not meet their objectives. They explain that “the occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up-to-date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.”
- 5.4 They conclude that the Gedling Playing Pitch & Outdoor Sports Strategy (PPS) (2023) identifies current shortfalls in adult grass football pitches, senior rugby union pitches and cricket pitches and future shortfalls in all sizes of football pitch, senior rugby union pitches and cricket pitches. The PPS also states that in total 2.61 pitches would be required to meet the demand across the sports/pitch types, with the capital cost of providing this estimated at £379,846 in addition to lifecycle costs of £56,159. In addition, 3.18 changing rooms will be needed at a predicted cost of £612,931. It should be noted that the youth football pitch type groups together demand for youth 11v11 and 9v9 pitches.
- 5.5 To resolve the matter, they state that a suitable financial contribution towards sports provision within the local area should be agreed to mitigate the reduction in outdoor sports provision proposed on-site.
- 5.6 The Borough Council’s Parks and Open Space team have also been consulted. They comment that for pragmatic reasons they consider that Gedling Borough Council should accept this change, the main reason being that 2 x 11 a-side pitches do not fit onto the approved area of open space consented in the outline application. Sport England’s consultation comments are recorded for note, but they cannot foresee at the stage in the proceedings how this lack of available land, situation that has arisen can otherwise be resolved.
- 5.7 They also state that should further development to the north of the overall development site come forward through the Greater Nottingham Strategic Plan, it would allow for an extension to the recreation ground (as approved) which, could potentially allow a small changing facility and additional playing pitches to be delivered, effectively extending the proposed provision..

6. Assessment

- 6.1 The effect of the proposed amendment is to provide two sports pitches which meet the needs of younger sports players (around 11 and 12 year olds) who play on smaller pitches with less players (9 versus 9) instead of providing two larger adult pitches which would cater for adult matches of 11 versus 11.
- 6.2 In the consultation section of committee report 2020/0050, presented to Planning Committee in March 2021, the report does not reference a need for two full size pitches, and instead, states that “The details as submitted and as shown on the indicative layouts* would appear acceptable; however, greater detail would be required at the reserved matters stage to ensure that the requirements are met”. (The Illustrative Masterplan also referred to in these comments has always shown two junior pitches).
- 6.3 Similarly, paragraph 7.29 “Planning Obligations” of the Committee Report outlines the requirement for Public Open Space and references the need for “Sports Pitches” but makes no reference to the size explaining that the “final details of the POS to be provided on-site would be agreed through the reserved matters applications and be based around the masterplan”. This paragraph goes on to report compliance with Policy LPD21 and the New Housing Development SPG for Open Space Provision.
- 6.4 From a planning policy perspective, Policy LPD 21 – Provision of New Open Space requires residential development of sites 0.4ha and above to provide a minimum of 10% open space but states that the form of new open space provision will be assessed on a site-by-site basis depending on local needs. There is no reference to full sized sports pitches within Policy LPD21.
- 6.5 The New Housing Development SPG for Open Space Provision (adopted in 2001), under section 3.3 also states that: “The general requirement for 10% of the gross site area is a minimum provision but the Local Plan is not able to stipulate detailed matters such as the location and design of the open space or financial matters.” Furthermore, at section 3.4, it states that: “For development over 400 dwellings, the exact formal sport field requirements will need to be assessed on an individual basis and may be stipulated in a development brief.” No part of the New Housing Development SPG for Open Space stipulates the size of formal sports pitches required for the development proposed in application 2020/0050 (up to 805 dwellings).
- 6.6 In respect of the Top Wighay Farm Development Brief SPD which sets out the development and design principles for the site and was a strong material consideration in the determination of the outline planning application, it is stated (in Section 6 – Development principles) that, its 3.94ha of the site is expected to be brought forward as Open Space and that “The additional public open space

to be provided should be in line with the indicative site layout in Plans B and D*. It should include sufficient land for recreational use, including informal play space, allotment land and children’s play areas”. It should be noted that the approved Illustrative Masterplan detailed two junior pitches to accord with the principles of Plan B “Concept Plan” and Plan D Green Infrastructure Plan.”

- 6.7 Gedling Borough Council published a new Playing Pitch & Outdoor Sport Strategy (September 2023). The Strategy was not available at the time of the consideration of the outline planning application and was not a material consideration. However, the Strategy would now be a material consideration when considering the appropriate approach to mitigation from the development with regards to increased pressure on sports pitches (as referenced by Sport England).
- 6.8 The Strategy reviews the quality and usage of existing provision within the Borough and then forms a view as to whether there is existing capacity or capacity could be created at existing sites. It then suggests an Action Plan is created on a site by site basis to address the key issues identified in the Assessment Report. It concluded that “the current and future shortfalls identified can in most instances be met by better utilising existing provision, such as through improving quality, installing additional sports lighting, improving ancillary facilities and enabling access to existing unused sites, such as schools. However, there is also a requirement for new provision in relation to rugby union pitches and cricket squares at some club sites”.
- 6.9 Specifically in relation to Top Wighay table 6.4 estimates the demand for new pitches as detailed below.

Table 6.4: Estimated demand and costs for new pitch provision (for scenario two)

Pitch type	Estimated demand and costs for new pitches			Changing rooms	
	Number of pitches to meet demand	Capital cost ¹³	Lifecycle Cost (per annum) ¹⁴	Number	Capital cost
Adult football	0.33	£35,348	£7,459	0.66	£127,086
Youth football	1.18	£102,577	£21,541	1.52	£292,891
Mini soccer	0.61	£18,529	£3,891		
Rugby union	0.21	£35,087	£7,509	0.43	£82,783
Rugby league	-	-	-	-	-
Cricket	0.16	£54,254	£10,959	0.32	£62,063
Hockey	0.01	£11,779	£365	0.03	£5,170
3G	0.11	£122,272	£4,435	0.22	£42,937

- 6.10 It should be noted that that there is greater demand for youth football pitches (i.e. 9 a side pitches) than there is for adult football pitches (11 a side). It should also be noted that the number of pitches to meet demand for adult football pitches is 0.33. The Strategy explains that if the figure is less than 1 then it is not necessary to provide a new pitch as there is not the demand for it. There is demand

however for a youth football pitch and 2 would be provided as a result of this application.

- 6.11 The comments from Sport England focus in Gedling-wide statistics and not locally for the development of Top Wighay Farm and Linby, as detailed in the table.
- 6.12 The request by Sport England to provide a financial contribution for off-site sport facilities is therefore not considered to be reasonable. Not only has no specific facility been indemnified, no amount has been suggested. Even if it was, the original outline planning application was subject to a viability assessment which concluded that if all the contributions were agreed there would not be sufficient capacity to provide all of the affordable housing. As a result, a reduced capacity of affordable housing was agreed (17.6%). Should further contributions be necessary, the entirety of the viability would need to be revisited which would likely result in a lower provision of affordable housing across the site.

7. Conclusion

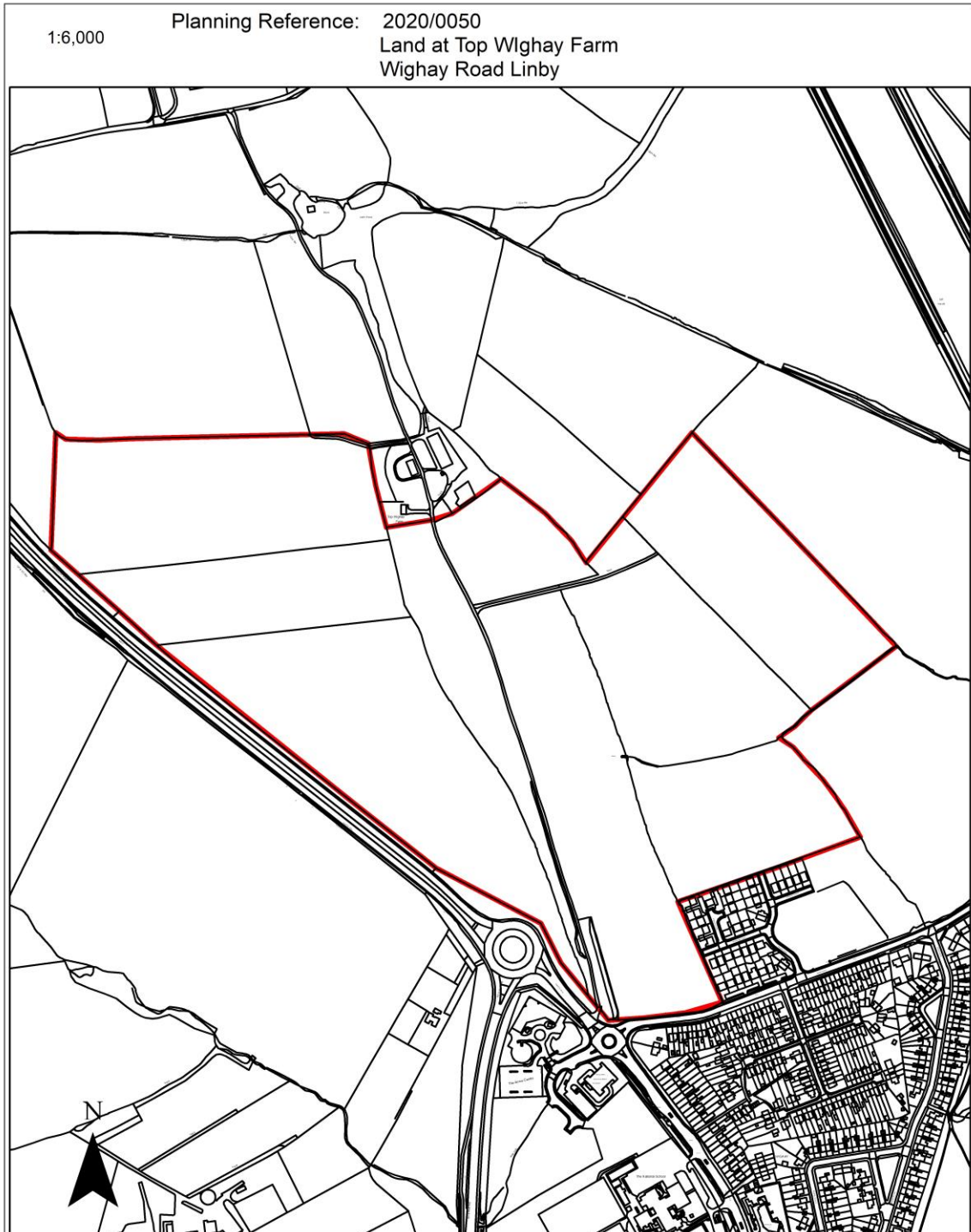
- 7.1 It is recognised that there is a need to deliver open space provision as a result of the approved development and that all parties agree that anomalies are present within the existing Agreement.
- 7.2 It is considered that there are exceptional circumstances for the proposed change to the Agreement to be supported in this instance, as detailed out above. This offers greater public benefit by ensuring the public open space, and in particular the sports pitches, are delivered in a manner that meets local need.
- 7.3 The benefits of the development are considered to outweigh the harm associated with the scheme.

Recommendation: That the Head of Development and Place and the Monitoring Officer, be authorised to enter into a Deed of Variation as detailed in the report.

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Planning Report for 2020/0050



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Report to Planning Committee

Application Number:	2020/0050
Location:	Land at Top Wighay Farm Wighay Road Linby
Proposal:	Outline planning application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m² of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m²), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development).
Applicant:	Nottinghamshire County Council.
Agent:	Pegasus Group on behalf of Arc Partnership
Case Officer:	Nigel Bryan

The application is referred to Planning Committee with the proposal for the erection of 10 or more dwellings, as required by the Councils constitution.

1.0 Site Description

- 1.1 The application site comprises an area of land covering 40.347 hectares. It is located to the north of Linby and Hucknall and is bound by Wighay Road to the south and Annesley Road to the west.
- 1.2 The actual application site includes no buildings on it in that the agricultural buildings associated with Top Wighay Farm, whilst in the same ownership of the applicant, actually fall to the immediate north of the application site. As a result the application site comprises a number of agricultural fields marked by hedgerows and an access track to the farmstead, which is raised above the surrounding fields. Whilst the majority of the site is intensively farmed there is one local wildlife site within it, Top Wighay Farm Drive.
- 1.3 The application site is allocated for a mixed use development under policy 2 of the Aligned Core Strategy and Gedling Borough Council have also produced a Top Wighay Farm Development Brief Supplementary Planning Document (SPD) to guide the overall development. The site is strategically located to the edge of Hucknall and the wider Nottingham conurbation and falls next to the administrative boundary of Ashfield District Council.

2.0 Relevant Planning History

- 2.1 There is no planning history that relates directly to the application site; however, it should be noted that part of the wider site allocated for development has been granted permission for the erection of 38 dwellings under permission numbers 2014/0950 and 2015/0453. The dwellings have been built and are occupied; they are to the immediate north of Wighay Road but more toward the eastern section of the allocated land

3.0 Proposed Development

- 3.1 The application is submitted in outline form and the full title is reproduced below;

“Outline planning application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m² of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m²), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development)”.

- 3.2 The application is accompanied by an Environmental Statement and is submitted in outline form with access committed. A total of up to 805 dwellings are proposed to be erected, although it should be noted that due to a change in legislation the use classes permitted would be: ‘land for employment purposes (E(g)(i) E(g)(ii) and B8); a local centre (E(a), E(b), E(c), E(f), hot food take-away public house); and a 1.5 form entry Primary School’, which will be made clear in an informative on the decision notice. The local centre is identified as having local convenience stores, a pub/restaurant, a day nursery and small scale offices, which will serve local residents of the site. It should be noted in terms of affordable housing, 17.64% of the dwellings to be erected are to be affordable, with 99 affordable rent and 43 shared ownership. With the application being in outline form final details of the style of dwellings and employment buildings to be erected is something that would be considered at the reserved matters stage; however, the overall form of development would be guided by the Top Wighay Farm Development Brief SPD, masterplan and parameters plan submitted in support of this application.
- 3.3 The masterplan has been altered during the application process and changes made reflect the need to ensure that it is identified how safeguarded land to the north of the application would be accessed along with the proposed extension to the Nottingham Express Transit route identified and safe guarded for a width of 14m. The master plan and parameters plan identify the broad location of various aspects of the development with it identified that the employment uses will be adjacent to Annesley Road, the A611. There will be a green corridor through the centre of the site based around the Local Wildlife Site of Top Wighay Farm Drive, which will lead to the main public open space, near to the existing farm buildings, which are adjacent to the application site. Toward the centre of the site will be the local centre and primary school with residential units interspersed with public open space and drainage features making up the majority of the remaining land. The parameters plan indicates

that none of the buildings on site will be more than 3-storey in height with lower density and lower scale dwellings toward the edge and taller units more to the centre. It is indicated that existing field boundaries are intended to be retained as landscape features, save for elements needing to be removed for access.

4.0 Consultations

4.1 A number of site notices were displayed and neighbour notification letters posted. The application has been advertised in the press in that it is a major application accompanied with an Environmental Statement. As a result of consultation undertaken 5 letters of objection have been received. One letter has been received that made both positive and negative impacts on the application. A summary of the responses received are drafted below;

- The size of the allocation is too large;
- Ashfield District Council will have all the negative impacts from the development e.g. increased traffic, but none of the benefits e.g. Council Tax;
- The housing allocation should be closer to its administrative centre e.g. Arnold or Gedling, and possibly on one of the Council's own golf courses;
- Services within the area will not be able to cope e.g. doctors, schools etc.;
- Highway safety will be compromised and the highway network will not be able to cope with the increased traffic;
- Parking at Hucknall Park and Ride and the Tram stop is already difficult, this will only become worse;
- Local ecology will be detrimentally impacted and trees;
- The land should remain greenfield;
- All of the works will be detrimental to climate change and increase flooding due to the built form;
- The Local Centre should be safeguarded for that; it should not be developed for additional housing in 10 years' time;
- There is a desperate need for a pedestrian crossing across Top Wighay Road, this should be put in as a priority;
- Both air and noise pollution will increase from the amount of vehicles and people;
- There should a greater emphasis on pedestrian and cycle provision;

The positive observations made are -

- Removal of the pedestrian access to Peveral Road is welcome;
- The pedestrian footway improvements along Top Wighay Road are supported.

