

# Agenda

## Planning Committee

Date: **Wednesday 3 December 2025**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Democratic Services**

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

0115 901 3844

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# Planning Committee

## Membership

**Chair** Councillor Roy Allan

**Vice-Chair** Councillor Paul Wilkinson

Councillor Pauline Allan  
Councillor Jane Allen  
Councillor Stuart Bestwick  
Councillor David Ellis  
Councillor Andrew Ellwood  
Councillor Helen Greensmith  
Councillor Julie Najuk  
Councillor Lynda Pearson  
Councillor Catherine Pope  
Councillor Grahame Pope  
Councillor Sam Smith  
Councillor Ruth Strong  
Councillor Henry Wheeler  
Councillor Russell Whiting

### **WEBCASTING NOTICE**

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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 within the remit of the Committee.

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

## **AGENDA**

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**Planning Committee Protocol.**
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15. **Any other items which the Chair considers urgent.**

## **MINUTES PLANNING COMMITTEE**

**Wednesday 3 September 2025**

Councillor Roy Allan (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor Catherine Pope
	Councillor Pauline Allan	Councillor Grahame Pope
	Councillor David Ellis	Councillor Sam Smith
	Councillor Andrew Ellwood	Councillor Ruth Strong
	Councillor Helen Greensmith	Councillor Jane Walker
	Councillor Darren Maltby	Councillor Henry Wheeler
	Councillor Julie Najuk	Councillor Russell Whiting
	Councillor Lynda Pearson	

Absent: Councillor Stuart Bestwick

Officers in Attendance: J Krawczyk, N Bryan, S Fayaz and C Goodall

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

Apologies for absence were received from Councillor Bestwick. Councillor Maltby attended as substitute.

### **13 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 JULY 2025**

#### **RESOLVED:**

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

### **14 DECLARATION OF INTERESTS**

None.

### **15 POSITION STATEMENT ON GREY BELT - GEDLING BOROUGH COUNCIL**

The Assistant Director - Development introduced a report of the Planning Policy Manager, asking members to note the Position Statement on Grey Belt.

**RESOLVED:**

To note the Gedling Borough Council Position Statement on Grey Belt attached at Appendix 1.

**16 FUTURE APPLICATIONS**

**RESOLVED:**

To note the information.

**17 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 6.14 pm

Signed by Chair:  
Date:

## **PLANNING COMMITTEE PROTOCOL**

### **Introduction**

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

### **Disclosable Pecuniary and Non- Pecuniary Interests**

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

### **Pre-determination and Predisposition**

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

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

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

### **Lobbying**

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

### **Roles at Planning Committee**

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

### **Speaking at Planning Committee**

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



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

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

### **Determination of planning applications**

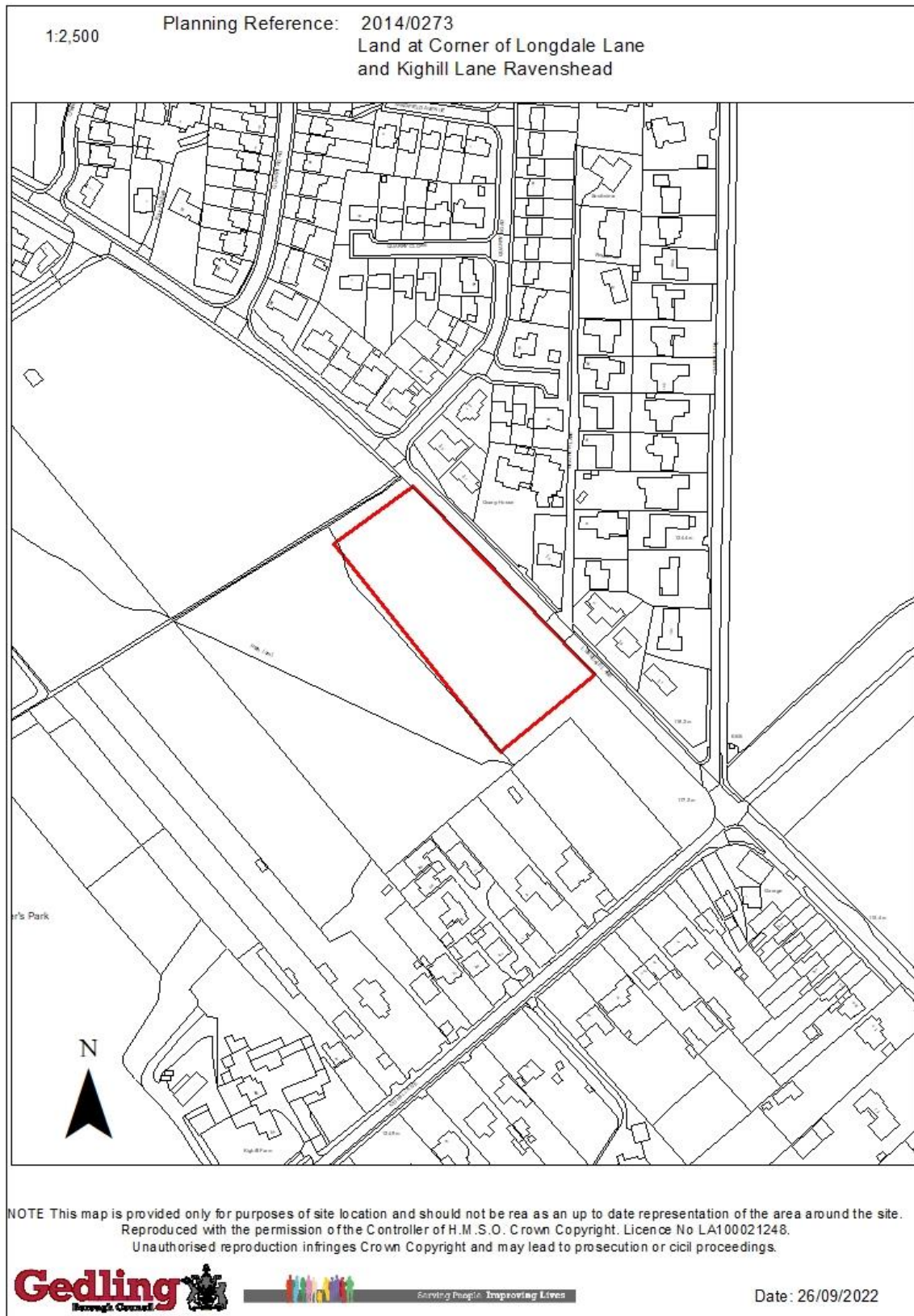
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the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

Oct 2015

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**Planning Report for 2014/0273**



**Report to Planning Committee**

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

**This application is referred to Planning Committee to seek approval to amend the planning obligations to be secured in respect of the above development.**

**The application has a resolution to grant Outline Planning Permission at Planning Committee in August 2018, (subject to conditions and the applicant entering into a Section 106 Agreement, securing planning obligations) .**

**The application was subsequently referred back to Planning Committee in October 2022 and 2024 to seek amendments to the Section 106 Agreement with a further resolution to grant Outline Planning Permission.**

**1.0 Introduction**

**1.1** The application was before members of the Planning Committee in July 2024 and previously in 2022 and 2018. Initially in 2018, the resolution was to grant outline planning permission for up to 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;
- health care facilities;
- management company; and
- educational facilities; and

subject to the conditions set out in the original committee report. That is reproduced in full at Appendix 1 below. Whilst progress was made in relation to the legal agreement, it was not concluded.

- 1.2 At the subsequent meeting in October 2022, it was resolved that the applicant has the option to develop all or part of the site as a custom build/self-build development. In addition, new National Planning Policy at the time introduced the requirement for a percentage of any Affordable Housing provision to consist of newly defined First Homes. The only amendments proposed to facilitate these changes were the introduction of a phasing condition, with subsequent amendments to proceeding conditions in accordance with new National Planning Policy. This allowed conditions to be discharged on a phased basis rather than for the site as a whole.
- 1.3 A further report was brought before planning committee in July 2024 seeking additional amendments to the heads of terms for the draft Section 106 Agreement. The proposed amendments sought to permit;
  - the formation of access up to base course level to serve the development without triggering the requirement for contributions at commencement of development e.g. serviced plots.
  - the option to make a commuted sum payment in lieu of on-site affordable housing provision in accordance with Gedling Borough Council's Affordable Housing Supplementary Planning Document.
  - A 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.
  - Section 106 Contributions pro rata for each phase of development rather than at the commencement of development, to facilitate potential self-build development.
  - A revised Bus Stop Improvements Contribution of £25,800 has been requested by Nottinghamshire County Council Transport and Travel Services.
- 1.4 Whilst the Council were progressing heads of terms for the Section 106 Agreement a revised National Planning Policy Framework (NPPF) was published in December 2024, removing the national requirement that a minimum of 25% of affordable housing units secured through Section 106 planning obligations should be for First Homes.
- 1.5 It was also noted that paragraph 66 of the NPPF, which has subsequently been removed from latest version, was erroneously interpreted. Members had previously been advised that under this paragraph major developments which were solely to be developed as custom-build / self-build schemes were exempt from the requirement to provide the national mandate of 10% Affordable Housing onsite. Upon further review, Paragraph 66 referred to the specific need for at least 10% of the total number of homes to be available for affordable home ownership, as part of the overall affordable housing contribution from the site. This did not result in an exemption from having to deliver any Affordable Housing as part of the custom-build / self-build scheme but rather had implication on the tenure types of those Affordable Housing Units provided.

- 1.6 Notwithstanding the above, paragraph 66 has since been clarified under the revised NPPF (2024) and now states “Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures”. There is no exemption for the provision of Affordable Housing for custom-build / self-build schemes within the latest version of the NPPF.
- 1.7 The application has therefore been brought back before members to seek a new resolution, in light of the latest changes to National planning policy, to remove the requirement to provide First Homes as part of any Affordable Housing provision, and to clarify the position in relation to custom-build / self-build schemes.
- 1.8 In addition to the above, the applicant has indicated a desire to have the option to develop some of the properties for dwellings reserved for occupants over 55 only.
- 1.9 There are no other proposed changes to the proposed development or to the previously approved planning conditions.

## **2.0 Updated Consultation Responses**

- 2.1 Nottinghamshire County Council (Education)  
Revised Education Contribution of £181,620 (6x £30,270), or £5,859 per dwelling. Where a dwelling is subject to a legal restriction requiring that the occupants are over 55 years of age, that dwelling can be exempted from the Contribution.
- 2.2 Nottinghamshire County Council (Strategic Highways)  
Bus Stop Contribution remains same as previously stated £25,800.
- 2.3 NHS (CCG)  
Revised Primary Healthcare Contribution of £16,789.12.
- 2.4 Gedling Borough Council (Parks and Street Care)  
Revised Open Space Contribution of £78,958.32 (Capital) and £33,402.40 (Maintenance).
- 2.5 Gedling Borough Council (Strategic Housing)  
Requirement to provide 25% of all Affordable Housing as First Homes to be omitted following revised NPPF (Dec 2024). The requirement to provide at least 30% Affordable Housing across the development remains.

## **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, subject to the signing of a Section 106 Agreement. It was considered taking into account the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), Aligned Core Strategy (ACS), Local Planning Document (LPD) and relevant Supplementary Planning

Documents which were current at the time. Since the application was last brought before Planning Committee the NPPF has been revised.

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 2024 (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 and 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 56 – 59),
- NPPF: Annex 1: Implementation (paragraphs 231 – 233).

4.0 **Planning Considerations**

4.1 To facilitate development the NPPF (2024) requires plans and planning decisions to be deliverable and for local planning authorities to maintain the supply of housing. The National requirement to provide for 25% of any Affordable Housing as First Homes has since been removed from the NPPF.

4.2 In light of the above, it is considered appropriate to revise the relevant obligations required through the Section 106 Agreement, specifically in relation to Affordable Housing, to ensure that the development is fully compliant with both national and local planning policies.

4.3 For clarity, following the revision of paragraph 66 of the NPPF, and should this application be approved, any future landowner / developer would be required, irrespective of whether the development is brought forward as a custom-build / self-build scheme or not, to provide a policy-compliant level of Affordable Housing.

4.4 During the progression of the Section 106 Agreement the applicant requested confirmation that any dwellings constructed as part of the development solely for occupation by over 55s would be exempt from a payment towards the Education Contribution. Nottinghamshire County Council were consulted as the local Education Authority, and they have subsequently confirmed that where it is possible to legally restrict to over 55s with no persons under the age of 18 residing with them then it would be possible to waive the contribution in this instance.