4.2 Environment Agency – raise no objection to the application subject to conditions with regard to foul and surface water drainage, along with clarification on possible contamination;

4.3 Severn Trent – raise no objection subject to a condition requiring approval of details in respect of foul and surface water drainage;

- 4.4 NHS (secondary care) – representing the Nottingham University Hospitals NHS Trust i.e. Queens Medical Centre and Nottingham City Hospital, request a contribution of £719,859.00 toward services that would be impacted by the development.
- 4.5 NHS (primary care) – have identified that a contribution of £436,209 is sought toward local GP surgeries. The money will be targeted toward Oakenhall and Whyburn Medical Practices and The OM Surgery.
- 4.6 Nottinghamshire County Council (NCC) Highway Authority – Following submission of the additional ‘Highways Technical Note’, the Highway Authority are content that the modelling is acceptable and the highway network capable of accommodating the predicted vehicle generation that the development will create. They note the mitigation measures put forward, namely footway/cycle links, Toucan Crossing, junction improvements and public transport contributions and the submitted Framework Travel Plan and raise no objection to the application, subject to the imposition of a number of conditions in respect of matters including parking, drives and implementation of the Travel Plan. A contribution of £500,000 is sought toward bus improvements in the vicinity of the development. Furthermore, a safeguarded route should be protected for the future expansion of the Nottingham Express Transit.
- 4.7 NCC Libraries - A contribution of £28,373.00 is sought toward enhancing library provision.
- 4.8 NCC Education - A 1.5 form entry primary school is to be provided on the site and it is accepted that this would be in the form of a financial contribution of £4.75m, along with the transfer of the land, to be secured through planning obligations. No contribution is sought in respect of secondary provision through the Section 106 agreement in that secondary provision is identified to be secured through the Council CIL Regulation 123 list.
- 4.9 NCC Heritage – note that a heritage assessment has been submitted in support of the application and broadly agrees with content in chapter 8 of the Environmental Statement. However, they express concern as to whether or not the impact on the Conservation Areas of Linby and Papplewick have been considered given the increase in vehicle movements and traffic in these Conservation Areas, in particular improved highway works near the Griffins Head and 1 Lambley Lane, which are both Grade II Listed.
- 4.10 Conservation and Heritage Officer – notes that there is a physical barrier between the application site and Linby Conservation Area in the form of the railway line, which acts as a visual buffer between the two; however, there would still be a need to ensure that impact on the setting of this heritage asset is considered in particular respect of boundary treatments and landscaping. With regard to archaeology, it is noted that there are two areas of potential interest to the north-west corner and the central and southern aspects of the site. There would be a need to ensure that impacts on these two areas are fully explored through an appropriate archaeological watching brief.

- 4.11 Environmental Health (noise) – note that the main noise impact from the development will be to the main built form adjacent to Annesley and Top Wighay Road. Applications that are immediately adjacent to these roadways will need to be accompanied by site specific noise surveys.
- 4.12 Environmental Health (Contamination and air quality) – additional information has been submitted in respect of possible contamination from herbicides and pesticides, which addresses highlighted concerns. In other respects the only area on site that had slightly raised levels of contamination is proposed to be at the Local Centre, which is acceptable in that location; however, this parcel of land could not be utilised for more sensitive uses e.g. residential. A condition would be required in respect of having Electric Vehicle Charing points on each phase of development. Furthermore, conditions would be required in respect of a Construction Environmental Management Plan (CEMP).
- 4.13 Strategic Housing (affordable) - Note that a full policy compliant scheme would equate to 241 units or 30% of the units on-site. However, they accept that there would also be a need to ensure that the scheme is viable and that the actual figure may need to reduce. Dependent on the number that can be secured, they would expect a split of 70% affordable rent and 30% shared ownership, as well as making suggestions on the number of bedrooms where there is the highest demand. In addition, there is a particular demand for bungalows in the area and it is suggested that not more than 15 affordable dwellings be grouped together.
- 4.14 Arborist – found the arboricultural report to be an accurate reflection of the trees on site. The number of category A and B trees on site are limited, although when reserved matters applications are submitted every effort should be made to retain them. In respect of new planting, this should be native species and that amenity grass verges and street trees are incorporated within the design;
- 4.15 Parks and Street Care – There would be a requirement for 40,340sqm of Public Open Space (POS) to be provided on-site, which would be split between 16,136sqm of play areas and 24,204sqm of amenity open space. The details as submitted and as shown on the indicative layouts would appear acceptable; however, greater detail would be required at the reserved matters stage to ensure that the requirements are met. Furthermore, it is indicated that parts of the POS would include Sustainable Urban Drainage (SUD's) and, if that is the case, there would be a need to ensure that it is usable POS e.g. no steep gradients etc. and has some amenity value. A contribution of £999,600 would be required for the future maintenance of the POS.
- 4.16 Linby Parish Council – have submitted representations on two specific key areas; firstly the policy backgrounds to the application site, which is covered later in this committee report. Secondly, a number of concerns have been raised in respect of the highway information submitted; these include concerns over the reliability of the Transport Assessment (TA) and whether the background information supporting the application is robust enough in terms of age and reliability; they feel that the increase in vehicle movements,

which could be up to 589 in the peak hour, are being under played when overall movements are predicted to be 70. Furthermore, the modal shift in terms of moving away from single occupancy car-use to other means of transport is being overplayed, particularly during development where links to public transport is going to be limited.

- 4.17 Papplewick Parish Council – Express concern about the application, in particular with regard to how the development will impact on the village in terms of traffic movements that would be generated from the proposal. They also draw attention to the fact that Papplewick have an adopted Neighbourhood Plan which outlines some of their concerns and, in particular, attention is drawn to the appendix therein which outlines ways to mitigate possible negative impacts, which would include improving pedestrian safety at the junction with the Griffins Head, reducing speed limits and introducing weight restrictions.
- 4.18 Ashfield District Council – raise no objection to the application in principle, noting that it is allocated for development in policy 2 of the Aligned Core Strategy. However, given the sites relatively close proximity to the boundary with Ashfield and, in particular Hucknall, they ask that careful consideration of possible impacts on the town are taken into account when the application is determined. In terms of infrastructure this should include contributions toward secondary education in Hucknall; transport works e.g. on the A611 and means to improve sustainability such as footway and cycleways; healthcare provision through contributions toward local GP surgeries and contributions toward Hucknall town Centre, including toward leisure centres.
- 4.19 Natural England – Raise no objection in respect of impacts on the development to the Linby Quarries SSSI. Furthermore, following receipt of an updated ‘Shadow Habitat Regulations Assessment’ (dated June 2020) they raise no objection in regard to protecting the habitats for breeding woodlark and nightjar. With respect to possible impacts on the integrity of Sherwood Forest potential Special Protection Area they raise no objection subject to conditions for a ‘Noise Mitigation Plan’ and ‘Recreational Disturbance Mitigation Plan’. A number of informatives are also recommended to ensure that possible impacts on particular species are mitigated against and that there should be an overall biodiversity net gain from the development.
- 4.20 Nottinghamshire Wildlife Trust – Note that the Local Wildlife Site is characterised by valuable calcareous grassland and there are three hedges of ecological importance. Question whether full impact in respect of otters has been considered and also the need for mitigation in respect of badgers that are identified in proximity to the site. They suggest that a Construction Environmental Management Plan is secured via condition and also a Biodiversity/Landscape Environmental Management Plan is approved.
- 4.21 Nottingham City Council – Support the safeguarded corridor for the Nottingham Express Transit Route. They question whether more detail is required in terms of its feasibility and also whether or not it could link into a site being promoted at Whyburn Farm to the west, which falls within Ashfield District Council.

4.22 Historic England – make no observations on the application

4.23 Planning Casework unit – make no observations on the Environmental Statement submitted.

5.0 Assessment of Planning Considerations

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

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 The National Planning Policy Framework (2019) sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 9, (promoting sustainable transport) 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly pertinent.

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

- Policy A: Presumption in favour of sustainable development – a positive approach will be taken when considering development proposals
- Policy 1: Climate Change – all development will be expected to mitigate and adapt to climate change including with respect to flood risk
- Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.
- Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- Policy 11: The Historic Environment – sets out the criteria for assessing application affecting the historic environment and heritage assets and their settings
- Policy 17: Biodiversity – sets out the approach to ecological interests
- Policy 19: Developer Contributions – sets out the criteria for requiring planning obligations.

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:

- LPD3: Managing Flood Risk – identifies the thresholds whereby particular developments may be considered acceptable in a particular flood zone and mitigation that may be required in terms of a site specific flood information e.g. a flood risk assessment.
- LPD4: Surface Water Management - sets out the approach to surface water management.
- LPD5: Managing water quality – identifies that planning permission will be granted for development that does not have an adverse effect on water quality through pollution of surface water.
- LPD6: Aquifer protection – identifies that development will be granted for proposals that do not cause contamination of ground water aquifers.
- LPD7: Contaminated land - sets out the approach to land that is potentially contaminated.
- LPD10: Pollution – notes permission will not be granted for development which result in pollution and may impacts sites allocated in the ACS or LPD or detrimentally impact the historic or natural environment.
- LPD11: Air quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- LPD18: Protecting and enhancing biodiversity - sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.
- LPD19: Landscape Character and visual Impact - – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.
- LPD21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.
- LPD26: Heritage assets - highlights the criteria against which applications that affect heritage assets will be assessed along with the need to consider wider public benefits and other mitigation that may be advanced.
- LPD27: Listed Buildings – identifies the need to consider impacts to listed buildings from the development proposed, as well as on their setting.
- LPD28: Conservation Areas – identifies that applications should preserve or enhance the character of a Conservation Area, and identifies a number of criteria against which to asses applications.
- LPD29: Historic landscapes, parks and gardens – identifies that such features should be retained and not be detrimentally impacted by a development, including the setting of the Heritage Asset.
- LPD30: Archaeology - sets out the measures to protect sites with archaeological potential.

- LPD32: Amenity - planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD33: Residential density - outlines the level of residential density that is likely to be acceptable in various locals within the Borough.
- LPD35: Safe, Accessible and Inclusive Development - sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.
- LPD36: Affordable Housing - sets out the thresholds whereby affordable housing will be required on a scheme.
- LPD37: Housing type, size and tenure - states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD48: Local Labour Agreements - identifies the threshold for seeking Local Labour Agreements.
- LPD57: Parking Standards - sets out parking standards for developments.
- LPD61: Highway Safety - states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.
- LPD71: Employment allocations – identifies employment allocations in the Borough, along with the types of uses and amount of land that are allocated.

Linby Neighbourhood Plan

- Policy HSG1: Housing – identifies that for developments of 15 or more dwellings there would need to be a suitable housing mix, including a mix tenure, demand for smaller housing and elderly/disabled people,
- Policy DES1: Place – identifies a number of design principles that would need to be adhered to including a suitable layout, scale, attractive form of development; appropriate parking and a distinction between public and private space.
- Policy CBH1: Designation of Local Green Spaces – identifies areas that are protected from development, save for under very special circumstances.
- Policy CBH2: Historic Character – recognises that application would need to respect the historic character of the area through the design use of appropriate materials e.g. Bulwell stone
- Policy NE1: Habitats, Trees and Hedgerows – There should not be a net loss of habitat and where existing vegetation is removed this would need to be mitigated with appropriate new planting.
- Policy NE2: Landscape and Rural Character - Development should respect its rural and landscape character through Sustainable Urban Drainage features incorporated within the landscape and appropriate boundary treatments.
- Policy TRA1: Traffic and Transport – new development should have sustainable transport provision through roads that have capacity and the encouragement of public transport modes, including cycling and walking
- Policy EMP1: High Speed Connectivity – residential and commercial development must have access to a high speed broadband connection.

- Policy EMP2: Employment and Infrastructure – identifies that on the Top Wighay Farm Site an overall masterplan for the site should be approved prior to individual applications being approved.
- Policy COM1: Community Facilities and Assets – identifies the criteria against which new application for community facilities will be assessed along with those that are to be protected.
- Policy DC1: Developer Contributions – recognises that through CIL and Section 106 Legal Agreements contributions should be sought to improve education, health, footpath provision and public transport.

6.5 Other Guidance

Parking Provision for Residential Developments Supplementary Planning Document (May 2012) and Requirement for Parking Provision in Residential and Non Residential Developments – Appendix D of the adopted Local Planning Document Part 2 Local Plan set out parking standards for residential uses;

Affordable Housing SPD;

Papplewick Neighbourhood Plan;

Open Space Provision for New Housing Development SPG;

Air quality and Emissions mitigation

7.0 Planning Considerations

Principle of development

- 7.1 The application site is identified as a strategic allocation under policy 2 (3bii) of the ACS. The policy recognises that up to 1,000 homes could be erected on the land whilst noting that the site is available for housing or other development where specified. Subsequent to the adoption of the ACS, Gedling Borough Council (the Council) adopted the LPD, with policy 71(E3) allocating the employment land and the Top Wighay Farm Development Brief SPD, which guides the overall development of the site, was adopted in February 2017.
- 7.2 Having regard to the above it is accepted that the principle of development is supported in that the site is allocated for development under policy 2 of the ACS as well as the Council having a Development Brief to guide future development of the site. As a result the principle of development is supported in that section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise. Concern has been expressed by local residents about whether the site should be allocated at all and if the site is too large; however, the site's suitability has been extensively investigated through the local plan process and is considered to be acceptable, this being reflected in the adoption of the Wighay Farm Development Brief SPD.
- 7.3 Whilst the principle of development is supported there are numerous facets of the development that need to be considered and these are considered in turn later in this report.

- 7.4 Chapter 5 of the Environmental Statement, and a separate economic benefits report, look at the various economic and social impacts that the development would have, during construction this will be in the form of up to 424 temporary jobs. Once occupied the development is likely to support an estimated 664 net additional jobs in the Gedling economy, generating an estimated £0.7 billion of gross value over its first 10 years since occupation, as well as in the region of £1.1million per annum in business rates. As a result the scheme is considered to have significant economic benefits in the long-term. In respect of social impacts it is considered that the possible negative impacts on education and health can be mitigated against through the contributions sought as well as social benefits in terms affordable housing to be provided. Whilst these figures have not been verified by Gedling Borough Council, there are considered to be significant economic benefits from the development, as well social benefits too.

Highway considerations

- 7.5 The application is submitted in outline with only access committed at this stage. In terms of vehicular access there are proposed to be two access points, one from the existing roundabout that is used to access the farmstead at the junction of the A611 and Annesley Road, and a second new access further along Annesley Road to the north. The newly created access from Annesley Road has been designed and will be a signalised junction allowing a right lane filter for traffic heading north and wanting to turn right into the site; there will also be a left lane filter for vehicles heading in a southerly direction along the A611. The highway layout as proposed is shown on drawing (TWF-BWB-GEN-XX-DR-TR-101) and is included within the Transport Assessment. A fourth arm is also proposed to access the site from the A611/Annesley Road roundabout, which is currently used for the existing farm stead. From the roundabout a new footway 3m wide is proposed along the northern edge of Wighay Road, which will link into the footway to the front of the new dwellings recently erected to the north of Wighay Road. Furthermore, a puffin crossing is proposed across Top Wighay Road that will allow pedestrian access to Hucknall and associated services to the south.
- 7.6 In addition to the physical works identified to allow access to the site a safeguarded route for Nottingham Express Transit (NET) to access the site would need to be secured, as identified in the Top Wighay SPD; this will be secured via a condition. A route some 14m would need to be retained and whilst NET have identified that the line could be extended into Ashfield at Whyburn Farm, the land is not currently allocated for development and, therefore, it's not possible to secure a further safeguarded route to a development of land that may not come forward. For the avoidance of doubt, the internal highway network to the site is something that would be finalised at the reserved matters stage; however, an updated masterplan plan has been submitted that shows linkages from the current application site to the safeguarded land to ensure that this land could be suitably accessed in the future if required; an indicative road hierarchy is also identified within the Design and Access Statement.