- 4.5 Given the length of time which has passed since this application was last brought before planning committee, the relevant statutory consultees have all been consulted again, to allow for the revision of any necessary developer contributions, to ensure they remain relevant and fairly and reasonably related in scale and kind to the development.
- 4.6 In summary, the proposed amendments to the previous resolution approved at Committee in 2024 relate solely to the planning obligations which will be entered into as part of the Section 106 Agreement. The financial contributions would be updated as set out in Section 2 of this report, the requirement for First Homes would be removed, the requirement for the provision of Affordable Housing should the development be brought forward as a fully custom-build / self-build scheme will be clarified and the potential for inclusion of a restriction for over 55s properties to be exempt from the Education Contribution would be included
- 4.7 The revised contributions are deemed to comply with paragraphs 56-59 of the NPPF, policy 19 of the ACS and the test set out in the CIL Regulations.
- 4.8 A copy of the previous Committee Reports presented to members in 2024 has been attached to this item to provide context, see appendix 1.

**Recommendation:**

- (1) Planning permission be GRANTED subject to the completion of a satisfactory section 106 agreement which secures appropriate planning obligations and subject to the conditions set out in paragraph 5 below; and**
- (2) Should a satisfactory section 106 agreement which secures appropriate planning obligations not be completed by 3<sup>rd</sup> June 2026, or any further extension of time agreed in writing between the applicant and the local planning authority, that it be delegated to the Assistant Director for Planning to REFUSE planning permission.**

## **5 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 in accordance with details approved.
- 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 details of root protection barriers, and protective fencing to be erected along the southeast, southwest and northwest boundaries of the application site; (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 and in accordance with Policy LPD61.
- 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 and in accordance with Policy LPD61.
- 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 32 of the Local Planning Document.
- 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 (2024). 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).

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

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

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

## **Reasons for Decision**

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

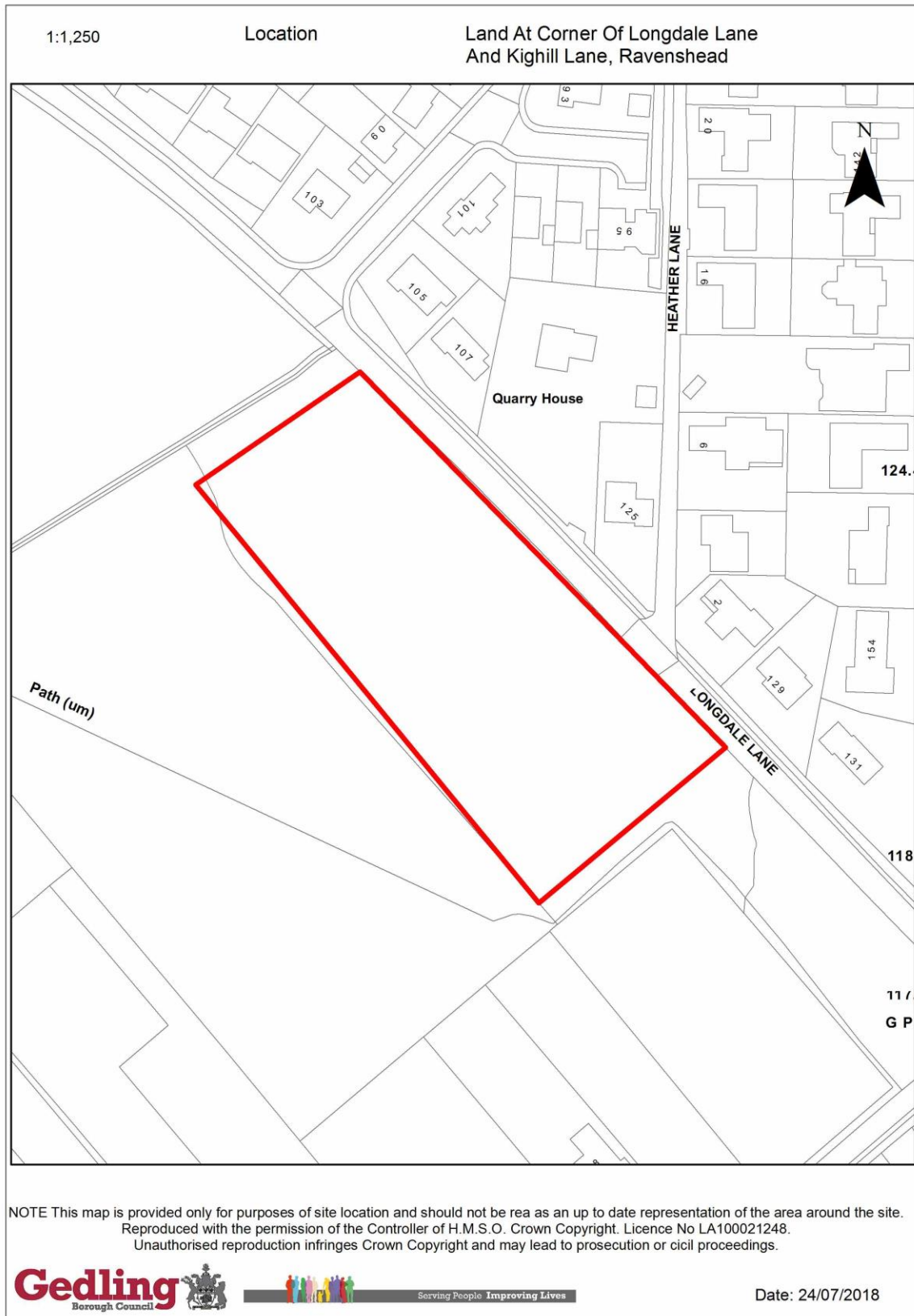
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## Appendix 1



### Planning Report for 2014/0273



**Report to Planning Committee**

**Application Number:** 2014/0273

**Location:** Land at Corner of Longdale Lane and Kighill Lane

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

**Applicant:** Aldergate Properties Ltd

**Agent:** Mr Paul Stone

**Case Officer:** David Gray

**1.0 Site Description**

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

## **2.0 Proposed Development**

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

## **3.0 Application Publicity and Procedures**

- 3.1 The application was originally publicised for representation on 2<sup>nd</sup> 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 6<sup>th</sup> June 2018 or as indicated, 2<sup>nd</sup> 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 24<sup>th</sup> 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 20<sup>th</sup> 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 10<sup>th</sup> 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 18<sup>th</sup> July 2018 the Borough Council Adopted the Local Planning Document Part II which is now part of the development plan for the area. The following LPD policies are relevant to this application:

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

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

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

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

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

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

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

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

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

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

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

## **7.0 Ecology / Trees**

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

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

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

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

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

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

## **8.0 The impact on neighbouring amenity**

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

## **9.0 Masterplan and Design**

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



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

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

## **10.0 Transport and connectivity**

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

## **11.0 Water resources, flood risk and drainage**

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

## **12.0 Pollution & Contamination:**

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

## **13.0 Public Open Space**

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

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

#### **14.0 Socio Economic Impacts**

##### **14.1 Affordable Housing**

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

##### **14.2 Strategic Highways**

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

##### **14.3 Economic**

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

##### **14.4 Education**

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

##### **14.5 Health**

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

##### **14.6 Upkeep of un-adopted land not within residential curtilages**

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

## **15.0 Conclusion**

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

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

### **Conditions**

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

**Date Recommended: 24th July 2018**

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**Planning Report for 2022/0501**



## **Report to Planning Committee**

<b>Application Number:</b>	<b>2022/0501</b>
<b>Location:</b>	<b>Land Off Hayden Lane, Linby</b>
<b>Proposal:</b>	<b>Full Planning Permission for 131 dwellings with access from Delia Avenue and Dorothy Avenue</b>
<b>Applicant:</b>	<b>Barwood Homes and Mr J E H Sztejer, Ms D L Sztejer, Mr T G Sztejer and Ms J M Sztejer</b>
<b>Agent:</b>	<b>Fisher German LLP</b>
<b>Case Officer:</b>	<b>Nigel Bryan</b>

**This application is referred to Planning Committee to seek approval to amend the planning application to be secured in respect of the above development.**

### **1.0 Introduction**

- 1.1 Planning application 2022/0501 was considered at the Planning Committee of 18<sup>th</sup> October 2023, where it was resolved to grant planning permission, subject to the signing of a Section 106 Legal Agreement securing planning obligations as set out in the report to the planning committee at Appendix 1 of this report . However, due to delays in completing the legal agreement, the permission has not yet been issued. There has been no material change to the development as proposed e.g. in layout; however, since the determination of the application there has been significant changes in policy, most notably the adoption of a new National Planning Policy Framework (NPPF), which is why the application is due to be re-considered.
- 1.2 For the avoidance of doubt, planning permission has not been granted for access to the site from Dorothy or Delia Avenue, which would need to be granted by Ashfield District Council. Therefore, the construction of dwellings may not be imminent but that is outside of Gedling Borough Councils control.
- 1.3 The original committee report from the 18<sup>th</sup> October 2023 is reproduced in full at the end of this committee report at Appendix 1.

### **2.0 Relevant Policies & Background Information**

- 2.1 A significant period of time has passed since the Planning Committee initially resolved to approve this development, subject to the completion of a Section 106 Agreement securing planning obligations. The proposal was considered

taking into account the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), Aligned Core Strategy (ACS), Local Planning Document (LPD) and relevant Supplementary Planning Documents. Since the application was last brought before Planning Committee, the NPPF has been revised.

3.0 The updated relevant policies are listed below:

3.1 National Planning Policies

3.2 National planning policy guidance is set out in the NPPF 2024, 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 and enhancing the natural environment.

3.3 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 56 – 59),
- NPPF: Annex 1: Implementation (paragraphs 231 – 233).
- NPPF: Annex 2 Glossary

#### **4.0 S106 Legal Agreement**

4.1 Since the application was considered at the Planning Committee over 2 years ago there have been notable changes of planning policy that would impact on the legal agreement. Whilst the Council were progressing heads of terms for the Section 106 Agreement a revised NPPF was published in December 2024 removing the national requirement that a minimum of 25% of affordable housing units secured through Section 106 planning obligations should be for First Homes.

The updated NPPF is not specific on what tenure the affordable housing should consist of ; however, the Council has an 'Affordable Housing SPD' from December 2009, which is of some age but is considered consistent with the new NPPF, and identifies that a housing mix of 70% social rent and 30% intermediate housing e.g. affordable rent, low cost properties and shared ownership. In the glossary of the NPPF (annex 2) where Affordable Housing is defined, reference is made to a Written Ministerial Statement of 24<sup>th</sup> May 2021, which highlights 'the importance of social rent as part of the affordable housing tenure mix', as well as the importance of shared ownership homes. It does not explore Discounted Market Sales Housing (DMSH), however, the

Affordable Housing SPD is considered consistent with the Ministerial Statement. It is considered that the affordable housing mix should be updated to reflect that change in policy away from First Homes and provide Shared Ownership properties, as these are considered suitable for this site. The affordable housing mix is therefore to be changed from:

- 14 First Homes and 26 Affordable Rent, to
- 14 Shared Ownership properties and 26 Affordable Rent.

4.2 The other notable policy change is that on the 10<sup>th</sup> April 2024 Nottinghamshire County Council (NCC) adopted a 'Developer Contribution Strategy'. This up-to-date document changed the level of contributions sought for a wide range of developments. As a result, further consultation has been undertaken with NCC to outline what changes are proposed to the contributions sought for this particular application. For ease, a comparison table is produced below showing what contributions were sought on the initial resolution in February 2023 and what is now proposed, given the aforementioned policy changes.

Fig 1: comparison table of revised contributions

	<b>Contribution resolved to be received in 2023</b>	<b>Amended contribution sought in 2025</b>
Affordable	14 First Homes. 26 Affordable Rent.	14 shared Ownership and 26 Affordable Rent.
Transport and Travel:	Bus stop: £11,825	Bus stop: £24,500 Bus service contribution: £158,000
Education	Secondary: £551,334 Post 16: £105,016 SEND: £90,322 Total: £746,672	Secondary: £635,670 Post 16: None SEND: £104,566 Total: £740,236
PCT	£70,985	No change.
Library	£4,611	£5,843
Parks	10% POS provided, LEAP and no financial contribution, unless maintained by GBC	No change.



Monitoring	Payment per trigger	No change
Local Labour Agreement	Included	No change
<b>Total (financial)</b>	£834,093	£999,564

4.3 As noted above, some contributions have not altered whilst others have increased or reduced. Notable changes are a significant increase in the contribution toward public transport e.g. £158,000 toward bus services, and removal of First Homes, to be replaced with shared ownership properties. The overall payment of contributions would increase from £834,093 to £999,564. The agent has indicated that they would be agreeable to the changes proposed and that the scheme would remain viable.

3.4 Having regard to the above, it is recommended that the planning committee grant planning permission, subject to the signing of the updated S106 Legal Agreement, with the amended contribution 2025 figures as outlined in figure 1, and with the conditions as outlined in the original committee report from October 2023, reproduced below at Appendix 1, where it was previously resolved to grant permission.

**Recommendation:**

1. **Planning permission be GRANTED subject to the completion of a satisfactory section 106 agreement which secures appropriate planning obligations and subject to the conditions set out below; and**
- 2 **Should a satisfactory section 106 agreement which secures appropriate planning obligations not be completed by 03<sup>rd</sup> June 2026, or any further extension of time agreed in writing between the applicant and the local planning authority, that it be delegated to the Assistant Director for Planning to REFUSE planning permission.**

- 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, Scale 1:2500, Plan Ref: 3710-01  
Location Plan, Submitted 14th April 2022  
Planning Layout, Scale 1:500, Plan Ref: HUCK-SK-001-O Planning Layout, Submitted 5<sup>th</sup> October 2023  
Design and Access Statement, Submitted 14th April 2022  
House Type B1 Plans and Elevations, Scale 1:100, Plan Ref: 3710 45 House Type B1, Submitted 30th November 2022  
House Type P Plans and Elevations, Scale 1:100, Plan Ref: 3710 46 House Type P, Submitted 30th November 2022  
House Type Q Plans and Elevations, Scale 1:100, Plan Ref: 3710 47 House Type Q, Submitted 30th November 2022  
House Type R Plans and Elevations, Scale 1:100, Plan Ref: 3710 48 House Type R, Submitted 30th November 2022  
House Type A Plans and Elevations Scale 1:100, Plan Ref: 3710 30 House Type A, Submitted 14th April 2022  
House Type B Plans and Elevations Scale 1:100, Plan Ref: 3710 31 House Type B, Submitted 14th April 2022  
House Type C Plans and Elevations, Scale 1:100, Plan Ref: 3710 32 House Type C, Submitted 14th April 2022  
House Type D Plans and Elevations, Scale 1:100, Plan Ref: 3710 33 House Type D, Submitted 14th April 2022  
House Type E Plans and Elevations, Scale 1:100, Plan Ref: 3710 34 House Type E, Submitted 14th April 2022  
House Type F Plans and Elevations, Scale 1:100, Plan Ref: 3710 35 House Type F, Submitted 14th April 2022  
House Type H Plans and Elevations, Scale 1:100, Plan Ref: 3710 37 House Type H, Submitted 14th April 2022  
House Type I Plans and Elevations, Scale 1:100, Plan Ref: 3710 38 House Type I, Submitted 14th April 2022  
House Type J Plans and Elevations, Scale 1:100, Plan Ref: 3710 39 House Type J, Submitted 14th April 2022  
House Type L Plans and Elevations, Scale 1:100, Plan Ref: 3710 41 House Type L, Submitted 14th April 2022  
House Type M Plans and Elevations, Scale 1:100, Plan Ref: 3710 42 House Type M, Submitted 14th April 2022  
House Type O Plans and Elevations, Scale 1:100, Plan Ref: 3710 44 House Type O, Submitted 14th April 2022,  
House Type Chawton, Submitted 6<sup>th</sup> October 2023 Plan Ref: 1142,  
House Type Kingston 1192 Submitted 6<sup>th</sup> October 2023,  
Double Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-50  
Double Garage, Submitted 4th May 2022 Single Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-51  
Single Garage Submitted 4th May 2022 Open Space Plan, Scale 1:500, Plan Ref: HUCK-PL-002 D Open Space Plan, Submitted 6th September 2023  
Site Access Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-100-B Site Access Plan, Submitted 30th September 2023

Refuse Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-615-F Refuse Vehicle Tracking, Submitted 30th August 2023  
 Delivery Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-616 Delivery Vehicle Tracking, Submitted 5th May 2023  
 Levels and Drainage Strategy, Scale 1:500, Plan Ref: 19000-HUCK-5-SK001-D Levels and Drainage Strategy, Submitted 16th June 2023  
 Surface Water Flood Routing Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-SK005-B Surface Water Routing Plan, Submitted 16th June 2023  
 Car Parking Plan, Scale 1:500, Plan Ref: HUCK-PL-004-D Car Parking, Submitted 9th May 2023  
 Arboricultural Impact Assessment, Doc Ref: BG21.281.1. Land off Hayden Lane, Hucknall, Rev 5, Submitted 17th February 2023  
 Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022  
 Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022  
 Landscape Masterplan, Doc Ref: BG21.281 Hayden Lane, Hucknall, Landscaping Masterplan Rev 2, Submitted November 2022  
 Landscape and Visual Impact Assessment, Doc Ref: BG21.281.3 Hayden Lane, Hucknall, Submitted April 2022  
 Archaeology Desk Based Assessment and Heritage Report, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Submitted April 2022  
 Transport Assessment, Doc Ref: 19000 Hucknall, Submitted 8th June 2022  
 Green Travel Plan Doc Ref: 19000 Hucknall, Submitted April 2022

- 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 as shown on drawing number 19000-HUCK-5-100 Revision B has been provided.
- 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 (FRA) and Drainage Strategy Land at Hayden Lane, Hucknall, Nottingham: Revision A, November 2022, Woods Hardwick., 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, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022 and Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022 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 Notwithstanding the details contained within the landscape proposals contain on plan reference: Landscape Masterplan, Doc Ref: BG21.281, 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.

- 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.

## **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 interest of highway safety.
- 6 In the interest 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 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 (July 2024).
- 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 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 (July 2024).
- 16 To ensure the development is safe and suitable for use.

### **Reasons for Decision**

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 164 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.

### **Notes to Applicant**

1. Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 39 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.
2. 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@nottsc.gov.uk](mailto:hdc.south@nottsc.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.
3. 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.
4. 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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)
6. 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.
7. 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 (Ref: V/2022/00350). The applicant should also note that there is a 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.



## APPENDIX 1

### Planning Report for 2022/0501



**Report to Planning Committee**

<b>Application Number:</b>	<b>2022/0501</b>
<b>Location:</b>	<b>Land Off Hayden Lane Linby</b>
<b>Proposal:</b>	<b>Full planning permission for 131 dwelling with access from Delia Avenue and Dorothy Avenue.</b>
<b>Applicant:</b>	<b>Barwood Homes</b>
<b>Agent:</b>	<b>Fisher German LLP</b>
<b>Case Officer:</b>	<b>Craig Miles</b>

**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 is located to the east of Hayden Lane, which connects to Papplewick Lane, the main road connecting into Hucknall town centre. It comprises a single agricultural field of arable farm land and improved grassland and is enclosed by existing hedgerows running along the perimeter of the site's boundaries, to the north east and south, and small clusters of trees. The site measures some 4.81 hectares (ha). It is allocated for housing development in the adopted Local Planning Document (LPD).
- 1.2 To the south, the site adjoins Sherwood Gate' residential development which is a development approved for 255 dwellings. A significant amount of dwellings have been built out and are occupied. To the east and north are open agricultural fields.
- 1.3 The west boundary of the site adjoins an existing residential area forming the main urban area of Hucknall, more specifically the end of existing cul-de-sacs forming Dorothy Avenue and Delia Avenue. The administrative boundary of the Gedling Borough Council is up to the boundary with both Dorothy Avenue and Delia Avenue and beyond is Ashfield District Council.
- 1.4 At present the current vehicular and pedestrian access is achieved via adjoining fields which are accessed off Hayden Lane.
- 1.5 In terms of topography there is a gradual fall from south west to north east. The location, setting and topography allow for open views northward, although established hedge planting around the site boundaries obscures distance views and encloses the site.

- 1.6 The site is identified on the Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding) and it is also in an area at very low risk of surface water flooding.
- 1.7 The site is not subject to any statutory environmental designations. There are no designated heritage assets on or directly adjacent to the site. The nearest is Castle Mill (Grade II Listed) which is located off Linby Lane approx. 350m north east of the site and Hucknall conservation area is some 2km to the south of the site.
- 1.8 The nearest bus stop is located 300m east of the site off Ethel Avenue that provides connections to the Vaughan Estate via the Town Centre which hosts all key amenities and services, within the administrative area of Ashfield District Council

## **2.0 Relevant Planning History**

- 2.1 The site is allocated for residential development under 'Policy LPD 64 Housing Allocations – Urban Area and edge of Hucknall of the Local Planning Document. The site is referred to as 'H10 - Hayden Lane' and is anticipated to deliver approximately 120 homes, including 36 affordable. It is noted that the Policy states that the numbers set out within the Policy are approximate and that "Planning permission may be granted for proposals with higher numbers of homes subject to the overall scheme being considered suitable".
- 2.2 Preceding its allocation, the site formed part of a wider area of safeguarded land, within the Aligned Core Strategy (2014). The remaining area of the 'safeguarded land' is known as 'Land North of Papplewick Lane' and is currently under construction by Bellway Homes 'Sherwood Gate'.
- 2.3 Policy 2 of the Aligned Core Strategy outlines that 'Land North of Papplewick Lane' had the potential to deliver 300 dwellings. It is however worth noting that the implemented planning consents 2017/0201 and 2020/0258 suggest only 255 dwellings will be delivered once completed. This leaves a shortfall of 45 dwellings on the adjoining 'Land North of Papplewick Lane' site.
- 2.4 Adjoining the application site to the south, but within the wider 'safeguarded land' allocation is another application for the erection of 30 dwellings (Reference: 2023/0233), which remains undetermined. Its development is not reliant upon the delivery of this site as it is proposed that it would be accessed separately via Marion Avenue.
- 2.5 The application site crosses two administrative boundaries. Whilst almost all of the land where the proposed dwellings would be located are within Gedling Borough Council, a small proportion of the application site falls within Ashfield District Council. The small area of land is located at the end (north) of both Delia Avenue and Dorothy Avenue cul-de sacs. Clearly both Delia Avenue and Dorothy Avenue would be used to access the site which also falls in within Ashfield District Council. The applicant would therefore need permission from both Gedling Borough Council and Ashfield District Council (similar to the

adjoining Sherwood Gate' residential development which is access via Papplewick Lane).

### **3.0 Proposed Development**

- 3.1 The application is a standalone full planning application and is for the erection of some 131 dwellings together with two new access points formed via Delia Avenue and Dorothy Avenue.
- 3.2 The proposed development includes a range of one, two, three and four bedroom properties with dwellings being two stories in scale. There would be sixteen different house types, with a mix of detached, semi-detached and terraced housing. Forty of the properties are identified as being affordable of which 14 would be First Homes and the remaining dwellings 26 as affordable rent which would comprise of 1, 2 and 3 bedrooomed.
- 3.3 The layout has largely been designed around a centralised area of public open space, taking account of a loop road that would connect to Delia Avenue and Dorothy Avenue. Each dwelling would have their own off-street car parking space. On average there would be 2.5 spaces per dwelling.
- 3.4 Dwellings would generally face the highway and public realm in order to provide a continuous frontage to the street scene. Around the perimeter, some dwellings would also face the boundaries of the site to make the most of the views across the wider countryside and create vistas into the site with active frontages forming positive relationships with long distance views of the site.
- 3.5 Indicative landscaping proposals show that there would be enhanced landscape planting along the northern boundary of the site, and on the eastern most part of the site would be a large retaining pond (and pump station) that would be landscaped along its roadside frontage.

### **4.0 Consultations**

- 4.1 Papplewick Parish Council – Have no objections, however raise concern about road congestion brought about by the proposed development as the centre of Papplewick village is already at capacity. They are also concerned about the pressure on the nearby green spaces such as Moor Pond Wood and Papplewick Playing Field.

Linby Parish Council – State that they support the principle of the development but have objected to the lack of green space within the development, that it would not lead to a net gain in biodiversity, that the housing mix could be improved, it would be a high density development, capacity of the highway network to accommodate development, no active travel measures and limited parking spaces.

- 4.2 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.