- 7.7 One of the key concerns highlighted by Linby Parish Council and their advisors has been over the quality of the data within the Transport section of the Environmental Statement. Discussions have taken place direct with the Parish Council over highlighted concerns and an updated 'Highways Technical Note' has been submitted in support of the application, which is publicly available on-line, and looks to address a number of the concerns highlighted. Some of the concerns raised include the volume of traffic related from the development and its impact and on the village, public transport links and the actual access to the site itself. In respect of traffic movements through Linby and Papplewick there are capacity issues and, therefore, whilst the development will generate extra traffic the vast majority will re-route to alternative routes so the impact on these two villages will not be significant. Contributions are sought towards public transport provision and, whilst in the short-term, buses will not access the site, there are stops nearby and, in the longer-term buses will re-route to access the site. Furthermore, the capacity of the junctions to access the site have been assessed and are considered able to absorb the vehicle movements that will be generated. It should be noted that notwithstanding the Highways Technical Note', Linby Parish Council still raise a number of reservations about the reliability of the technical data submitted in support of the application in respect of highway safety and where displaced vehicles will be absorbed. However, following receipt of additional information, the Highway Authority have raised no objection to the application and are content with the information submitted and do not object to the application, subject to the imposition of conditions. It is considered that, notwithstanding objections received, there is no reason to dispute the conclusion reached by the Highway Authority who raise no objection to the information contained in the TA, and as updated by the Highways Technical Note.
- 7.8 It should also be noted that an updated Framework Travel Plan (rev P4) has been submitted in support of the application, which has been reviewed by the County Council. The document will seek to improve the uptake of public transport and alternatives to the private motor vehicle as well as reduce single occupancy car travel. A monitoring fee is sought along with the need to appoint a Travel Plan co-ordinator, which can be secured via condition. It is considered that this should be sufficient, alongside contributions sought toward public transport provision, to ensure that alternative transport modes to the private motor vehicle are encouraged. Concern has also been raised about possible impacts on the park and ride at Hucknall but this is not a matter that has been raised by the Highway Authority and it is not considered that the development would lead to any significant increase in demand for parking, particularly if, in the longer term, the tram line is extended into the site.
- 7.9 Having regard to the above it is considered that the application as submitted, and following clarification received from the agent and observations from the Highway Authority, is acceptable. There would be highway improvements to facilitate the development, a toucan crossing and other enhancements in terms of footways, along with contributions toward public transport. As a result, the application is deemed to comply with policies LPD57 and LPD61, TRA1, along with guidance within the NPPF.

Amenity and noise

- 7.10 The application is submitted in outline form so the impacts on residential amenity in respect of possible overlooking and overbearing impacts is something that would be considered at the reserved matters stage. In respect of noise chapter 12 of the Environmental Statement considers noise and vibration impacts and identifies a number of existing key receptors, notably the dwellings recently erected to the north of Top Wighay Road, the existing farmstead to the north and dwellings to the south of Top Wighay Road. It is clear that the main source of noise for the site is existing traffic along the main roads of Top Wighay and Annesley Road. Given existing noise levels it is predicted that the actual increase in noise generated from the development would be negligible. However, the main impacts are considered to be on the site itself and ensuring that proposed uses are not detrimentally impacted by the noise levels from the adjacent highway network. Mitigation can come forward through design e.g. noise barriers along key boundaries, or through the actual built form creating a barrier and mitigating the specific buildings on pertinent elevations.
- 7.11 It is noted that noise levels are highest along Annesley Road, 74 La10 18hr(dB), compared to 68 La10 18hr(dB) on Top Wighay Road. In terms of layout of the site the more sensitive receptors e.g. residential, are largely adjacent to the Top Wighay Road with the employment uses adjacent to Annesley Road. Given that the application is submitted in outline form it is not clear the scale or form of buildings proposed to be erected along these key frontages and the likely impacts on these buildings; however, the impacts are not likely to be significant or a barrier to overall development. Therefore, to ensure that the amenity of specific users of the site are protected, it is recommended that each application for reserved matters that is adjacent to Top Wighay Road or Annesley Road is accompanied by a site specific noise impact assessment that will identify noise levels and mitigation, if any, required on the units proposed to be erected, with particular regard to those facing the main road.
- 7.12 Having regard to the above, the application is, subject to conditions, considered to be acceptable in respect of impacts on noise and amenity and is deemed to comply with policies LPD32 and ACS10.

Impact on heritage assets and archaeology

- 7.13 Chapters 8 and 9 of the Environmental Statement address the impacts on Cultural Heritage and notes that there are no designated heritage assets that lie within or in the immediate area of the site. The nearest heritage assets are the Grade II* Registered Annesley Hall Park and Gardens, which is some 270 north-west of the site and Linby Conservation Area, which is 320m to east of the site and contains the Grade II* Listed Church of St Michael. With regard to Annesley Hall Park it is the setting of the park and gardens that are most important and to this end large parts of the heritage asset are made up of agricultural land, and it is this setting of isolation that contributes to the heritage asset. However, it is not considered that the setting of the asset would be unduly impacted by this development should it be approved given the distance, topography and planting between the two.

- 7.14 In respect of Linby Conservation Area it is noted that the development would be some distance from the heritage asset and that the railway line, and its associated earthworks, runs between the two. As a result it is unlikely that the development would have a negative impact on the setting of the heritage asset, although there would be a need to ensure that boundary treatments and lighting are appropriate, details of which will be considered at reserved matters stage.
- 7.15 With the application being in outline form there is limited detail in terms of the physical built form that is proposed; however, no objection has been received to the application from our Conservation Officer or Historic England. Concern has been raised by Nottinghamshire County Council in respect of possible impacts from highway works close to the Griffins Head; however, these works are already in the build program for the County and are not directly linked to the current application and have been paid for by money received from a separate planning obligation for residential development in the locality at Papplewick Lane.
- 7.16 In respect of archaeology a desk based and geophysical survey has been submitted in support of the application. There are a small number of areas of interest to the east of the site, which date from medieval periods, and a more significant crop-mark feature to the immediate north-western boundary. Both are of archaeological interest and prior to the commencement of development in either of these areas it is recommended that an archaeological watching brief is undertaken to ensure that any potential finds are fully explored and recorded, something that can be secured by an appropriately worded condition.
- 7.17 Having regard to the above, it is not considered that the development would have any undue negative impact on above ground heritage assets, nor mitigation necessary, save for consideration of boundary treatments and lighting. However, there would be a need to ensure that below ground archaeological features of interest are fully explored. Having regard to the above, and subject to appropriate conditions, the application is deemed to comply with policies ASC11, LPD26, LPD27, LPD28, LPD29, LPD30, CBH2 and guidance within the NPPF.

Drainage and flood risk

- 7.18 The existing site is greenfield and there is a general reduction in levels heading roughly west to southeast, with the highest point being 122 AOD and the lowest at 96 AOD. There are currently two watercourses and numerous dry ditches on the site that drain the land from west to east in line with the natural topography of the site. A Flood Risk Assessment (FRA) and drainage strategy has been submitted in support of the application and identifies that the application site falls within flood zone 1 with opportunities for the site to discharge surface water at pre-development greenfield rates, utilising SUD techniques.

- 7.19 The drainage strategy identifies that there will be four above ground water storage areas, which will have restricted outfall rates. The ultimate outfall for the water will be an existing water course, which heads in an easterly direction just to the south of the proposed local centre and exits the site close to pond four, to the eastern most edge of the site. The watercourse ultimately feeds into the stream that runs through the centre of Linby. The drainage strategy identifies that pre-development greenfield rates can be achieved, taking into account the modelled 1 in 100 year plus 40% climate change storm event. As a result, and subject to final approval of the detailed drainage strategy, the development should ensure that both the site and those downstream of it, would not be at risk of flooding.
- 7.20 Foul water will be discharged to the main foul network and the applicant is in discussion with Severn Trent over capacity and improvements that may be required. There are links to the existing network along Top Wighay Road and such a means of disposing of foul water is appropriate for a development of this scale and is something that can be controlled by a suitably worded condition.
- 7.21 Having regard to the above it is considered that the site is at low risk of flooding and a development that accords with the drainage strategy and incorporates SUD's should ensure that the site and adjacent land will not be at risk of flooding. Furthermore, the means of disposal of foul water to the existing mains network is acceptable. The application is, therefore, deemed to comply policies LPD3, LPD4, LPD5 and LPD6.

Landscape impacts

- 7.22 The application site falls within the Magnesium Limestone Ridge Landscape Descriptor, as identified in the Nottingham Landscape Character Assessment, which is further broken down to the Linby Wooded Farmland. Such areas are characterised by flat undulating natural land, including some restored mineral workings; field sizes are medium to large and usually irregular in shape with pockets of woodland interspersed; large redbrick isolated farmsteads are dispersed through the landscape. There are no public rights of way that cross or are immediately adjacent to the site, although the National Cycle Network is further to the east and there are footpaths to the west, which run into Annesley Lane. A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application and looks at the various view points from where the site is theoretically visible; however, viewpoints are largely from nearby receptors rather than long range views, primarily due to the local topography.
- 7.23 There are opportunities to retain landscape features such as hedgerow boundary treatments and feature trees, which are the key landscape features of the site currently, and these are largely to be retained in the masterplan and is something that would need to be considered in more detail when individual reserved matters applications come forward. The overall conclusion of the LVIA is that the effects on landscape character are not considered to be significant, save for a small number of receptors immediately adjacent to the site, and any impacts on the wider landscape in visual terms is likely to be acceptable. Having regard to the localised impacts of the

development there is no reason to dispute the conclusion reached in the LVIA and it is considered that there will be opportunities through the various reserved matters applications to incorporate additional planting and mitigate any possible negative impacts. Having regard to the above it is deemed that the application complies with policies LPD19, ACS10, NE2 and guidance within the NPPF.

Ecology

- 7.24 Within the application site there is one local wildlife site, Top Wighay Farm Drive, which is characterised by calcareous grassland. To the immediate south of the application site, and bound by Top Wighay Road and the 38 dwellings recently erected, is another Local Wildlife Site, Wighay Road Grassland. An Ecological Impact Assessment and Phase 1 Habitat Survey have been submitted in support of the application along with an updated Shadow Habitat Regulations Assessment and have looked at the various ecological benefits of the site and protected species that may be present.
- 7.25 The main ecological features of interest are the Local Wildlife Site and, with the site being intensively farmed, the majority of other areas of note are toward the field peripheries in terms of hedgerows and trees. The Local Wildlife site will be retained as green space and it is identified that the majority of trees and hedgerows will be retained within the landscape scheme, save for those that need to be removed to create access within the site.
- 7.26 With regard to specific protected species it is noted that badgers are present to the periphery of the site and additional surveys would be required when the particular parts of the development come forward that may impact on these animals. There is an open ditch with water on the site but there are no records of Great Crested Newts in the area. Concern has been raised about possible impacts on otters and additional surveys, which can be secured via condition, would be required in this regard to determine whether or not they are present and identify any possible mitigation. Some of the trees on site have potential for bat roosts and it is noted that the site is largely used for foraging. Additional surveys would be required prior to the commencement of development in respect of site specific mitigation when reserved matters applications come forward with regard to trees and vegetation that is to be retained.
- 7.27 Specific concern was raised in respect of the Sherwood Forest potential Special Protection Area, in particular impacts on breeding nightjar and woodlark. An updated 'Shadow Habitat Regulations Assessment' (SHRA) was submitted in support of the application to address highlighted concerns. By way of policy background, paragraph 3.17.3 in the Council's ACS states 'whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible

Special Protection Area is not known. The application site is not in the core breeding area and the buffers, as noted above, are currently unknown. Following submission of the updated SHRA, Natural England confirmed that they raise no objection to the application subject to the imposition of conditions in respect of a 'Noise Mitigation Plan' and 'Recreation Disturbance Mitigation Plan' (RDMP). However, it is not considered necessary to add the condition in respect of the RDMP in that there are no direct routes from the site to the core breeding areas and such a condition is unlikely to meet the conditions test as outlined in paragraph 55 of the NPPF. Therefore, subject to conditions, it is considered that the impact on the Sherwood Forest potential Special Protection Area has been suitably assessed.

- 7.28 Through various conditions, including the approval of Landscape Environmental Management Plan (LEMP), there are opportunities to ensure that the green spaces are suitably managed and continue to have ecological benefits. Having regard to the above the application is deemed to comply with Policy LPD18, ACS17, NE1 and guidance within the NPPF.

Planning obligations

- 7.29 Given the number of dwellings to be erected there is a need to seek contributions to make the development acceptable in planning terms. A viability assessment was submitted in support of the application, and this was independently assessed on behalf of the Council. The viability assessment submitted with the application and the revised position is appended to this report. There have been extensive discussions between the applicant's agent and Local Planning Authority in respect of what level of contributions the scheme could return, whilst still being viable. The original offer from the applicant of 10% affordable housing has since been increased to 17.64%. By way of summary, the figures sought by the statutory consultees are summarised below, along with the justification for the proposed contributions:

- Affordable housing – a full policy compliant scheme would return 30% affordable dwellings, or 241 properties. However, due to the schemes viability, the actual figure proposed is 17.64% of the units, or 99 affordable rent and 43 shared ownership. Housing Strategy have been consulted on the conclusions of the independent assessment and it is accepted that full policy compliant affordable housing would make the development unviable. Paragraph 11.2.6 of LPD 36, referencing the Affordable Housing SPD confirms that a lower requirement of affordable housing contribution may be justified provided that there is sufficient evidence provided which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. As identified in the submitted viability appraisal, which has been independently verified on behalf of the Council, all funds in terms of grant funding have been explored. As a result, and on balance, a return of 17.64% affordable dwellings is considered to be acceptable and is supported by policy LPD36 and the Affordable Housing SPD.
- Education – as identified in the Top Wighay SPD there is a requirement to provide a 1.5 form entry primary school, it is intended to secure this via a

financial contribution of some £4.75m and a transfer of the land.

Contributions toward secondary education will be secured through the Council CIL Infrastructure list. The contribution is supported by policy 19 of the ACS and evidence provided by Nottinghamshire County Council.