- 4.3 Gedling Borough Council Arborist – 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.
- 4.4 Environment Agency – Note that the application site falls within flood zone 1 and therefore there are no fluvial flood risk concerns. They refer to their standing advice.
- 4.5 Gedling Borough Council Scientific Officer - Notes that the application includes the following report submitted: Rolton Group, *Geotechnical and Geo-Environmental Report*, ref 210505-RGL-ZZ-XX-RP-G-0002 rev S2-P02, dated Nov. 2021. Having reviewed the report he is satisfied with the content and conclusions that no further site investigation works is required and the site is suitable for use. In relation to air quality he noted this would be a matter for the adjoining authority as there would be an increase in traffic on the adjoining road, although he noted that this has been considered in the submitted Wardell Armstrong., *Air Quality Assessment*, ref CA12334- 001- V2.0, dated April 2022. He confirms that he is generally satisfied with the content and conclusions.
- 4.6 Natural England - Natural England considered that the proposed development would not have significant adverse impacts on designated sites including the Linby Quarry SSSI and therefore has no objection to the proposals.
- 4.7 Primary Care Trust – note that the erection of 131 dwellings would require a contribution of £70,985 towards the expansion of primary care provision to include Okenhall Medical Practice, Whyburn Medical Practice and The Om Surgery.
- 4.8 Secondary Care Trust (Nottingham University Hospital) – have identified that the development would have a direct impact on their services and, as a result, are seeking a contribution of £141,808.
- 4.9 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 £ 746,672, which is broken down as a secondary education contribution of £551,334 (based on 21 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy), plus a Special Educational Needs and Disabilities place of £90,322 (based on 1 pupil x £90,322 per place).
- 4.10 Nottinghamshire County Council (Planning Policy) – Have responded to advise that the application site does not affect any minerals safeguarding area. That a library developer contribution request is required to take account of the additional population and demand on services of £4,611. In relation to archaeology that a pre-commencement condition is required so that a programme of archaeological work can be prepared and submitted for consideration.

- 4.11 Highway Authority – The highway authority note that forward visibility around the bend into the site is tight for larger vehicles but acceptable. Traffic generation from the site would be acceptable within the wider highway network and, subject to conditions, the highway authority raise no objection to the application.
- 4.12 In addition, they request a contribution of £11,825 toward the enhancement of bus stop provision within the locality, which would be spent at one of two bus stops, AS0202 Ethel Avenue and AS0721 Ethel Avenue, which are in close proximity to the site. It is also requested that sustainable travel measures be put in place to secure free introductory bus travel for future residents.
- 4.13 Parks and Street Care – Confirm that more than 10% public open space would be provided based on the submitted drawings. They also confirm that an informal sports facility and Locally Equipped Area of Play (LEAP) as a minimum play requirement would be required, that is now shown on the proposed layout drawing.
- 4.14 Strategic Housing Manager – notes that 30% affordable housing would be required, which would equate to 40 dwellings, including 14 First Homes and 26 affordable rental properties.
- 4.15 Nottinghamshire Wildlife Trust – No response received. Any comments received will be reported verbally at the meeting.
- 4.16 Trent Water – No response received. Any response received will be reported verbally at the meeting.
- 4.17 A site notice was displayed near to the application site, neighbouring occupiers consulted by letter and a notice posted in the press.
- 4.18 As a result of consultation undertaken 54 letters of representation has been received, with 48 objecting to the application and 6 neither objecting nor supporting the application. The grounds of objection include:
- The adverse impact the development would have on road in the vicinity of the site;
  - That it would have an adverse impact on NHS services due an increase in residents;
  - There would be a loss of habitat;
  - It would adversely affect air quality;
  - That the proposed access to the site via Delia Avenue and Dorothy Avenue is too narrow to serve the proposed development;
  - The development would have an adverse impact on the amenity of residents along Delia Avenue and Dorothy Avenue owing to the increase in traffic, particularly during construction;
  - The site lies within a flood plain;
  - There would be limited construction access;
  - It would create too many houses within the area;
  - It would have a harmful impact on schools as there would be a much greater demand;
  - It is a greenfield site that should not be developed;

- It would have an adverse impact on local wildlife, contrary to the NPPF;
- It would harmfully affect views from existing properties;
- There would be significant noise and disturbance during construction;
- There would be a loss of trees;
- There would be a lack of green space;
- It would adversely impact on agriculture;
- The proposals lack details of landscaping;
- There would be a loss of green belt;
- Hedgerows would be replaced by fences;
- Services in Hucknall would be affected, but not Gedling;
- 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
- 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
- LPD61 – Highway safety
- LPD64 – Housing allocations – H10 Hayden Lane

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, 14 Managing Travel Demand; and Enhancing Local Identity 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; 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' (2021); 'Low Carbon Planning Guidance for Gedling Borough (May 2021)' and Gedling Borough Council 'Interim Planning Policy Statement: First Homes' (2022).
- 5.5 As the application site falls within the Parish of Linby, it is important to recognise that the Linby Neighbourhood Plan 2018 – 2032 forms part of the development plan. Within it, the application site is highlighted as being allocated for housing development (Page 20). The relevant policies within it are:

Housing – Policy HSG1

Place – Policy DES1

Character and Built Heritage – Policies CBH1 and CBH2

Landscape and Rural Character – Policies NE1 and NE2

Traffic and Transport – Policy TRA1

Employment and Infrastructure – Policies EMP1 and EMP2

Community Facilities and Assets – Policy COM1

Developer Contributions – Policy DC1

## **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. The application site is allocated for residential development under policy LPD H10 – Hayden Lane, which indicates the application site is allocated for the development of approximately 120 units, of which there should be 36 affordable units delivered. The site is not part of the green belt as it was removed upon the adoption of the LPD in July 2018.
- 6.2 Whilst the site is allocated for 120 units, and 131 is proposed, it should be noted that the Policy LPD H10 states that the numbers set out within the Policy are approximate and that "Planning permission may be granted for proposals with higher numbers of homes subject to the overall scheme being considered suitable". Furthermore, Policy 2 of the Aligned Core Strategy outlines that 'Land North of Papplewick Lane' had the potential to deliver 300 dwellings. It is however worth noting that the implemented planning consents 2017/0201 and 2020/0258 suggest only 255 dwellings will be delivered once completed. This leaves a shortfall of 45 dwellings on the adjoining 'Land North of Papplewick Lane' site and overall there would not be a greater number of dwellings, if this

development is approved. Therefore, the principle of development is supported and the proposal deemed to comply with LPD64 (H10 – Hayden Lane) and guidance within the NPPF. It also complies with Policy HSG1 of the Linby Neighbourhood Plan 2018 – 2032.

- 6.3 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 explored later in this report.

#### Impact on the character of the area and residential amenity

- 6.4 The site layout is designed around a loop road that connects both entrances from Delia Avenue and Dorothy Avenue that would be adopted and create two new vehicle access points via these existing cul-de sacs. There would be two secondary access roads that what would link into the main access loop. On the whole, dwellings would mainly face onto this loop road, save for a small proportion of units accessed off private drives on the southern part of the site. There would be a mixture of frontage parking, integral garages and some to the side of units with detached garages. There would be a good range of house types and sizes, including 1, 2 3, and 4 bedroomed dwellings. 131 dwellings are proposed to be erected across the site, which would result in a density of development around 27 dwelling per hectare, which is considered to be appropriate in this instance given that the layout and character of the area is respected, and is deemed to comply with policy LPD33.
- 6.5 Streetscene elevations have been submitted in support of the application and show an attractive streetscape that is reflective of the wider strategic housing allocation that has already been developed 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.
- 6.6 A drainage feature has been identified on the eastern part of the site; however, it is not considered that it could reasonably be described as public open space given that it could at times be wet and not serve as functional recreational space. A large centralised area of open space measuring some 2100sqm is proposed and would contain an informal kick around area and Local Equipped Area for Play (LEAP). Furthermore, along the northern boundary and throughout the west part of the development would be smaller areas of informal open space totalling some 4000sqm. The open space officer confirms that the level of proposed open space exceeds the threshold required by Policy. As a result the application is deemed to comply with policy LPD21.
- 6.7 In respect of residential amenity, 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.
- 6.8 In terms of amenity for existing occupiers, the main impact would be through the creation of the proposed access points via Delia Avenue and Dorothy

Avenue. 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 should be noted that the southern access off Papplewick Lane to the existing Sherwood Gate site (by Bellway Homes) was designed only for the development of the existing consented development for up to 300 units and could not have been altered due to the presence of existing dwellings on each side of the access. Accordingly, there are no other viable options to access the housing allocation.

- 6.9 Traffic would increase along both Delia Avenue and Dorothy Avenue as a result of the proposals there would also be some inevitable disruption during the construction phase of the development. However, 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. The imposition of a condition requiring further planting and boundary treatment along the garden boundaries with those properties that abut the application site could further limit noise and disturbance. A construction management plan would also mitigate the impact during the construction phase of the development and is proposed as a planning condition
- 6.10 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 and LPD37. The development also complies with Policy NE1, NE2 and DES1 of the Linby Neighbourhood Plan 2018 – 2032.

#### Highway matters

- 6.11 The site would be accessed via two new T-junctions, which would be extensions of the two existing cul-de-sacs: Dorothy Avenue and Delia Avenue which are located directly adjacent to the west of the site. These proposed points of access are both located within Ashfield District Council and a separate application has also been made to them.
- 6.12 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 Dorothy Avenue and Delia Avenue which join Hayden Lane. A pedestrian link to the adjacent development off Papplewick Lane to the east of the site is also proposed, but at present a close-boarded fence is in situ which prevents access.
- 6.13 The Transportation Assessment submitted with the application concludes that an appropriate level of parking provision would be available to serve the proposed development. It also concludes that the proposals would not have a negative impact on the local highway network in terms of safety.

- 6.14 An impact assessment has also been undertaken to calculate the likely vehicular trip generation of the site. Based upon the figures extracted from the TRICS database, the proposed development of 131 residential dwellings has been calculated to generate a total of 66 two-way trips during the AM peak hour and 69 two-way trips during the PM peak hour.
- 6.15 A separate Travel Plan has been prepared to encourage sustainable modes of transport and that they are available to future residents from the first occupation of the site. It concludes that through the initiatives promoted within the plan, in addition to the number of sustainable travel options that are available within the immediate vicinity; the desired level of modal shift amongst users of the site can be achieved. This has included free travel cards for new residents, and improvements to bus stops.
- 6.16 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Transportation Assessment and Travel Plan, 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. Therefore subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61. 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 and that there would be sufficient visitor spaces throughout the proposed development because the requirement is that a total of 335 spaces be provided within the site and 339 spaces are provided. Therefore, having regard to the above, the level of car parking provision complies with the Supplementary Planning Document and LPD57. It also complies with Policy TRA1 of the Linby Neighbourhood Plan 2018 – 2032.
- 6.17 It should be noted that a planning condition is in place, as requested by the Highway Authority that the access needs to be constructed prior to any occupation of any dwelling, that would mean that permission would first be required for the access via Ashfield District Council (or otherwise via the Secretary of State at appeal, should Ashfield District Council refuse the application).

#### Potential for Contamination

- 6.18 In terms of the potential for contamination a Geotechnical and Geo-Environmental Report has been submitted that broadly concludes that the site does not contain harmful contaminants and no further mitigation is required. The Borough Council's Scientific Officer has considered these reports and has confirmed that the site is suitable for the proposed use and that he is satisfied with the content and conclusions and no further site investigation works is required. Having regard to the above the application is deemed to comply with policies LPD7 and LPD11.

#### Noise

- 6.19 A Noise Impact Assessment has been submitted in support of the application and has modelled the likely noise impacts to proposed occupiers from adjacent roads, notably from the B6011 and Hayden Lane in accordance with the guideline values suggested by BS8233. The results of the noise survey and assessment indicate that no mitigation would be required to reduce internal or external noise levels throughout the site.

#### Ecology and Biodiversity

- 6.20 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.
- 6.21 In this instance an Ecological Impact Assessment has been submitted to consider all ecological issues associated with proposed development and included a Phase 1 Habitat Survey and Phase 2 Protected Species Surveys. It highlights that the proposed development would lead to the loss of arable habitat of low ecological value and that further protected species surveys undertaken during the active season of 2022 failed to identify the presence of resident populations of great crested newt, reptiles or roosting bats within the application boundary. It did highlight that a barn owl was nesting within an existing Ash Tree on the north-east corner of the site, (albeit the tree is in poor condition and has been identified for removal.) It also noted that along three boundaries of the site were mature hedgerows that supports terrestrial connectivity to the rural surroundings, although the proposed development would not harm any statutory protected sites (SSSI's) or any non-statutory designed sites. Overall the report concluded that although most of the hedgerows around the periphery of the site would be retained following the development, it would seek extensive site clearance of low value habitats, namely the arable and semi-improved grassland to facilitate the development would likely result in a “Negative - Not Significant” effect on habitat quality within the site. A series of mitigation measures were therefore provided in the form of bird and bat boxes. Natural England do not object to this application.
- 6.22 To assess the mitigation further a biodiversity impact assessment was prepared, which concluded, after taking account of these mitigation measures that 4.77 habitat units (38.43%) would be lost as a result of the development and there would be a very marginal loss of 0.05 hedgerow units (0.41%). The applicant has suggested that off-site mitigation could be provided, but it should be acknowledged that Policy 18 – Protecting and Enhancing Biodiversity does not allow for off-site mitigation. It is stated 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 131 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 both the Ecological Impact Assessment and the Biodiversity Net Gain would be sufficient to meet the requirements set out in LDP - Policy 18.

### Impact on Trees and Hedgerows

- 6.23 An Arboricultural Impact Assessment Survey and Report has been submitted in support of the application and identifies that of the 16 trees on the site, 3 trees would need to be removed to facilitate development, together parts of the existing hedgerow (to gain access). None of the trees are protected with a Tree Preservation Order (TPO) and to mitigate this loss it is intended to add a condition requiring details of a landscaping scheme to be approved by the Local Planning Authority so that a green boundary treatment can be supplied along this edge of the site. The Tree Officer does not object to this approach. 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

- 6.24 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. The Environment Agency do not object to the proposals. In the area there are surface and foul water sewers that the development can link to and the foul water would be pumped to the existing Trent Water foul sewage system to the south of the site (as previously approved as part of the development of the adjoining site). Surface water is intended to be linked into a drainage pond located on the east part of the site together with permeable paving and soakaways that would also function as a holding area for surface water in terms of high water volume. 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.

### Climate Change

- 6.25 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. Dwellings need to comply with part L of the building regulations, which is over and above the building regulations minimum. EV charging points are also 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

- 6.26 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. An Archaeological Desk-based Assessment has been provided in support of the application. It concludes “that there is a low potential of low value medieval and post-medieval remains on site, with the proposed works having a moderate impact all of these features.”

And that "... the significance of impact to archaeological remains on site ranged from slight to moderate. In light of the potential for the identified remains on site it is likely that the local authority would request a precautionary approach should any of these features be present on site. The precise details of any such work would need to be determined by the Planning Archaeologist, however it is recommended that the most appropriate strategy should entail a precautionary watching brief of the initial ground-breaking works on site, which would be considered sufficient to mitigate for this likelihood of any non-designated archaeological remains. The specifications of this work would be agreed with the Planning Archaeologist within a Written Statement of Investigation." The consultation response from 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. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

#### Planning Obligations

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

#### Affordable housing

- 6.29 In accordance with LPD36 as the proposed development is for more than 15 dwellings, 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.
- 6.30 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.
- 6.31 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 40 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.

6.32 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.

6.33 Fourteen 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, 26 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 acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

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

- Transport and travel – a developer contribution of £11,825 for improvements toward bus stop provision is sought. The bus stops that are identified as requiring improvement are on Ethel Avenue and will be spent on real time display features and raised kerbing.
- Education - a contribution of a contribution of £746,672, which is broken down as a secondary education contribution of £551,334 (based on 21 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy), plus a Special Educational Needs and Disabilities place of £90,322 (based on 1 pupil x £90,322 per place).
- Primary Care Trust – a contribution of £70, 985 towards the expansion of primary care provision to include Okenhall Medical Practice, Whyburn Medical Practice and The Om Surgery.



- A library developer contribution request is required to take account of the additional population and demand on services of £4,611
- Parks and Street Care – note that the required 10% POS is identified on the open space plan and is to be maintained by a Management Company, details of which would need to be submitted and approved in writing. Furthermore, an open space scheme would need to be submitted and approved identifying the equipment to be installed in the LEAP.
- 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.

6.35 The applicant has provided a statement agreeing to providing these contributions through a S106 legal agreement, should permission be granted.

6.36 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.

6.37 It is noted in paragraph 4.8 of this report that the secondary care trust seek a contribution of £141,808 toward provision for Nottingham University Hospitals. However, the request is not considered to be directly related to the development in question in that it is the primary care trust who fulfil the local requirement e.g. funding toward local doctors services, and, therefore, it is not considered that the secondary care trust should be secured as planning obligation. It does not meet the statutory test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

6.38 The planning obligations in relation to education, affordable housing, education, NHS Primary Care, public open space, library and bus stop 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

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

6.40 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 agricultural land as a result of the development because the site is already allocated in the development plan for housing development. Initial landscaping details have been provided, but there is also a pre commencement condition requiring the applicant to provide further details. Hedgerows would be removed to gain access to the site and this is already considered above. The impacted services (as a result of the development would mainly be in Ashfield DC, hence why contributions are focused on improvements in Ashfield DC like education, NHS, Library and bus stop 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 Delia Avenue or Dorothy Avenue. 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.

## **7.0 Conclusion**

7.1 Having regard to the above it is noted that the principle of the development is supported by policy LPD64. 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. As a result the application is deemed to comply with policies LPD3, LPD4, LPD7, LPD11, LPD18, LPD19, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57, LPD61 and LPD64 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.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the application be approved, subject to the proposed conditions and subject to the prior signing of the S106 agreement.

**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, and developer contributions as outlined above; and subject to the conditions listed for the reasons set out in the report.**

1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

- 2 The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
- Site Location Plan, Scale 1:2500, Plan Ref: 3710-01  
Location Plan, Submitted 14th April 2022  
Planning Layout, Scale 1:500, Plan Ref: HUCK-SK-001-O Planning Layout, Submitted 5<sup>th</sup> October 2023  
Design and Access Statement, Submitted 14th April 2022  
House Type B1 Plans and Elevations, Scale 1:100, Plan Ref: 3710 45 House Type B1, Submitted 30th November 2022  
House Type P Plans and Elevations, Scale 1:100, Plan Ref: 3710 46 House Type P, Submitted 30th November 2022  
House Type Q Plans and Elevations, Scale 1:100, Plan Ref: 3710 47 House Type Q, Submitted 30th November 2022  
House Type R Plans and Elevations, Scale 1:100, Plan Ref: 3710 48 House Type R, Submitted 30th November 2022  
House Type A Plans and Elevations Scale 1:100, Plan Ref: 3710 30 House Type A, Submitted 14th April 2022  
House Type B Plans and Elevations Scale 1:100, Plan Ref: 3710 31 House Type B, Submitted 14th April 2022  
House Type C Plans and Elevations, Scale 1:100, Plan Ref: 3710 32 House Type C, Submitted 14th April 2022  
House Type D Plans and Elevations, Scale 1:100, Plan Ref: 3710 33 House Type D, Submitted 14th April 2022  
House Type E Plans and Elevations, Scale 1:100, Plan Ref: 3710 34 House Type E, Submitted 14th April 2022  
House Type F Plans and Elevations, Scale 1:100, Plan Ref: 3710 35 House Type F, Submitted 14th April 2022  
House Type H Plans and Elevations, Scale 1:100, Plan Ref: 3710 37 House Type H, Submitted 14th April 2022  
House Type I Plans and Elevations, Scale 1:100, Plan Ref: 3710 38 House Type I, Submitted 14th April 2022  
House Type J Plans and Elevations, Scale 1:100, Plan Ref: 3710 39 House Type J, Submitted 14th April 2022  
House Type L Plans and Elevations, Scale 1:100, Plan Ref: 3710 41 House Type L, Submitted 14th April 2022  
House Type M Plans and Elevations, Scale 1:100, Plan Ref: 3710 42 House Type M, Submitted 14th April 2022  
House Type O Plans and Elevations, Scale 1:100, Plan Ref: 3710 44 House Type O, Submitted 14th April 2022,  
House Type Chawton, Submitted 6<sup>th</sup> October 2023 Plan Ref: 1142,  
House Type Kingston 1192 Submitted 6<sup>th</sup> October 2023,  
Double Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-50  
Double Garage, Submitted 4th May 2022 Single Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-51  
Single Garage Submitted 4th May 2022 Open Space Plan, Scale 1:500, Plan Ref: HUCK-PL-002 D Open Space Plan, Submitted 6th September 2023  
Site Access Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-100-B Site Access Plan, Submitted 30th September 2023  
Refuse Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-615-F Refuse Vehicle Tracking, Submitted 30th August 2023  
Delivery Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-616 Delivery Vehicle Tracking, Submitted 5th May 2023

Levels and Drainage Strategy, Scale 1:500, Plan Ref: 19000-HUCK-5-SK001-D Levels and Drainage Strategy, Submitted 16th June 2023  
 Surface Water Flood Routing Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-SK005-B Surface Water Routing Plan, Submitted 16th June 2023  
 Car Parking Plan, Scale 1:500, Plan Ref: HUCK-PL-004-D Car Parking, Submitted 9th May 2023  
 Arboricultural Impact Assessment, Doc Ref: BG21.281.1. Land off Hayden Lane, Hucknall, Rev 5, Submitted 17th February 2023  
 Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022  
 Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022  
 Landscape Masterplan, Doc Ref: BG21.281 Hayden Lane, Hucknall, Landscaping Masterplan Rev 2, Submitted November 2022  
 Landscape and Visual Impact Assessment, Doc Ref: BG21.281.3 Hayden Lane, Hucknall, Submitted April 2022  
 Archaeology Desk Based Assessment and Heritage Report, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Submitted April 2022  
 Transport Assessment, Doc Ref: 19000 Hucknall, Submitted 8th June 2022  
 Green Travel Plan Doc Ref: 19000 Hucknall, Submitted April 2022

- 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 as shown on drawing number 19000-HUCK-5-100 Revision B has been provided.
- 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 (FRA) and Drainage Strategy Land at Hayden Lane, Hucknall, Nottingham: Revision A, November 2022, Woods Hardwick., 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, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022 and Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022 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 Notwithstanding the details contained within the landscape proposals contain on plan reference: Landscape Masterplan, Doc Ref: BG21.281, 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.
- 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.

## **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 interest of highway safety.
- 6 In the interest 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 (July 2021).
- 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 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 (July 2021).
- 16 To ensure the development is safe and suitable for use.

### **Reasons for Decision**

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 164 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.



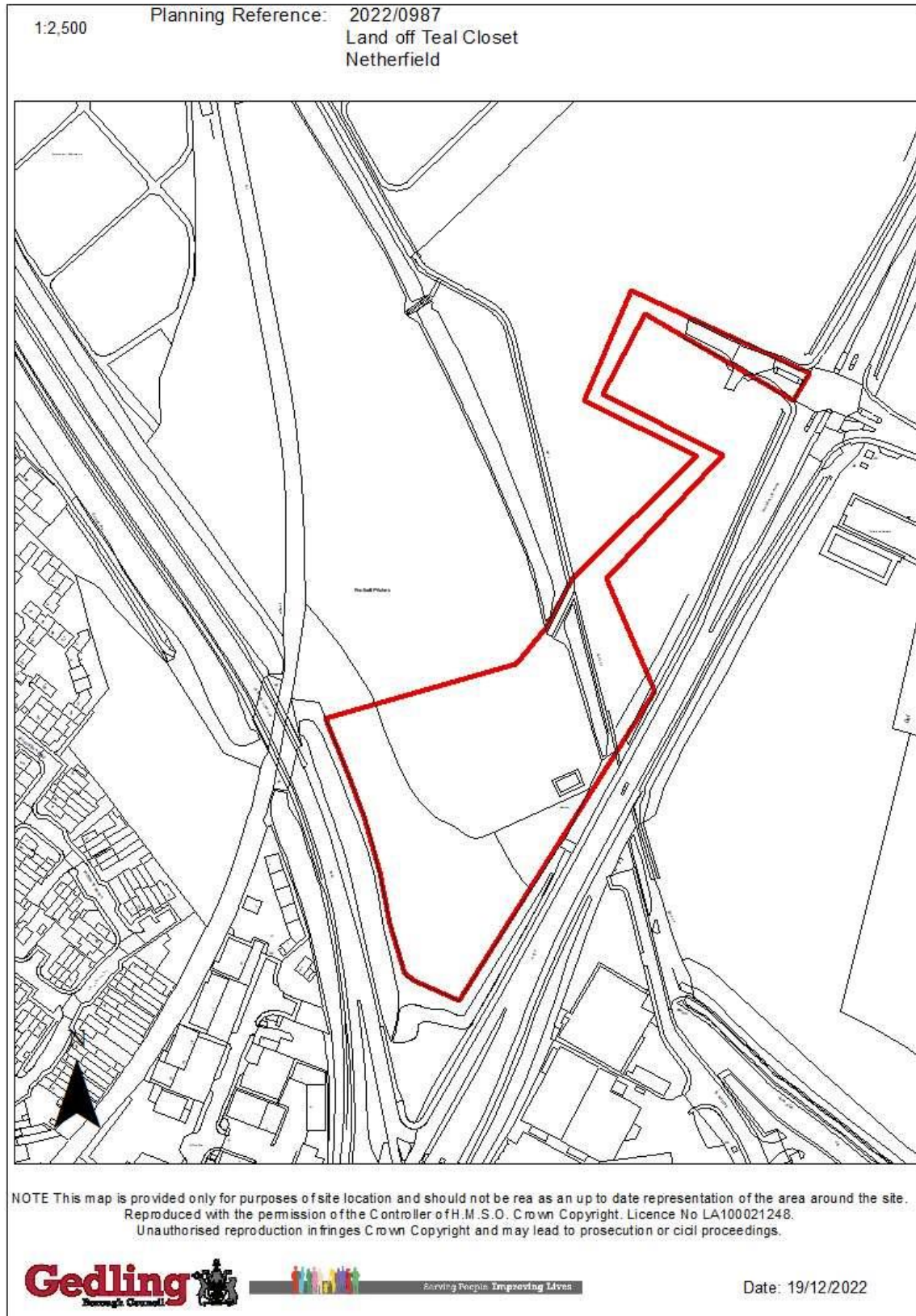
## Notes to Applicant

8. 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.
9. 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](mailto: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.
10. 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.
11. 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).