- Highways – in total £802,500 is sought toward highway improvements. This would equate to £500,000 toward highway and bus provision. More specific contributions of £150,000 toward a toucan crossing and £150,000 toward cycle ways are also sought. An additional fee of £2,500 will be secured toward the monitoring of the agreed Travel Plan. The highway and transport contributions as outlined above are supported by policy 19 of the ACS and Nottinghamshire County Council.
- NCC Libraries have indicated that the application will generate greater demand on their services and that additional books would need to be bought at Hucknall library. A contribution of £28,373 towards increased stock is sought. However, given that the development is not viable it is considered that the affordable housing takes precedent over the library contribution. Therefore, this contribution is not sought.
- The Primary Care Trust (PCT) request a contribution of £436,209 towards enhancing capacity at any of four practices that will be affected by the development, this request is supported in that it will alleviate pressures on services that may be generated from the proposed development. The contribution sought by the PCT is supported by policy 19 of the ACS.
- The Secondary Care Trust (SCT) have sought a contribution of £719,859 toward Nottingham University hospitals but this is not considered to be directly linked to the application in that the PCT request fills this local function and, therefore, the SCT request is not supported as the suggested obligation is not considered comply with regulation 122 of the Community Infrastructure Levy Regulations 2010.
- There is a requirement for Public Open Space and final details of the POS to be provided on-site would be agreed through the reserved matters applications and be based around the masterplan. In terms of future maintenance of this space, if the POS is to be adopted by the Council a contribution of £999,600 would be sought, calculated in accordance with the Council's New Housing Development Supplementary Planning Guidance for Open Space Provision (November 2001). Although the space could alternatively be under the control of a management company. The final area of POS is not yet clear, save for a minimum figure, although it is anticipated as being in the region of 4-4.5 hectares given the need to take into account the Local Wildlife Site, sports pitches, play areas, allotments, general amenity areas and drainage features; therefore, the contribution sought is considered to be an appropriate figure and compliant with LPD21 and the New Housing Development SPG for Open Space Provision.

- A local labour agreement would also be sought and secured through the s106 agreement, although this would not require the transfer of any monies, and the request is supported by policy LPD48.
- A monitoring fee for the planning obligations is sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which is a figure of £315 per trigger, although final payment is not known until such time as the legal agreement has been completed.

- 7.30 It should be noted that difficult decisions have been made about where best to allocate resources with an acknowledged short fall in affordable housing within the District. In this instance, it is noted that other organisations, including the County Council and Secondary Care Trust, have also not achieved all contributions sought. Negotiations are ongoing over the various triggers for delivery of the planning obligations to ensure that the development is delivered in a comprehensive manner e.g. delivery of the education contribution in respect the number of dwellings being occupied. These matters will be outlined in the s106 agreement so all parties are aware of their obligations in respect of delivering requisite contributions and will be addressed prior to the issuing of any planning permission. For the avoidance of doubt, the contributions sought are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 7.31 In addition to the above, with the affordable housing being below the policy threshold identified it is proposed to include a review mechanism whereby upon specified triggers, such as occupation or completion of a set number of dwellings, then the viability assessment as agreed will be re-assessed to determine whether or not the scheme will generate a greater revenue. If additional revenue is generated this will be split 60%/40% between the Local Planning Authority and developer, in the Council's favour. Such additional revenue paid to the Council would be utilised to address the shortfall in contributions, which would be directed toward affordable housing and libraries. Any additional contributions achieved would need to be capped so as to ensure that only a full policy compliant scheme is delivered.

Other matters

- 7.32 A condition is required in respect of achieving Electric Vehicle Charging points on site, and this would need to be identified when reserved matters applications are submitted, or through the approval of details reserved via condition. This would increase the sustainability of the site and have benefits in terms of climate change and air pollution and is deemed to comply with policy LPD11, ACS1 and the Air quality and Emissions mitigation guidance.
- 7.33 With regard to public open space (POS) there would be a requirement for at least 10% of the site to be POS. The main space would be to the north of the site, adjacent to the existing farm house and is identified as having two sports pitches, green space and allotments. There would be a central landscape

corridor based around the Local Wildlife Site, as well as smaller pockets of POS that would have drainage features in them, and provide linkages to the Wighay Road Grassland site, another Local Wildlife Site immediately adjacent to the site on the south adjacent to the 38 dwellings recently erected. In addition to the above 3 equipped areas of play are to be provided and four SUD's features are proposed to be within the POS and can create attractive features in their own right if suitably designed. The level of provision identified complies with the policy requirements and final details would need to be approved through subsequent reserved matters applications and triggers for delivery of the POS and equipment would be stipulated in the s106 Agreement. As a result the level of provision is considered to be acceptable and comply with policy LPD21 and Open Space Provision for New Housing Development SPG.

- 7.34 Concern has been raised that the local centre will not be constructed; however, to deviate from the approved masterplan would require a planning application in its own right, which would be considered on its own merits. Furthermore, Ashfield District Council have not identified that what contributions they would seek toward leisure or town centre improvements but given the on-site play provision and local centre it is not considered that such contributions are necessary.

8.0 Conclusion

- 8.1 The principle of development is supported in that the site is allocated for a mixed use development under policy 2 of the aligned Core Strategy and is supported by guidance within the Top Wighay Farm Development Brief SPD. Contributions are sought to make the development acceptable in planning terms with regard to affordable housing; education; health, highways and public open space. Details with regard to final layout will be secured through subsequent reserved matters application and, subject to conditions, the development is not considered to have an adverse impact on highway safety; drainage/flooding; ecology, heritage assets, the landscape, noise or the amenity of neighbouring properties.

- 8.2 The application is, therefore, deemed to comply with policies A, 1, 2, 10, 11, 17 and 19 of the Aligned Core Strategy; policies 3, 4, 7, 11, 18, 19, 21, 26, , 32, 35, 36, 39, 48, 57, 61, 64, 71 and Appendix D of Local Plan Document; policies HSG1, CBH2, NE1 TRA1 and DC1 of the Linby Neighbourhood Plan; Parking Provision for Residential Developments Supplementary Planning Document (May 2012); Affordable Housing SPD, Air quality and Emissions mitigation; and guidance contained within the NPPF;

- 9.0 Recommendation: Grant Planning Permission: Subject to the owner(s) entering into planning obligations with the Borough Council as Local Planning Authority; the County Council as Local Highway and Education Authority; for the provision of, or financial contributions towards, affordable housing, education, highway improvements, health, public open space including management arrangements for the open spaces/drainage feature and a local labour agreement; and subject to the conditions listed for the reasons set out in the report:**

Conditions

1. Approval of the details of layout, scale, landscaping and appearance (hereinafter called "the reserved matters") for each phase of development shall be obtained from the Local Planning Authority before the commencement of development of that particular phase.
2. Application(s) for approval of reserved matters shall be made to the Local Planning Authority no later than 5 years from the date of this permission, and the development thereby authorised shall be begun no later than 7 years from the date of this permission or 2 years from the date of the approval of the final reserved matter approval, whichever is the later.

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

Illustrative Masterplan: P19-0346_007 Revision K (submitted 21st July 2020)
Parameter Plan: P19-0346_005 Revision D (submitted 21st July 2020)

Transport Assessment: TWF-BWB-GEN-XX-RP-TR-003-TA-S1-P2

o Including signalised junction drawing: TWF-BWB-GEN-XX-DR-TR-101_S2-P3

TA Addendum: TWF-GEN-XX-RP-TR-005-TAA-S1-P1 (submitted 12th June 2020)

o Including highway improvements to Wighay Road: TWF-BWB-GEN-XX-DR-TR-105-S2-P3.

Travel Plan: TWF-BWB-GEN-XX-RP-TR-004-FTP-S1-P4 (submitted 12th June 2020)

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

4. No reserved matters application shall be submitted until such time as a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
5. The development shall comprise no more than 805 dwellings; no more than 49,500m² of buildings used for employment purposes and a local centre not more than 2800m².
6. No above ground works shall commence on site until such time as the highway improvements to Wighay Road, as shown on drawing TWF-BWB-GEN-XX-DR-TR-105-S2-P3 have been completed.

7. No above ground works shall commence on the employment aspect of the development until such time as the highway improvements to Annesley Road, as shown on drawing TWF-BWB-GEN-XX-DR-TR-101_S2-P3 have been completed.
8. No dwelling granted permission under subsequent reserved matters applications shall be occupied until the drive and parking area to serve that dwelling is surfaced in a bound material (not loose gravel). The surfaced drive and parking area shall then be maintained in such bound material for the life of the development.
9. No dwelling granted permission under subsequent reserved matters applications shall be occupied until the drive and parking area to serve that dwelling is constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
10. The safeguarded route of the Nottingham Express Transit line shall be identified on any reserved matters application that it affects and shall be not less than 14m wide.
11. Development shall proceed in accordance with the approved Framework Travel Plan (rev P4 dated 26/05/2020).
12. Prior to the occupation of any business (excluding businesses employing less than 20 employees who shall submit a Travel Plan Statement) the owner and the occupier of each business unit shall appoint and thereafter continue to employ or engage a travel plan coordinator and within 3 months of occupation the owner and occupier shall commission a detailed travel plan that sets out the final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Travel Plan Framework and in conjunction with the site-wide travel plan coordinator to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide travel plan initiatives including implementation dates.
13. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

14. No development within a phase shall commence until drainage plans for the disposal of foul sewage within that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the approved details prior to occupation of that phase of development.
15. No phase of development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Your attention is brought to the informative below outlining detailed requirements of the surface water drainage scheme. The scheme shall subsequently be implemented strictly in accordance with the approved details before occupation of that phase of development and shall be retained for the life of the development.
16. Prior to commencement of any phase of development a Construction Environment 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. Furthermore, impacts on wildlife would also need to be considered. All works on site shall be undertaken in accordance with the approved CEMP.
17. No development shall commence in the areas identified on drawing archaeological plan, until such time as an Archaeological Watching Brief has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body.

Within 3 months of completion of the excavation works, a summary report shall be submitted to the Local Planning Authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

18. Prior to the commencement of development a Noise Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify how the impacts on the natural environment through noise that would be generated during the construction phase of development is mitigated. The Noise Mitigation Plan as approved shall be implemented. -
Natural England

19. No development shall be commenced until a Landscape and Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be carried out in accordance with the approved details.
20. Prior to the commencement of development in any phase a statement identifying means by which Electric Vehicle charging points are to be supplied on site shall be submitted and approved in writing by the Local Planning Authority. The details as approved shall be installed prior to the occupation of any units that benefit from permission within that particular phase of development.
21. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
22. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
23. Prior to the commencement of development in any phase approved under condition 4, there shall be submitted to and approved in writing the submission of an Arboricultural Assessment that will identify any trees to be retained and mitigation measures therein. The details as approved shall be implemented prior to the commencement of development.
24. Each reserved matters application that is adjacent to either Annesley Road or Top Wighay Road shall be accompanied by a site specific noise report that should be completed by a suitably qualified individual/firm. Any mitigation that may be approved shall be implemented prior to the occupation of the particular unit.
25. The ecological mitigation measures identified in table 7.2 of the Environmental Statement shall be complied with. Each reserved matters application shall be

submitted with a statement detailing how development within that particular phase of development complies with the mitigation identified therein.

26. Prior to the commencement of development, additional surveys in respect of potential otter on the site shall be undertaken by a suitably qualified ecologist. The report shall be submitted to and approved in writing by the Local Planning Authority and any mitigation identified therein shall be implemented.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
2. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
3. For the avoidance of doubt,
4. To ensure that the development comes forward in a comprehensive way and to comply with policy 2 of the Aligned Core Strategy and The Top Wighay Farm Development Brief SPD.
5. To ensure the parameters of the planning permission are known and any variances can be suitably assessed and to comply with the Top Wighay Farm Development Brief SPD.
6. In the interest of highway safety and to comply with policy LPD61.
7. In the interest of highway safety and to comply with policy LPD61.
8. To ensure adequate parking provision is provided on site and to comply with policy LPD57.
9. To ensure adequate parking provision is provided on site and suitably drained and to comply with policies LPD57 and LPD4.
10. To ensure the site is developed in a sustainable way and to comply with guidance within the Top Wighay Development Brief SPD and guidance within the NPPF.

11. To ensure that alternative modes of transport to the private motor vehicle are encouraged and to comply with guidance within the NPPF.
12. To ensure that alternative modes of transport to the private motor vehicle are encouraged and to comply with guidance within the NPPF.
13. To ensure adequate highway safety and to comply with policy LP61.
14. To ensure foul water is suitably disposed of and to comply with policy LPD4.
15. To ensure surface water is suitably disposed of and to comply with policy LPD4.
16. To ensure that possible pollution and disturbance from the development during construction is mitigated against and to comply with policies, LPD10, LPD11 and LPD18.
17. To ensure possible impacts on archaeological features of interest are mitigated against and suitably assessed and to comply with policy LPD30.
18. To ensure that the impacts on ecology, notably breeding night jar and sky lark, are mitigated against and to comply with policy LPD18 and LPD19.
19. To ensure that public open space and ecological features of interest are suitably managed and maintained and to comply with policy LPD18.
20. To comply with policy LPD11 and paragraph 110 of the NPPF.
21. To ensure possible contamination, if found, is mitigated against and to comply with policy LPD7.
22. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
23. To ensure that protected species are respected and to comply with policy LPD18.

24. To ensure that the amenity of proposed occupiers is respected and to comply with policy LPD32.
25. To ensure that protected species are respected and to enhance ecology and comply with LPD18.
26. To ensure that protected species are respected and to enhance ecology and comply with LPD18.

Notes to Applicant

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank.

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

EV charging facilities should, where possible, incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability and allow 'Smart' charging. All electrical circuits/installations shall comply with the electrical requirements of relevant British Standards as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation.

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

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the

Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

All correspondence with the Highway Authority should be addressed to:-
NCC Highways (Development Control, Floor 3)
Nottinghamshire County Council, County Hall
Loughborough Road, West Bridgford
Nottingham, NG2 7QP

Please note that development shall proceed in accordance with the masterplan, as outlined in condition 3; however, should there be a variance in the approved plan that would alter the use of land currently identified as the Local Centre, there would be a need for any subsequent reserved matters application to be accompanied by an updated Contaminated Land Survey to ensure that the land is fit for what may be the identified end user.

Please note that in respect of compliance with regard to the condition which identifies mitigation in respect of table 7.2 in respect to ecology, the Council would expect an up to date survey if those originally submitted are out of date. Furthermore, additional information would need to be supplied in respect of badgers, which are known to be in close proximity to the site, to the extent that they would impact on development within it.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

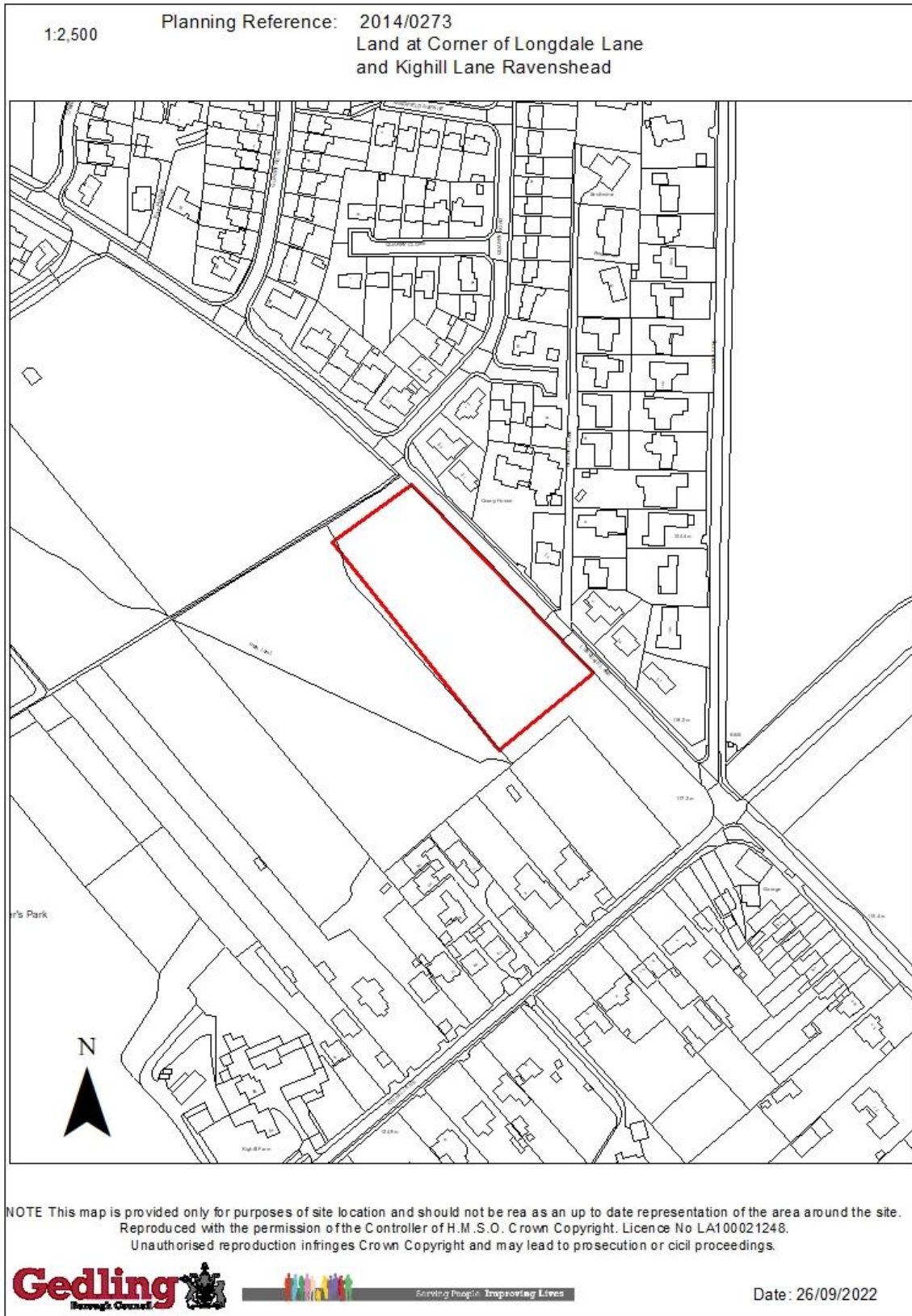
The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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Planning Report for 2014/0273



Report to Planning Committee

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

Addendum Report

1.0 Introduction

- 1.1 The application was before members of the Planning Committee in October 2022 and previously in August 2018. Initially, the resolution was to grant outline planning permission for 31 dwellings (with all matters reserved) subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as local highway and education authority to secure planning obligations for the provision of, or financial contributions towards, affordable housing, local labour agreement, transport infrastructure improvements, open space, management company and educational facilities; and subject to the conditions set out in the original committee report that is reproduced in full at the end of this addendum report.
- 1.2 Whilst progress was made in relation to the legal agreement it has never been concluded. At the subsequent meeting in August 2018, it was resolved that the applicant has the option to develop all or part of the site as a custom build/self-build development. The only changes proposed to facilitate this was the introduction of a phasing condition with subsequent amendments to proceeding conditions. This allowed conditions to be discharged on a plot-by-plot basis rather than for the site as a whole. A list of revised conditions incorporating these changes (as approved in August 2018) can be found at the end of this addendum report.
- 1.3 Further changes are now sought to the S106 legal agreement (compared to what was previously agreed in October 2022) in the form of:
- Forming an access road without triggering the requirement for contributions
 - Having an option to make a commuted sum payment in lieu of affordable housing that aligns with our SPD on affordable housing.

- To include a further viability clause to provide a review mechanism that enables assessment of the costs associated with the development and how this affects the provision of affordable housing and other agreed developer contributions.
 - To provide contributions pro rata to each phase of development rather than the commencement of development
 - Insert a clause where there is less evidence of need for affordable housing in the area, an affordable housing rent contribution shall be payable.
- 1.4 There are no other proposed changes to the proposed development or to the previously approved planning conditions or the amount of contributions required.

2.0 **Assessment**

- 2.1 To facilitate development the NPPF (2023) requires plans and planning decision to be deliverable and for local planning authorities to maintain the supply of housing. Planning committee resolved in August 2018 to also include self-build plots as part of the approved (outline) development. The approach by the applicant is now to develop the site in phases, with part of it being self-building plots. The applicant has stated that they intend to provide the access hardstanding to these self-build plots.
- 2.2 In this scenario, there is different trigger points to make developer contribution payment as it would be unreasonable to expect a single house plot to trigger the entirety of planning contributions which mean that the approach to the wording of the associated S106 Agreement needs to be updated to align with these changes.
- 2.3 There is also a national and local requirement (as set out in Section 5 of the NPPF) and key to the delivery is the development of allocated housing sites. Paragraph 66 of the NPPF states that expectation to affordable housing provision should also be made where (c) it is proposed to be developed by people who wish to build or commission their own home, hence the proposed changes to the approach to affordable housing in the S106A.
- 2.4 It is considered that the proposed changes are reasonable and justified given the nature of the proposals and that the changes would allow the S106a to be concluded and the permission implemented.

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

Conditions

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any phase of the development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule
- 4 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented strictly in accordance with the approved details.
- 5 No development shall commence within any phase unless or until a detailed design of the access to serve that phase has been submitted to and approved in writing by the local planning authority. The development shall be undertaken
- 6 No part of the development hereby permitted, within a phase, shall be brought into use until the visibility splays of 2.4m x 47m, serving that phase, are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 7 No part of the development hereby permitted, within a phase of development, shall be brought into use until a 2.00m wide footway has been provided across the site frontage, within that phase of development, on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 8 The formal written approval of the Local Planning Authority is required prior to commencement of any development, within a phase of development, in the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.) The development shall be undertaken in accordance with the approved details.
- 9 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing within a phase of development on

site. The approved measures shall be implemented prior to any other works commencing on the phase of development.

- 10 No part of the development hereby permitted, within a phase of development, shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented strictly in accordance with the timetable set out in that plan.
- 11 A plan showing satisfactory arrangements for refuse collection shall be submitted with the 'layout' reserved matter.
- 12 No development shall take place, within a phase of development, until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from construction works.
- 13 Before development is commenced, within a phase of development, there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for that phase based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.
- 14 Before development is commenced, within a phase of development, there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A tree protection plan to graphically show the locations of any tree and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which

provides guidance as to how works might be mitigated or compensated for;
(4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.

- 15 No external artificial lighting shall be provided, within a phase of development, until there has been submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented strictly in accordance with the approved details.
- 16 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment in relation to each phase of development. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 17 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out strictly in accordance with the approved details, which shall be retained for the lifetime of the development.
- 18 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 19 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 20 Development must not commence, within a phase of development, until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to

and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 21 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (That demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 23 From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

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

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. To enable the site to be developed in a phased manner
4. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
5. In the interest of highway safety.
6. To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
7. To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
8. To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
9. In the interest of Highway Safety.
10. To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
11. To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
12. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
14. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.
15. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
16. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
17. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

- 18 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
- 19 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough
- 20 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 21 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 22 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 23 In the interest of sustainable travel

Notes to Applicant

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

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

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

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

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

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

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

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

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

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

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

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

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) The Local Planning Document Part 2 where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

- 2.5 Below is the extract from previous committee reports for greater context. It should be noted that there would be no change to conditions or the agreed developer contributions.

BACKGROUND REPORT – APPENDIX 1 – Report considered at October 2022 committee meeting

3.0 Relevant Policies & Background Information

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

3.2 The updated relevant policies are listed below:

3.3 National Planning Policies

3.4 National planning policy guidance is set out in the National Planning Policy Framework 2021 (NPPF), at the heart of which is a presumption in favour of sustainable development (paragraphs 11-14). With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

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

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

- NPPF: Planning conditions and obligations (paragraphs 55 – 58)
- NPPF: Annex 1: Implementation (paragraphs 218 - 223)

3.6 Planning Practice Guidance – First Homes – this provides further detail on First Homes and their implementation.

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

- Low Carbon Planning Guidance for Gedling Borough (2021)

4.0 Planning Considerations

The Principle of the Development

4.1 The above sections of the NPPF have been fully reviewed and they do not raise any new material considerations in respect of the principle of development. As the application now proposes the option to include custom/self-build properties, it is necessary to consider Policy LPD 42 – Self Build and Custom Homes which permits self-build/custom build properties,

subject to a number of criteria being met, including the suitability of the location amongst other matters. The location of the development has previously been determined to be acceptable. The criteria in the policy relating to design, amenity and highway considerations would be considered through the determination of future approval of reserved matters applications.

Sustainability and Climate Change

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

Planning Obligations

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

Public Open Space

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

Affordable Housing

- 4.6 In accordance with LPD36 as the proposed development is for more than 15 dwellings, up to 31 in this instance, the development must provide 30% of the dwellings as affordable housing. By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing. However, there is now a requirement to secure not less than 25% of the affordable housing requirement as First Homes or 10% of the total number of dwellings proposed. First homes is a new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations and should be sold at not less than 30% against market value. There is an eligibility criteria which a prospective purchaser must meet to qualify for a First Home, including being a first time buyer and meeting a

local connection criteria. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 30% affordable homes and in accordance with the PPG a minimum of 10% of the total number dwellings must be First Homes. This equates to 9 dwellings which would consist of 3 First Homes and 6 affordable rent properties. This would be secured via a planning obligation. The level of provision is considered to be acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of First Homes.

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

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

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

Strategic Highways

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

transport and the existing facilities justifiably requiring updating to meet the needs of the occupants of the proposed development.

Local Labour Agreement

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

Education

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

Health

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

Upkeep of un-adopted land not within residential curtilages

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

- 5.0 **Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into planning obligations with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Affordable Housing,**

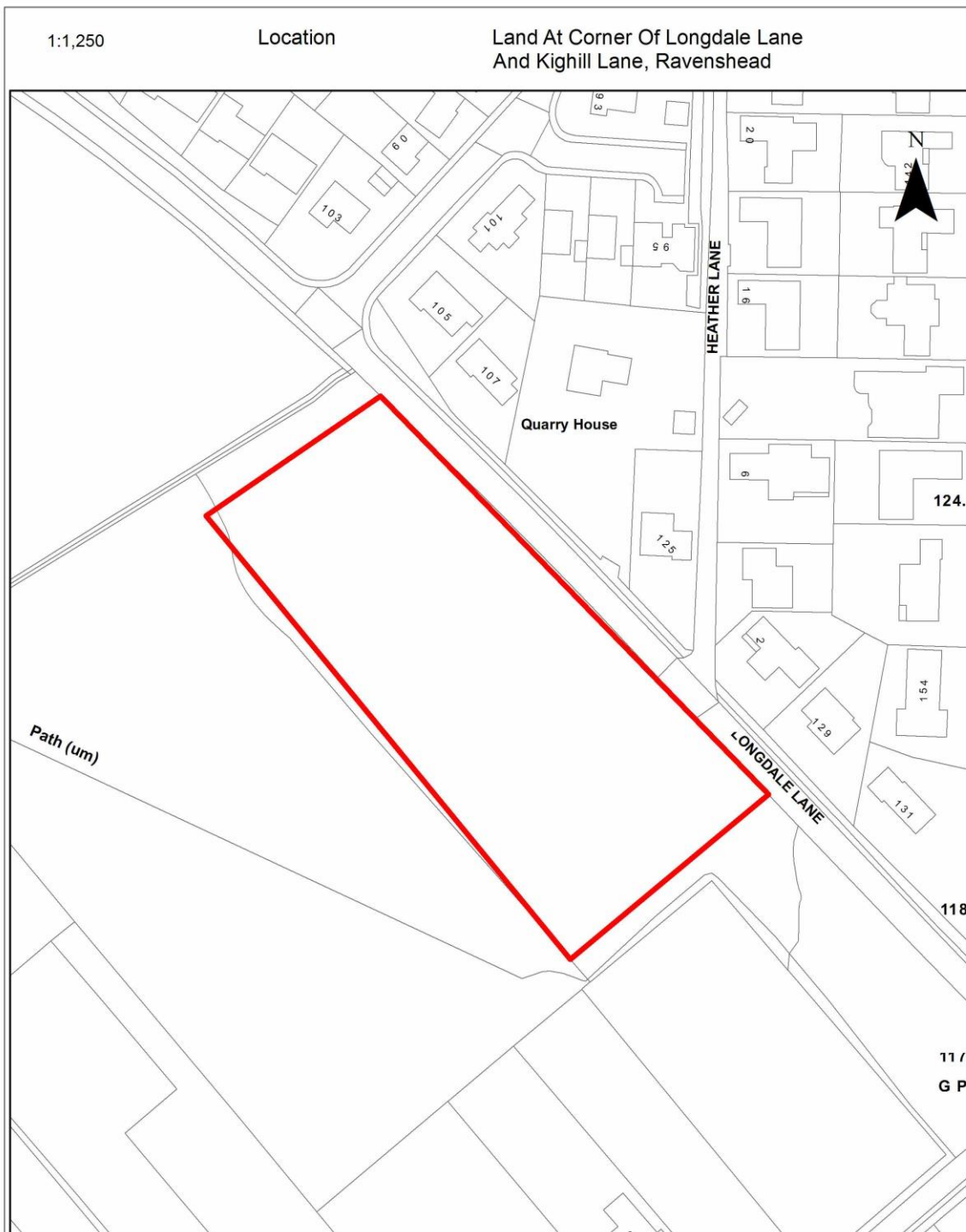
Transport Infrastructure Improvements, Open Space, Healthcare Facilities, Management Company, Local Labour Agreement and Educational Facilities; and subject to the following conditions:

BACKGROUND REPORT – APPENDIX 2 – Report considered at August 2018 committee meeting

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Planning Report for 2014/0273



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

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

1.0 Site Description

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

2.0 Proposed Development

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

3.0 Application Publicity and Procedures

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

4.0 Consultations

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

4.3 Nottinghamshire County Council (Highway Authority) –

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

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

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

The Highway Authority do not object subject to conditions.

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

4.4.1 Minerals and Waste

Minerals

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

Waste

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

4.4.2 Travel and Transport

Bus Service Support

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

Current Infrastructure

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

4.4.3 Education

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

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

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

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

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

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

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

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

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

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

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

Surveys

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

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

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

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

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

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

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

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

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

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

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

4.6 NHS

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

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

4.7 Nottinghamshire County Council (Forestry Manager) –

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

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

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

4.9 Natural England (received following April 2014 consultation)

The comments can be summarised as follows: -

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

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

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

4.12 Housing Strategy and Development Officer –

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

4.13 Scientific Officer –

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

4.14 Economic Development Officer –

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

4.15 Parks and Street Care

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

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

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

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

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

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

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

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

5.0 Planning Considerations

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

5.2 Relevant Policies & Background Information

This planning application is for the construction up to 31 new dwellings, new access, amenity space and open space on land at the corner of Longdale Lane and Kighill Lane.

5.3 National Planning Policies

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

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

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

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

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

5.7 Local Planning Policies

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

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

5.10 At Full Council on 18th July 2018 the Borough Council Adopted the Local Planning Document Part II which is now part of the development plan for the area. The following LPD policies are relevant to this application:

- LPD 7 Contaminated Land
- LPD 10 – Pollution
- LPD 11 – Air Quality
- LPD 32 – Amenity
- LPD 33 – Residential Density
- LPD 34 – Residential Gardens
- LPD 35 – Safe, Accessible and Inclusive Development
- LPD63 – Housing Distribution
- LPD67 – Site Allocations – Ravenshead

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

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

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

- The principle of developing the site and whether the proposal makes efficient and effective use of land;
- Ecology / Trees
- The impact on neighbouring amenity
- Masterplan and design
- Transport and connectivity
- Water resources, flood risk and drainage
- Pollution and Contamination
- Public Open Space
- Socio Economic Impacts
- Other material considerations

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

6.1 The NPPF attaches great importance to sustainable development. It states paragraph 11 that: '*plans and decisions should apply a presumption in favour of sustainable development*'. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.