12. The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)
13. 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.
14. 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 (Ref: V/2022/00350). 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.



**Planning Report for 2022/0987**



## **Report to Planning Committee**

**Application Number:** 2022/0987

**Location:** Land Off Teal Close, Netherfield

**Proposal:** Residential development of 16 dwellings, public open space, landscaping, access and associated infrastructure - Re-plan of Plots 583 to 597 as approved by Reserved Matters Approval 2019/0560

**Applicant:** Persimmon Homes Nottingham

**Agent:**

**Case Officer:** Nigel Bryan

**This application is referred to Planning Committee to seek approval to amend the planning obligations to be secured, in respect of the above development.**

### **1.0 Introduction**

- 1.1 Planning application 2022/0987 was considered at the Planning Committee of 22<sup>nd</sup> February 2023, where it was resolved to grant planning permission, subject to the signing of a Section 106 Legal Agreement securing planning obligations as set out in the report to the planning committee appended to this report. However, due to delays in completing the legal agreement, the permission has not yet been issued. There has been no material change to the development as proposed e.g. in layout; however, since the determination of the application there has been significant changes in policy, most notably the adoption of a new NPPF.
- 1.2 The original committee report from the 22<sup>nd</sup> February 2023 is reproduced in full at the end of this committee report and is labelled as appendix 1.

### **2.0 Relevant Policies & Background Information**

- 2.1 A significant period of time has passed since the Planning Committee initially resolved to approve this development, subject to completion of a Section 106 Agreement securing planning obligations. The proposal was considered taking into account the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), Aligned Core Strategy (ACS), Local Planning Document (LPD) and relevant Supplementary Planning Documents. Since the application was last brought before Planning Committee the NPPF has been revised.
- 2.2 The updated relevant policies are listed below:

### 2.3 National Planning Policies

2.4 National planning policy guidance is set out in the National Planning Policy Framework 2024 (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 and enhancing the natural environment.

2.5 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 56 – 59),
- NPPF: Annex 1: Implementation (paragraphs 231 – 233).
- NPPF: Annex 2: Glossary

### **3.0 S106 Legal Agreement**

3.1 Since the application was considered at the Planning Committee over 2 ½ years ago there have been notable changes of planning policy that would impact on the legal agreement. Whilst the Council were progressing heads of terms for the Section 106 Agreement a revised National Planning Policy Framework (NPPF) was published in December 2024 removing the national requirement that a minimum of 25% of affordable housing units secured through Section 106 planning obligations should be for First Homes.

The updated NPPF is not specific on what tenure the affordable housing provision should consist of; however, the Council has an 'Affordable Housing SPD' from December 2009, which is of some age but is considered consistent with the new NPPF, and identifies that a housing mix of 70% social rent and 30% intermediate housing e.g. affordable rent, low cost properties and shared ownership. In the glossary of the NPPF (annex 2) where Affordable Housing is defined, reference is made to a Written Ministerial Statement of 24<sup>th</sup> May 2021, which highlights 'the importance of social rent as part of the affordable housing tenure mix' as well as the importance of shared ownership homes. It does not explore Discounted Market Sales Housing (DMSH), however the Affordable Housing SPD is considered consistent with the ministerial statement. As a result, it is considered that the affordable housing mix should be updated to reflect the change in policy and ensure consistency with the SPD such that the development should now provide 2 social rented properties instead of 2 First Homes.

- 3.2 The other notable policy change is that on the 10<sup>th</sup> April 2024 Nottinghamshire County Council (NCC) adopted a 'Developer Contribution Strategy'. This up-to-date document changed the level of contributions sought for a wide range of developments. Additional consultation has been undertaken with NCC but no response has been received. As a result, the contributions sought for education would remain the same.
- 3.3 Having regard to the above, the education contribution remains the same at £78,762 for secondary provision. There was an error in the original recommendation stating contributions were sought toward public open space; however, that is not the case, only affordable housing and education planning obligations were sought following consultation. The other point of note is that the agent has requested a 5 year start date, rather than the usual 3, there is no overriding concern in this request.
- 3.4 It should be noted that the developer has raised concerns about replacing the First Homes with social rent properties and has requested that they be Discounted Open Market Value (DOMV), which is a form of DMSH, and are similar to First Homes. The developers primary concern is that social rental properties would make it more difficult to sell adjacent open market dwellings. Other points noted by the developer, Bellway, are that the Councils Interim Policy Guidance on First Homes has not been revoked; Bellway also highlight that they are providing 116 affordable homes within Gedling Borough and that Registered Providers are unlikely to take on just 2 affordable dwellings, which will result in the cascade mechanism within the S106 agreement being activated and a financial contribution in lieu of on-site provision ultimately being provided. This request and above points are noted; however, as outlined in paragraph 2.1 of this report, social rent is considered to be more appropriate form of affordable housing, which is supported by relevant policy. As a result, two social rent properties are considered to be most appropriate for this site. .
- 3.5 Having regard to the above, it is recommended that the planning committee grant planning permission, subject to the completion of a section 106 agreement securing appropriate planning obligations as outlined in this report, and with the conditions as outlined in the original committee report from February 2023, where it was previously resolved to grant permission.

#### **RECOMMENDATION:**

- 1) **Planning permission be GRANTED subject to the completion of a satisfactory section 106 agreement which secures appropriate planning obligations and subject to the conditions set out below; and**
- 2) **Should a satisfactory section 106 agreement which secures appropriate planning obligations not be completed by 03<sup>rd</sup> June 2026, or any further extension of time agreed in writing between the applicant and the local planning authority, that it be delegated to the Assistant Director for Planning to REFUSE planning permission**

## Conditions

- 1 The development hereby permitted shall commence before the expiration of 5 years from the date of this permission.
- 2 This permission shall be read in accordance with the following plans:

### Location Plan

Planning Layout RG3/PL/01 Rev C

Charter Plan RG3/CC/CP/01/E

Open Space Plan RG3/CC/CP/01 Rev C

### Housetypes

Broadhaven BrH\_MA\_Det\_R21-901 Rev No.00

Broadhaven BrH\_MA\_Det\_R21-904 Rev No.00

Broadhaven BrH\_MA\_Det\_R21-905 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-901 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-904 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-905 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -901 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -904 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -905 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -901 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -904 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -905 Rev No.00

Kingsand Detached KgS\_MA\_DET\_R21 -901 Rev No. 00

Kingsand Detached KgS\_MA\_DET\_R21 -904 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -901 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -904 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -905 Rev No. 00

Turnberry Detached TuN\_MA\_DET\_R21 -901 rev No. 00

Turnberry Detached TuN\_MA\_DET\_R21 -904 rev No. 00

Alnmouth Semi Detached Al-C\_MA\_End\_R21-901

Single Garage Hucknall

Double and Paired Garages Hucknall

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

- 3 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 4 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 5 From the date of first occupation every property 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.
- 6 Prior to the commencement of development hereby approved a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of the development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of the development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of the development in relation to noise and vibration and safeguarding air quality. The approved CEMP and all details therein shall be implemented in accordance with the approved details.
- 7 Prior to the commencement of the development the following must be complied with:

#### Site Characterisation

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



property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

#### Submission of Remediation Scheme

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

- 8 In the event that remediation is required to render the development suitable for use, the approved 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.
- 9 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.
- 10 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 11 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

#### **Reasons**

- 1 To define the permission and for the avoidance of doubt.
- 2 To define the permission and for the avoidance of doubt.
- 3 To reduce the possibility of deleterious material being deposited on the public highway.
- 4 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

- 5 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.
- 6 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.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 196 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 196 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 196 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 10 To ensure a satisfactory form of development.
- 11 To ensure a satisfactory means of surface and foul drainage for the site.

#### **Notes to Applicant**

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 39 of the National Planning Policy Framework (2019).

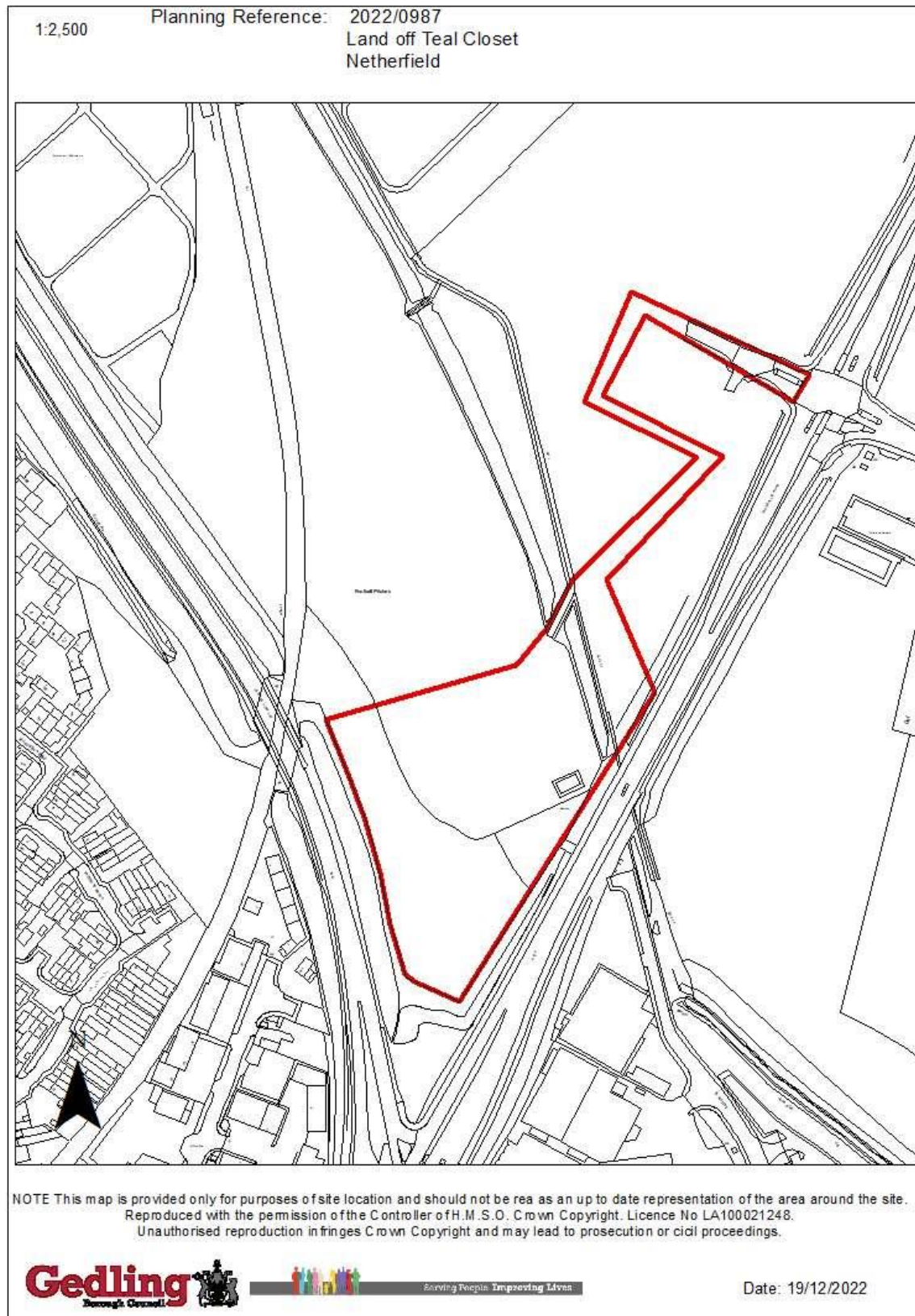
All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.