6.2 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the GBACS adopts a strategy of urban concentration with regeneration. This means the following hierarchy will be used to identify sites:

- Within or on the edge of the built up area of Nottingham
- Adjacent to the sub regional centre of Hucknall

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

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

7.0 Ecology / Trees

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

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

- 7.5 The applicant has provided information regarding the Local Wildlife Site (reclassified from SINC) designation and has undertaken a Phase 1 Habitat Survey and Ecological Appraisal, albeit that the studies are presently out of date due to the length of time the application has been held in abeyance. The agent has, however, indicated that the studies would be updated to support any subsequent reserved matters application.
- 7.6 Paragraph 175 of the NPPF states: When determining applications, local planning authorities apply the following principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.7 I note the contents of the Ecological Appraisal, however, since the date of publication the application site has been removed from the SINC which previously designated the area as acid grassland and heathland. Therefore under the current policy framework the main material planning consideration in relation to ecology and trees would be the impact of the development on the Local Wildlife Site adjoining the site which is also covered by a Group Tree Preservation Order.
- 7.8 Given the removal of the application site from the LWS I do not consider the requirement for biodiversity offsetting on areas of the application site to be appropriate in this instance. I do however note that the Ecological Appraisal identifies the woodland and woodland edge of scrub and perennials as having high biodiversity potential.
- 7.9 The conditions attached to this report would seek precise details to form the basis of the wildlife and ecology mitigation strategy. The conditions would require, at reserved matters stage, an updated Extended Phase 1 Habitat Survey and Ecological Appraisal and mitigation strategy to cover the boundary of the application site with the woodland / Local Wildlife Site - to the south west. It would also require details of management to the woodland area, in particular the edge adjacent to the development, to incorporate thinning of the crowded tree stock and invasive sycamores.
- 7.10 Given the statutory protection of the woodland by a Group Tree Preservation Order I also consider that a tree survey should also be sought as part of the reserved matters to ensure appropriate tree protection measures are in place prior to any development commencing to ensure that there is no adverse impact on the protected trees during construction.
- 7.11 I note that the ACS outlines the Green Infrastructure in the Plan Area and the possible Sherwood potential Special Protection Area. Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and

Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.

- 7.12 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.
- 7.13 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that that the Sherwood Forest Region should be treated as a confirmed European site.
- 7.14 Having regard to evidence submitted to the inquiry in 2010, the site is located within an area of ornithological interest for breeding nightjar and woodlark area within the RSPB IBA Boundary 5km buffer. The precise extents of any buffer zones are not known and therefore I am of the opinion that the proposal would have a minimal variance with Paragraph 3.17.3 of the Council's ACS and in my view the benefits of the scheme would outweigh any harm identified.
- 7.15 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 176 refers to pSPAs and footnote 59 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.16 Subject to the details being sought to mitigate potential biodiversity impacts, whilst there is a minor variance with Section 11 of the NPPF, Policy 17 of the ACS, LPD18, and Policy LPD67 I consider that, on balance and taking into

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

8.0 The impact on neighbouring amenity

- 8.1 Residential amenity considerations relevant to this proposal include the impact from noise generated from the development, the level of activity, overlooking, overshadowing and overbearing impacts, as well as impacts from construction and lighting. Criterion b. of Policy ENV1 of the GBRLP and LPD32 state that planning permission would be granted for development providing that it would not have a significant adverse impact upon the amenity of nearby properties or the locality in general. Criterion f) of Policy 10 of the GBACS relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.
- 8.2 The main impact from the development is likely to be from the construction phase of the development. The nearest buildings that could be affected are those properties on Longdale Lane opposite the application site. The impacts of the construction activities would be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic, management, control of pollution, waste management, noise, dust, and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through planning condition. This would protect both the occupiers of existing dwellings as well as new occupiers of the dwellings within the site.
- 8.3 Whilst only indicative at present the Masterplan illustrates that a single access road using an access from Longdale Lane could be provided centrally on the site to ensure that the rear boundaries of the residential properties can be adjoined by the site boundaries and the private drives of the proposed new development.
- 8.4 It is considered that any amenity impacts from the development as a whole can be controlled to a large extent through the reserved matters application, such matters being required to be in accordance with the principles and parameters illustrated in the indicative masterplan and the attached conditions.
- 8.5 Given the above, I am satisfied that the proposed development would not result in any material impact on residential amenity subject to the detailed submission at reserved matters stage. It is therefore considered that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS and LPD 32.

9.0 Masterplan and Design

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

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

- 9.2 All matters are reserved at this point; however, I consider that the indicative Masterplan and the Design and Access Statement provide an appropriate framework to assess the potential design and layout of a residential development of this site.
- 9.3 Whilst only indicative a layout has been submitted in support of this application that indicates that a development of 31 dwellings can be accommodated on the application site without appearing over intensive. The layout illustrates the use of front facing development along Longdale Lane with strong frontages to the public realm, thereby supporting a safe environment through natural surveillance. Details of the appearance, landscaping, layout and scale of the proposed development would be required for consideration at the reserved matters stage, should outline planning permission be granted.
- 9.4 Overall it is considered that an imaginative design can be achieved on the site that suitably connects to the existing residential boundary of Ravenshead. I am content that an appropriate design can be achieved on site that would closely relate to existing features on the site and the architectural styles of the surrounding area. I am therefore satisfied that the application accords with the broad aims of the NPPF and Policy 10 of the ACS, along with policies ENV1, H7, H8, H16 of the Replacement Local Plan and emerging Policy LPD35.

10.0 Transport and connectivity

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

11.0 Water resources, flood risk and drainage

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

12.0 Pollution & Contamination:

- 12.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 11 of the NPPF, and LPD7, LPD10 and LPD11.
- 12.2 Section 11 of the NPPF as reinforced by local policy requires development to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.
- 12.3 Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.
- 12.4 I note that Gedling Borough Public Protection considers that the site is unlikely to be affected by significant contamination and have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to require a land contamination survey prior to development.
- 12.6 It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and LPD7, LPD10 and LPD11.

13.0 Public Open Space

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

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

14.0 Socio Economic Impacts

14.1 Affordable Housing

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

14.2 Strategic Highways

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

14.3 Economic

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

14.4 Education

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

14.5 Health

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

14.6 Upkeep of un-adopted land not within residential curtilages

Given that the indicative layout illustrates that the development would result some private drives and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the private access drives and open space not within the curtilages of dwellings would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.

15.0 Conclusion

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

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

Conditions

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented strictly in accordance with the approved details.
- 4 No development shall commence on any part of the application site unless or until a detailed design of the major / minor T junction, as shown for indicative purposes on the illustrative layout has been submitted for approval.

- 5 No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 6 No part of the development hereby permitted shall be brought into use until a 2.00m wide footway has been provided across the site frontage on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 7 The formal written approval of the Local Planning Authority is required prior to commencement of any development within the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.)
- 8 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.
- 9 No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented strictly in accordance with the timetable set out in that plan.
- 10 A swept path for a Refuse lorry to turn and exit the site in a forward gear shall be submitted with the 'layout' reserved matter. The Refuse Lorry is an Elite 6 - 8x4MS wide Track (Euro 6 specifications).
- 11 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from construction works.
- 12 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the

development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.

- 13 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A Woodland Management Plan detailing (i) any crown thinning of the crowded tree stock and invasive sycamores within the Local Wildlife Site adjacent to the application site, and (ii) any tree, shrub or undergrowth removal within the designated Local Wildlife Site adjoining the application site; (2) A tree protection plan to graphically show the locations of any tree and root protection barriers; (3) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (4) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.
- 14 No development shall take place until there has been submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented strictly in accordance with the approved details.
- 15 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 16 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out strictly in accordance with the approved details, which shall be retained for the lifetime of the development.

- 17 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 18 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 19 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 20 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (That demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 21 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together

with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 4 In the interest of highway safety.
- 5 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 In the interest of Highway Safety.
- 9 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 12 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 13 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.

- 14 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
- 15 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 16 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 17 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 18 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 19 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 20 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 21 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.

Reasons for Decision

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

Notes to Applicant

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority.

The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

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

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

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

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

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

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

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

Date Recommended: 24th July 2018



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Planning Enforcement Report for 0257/2022

1:7,500 Enforcement Reference: 0257/2022
Nottingham Sun Club, Brackenwood, Newstead Abbey Park
Nottingham Road, Ravenshead

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: 24/05/2024

Report to Planning Committee

Reference Number: 0257/2022

Location: Nottingham Sun Club, Brackenwood, Newstead Abbey Park, Nottingham Road, Ravenshead. NG15 8GB

Breaches of Planning Control: Unauthorised Construction of a glamping structure.

1. The Breach of Planning Control

- 1.1. The construction of a glamping structure. There has been a building operation on the site to facilitate the construction of the structure. The structure is not moveable and has a sufficient degree of permanence to be considered operational development. There are no permitted development rights applicable to the leisure use of the land and therefore the construction of the structure is development requiring planning permission.

2. Site Description

- 2.1. The Nottingham Sun Club is a private leisure facility located within Newstead Abbey Park. The Club's north-western and south-western boundaries abut both Newstead Abbey's historic Listed Park and Garden and a Local Wildlife Site. The land is covered by a Woodland Tree Preservation Order and is located within the Green Belt.
- 2.2. The Sun Club is a 2.5 hectare camping and recreational site. It has a clubhouse pavilion, wooden chalets, tennis courts and a camping field. The glamping structure has been constructed within the camping field section of the site.

3. Relevant Planning History

- 3.1. Various historical planning applications relating to the alterations and extensions to existing wooden chalets on the site.

4. Planning Legislation and Policy

- 4.1. The Town and Country Planning Act 1990
Town and Country Planning (General Permitted Development) Order 2015
Town and Country Planning Use Classes Order 1987

Policy Considerations

4.2. The following policies are relevant to the assessment of this case:

National Planning Policy Framework

- 4.3. • Part 12 – Achieving well-designed places
• Part 13 – Green Belt

Aligned Core Strategy

4.4. At a local level, Gedling Borough Council at its meeting on 10th September 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The adopted ACS forms Part 1 of the new Local Plan for Gedling Borough. It is considered that the following policy of the ACS is relevant:

- ACS Policy 3: (The Green Belt)
- ACS Policy 10: (Design and Enhancing Local Identity)

Local Planning Document

4.5. In July 2018 Gedling Borough Council adopted the Local Planning Document (LPD). The following LPD policies are relevant to this breach of planning control:

- LPD 19 (Landscape Character and Visual Impact) states that planning permission will be granted where new development does not result in significant adverse visual impact or significant adverse impact on the character of the landscape.
- LPD 29 (Historic Landscapes, Parks and Gardens) states that development affecting Registered Parks and Gardens should seek to conserve and/or enhance features which form part of the significance of the asset and ensure development does not detract from the enjoyment, layout, design, character and appearance or setting of the Registered Park or Garden including key views.
- LPD 32 (Amenity) states that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.

5. Background / Investigation

5.1. In planning terms, the Council has to ascertain whether the structure requires planning permission. The structure has been constructed within the camping tent area of the established club grounds. There is no change of use of the land associated with the works. Therefore, determination must be made as to whether the works are operational development requiring planning permission, and if development, whether there are any permitted development

rights that would allow the construction of such a structure without the need for planning permission.

- 5.2. The Club Member and structures owner considers the development to be nothing more than a temporary 'tent' not requiring planning permission. In this regard, his opinion is that the 'tent' should be treated the same as any other tent pitched up on the site.
- 5.3. The structure has been constructed with the intention of it being a 'tent'. The structure has a canvas roof and has been constructed around a metal frame which is only positioned upon the ground and held down by guide ropes. In this regard the structure does have some similarities to a traditional tent.
- 5.4. However, the structure contains other elements that would not generally be associated with a 'tent'. Of particular note are the timber support post, the solid internal walls, the fitted kitchen units, the double-glazed doors and the integrated boiler heating system. In this regard it is considered that the structure is not simply a temporary tent.
- 5.5. Consequently, the Council has to determine if the structure is considered to be development. Section 55 of the Town and Country Planning Act 1990 defines the meaning of development. In this it states that "development" means the carrying out of building, engineering or other operations in, on, over or under land. To aid in the determination as to whether the structure is operational development an assessment must be made in relation to the structures physical attachment to the ground, its moveability and its degree of permanence.
- 5.6. As discussed earlier the structure is not physically attached to the ground, bar the guide ropes. The structure sits on a metal frame, off which a combination of metal and wooden support structures are attached. The elements, such as the patio doors then sit or are hooked onto that inner support structure to create the finished development.
- 5.7. There is an argument that the structure is not physically attached to the ground. However, it has been constructed in pieces on the site and is not considered to be moveable. This is not a scenario, similar to a caravan or portable building where a completed structure is brought by road onto the site and towed or craned into position. This structure has been fully constructed on site. There are attached glazed doors, walls and a boiler, all of which have been brought onto the site and assembled together to create a new form of development. To move the structure, it would need to be fully dismantled and then reconstructed in any alternative position. The structures owner has indicated that to take it down and rebuild it elsewhere might take a whole weekend. This is a building operation and therefore the Council are of the opinion that it is operational development.
- 5.8. The structure also has a degree of permanency. There has been no attempt to ever remove the structure since it was first constructed on the site. It has been continuously present on the land for the last 3 years. The development therefore remains a constant feature on the site.

- 5.9. Given the above the Council are satisfied that the structure doesn't meet the moveability or degree of permanency test for it to be a temporary structure. The structure is development as defined by Section 55 of the Town and Country Planning Act 1990 and requires planning permission.
- 5.10. As the structure is development the Council then has to assess whether there are any permitted development rights that would allow this Club to construct a building on their land. There are no permitted development rights applicable through the Town & Country Planning (General Permitted Development) Order 2015 that would allow a leisure use to construct any type of building on the land.
- 5.11. Given the above the Council is satisfied that the structure is operational development and therefore planning permission is required. Planning permission has never been sought and the development is therefore a breach of planning control.

6. Assessment

- 6.1. The main considerations when deciding whether to take enforcement action in this case are the impact on the Green Belt setting and the character of the area.
- 6.2. The Government places great importance on the protection of the Green Belt with the fundamental aim of keeping land permanently open. The Nottingham Sun Club is located within the Green Belt; therefore considerable weight should be given to its protection.
- 6.3. Paragraph 147 of the National Planning Policy Framework 2023 (NPPF) states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.4. Paragraph 148 goes on to state that when considering development, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.5. Paragraph 149 of the NPPF provides that the construction of new buildings as inappropriate in the Green Belt but identifies certain exceptions to this. Paragraph 149(b) identifies an exception in terms of the provision of appropriate facilities in connection with the existing use of land for outdoor sports and recreation as long as the facilities preserve openness and do not conflict with the purposes of including land within the Green Belt.
- 6.6. The construction of a new glamping structure introduces built form into an area of the site where there has historically not been any development. Openness is a concept that relates to land that is not built upon. Openness therefore has both a spatial and a visual aspect.

- 6.7. The new structure built has a spatial impact and therefore does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. The development therefore does not meet the exception in para 149(b) of the NPPF and is inappropriate development, by definition, harmful to the Green Belt.
- 6.8. The construction of the individual glamping structure for use by one individual has no social, economic or environmental benefits that would outweigh the harm to the Green Belt. The very special circumstances required to justify the construction of the glamping structure have therefore not been met.
- 6.9. Although the Club grounds are located adjacent to a historic park and garden, the small-scale development within the camping field is set away from the boundary of the site and therefore does not impact upon the setting, character or appearance of the park and garden. The development will comply with policy LPD29 of the Local Planning Document.
- 6.10. The encroachment into the countryside of the unauthorised structure causes harm to the openness and character of the Green Belt. The development therefore fails to accord with Section 13 of the NPPF.