## Appendix 1



### Planning Report for 2022/0987



**Report to Planning Committee**

**Application Number:** 2022/0987

**Location:** Land off Teal Close Netherfield Nottinghamshire

**Proposal:** Residential development of 16 dwellings, public open space, landscaping, access and associated infrastructure – Re-plan of Plots 583 to 597 as approved by Reserved Matters Approval 2019/0560.

**Applicant:** Persimmon Homes Nottingham

**Agent:**

**Case Officer:** Kevin Cartwright

**This application has been referred to the Planning Committee in accordance with the Council's Constitution as the development proposes more than 9 dwellings.**

1.0 Site Description

- 1.1 The site is within the Teal Close development site which has outline planning permission reference 2013/0546 as varied by planning permission 2017/0999 for residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Various approvals have been granted pursuant to this permission. The full planning history is detailed below.
- 1.2 To date phase 1 is nearing completion, the primary school and a care home have been completed and work has commenced on dwellings within phase 2. A number of the commercial units are also complete as is the food store.
- 1.3 The Teal Close development is approximately 26 hectares in overall site area split into two parcels of land which straddle the Colwick Loop Road.
- 1.4 This particular application relates to a re plan of 16 dwellings within the larger parcel of land of approximately 8 hectares in the area to the west of the Colwick Loop Road that is the subject of reserved matters approval 2019/0560. The application site area is 1.86 hectares which also includes the access roads to the site from Colwick Loop Road.

## **2.0 Relevant Planning History**

2013/0546 - Outline planning application comprising residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures approved and is subject to a S106 agreement. Approved 30<sup>th</sup> June 2014.

2017/0999 - Variation of Conditions 32, 33 & 35 and removal of Condition 34 attached to outline planning application No. 2013/0546 comprising residential development (up to 830 units), employment uses (use classes B1, B2, B8) a community hub (use classes A1-A5 and D1) primary school, hotel (use class C1), care home (use class C2) playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Approved 28<sup>th</sup> February 2018.

2017/0800 - Reserved Matters Application for the erection of 199 dwellings (C3), including 10 affordable units, and the associated infrastructure including landscaping, community uses/changing rooms (D2), playing pitches, a NEAP and public open space and an ecological park. (Phase 1) Approved 2<sup>nd</sup> March 2018.

2018/0951 - Variation of conditions 32 (highway works), 33 (highway works) & 35 (footway/cycleway works) on outline planning permission reference 2017/0999 – Approved 2<sup>nd</sup> March 2018.

2017/1092 - Discharge of Conditions 3 (Phasing), 8 (Topographical), 25 (Geophysical), 28 (Main Site Access), 30, 31, 32, 33 & 35 of Outline Planning Approval: 2017/0999. Approved.

2018/1189NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999. – Approved

2019/0060NMA - Non Material Amendment to reserved matters approval 2017/0800 - mid-terraced Yarm house type replaced with Bickleigh house type and end terrace Bickleigh house type replaced with Yarm house type, changes to feature plots and amendments to road layouts – Approved

2019/0208NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999 – Pending

2019/0131 - Reserved matters application for the erection of a 1-form entry primary school with a 26 place nursery with associated external play areas, car parking and associated landscaping and infrastructure pursuant to outline planning permission 2017/0999 – Approved 8<sup>th</sup> April 2020.

2019/0529 - Formation of access and enabling works including drainage and earthworks in relation to the local centre and employment uses – Granted Permission 18th September 2019.

2019/0613 - Approval of reserved matters in relation to access, appearance, landscaping, layout and scale of the Local Centre comprising of Public House, Commercial/Retail Terrace and Children's Day Nursery pursuant to outline planning permission 2017/0999- Approved 21<sup>st</sup> May 2021.

2019/0614 - Approval of reserved matters in relation to appearance, landscaping, layout and scale of the trade park and unit 1 of the employment area pursuant to outline planning permission 2017/0999 – Granted Planning Permission 8th November 2019.

2019/0615 - Approval of reserved matters in relation to appearance, landscaping, layout and scale for the development of the employment area (6no. employment units) pursuant to outline planning permission 2017/0999 – Granted Planning Permission 24<sup>th</sup> June 2021.

2019/1191 – Erection of a three Storey Sixty Six Bedroom Residential Care Home for Older People (Use Class C2) with associated access, parking and landscaping. Granted Planning Permission 11<sup>th</sup> March 2020.

2019/0152 - Reserved matters application for the erection of 353no. dwellings (C3), including 18 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2017/0999. (Phase 2) – Approved 22<sup>nd</sup> June 2020.

2020/1292 - Erection of a retail store (Class E) with associated car parking, landscaping and other infrastructure. Granted Planning Permission on 21<sup>st</sup> May 2021.

2019/0374 – Variation of Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) on planning permission reference 2017/0999 – Granted Planning Permission on 13<sup>th</sup> June 2022.

2019/0560 - Reserved matters application for the erection of 255no. dwellings (C3), including 13 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2019/0374. (Phase 3). Approved 8<sup>th</sup> July 2022.

### **3.0 Proposed Development**

- 3.1 The proposal is a full application for the construction of 16 dwellings. The affected plot numbers in relation to the previous reserved matters approval (2019/0560) are plots 583 to 597 inclusive. The re-plan is a result of the discovery of an underground culvert in the south western corner of the site. Construction cannot take place over the culvert or the associated 8 metre easement. Hence the requirement for the layout in this area to be amended.

- 3.2 The site would be accessed as per the approved phase 3 reserved matters approval from the western arm of the newly constructed traffic lighted junction off the Colwick Loop Road. The eastern arm being Magenta Way which serves the remainder of the Teal Close development.
- 3.3 The overall density of the wider phase 3 development would be 31 dwellings per hectare and remain unchanged by this proposed re-plan. There would be an additional dwelling provided beyond that of the reserved matters approval and has resulted from the replacement of a larger detached dwelling with a pair of smaller semidetached properties on plots 50 and 51.

#### **4.0 Consultations**

- 4.1 Nottinghamshire County Council Local Lead Flood Authority – No objection.
- 4.2 Nottinghamshire County Council Highway Authority – The road layout has changed allowing for a cul-de-sac to serve plots 40-47. Tracking for a refuse vehicle must be demonstrated. The link adjacent to the public open space should be a cycleway/footway 3 metres wide.
- 4.3 Stoke Bardolph Parish Council – No comments received.
- 4.4 Trent Valley Internal Drainage Board – No objection. There are no Board maintained watercourses in close proximity to the site.
- 4.5 Scientific Officer (Air Quality) - No objection subject to the provision of EV charging points, Construction Emissions Management Plan.
- 4.6 Strategic Housing Manager - As this is a re-plan and the affordable housing has already been secured through Section 106 agreement for the wider site, Strategic Housing has no comments to make on this application.
- 4.7 Nottinghamshire County Council Education – There are insufficient secondary school places in the planning area. The development of 16 dwellings would yield 3 pupils of secondary school age. The contribution requirement would be £78,762 (based on £26,254 per place).
- 4.8 NHS Primary Care – No contribution required as the scheme falls below the threshold of 25 dwellings.
- 4.9 Nottinghamshire Wildlife Trust – No comments received.
- 4.10 Members of the Public  
A press notice was published, three site notices were displayed and neighbour notification letters posted. No representations have been received. Any representations received will be reported verbally at the meeting.

#### **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 National Planning Policy Framework (NPPF) 2021**

Section 2 – Achieving sustainable development - Para 11 – presumption in favour of sustainable development

Section 4 – Decision-making - Paragraph 47 of the NPPF states that planning law requires applications for planning permission be determined in accordance with the Development Plan, unless materials considerations indicate otherwise.

Section 8 – Promoting healthy and safe communities. Paragraph 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places. Paragraph 134 states that permission should be refused for development of poor design.

Section 14 – Meeting the challenge of climate change, flooding and coastal change - Paragraph 166 - states a site specific flood risk assessment is required. The applicant has submitted a flood risk assessment.

Section 15 – Conserving and enhancing the natural environment - Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment.

### **6.2 Gedling Borough Aligned Core Strategy (ACS) (2014)**

Policy A – Presumption in Favour of Sustainable Development

Policy 1: Climate Change - Parts 1, 2 and 3 set out sustainability criteria.

Policy 10: Design and Enhancing Local Identity - General design criteria

The site is identified as a Strategic Allocation.

### **6.3 Gedling Borough Local Planning Document (LPD) (2018)**



LPD 18 – Protecting and Enhancing Biodiversity – states development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.

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

LPD 32 – Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33 - Residential Density – supports residential densities more than 30 dwellings per hectare to ensure effective use of land.

LPD 35 – Safe, Accessible and Inclusive Development – supports well designed schemes and the creation of safe and sustainable places.

LPD 36 – Affordable Housing – requires developments of 15 dwellings or more to provide appropriate levels of affordable housing.

LPD 57 – Parking Standards – Planning Permission will be granted for residential development where proposals meet the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority.

LPD 61 – Highway Safety – Planning Permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of people.

#### 6.4 Other Guidance

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

Air Quality and Emissions Mitigation (2019)

Low carbon planning guidance for Gedling Borough (May 2021)

Interim Planning Policy Statement First Homes (October 2022)

#### 7.0 Planning Considerations

##### Principle of Development

7.1 The principle of development on this site for residential development has been established by outline application 2013/0546 and the subsequent Section 73 applications 2017/0999 and 2019/0374 and approval of reserved matters application 2019/0560. The site is also identified as a residential allocation in the Aligned Core Strategy.

7.2 Access to the site would be via the newly constructed traffic lighted junction off the A612. This was approved by the aforementioned outline permission.

This single vehicle access point into the site accords with the masterplan as varied by planning application 2019/0374.

#### Design and Appearance

- 7.3 The design and appearance of the proposed dwellings are in keeping with the dwellings under construction on adjoining land that has been previously consented under reserved matters approvals. As such they will be in keeping with the scheme as a whole utilising the same elevation detailing and materials.

#### Layout

- 7.4 The proposed layout mirrors that of the adjacent approved reserved matters scheme following a simple block layout with properties outward facing fronting the roads. The development would have a density of approximately 38 dwellings per hectare and this reflects the character of previously consented development on adjoining land.
- 7.5 The dwellings have been moved eastwards and open space located over the culvert. The proposal would however be in full conformity with the previously approved masterplan for the wider residential allocation.
- 7.6 It is considered that the proposal is in compliance with the approved masterplan and Aligned Core Strategy Policy 10 and LPD32, LPD33 and LPD 35.

#### Landscaping

- 7.7 The approved masterplan and landscaping of the development that forms the outline and reserved matters approval for the site as a whole and specifically the green corridor that runs through the site and includes an equipped play area remains unchanged as a result of the re-plan.
- 7.8 Whilst it is accepted that 2no. dwellings would be located in the most easterly part of the site adjacent to the central green corridor, they would not result in built form significantly closer to the green corridor than the layout approved by reserved matters application 2019/0560. As such the integrity of the green corridor would not be lost. It is however considered necessary for the existing trees and hedgerows to be protected during the construction phase. An appropriately worded condition has been included as part of this recommendation.
- 7.9 The proposal therefore complies with the objectives of the National Planning Policy Framework and Aligned Core Strategy Policy 10 and Policy LPD 35.

#### Other Matters - Air Quality

- 7.10 The application site falls within the wider Teal Close development site which has an approval for residential development, a school, local centre and commercial uses. The outline permission secured a financial contribution towards air quality monitoring. However, this application is a full application.

As such it is not bound by any of the conditions of the outline planning permission. The request for EV charging points made by the Scientific Officer is considered appropriate and compliant with the Low Carbon Policy Guidance and LPD 11. There was no policy requirement for EV charging at the time of the consideration of the outline planning permission.