7. Other Considerations

Human Rights

- 7.1. Under the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a right under the European Convention on Human Rights (the Convention). In this instance under Article 1 of the First Protocol of the Convention: Protection of Property, every person is entitled to the peaceful enjoyment of their possessions except in the public interest and subject to conditions provided for by law. Furthermore under Article 8 of the Convention all individuals enjoy the right to respect for their private and family life, their home and their correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 7.2. In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words, whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing an enforcement notice and pursuing Court action if the enforcement notice is not complied with, would be a proportionate response to the breach of planning control.

Equalities

- 7.3. The Council's Planning Enforcement team operates in accordance with the Council's Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 7.4. The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 7.5. The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

8. Enforcement Option

- 8.1. Although the above development has occurred without planning permission a local planning authority is required to consider Government legislation when deciding whether to take planning enforcement action. Paragraph 59 of the National Planning Policy Framework 2023 (NPPF) states that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 8.2. Other than pursuing enforcement action, the only other option is to do nothing. This is not considered an acceptable alternative. This would leave the glamping structure on the land and may lead to other similar structures being constructed by other club members on the site. This would result in further encroachment into the green belt.

9. Conclusion

- 9.1. To date, the breach of planning control remains. Given there is a clear reason to reject the unauthorised development, the commencement of enforcement action is warranted and the appropriate course of action.

- 9.2. In this case the enforcement action to be pursued is the removal of the operational development (the glamping structure) from the land. 1 month to seek compliance is considered reasonable required to remove the structure.
- 9.3. The service of an enforcement notice under section 172 of the Town and Country Planning Act 1990 should now be undertaken. This course of action will restore the land to its condition before the breach took place, as required by section 173(4)(a) of The Act. The action will also uphold the appropriate planning control of the land.

10. Recommendation

- 10.1. **That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the removal of the unauthorised structure from the land.**



Planning Enforcement Report for 0132/2023



Report to Planning Committee

Reference Number: 0132/2023

Location: 22 Onchan Drive, Carlton

Breaches of Planning Control: Unauthorised rear garden canopy.

1. The Breach of Planning Control

- 1.1. A wooden framed canopy with polycarbonate roof and sides has been constructed above an approved roof terrace. The canopy is located in the properties rear garden, which is within 2m of the boundary and exceeds 2.5m in height. The canopy addition, therefore, does not conform to household permitted development rights under Part A, Class E of the General Permitted Development Order 2015 (GPDO) and requires planning permission.

2. Site Description

- 2.1. 22 Onchan Drive is a detached split-level property located within residential area of Carlton. The rear garden is approximately 40m long and the land levels decrease substantially over its length.
- 2.2. The original garden gradient would have been similar to the neighbouring properties gardens, where a series of plateaus/terraces and garden slopes are still present. Over time 22 Onchan Drive has undertaken a number of historical garden developments, these have altered the original garden gradients. To the rear of the dwelling there is now a flat parking area. From that, steps lead down to the approved roof terrace section from which a further set of steps lead to a lower lawn area.

3. Relevant Planning History

- 3.1. 2017/0235 - Proposed alterations and rear extensions – **Granted**
- 3.2. 2019/0389 – Extension to existing pantry. Remove shed roofs and extend existing terrace over with timber decking surface and concrete block perimeter wall – **Granted**

4. Planning Legislation and Policy

- 4.1. The Town and County Planning Act 1990

Policy Considerations

4.2. The following policies are relevant to the assessment of this case:

National Planning Policy Framework

4.3. Part 12 – Achieving well-designed places.

Aligned Core Strategy

4.4. At a local level, Gedling Borough Council at its meeting on 10th September 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The adopted ACS forms Part 1 of the new Local Plan for Gedling Borough. It is considered that the following policy of the ACS is relevant:

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

Local Planning Document

4.5. In July 2018 Gedling Borough Council adopted the Local Planning Document (LPD). The following LPD policies are relevant to this breach of planning control:

- LPD 32 (Amenity) states that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.
- LPD 34 (Residential Gardens) seeks to protect residential gardens and aims to ensure any development does not result in harm to the character or appearance of an area.
- LPD 43 (Extensions to Dwellings) seeks to ensure that the appearance of development is in keeping with surrounding character in terms of height, built form and general design.

5. Background / Investigation

5.1. The rear garden area to the property has been subject to a number of alterations. In 2017 the Council approved a basement floor extension to the main property. That planning permission created a level platform immediately adjacent the rear of the house. A parking area has been created within that space. The level of that parking area, at its furthest point from the house, is above the land level of the neighbouring properties. Below the parking area is an approved decked area, which is reached by a series of steps.

- 5.2. In 2019 a planning application to increase the size of the decked area was approved. The planning application granted consent for the removal of 2 outbuilding roofs and their replacement with a single span roof. An extended deck to measure 8.5m x 8.5m was then to be constructed by building over the top of those original outbuildings. New steps were then relocated on the furthest extent of the enlarged decked area, now roof terrace to allow access to both the lower lawn area and the outbuildings underneath.
- 5.3. The unauthorised wooden framed canopy, subject to this report, with its polycarbonate roof and sides has been built on top of part of the extended roof terrace. The canopy is L-shaped. It spans the full width of the deck nearest the upper terrace and measures approximately 8.5m x 3m in area with a mono-pitched roof. The canopy then extends along the western side of the roof terrace, adjacent to 20, with a flat roof structure measuring 5.5m x 2m in size and 2m in height. For clarification, the canopy on the eastern elevation adjacent to 24 is 3m deep.
- 5.4. The canopy is above 2.5m in height at its lowest point but extends up to approximately 4.5m in height at its highest point. The canopy therefore exceeds the 2.5m limit permitted by Part 1, Class E (buildings incidental to the enjoyment of a dwelling house) of the General Permitted Development Order 2015. The canopy therefore requires planning permission, which has not been sought.
- 5.5. The landowners have been advised of the breach, but to date no action has been taken to seek a resolution to the breach.

6. Assessment

- 6.1. The main considerations when deciding whether to take enforcement action in this case are the impact on residential amenity and impact on the character of the area.
- 6.2. The Paragraph 131 of the National Planning Policy Framework 2023 (NPPF) identifies that good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 139 identifies that development that is not well designed should be refused.
- 6.3. Policy 10 of the Greater Nottingham Aligned Core Strategies Local Plan 2014 (ACS) states that development should be designed to make a positive contribution to public realm and sense of place. Policy LPD 32 states that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures. Policy LPD 43 of the Gedling Borough Local Planning Document 2018 (LPD) identifies that development should only be permitted where the appearance is in keeping with the surrounding character in terms of height, built form and general design.
- 6.4. The canopy is built abutting the boundaries to the neighbouring properties. On the western elevation the construction includes polycarbonate sides up to the

eaves along the full length of the decking area. There is also breeze block below, which forms the side of the historical outbuilding.

- 6.5. Given the overall height of the enclosed canopy the structure is considered to have a negative impact on residential amenity of the neighbouring properties. The canopy is considered dominant and out of keeping with the surrounding character of the area by virtue of its inappropriate size, design and appearance. The canopy results in a prominent and incongruous feature in the locality and is considered detrimental to the visual amenity of residents living within the vicinity of the site.
- 6.6. The canopy is also considered to have a detrimental impact on the character and appearance of the area. Given the sloping nature of the garden the full effect of the canopy is highly visible from the garden area of properties located to the west of 22 Onchan Drive. But the canopy will also be highly visible from the lower garden areas of many other properties in the locality. Removing the canopy is likely to increase overlooking to neighbouring properties, particularly properties to the west. However, the raised decking area did not have any screening as approved under permission 2019/0389 and there is a degree of mutual overlooking between a number of properties in the locality with the detrimental impact on the character of the area considered to be the overriding consideration in this instance. As such, the canopy is considered contrary to policy 10 of the ACS and 43 of the LPD, removal of the canopy is also not considered to result in a conflict with policy 32 of the LPD.
- 6.7. Given the above the Council are of the opinion that enforcement action must now be taken to seek a resolution to the existing breach of planning control.

7. Other Considerations

Human Rights

- 7.1. The Under the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a right under the European Convention on Human Rights (the Convention). In this instance under Article 1 of the First Protocol of the Convention: Protection of Property, every person is entitled to the peaceful enjoyment of their possessions except in the public interest and subject to conditions provided for by law. Furthermore under Article 8 of the Convention all individuals enjoy the right to respect for their private and family life, their home and their correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 7.2. In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words, whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with,

will result in interference with the recipients' rights. However, it is considered that issuing an enforcement notice and pursuing Court action if the enforcement notice is not complied with, would be a proportionate response to the breach of planning control.

Equalities

- 7.3. The Council's Planning Enforcement team operates in accordance with the Council's Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 7.4. The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 7.5. The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

8. Enforcement Option

- 8.1. Although the above development has occurred without planning permission a local planning authority is required to consider Government legislation when deciding whether to take planning enforcement action. Paragraph 59 of the National Planning Policy Framework 2023 (NPPF) states that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 8.2. Consideration has been had as to what works are required to remedy the breach. The canopy is constructed in 2 discernible sections, there is the full width monopitch part and the side projecting flat roof part. The furthest projecting flat roof section has the most impact on both residential amenity

and character of the area. When viewed from the east the monopitch element is more open does blend in better with the natural environment. However, when viewed from the west hand side the whole structure along the boundary is considered to cause issues with amenity. Enforcement action should therefore be pursued against the whole canopy structure.

- 8.3. The only other option is to do nothing. This is not considered an acceptable alternative. This would leave the canopy in its current condition and may lead to other unacceptable garden buildings being constructed in the area.

9. Conclusion

- 9.1. To date, the breach of planning control remains. Given there is a clear reason to reject the unauthorised development, the commencement of enforcement action is warranted and the appropriate course of action.
- 9.2. In this case the enforcement action to be pursued is the complete removal of the existing canopy structure. 1 month to seek compliance is considered reasonable given the relatively small works required to remove the structure.
- 9.3. The service of an enforcement notice under section 172 of the Town and Country Planning Act 1990 should now be undertaken. This course of action will remedy the injury to amenity which has been caused by the breach of planning control, as required by section 173(4)(b) of The Act. The action will also uphold the appropriate planning control of the land.

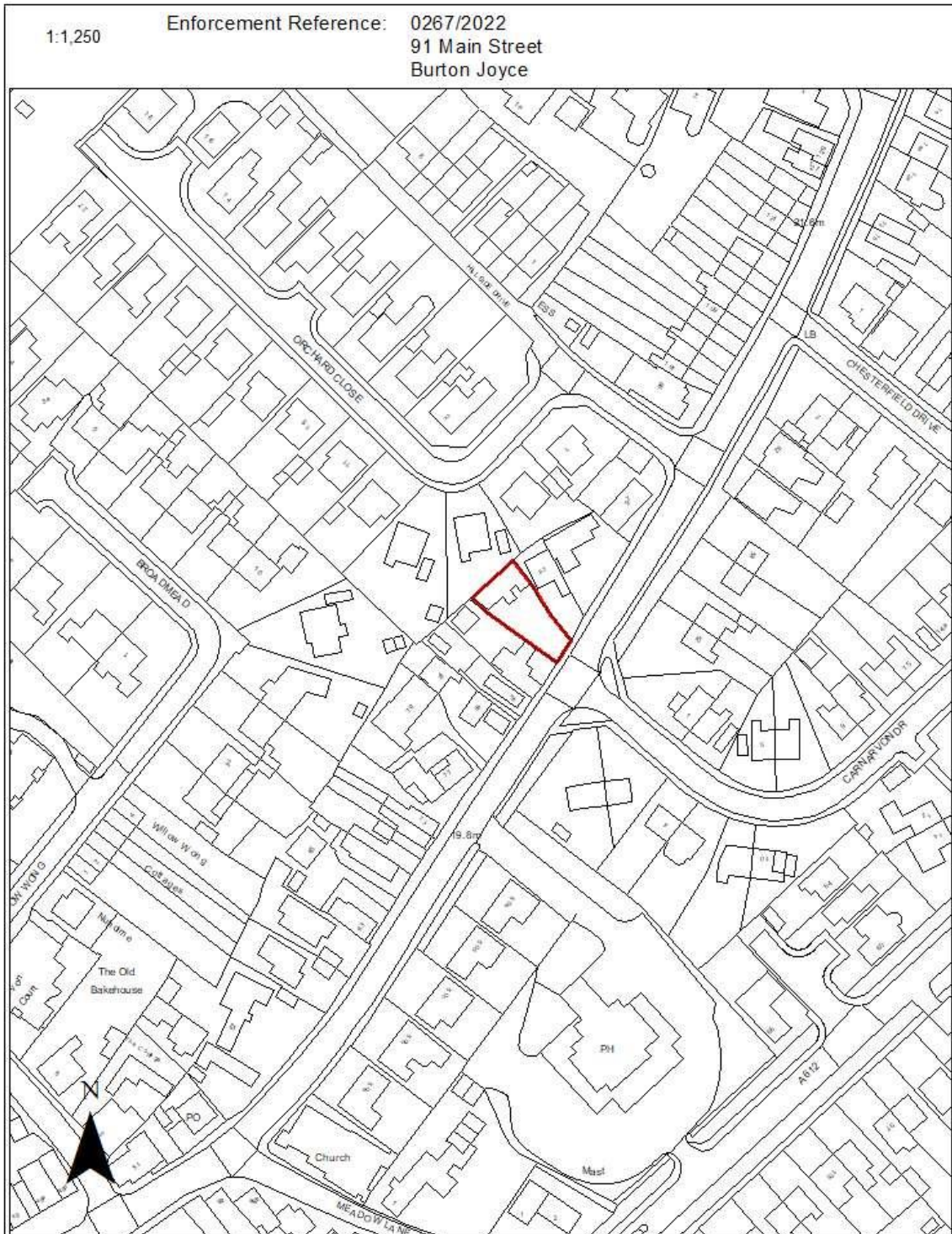
10. Recommendation

- 10.1. That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the removal of the unauthorised canopy.

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Planning Enforcement Report for 0267/2022



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M. S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Date: 21/05/2024

Report to Planning Committee

Reference Number: 0267/2022

Location: 91 Main Street, Burton Joyce

Breaches of Planning Control: Unauthorised Gates and Fencing.

1. The Breach of Planning Control

1.1. The construction of 2m high wooden gates and fencing adjacent the highway.

2. Site Description

2.1. 91 Main Street is a residential property located opposite the junction with Carnarvon Drive. The site comprises a detached, two-storey dwelling that is set back from the highway. The private amenity space for the property is all located forward of the building line and the dwelling has no rear garden area.

2.2. The unauthorised gates and fencing have been constructed to enclose the front garden. The new wooden boundary incorporates a set of double gates for vehicle access, a single pedestrian gate and 3 sets of solid close boarded fencing. The fencing only runs along the highway boundary and does not return into the garden area.

2.3. The front boundary treatments in this area of Main Street are predominantly low in height, of various types, including metal railings, hedging, stone walls and wooden fencing. In this immediate locality the fencing subject to this report is the only high boundary treatment.

3. Relevant Planning History

3.1. 2023/0275 – *'Driveway gates and side gate to front garden (retrospective)'* – **Refused** permission on the 2nd June 2023. An appeal (ref: APP/N3020/D/23/3328184) against the refusal was dismissed and the decision of the Council upheld.

4. Planning Legislation and Policy

4.1. The Town and Country Planning Act 1990
Town and Country Planning (General Permitted Development) Order 2015

Policy Considerations

4.2. The following policies are relevant to the assessment of this case:

National Planning Policy Framework

4.3. Part 12 – Achieving well-designed places.

Aligned Core Strategy

4.4. At a local level, Gedling Borough Council at its meeting on 10th September 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The adopted ACS forms Part 1 of the new Local Plan for Gedling Borough. It is considered that the following policy of the ACS is relevant:

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

Local Planning Document

4.5. In July 2018 Gedling Borough Council adopted the Local Planning Document (LPD). The following LPD policies are relevant to this breach of planning control:

- LPD 32 (Amenity) states that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.
- LPD 43 (Extensions to dwellings) seeks to ensure the appearance of new development is in keeping with surrounding character in terms of height, built form and general design and will not cause a significant adverse impact on the amenity of nearby occupiers.
- LPD 61 (Highway Safety) states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, patterns of movement and access needs.

Neighbourhood Plan Document

4.6. The Burton Joyce Neighbourhood Plan (2017-2028). The following policy is relevant to this breach of planning control.

- Policy NP3 (Design Principles for Residential Development) states that development should demonstrate a high design quality and be of a scale and massing that should reinforce existing character

5. Investigation

- 5.1. The unauthorised boundary treatment occupies a prominent location on one of the main routes through the village, where the dominant character of the boundaries that front the highway are low level. The predominance of low-level boundary features creates the open character to the streetscene.
- 5.2. Prior to the construction of the 2m high wooden boundary treatment the property used to have a low-level white picket fence with low level wooden vehicle access gates.
- 5.3. The new unauthorised gates and fencing were subject to a planning application (2023/0275) which was refused by the Council on the 2nd June 2023. The boundary treatment was considered to be of an unacceptable scale and design, which had a significantly detrimental impact on the character and appearance of both the existing dwelling and the street scene.
- 5.4. There were no highway concerns raised as part of the determination of the planning application. The access arrangements have not been altered by the new boundary as a vehicle access point was previously in existence. Neither was the new boundary considered to impact upon the residential amenity of any neighbouring residential property. The fencing accorded with the policies LPD 61 (Highway Safety) and LPD 32 (Amenity) of the Gedling Borough Local Planning Document 2018 (LPD).
- 5.5. The current boundary treatment was then subject to an appeal. The Planning Inspectorate dismissed the appeal on the 2nd February 2024. The Planning Inspector agreed with the Council. The Inspector felt that the gates and fencing “present an unrelentingly hard sense of enclosure at the back of pavement.” The Inspector concluded that “given the low and unobtrusive treatments to neighbouring properties at Nos. 83, 89 and 93, what has been erected stands in significant contrast as a detractor to the streetscene in a part of Main Street that incorporates a distinctive and characterful group of traditional buildings.”
- 5.6. Subsequent to the appeal decision the landowner has been in communication with the Council regarding potential alternative designs for the boundary treatment. The landowner did suggest reducing the height of the fence panels only, whilst leaving the gates. The Council still has concerns that this arrangement won't break up the overall height of the boundary feature, which will still appear as a prominent high boundary treatment.
- 5.7. The Council did suggest moving the fencing back so that it is level with the side gable to the neighbouring house (89 Main Street). That would mean moving the fence back approximately 6m from the highway, the fence would need extending in width so that it spans the whole garden. This would allow the car parking provision to be maintained and would provide the private amenity area that the resident was seeking. However, this option was rejected by the landowner.
- 5.8. The existing gates and fence are the only boundary treatment to the properties main garden area. Whilst sympathetic to the requirement to have some private amenity, the Council has to consider the wider impact of the

gates and fencing due to its location and prominent position within the street scene.

6. Assessment

- 6.1. The main considerations when deciding whether to take enforcement action in this case are the impact of the gates and fencing on the character of the area.
- 6.2. Paragraph 131 of the National Planning Policy Framework 2023 (NPPF) identifies that good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 139 identifies that development that is not well designed should be refused.
- 6.3. Policy 10 of the Greater Nottingham Aligned Core Strategies Local Plan 2014 (ACS) states that development should be designed to make a positive contribution to public realm and sense of place. Policy LPD 43 of the Gedling Borough Local Planning Document 2018 (LPD) identifies that development should only be permitted where the appearance is in keeping with the surrounding character in terms of height, built form and general design. Neighbourhood Plan policy NP3 requires development to demonstrate a high design quality.
- 6.4. The unauthorised high gates and fencing are considered to be an unacceptable boundary treatment. The gates and fencing create a harsh tall boundary feature in a prominent position. The development and sense of enclosure created is visually at odds with the established form and appearance of boundary treatments in the locality which is characterised by open low-level boundary features. As a result, the gates and fencing do not make a positive contribution to the areas public realm and sense of place as required by the Aligned Core Strategy (ACS).
- 6.5. The gates and fencing are considered to have a detrimental impact on the character and appearance of the site and wider street scene by virtue of its height, location, and design. As such, the gates and fencing are contrary to policy 10 of the ACS, policy 43 of the LPD, policy NP3 of the Neighbourhood Plan and the provisions of Part 12 of the NPPF.
- 6.6. Given the above the Council are of the opinion that enforcement action must now be taken to seek a resolution to the existing breach of planning control.

7. Other Considerations

Human Rights

- 7.1. Under the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a right under the European Convention on Human Rights (the Convention). In this instance under Article 1 of the First Protocol of the Convention: Protection of Property, every person is entitled to the peaceful enjoyment of their possessions except in the public interest and subject to conditions provided for by law. Furthermore under Article 8 of the Convention all individuals enjoy the right to respect for their private and family

life, their home and their correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 7.2. In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing an enforcement notice and pursuing Court action if the enforcement notice is not complied with, would be a proportionate response to the breach of planning control.

Equalities

- 7.3. The Council's Planning Enforcement team operates in accordance with the Council's Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 7.4. The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 7.5. The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

8. Enforcement Option

- 8.1. Although the above development has occurred without planning permission a local planning authority is required to consider Government legislation when deciding whether to take planning enforcement action. Paragraph 59 of the National Planning Policy Framework 2023 (NPPF) states that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 8.2. Other than pursuing enforcement action, the only other option is to do nothing. This is not considered an acceptable alternative. This would leave the gates and fencing in its current condition and may lead to other gates or fences of similar design being constructed in the area.

9. Conclusion

- 9.1. To date, the breach of planning control remains. A planning application has been refused, as well as an appeal dismissed, the commencement of enforcement action is warranted and the appropriate course of action.
- 9.2. In this case the enforcement action to be pursued is the removal or lowering to 1m in height, of any gate or fencing that is located within 2m of the highway boundary. 1 month to seek compliance is considered reasonable given the works required to remove or reduce the gates and fencing.
- 9.3. The service of an enforcement notice under section 172 of the Town and Country Planning Act 1990 should now be undertaken. This course of action will remedy the injury to amenity which has been caused by the breach of planning control, as required by section 173(4)(b) of The Act. The action will also uphold the appropriate planning control of the land.

10. Recommendation

- 10.1. **That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the removal or reduction in height of the gates and fencing.**

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Report to Planning Committee

Subject: Future Planning Applications

Date: 15/02/2024

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Management.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
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
2023/0872	Land At Top Wighay Farm Wighay Road Linby	Reserved Matters Application (including scale, layout, appearance and landscaping) for the erection of 763 dwellings, including details of Public Open Space, Community Hub/ Multi Use Games Area and Allotments, bell mouth entrances and associated infrastructure pursuant to outline permission Ref: 2020/0050.	TBC
2024/0269	Land At Burton Wood Farm Spring Lane Lambley	Proposed Battery Energy Storage System (BESS) and associated infrastructure	TBC
2024/0094	Total Site Road No 3 Colwick	The erection of industrial and warehouse units (Use Classes E(g)(iii), B2 and B8) together with access and servicing arrangements, parking, landscaping, boundary fencing and associated works	TBC
2023/0851	Leivers Court Douro Drive Arnold	Demolition of existing care home and construction of a 3-storey building to incorporate 22 flats providing supported accommodation, staff office, and communal hub, and the erection of 8 semi-detached	TBC

		dwellings including access, parking and turning	
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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.

ACTION SHEET PLANNING DELEGATION PANEL 22nd March 2024

2023/0109

95 Lambley Lane Burton Joyce Nottinghamshire
Erection of a Detached dwelling and double garage

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

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

Decision: To grant permission

2024/0042

Coppice Farm Stables Mapperley Plains Arnold
Detached double garage to serve Plot 55 of separate Reserved Matters Application 2023/0927

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: To grant permission

2023/0536

41 Lowdham Lane Woodborough Nottinghamshire
Two storey side and front extension with an inclusive garage/storage room

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

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

Decision: To grant permission

2024/0067

125 Breck Hill Road Woodthorpe Nottinghamshire
External wall insulation with rendered finish above ground floor level and bitumen paint finish below ground level. Raise level of roof terrace by adding new railings to accommodate new flat roof insulation over roof terrace. Add PV panels on inclined frames on roof top pavilion flat roofs and on south elevation.

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: To grant permission

2023/0618
20 Ramblers Close Colwick NG4 2DN
Detached Outbuilding

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: To grant permission

2023/0799
89 Kenrick Road Mapperley 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: To grant permission.

22nd March 2024

Video Conference Call Meeting

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

Nigel Bryan - Planning Manager
Claire Turton – Principal Planning Officer

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ACTION SHEET PLANNING DELEGATION PANEL 5th April 2024

2023/0772

Bank Hill Farm Bank Hill Woodborough

The removal of an existing 17.5m monopole mast and associated compound, and the installation of a replacement base station which includes a 26.2m monopole sharable mast, 6no. of 4G antennas and 12no. of 5G antennas, 2no. dishes, 7no. cabinets, etc. Ancillary development thereto. This is needed as the existing mast cannot support the required equipment to improve connectivity.

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 to grant permission.

2023/0843

Car Wash Rear Of Bandook Mansfield Lane Calverton

Residential development consisting of 4no. flats on a former car parking site currently occupied by a private car washing business.

The proposed development is acceptable in principle and would respect the character of the area, result in no harm to heritage assets, residential amenity and highway safety.

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

Decision to grant permission.

2023/0902

Adjacent 2 Duncroft Avenue Gedling

Change of use from the builders yard/storage to an MOT and tyre garage; opening hours will be from 9:00am to 4:30pm.

The proposed development would have an unacceptable impact on neighbouring amenity in terms of noise and disturbance.

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

Decision to refuse permission.

2024/0072

6 Feniton Court Mapperley Nottinghamshire

Two-storey rear extension and alterations to the front elevation, allowing for a new window to the garage and two rooflights

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 planning permission.

2024/0121

41B Buxton Avenue Carlton Nottinghamshire

Upward extension of dwelling with an additional floor

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

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

Decision grant prior approval

2024/0149

20 Fisher Avenue Woodthorpe Nottinghamshire

Demolition of part of the existing garage, and construction of a single storey side extension. Raising a portion of the patio and external steps.

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 planning permission.

5th April 2024

Video Conference Call Meeting

Cllr Roy Allan

Cllr David Ellis

Cllr Lynda Pearson

Cllr Ron McCrossen

Cllr Ruth Strong

Cllr Jenny Hollingsworth

Cllr Jane Walker

Nigel Bryan - Planning Manager

Claire Turton – Principal Planning Officer

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ACTION SHEET PLANNING DELEGATION PANEL - 26th April 2024

2022/0773

154-156 Oxclose Lane, Daybrook

Demolition of existing building and erection of new Care Rehabilitation facility building with associated works (Use Class C2)

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: To grant permission

2023/0075

Burton Joyce Community Church, Meadow Lane, Burton Joyce

Application for change of use from Class F1(f) (Local Community Class) to use Class E (Commercial Service and Business)

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: To grant permission

2024/0008

Land Adjacent 80 Bridle Road, Burton Joyce

Erection of a dwelling

The proposed development would respect the character of the area, residential amenity highway safety and is appropriate development within the Green Belt.

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

Decision: To grant permission

2024/0114

Rear Of 918 Woodborough Road Mapperley Nottinghamshire

Outline application for the demolition of a single storey triple garage and replacement with a 2 storey development containing 2no 1 bed apartments with external yard retained for 918 Woodborough Road

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: To grant permission

2024/0142

38 Regina Crescent, Ravenshead, Nottinghamshire

Single storey rear extension, replacement roof (flat to pitched) and increase the height of the garage roof

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

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

Decision: To grant permission

26th April 2024

Video Conference Call Meeting

Cllr Roy Allan

Cllr Ruth Strong

Cllr Lynda Pearson

Cllr Stuart Bestwick

Cllr Ron McCrossen

Nigel Bryan – Development Manager

Claire Turton – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 3rd May 2024

2023/0546

Land Rear 88 Plains Road, Mapperley

Erection of 2 detached two storey dwellings and detached double garages

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: To grant permission.

2024/0088

18 Northcliffe Avenue, Mapperley, Nottinghamshire

Single storey rear and side extension to dwelling and entrance porch

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

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

Decision: To grant permission.

2024/0122

Community Hall, William Lee Recreation Ground, Park Road, Calverton

Change of use from Class F2 (Local Community) to a mixed use community unit (Class F2 - Local Community), cafe (Class E - Commercial, Service and Business) with a small element of hot food takeaway (sui generis).

The proposed development would not have a detrimental impact on the vitality of Calverton Shopping area; would respect the character of the area, residential amenity, and highway safety.

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

Decision: To grant permission.

2024/0123

50 Chesterfield Drive, Burton Joyce, Nottinghamshire

Two-storey side and front extension; alteration to single storey rear extension and boundary wall

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

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

Decision: To grant permission.

3rd May 2024

Video Conference Call Meeting

Cllr Roy Allan

Cllr Stuart Bestwick

Cllr David Ellis

Cllr Ruth Strong

Cllr Ron McCrossen

Cllr Linda Pearson

Nigel Bryan – Development Manager

ACTION SHEET PLANNING DELEGATION PANEL 17th May 2024

2024/0134

Calverton Miners Welfare Hollinwood Lane Calverton

Conversion of a floodlight grass pitch to a 3G synthetic turf pitch including replacement sports LED floodlights, new sports fencing, spectator area, storage container, hard standing access and grass bund

The proposed development would respect the openness of the Green Belt, character of the area, residential amenity, highway safety and flood risk and increase both the sporting potential and the quality of the site through improved facilities and would not reduce the level of open space.

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

Decision to grant planning permission.

2024/0160

Stockhill Farm, The Stables Bridle Road Burton Joyce

Proposed re-use and conversion of existing stables/storage building to dwelling (including extension to north-facing elevation)

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

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

Decision to grant planning permission.

2024/0176

314 Spring Lane Lambley Nottinghamshire

Proposed Conversion of Existing Buildings to 3 x Holiday Lets.

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

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

Decision to grant planning permission.

2024/0212

9 Birchwood Drive Ravenshead Nottinghamshire

Two storey front extension and dormer window with a single storey rear extension.

Erection of an attached garage with dormer window. Dropped kerb to provide access to new garage.

The proposed development would have detrimental impacts to the character and appearance of the dwelling, the street scenes and the surrounding area. The proposals are acceptable on the grounds of residential amenity and highway safety.

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

Decision to refuse planning permission.

Video Conference Call Meeting

Cllr Roy Allan

Cllr Stuart Bestwick

Cllr David Ellis

Cllr Lynda Pearson

Cllr Ruth Strong

Claire Turton – Principal Planning Officer

17th May 2024

ACTION SHEET PLANNING DELEGATION PANEL 24th May 2024

2023/0860

78 Kingfisher Road Stoke Bardolph Nottinghamshire

Installation of heat pump

The proposed development would have an unacceptable impact on neighbouring residential amenity in terms of noise.

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

Decision refuse planning permission.

2023/0877

Land To The West Of 175 Mansfield Road Papplewick

The mixed use of the keeping of horses and the stationing of caravans for residential use

The proposed development would represent inappropriate development in the Green Belt and impact on the openness of the Green Belt. It has not been demonstrated that very special circumstances exist that would outweigh this harm.

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

Decision refuse planning permission.

Video Conference Call Meeting

Cllr Roy Allan

Cllr Stuart Bestwick

Cllr David Ellis

Cllr Ruth Strong

Claire Turton – Principal Planning Officer

24th May 2024

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