- 7.11 Noting the request from our Scientific Officer for a condition in relation to the submission of a Construction Emissions Management Plan (CEMP). It should be noted that condition 24 of outline planning permission 2017/0999 requires, prior to the commencement of each phase, the submission and approval of a CEMP. As this application is a full application it is necessary to require a further CEMP to ensure that appropriate measures are in place for the development of this standalone application.
- 7.12 As such the proposal complies with LPD 11, Air Quality and Emissions Mitigation (2019) and Low Carbon Planning Guidance for Gedling,

#### Highway Safety and Capacity

- 7.13 It should be noted that the principle of this development and that of wider site is established by the grant of outline planning permission 2013/0456 and subsequent section 73 applications 2017/0999 and 2019/0374. This included assessment of the impact that the development of the site as a whole, including up to 830 dwellings, would have on the wider transport network and established the approved access to the site off the A612 Colwick Loop via what is now known as Magenta Way. As this is a re-plan which results in only one additional dwelling it is considered that there would not be any additional impact on the highway network than that previously assessed.
- 7.14 The parking provision has not changed from that approved at reserved matters stage in that four bed properties would have 3 spaces and the single five bed property would have four spaces. The two semidetached properties would have one parking space each.
- 7.15 Notwithstanding the comments from the Highway Authority in relation to the alignment and the need to demonstrate vehicle tracking it is considered that the provision complies with LPD 57 and Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document.
- 7.16 Amended plans have been requested in relation to the comments of the Highway Authority. A verbal update on this matter will be provided at the meeting. In light of the above matters it is considered that the proposal would not be harmful to highway safety or the surrounding road network in general, and therefore the proposal would accord with the objectives of the National Planning Policy Framework and Local Planning Document LPD 57 and 61 and Parking Provision for Residential Developments – Supplementary Planning Document.

#### Drainage Matters

- 7.17 As this is a re-plan of the already approved scheme and noting no objection from the Local Lead Flood authority it is considered that this proposal does

not raise any new drainage issues not previously considered by the outline planning permission and associated reserved matters approval. It would not be possible to construct this development without the wider approved drainage details being implemented. This revised layout does not prejudice the delivery of the wider site and its associated infrastructure. Connection to the foul and surface water infrastructure system implemented on the adjoining land would be controlled through Building Regulations. Moreover, as this is a standalone application, details of the foul and surface drainage proposals are required and a condition is proposed.

### Ecology

- 7.18 This proposal does not impact on the delivery of the larger site which includes open space, green corridor and an ecology park. As this is a full stand-alone planning application there is a requirement for appropriate protection measures in relation to trees and hedgerows and to minimise damage and disturbance to any habitats during the construction phase. Accordingly the same condition as is included within outline planning permission 2013/0546 is considered necessary in relation to this application. Condition 6 refers. As such the development would accord with LPD18.

### Planning Obligations

- 7.19 The application site falls within phase 3 of the Teal Close development which is subject to a S106 agreement which secured planning obligations in respect of the following:

Affordable Housing - 5% of the total number of dwellings.

Travel Plan Monitoring Fee - £29,040

Air Quality Monitoring Contribution - £2,800

Travel Pass Contribution - £30,000

Bus Pass Contribution - £450,000

City Link Contribution - £680,000

Ecology Park

Contribution to Gedling Access Road - £463,000

Open Space including Sports Pitches within Phase 1.

Health Care Contribution - £200,000

Single Form Entry Primary School

Off-site Highway Improvement works as varied by Planning Ref: 2019/0374:

Lowdham roundabout - £64,932.75

Mile End/Colwick Road junction - £150,000.

- 7.20 In relation to the wider development, contributions have been made where trigger points have been met including the construction of the Primary School.
- 7.21 This planning application is a full application and would not be bound by the aforementioned S106 agreement. As this proposed development would only result in an additional dwelling when compared to the approved reserved matters layout (2019/0560) and still well below the quantum of development assessed at the outline stage which consents a maximum of 830 dwellings to be built on the site as a whole over the three phases.

- 7.22 The overall number of dwellings on the site for all three phases including the re-plan resulting in an additional dwelling from this application would be:

Phase 1 + Phase 2 + Phase 3 = 199+353+255=807 plus the additional dwelling as a result of this application bringing the overall total to 808.

- 7.23 The NPPF advises that planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 7.24 A full re-consultation has been undertaken with key stakeholders to determine whether any further obligations are now required in relation to the development comprised in the planning application having regard to changes in national/local planning policies and technical evidence, since permission was granted in 2014.
- 7.25 A review of the consultation responses has identified that no additional off site highway works or public transport contributions are required. The development falls below the threshold for health contributions. The application site does include an area of informal open space the maintenance of which would need to be secured via the Section 106 agreement.

Further planning obligations are also required in relation to education and affordable housing, as set out below.

7.26 *Education*

The County Council have confirmed that the requirement for primary school place has been met through the construction of a new primary school on the wider housing allocation. In relation to secondary school provision, updated evidence from the County Council indicates that there is forecast to be insufficient secondary places in the locality to accommodate the projected housing growth. The County have therefore requested a contribution of £78,762 (based on £26,254 per place) to mitigate the impact of the proposed development.

7.27 *Affordable Housing*

In accordance with LPD36 as the proposed development is for more than 15 dwellings, the development must provide 10% 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 affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.

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 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) 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 10% affordable homes. This equates to two dwellings. This would be secured via a planning obligation. The level of provision is considered to acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

7.28 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 6<sup>th</sup> 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.

Two 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

7.29 The planning obligations in relation to education, affordable housing in form of First Homes and open space maintenance requirements 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). The requirements would be secured as planning obligations through a s106 agreement.

## **8.0 Conclusion**

- 8.1 Having regard to the fact that the principle of development is established by the extant planning permission in place the proposed development would be of a design and appearance that would be appropriate in the context of the surrounding area and would not have an adverse impact upon visual amenity, residential amenity or highway safety. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 1,10 Local Planning Document Policies 11, 32, 33, 35, 36, 57, and 61, Parking Provision for Residential and Non-Residential Developments SPD (2022), Air Quality and Emissions Mitigation (2019) Interim Planning Policy Statement First Homes (October 2022) and Low carbon planning guidance for Gedling Borough (May 2021).

- 9.0 RECOMMENDATION: Grant Planning Permission subject to the applicant entering into a section 106 with the Borough Council as the Local Planning Authority and the County Council to secure planning obligations in respect of affordable housing in relation to the delivery of two First Homes, an education financial contribution and financial contribution towards the maintenance of open space and subject to the following conditions:**

### **Conditions**

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the following plans:

Location Plan  
Planning Layout RG3/PL/01 Rev C  
Charter Plan RG3/CC/CP/01/E  
Open Space Plan RG3/CC/CP/01 Rev C

### **Housetypes**

Broadhaven BrH\_MA\_Det\_R21-901 Rev No.00  
Broadhaven BrH\_MA\_Det\_R21-904 Rev No.00  
Broadhaven BrH\_MA\_Det\_R21-905 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-901 Rev No.00  
Cullen Detached Cul\_MA\_DET\_R21-904 Rev No.00  
Cullen Detached Cul\_MA\_DET\_R21-905 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -901 Rev No.00  
Heysham Detached HeY\_MA\_DET\_R21 -904 Rev No.00  
Heysham Detached HeY\_MA\_DET\_R21 -905 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -901 Rev No.00  
Hollicombe Detached HoC\_MA\_DET\_R21 -904 Rev No.00  
Hollicombe Detached HoC\_MA\_DET\_R21 -905 Rev No.00

Kingsand Detached KgS\_MA\_DET\_R21 -901 Rev No. 00  
Kingsand Detached KgS\_MA\_DET\_R21 -904 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -901 Rev No. 00  
Seacombe Detached Se\_MA\_DET\_R21 -904 Rev No. 00  
Seacombe Detached Se\_MA\_DET\_R21 -905 Rev No. 00

Turnberry Detached TuN\_MA\_DET\_R21 -901 rev No. 00  
Turnberry Detached TuN\_MA\_DET\_R21 -904 rev No. 00

Alnmouth Semi Detached Al-C\_MA\_End\_R21-901

Single Garage Hucknall  
Double and Paired Garages Hucknall

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

- 3 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 4 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 5 From the date of first occupation every property 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.
- 6 Prior to the commencement of development hereby approved a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and



construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of the development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of the development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of the development in relation to noise and vibration and safeguarding air quality. The approved CEMP and all details therein shall be implemented in accordance with the approved details.

- 7 Prior to the commencement of the development the following must be complied with:

Site Characterisation

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

Submission of Remediation Scheme

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

- 8 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.
- 9 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.

- 10 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 11 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

## **Reasons**

- 1 To define the permission and for the avoidance of doubt.
- 2 To define the permission and for the avoidance of doubt.
- 3 To reduce the possibility of deleterious material being deposited on the public highway.
- 4 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 5 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.
- 6 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.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 10 To ensure a satisfactory form of development.
- 11 To ensure a satisfactory means of surface and foul drainage for the site.

## **Notes to Applicant**

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019).

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.

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## Report to Planning Committee

**Application Number:** 2023/0443

**Appeal Ref:** APP/N3020/W/24/3355133

**Site Address:** 1 Church Lane, Linby, Nottinghamshire, NG15 8AB

**Application description:** Detached dwelling with associated car parking, dropped kerbs and amenity space.

**Case Officer:** Joe Mitson

The planning application was refused permission on the 6<sup>th</sup> September 2024 for the reasons outlined below:

1. By virtue of the scale, siting and overall design of the dwelling, the proposal would result in significant harm to the open character and appearance of the site and is therefore considered to result in detrimental impacts on the openness of the Green Belt and would represent inappropriate development which is, by definition, harmful to the Green Belt. No very special circumstances have been demonstrated to outweigh the harm to the Green Belt. The development is therefore contrary to Policy 3 of Gedling Borough Council Aligned Core Strategy, criteria (d), (e) and (f) of Policy LPD 15 of the Gedling Borough Council Local Planning Document and Section 13 of the National Planning Policy Framework.
2. By virtue of the scale, siting and overall design of the dwelling, the proposal would result in significant harm to the open character and appearance of the site, the street scenes of Church Lane and Main Street, the Linby Conservation Area and the setting of the grade II\* church. The proposal is therefore contrary to Policies DES1, CBH2 and NE2 of the Linby Neighbourhood Plan, Policies LPD 19, LPD 26, LPD 27, LPD 28 and LPD 34 of the Gedling Local Planning Document, Policies 10 and 11 of the Aligned Core Strategy, Sections 12 and 16 of the National Planning Policy Framework and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### *Reason for Refusal 1 – Green Belt*

The Inspector found the proposal would not constitute inappropriate development in the Green Belt (GB) and this ground for refusal was not upheld. The Inspector found that the proposal amounted to limited infill within a village and would, therefore, not be considered inappropriate development in the GB.

The Inspector found, as outlined in paragraph 36 of the Appeal Decision, a degree of inconsistency between the wording the Council's Policy LPD 15 and the National Planning Policy Framework, as Case Law has found that for those exceptions in the Framework where the effect on openness is not expressly stated as a determinative factor in assessing inappropriateness, there is no requirement to undertake a separate assessment of the impact of the development on the openness of the Green Belt.

### *Reason for Refusal 2 – Designated Heritage Assets*

The Inspector found that the proposal would fail to preserve the special interest of Grade II\* listed St Michael's Church and the character and appearance of the Conservation Area (CA) as a whole, finding less than substantial harm, in the order of low to moderate, to both heritage assets.

The Inspector noted the positive contribution of setting to the significance of the Grade II\* church, including specifically from the appeal site, which provides a 'valuable open and visual link between Main Street and St Michael's Church'. The Inspector found that the appeal site makes a significant positive contribution to the character and appearance of Linby CA. The Inspector found that, while a two storey detached dwelling would not be out of character with the locality, and that the materials were otherwise appropriate, the siting of the proposed dwelling would diminish the current open nature of the corner plot, erode a piece of identified significant green space in Linby, be visually prominent and interrupt views of St Michael's. The Inspector also noted that the proposal entailed alterations to the stone boundary wall on Church Lane, noting these as being a distinctive feature of the CA, which would also harm the significance of the CA.

### *Inspector Conclusions*

The Inspector noted a small contribution to local and national housing targets from the proposed dwelling and limited benefit from construction employment, amounting to limited to modest weight to be given to these public benefits. The Inspector concluded these benefits would not outweigh the identified harm to the significance of the designated heritage assets and as such the appeal was dismissed.

**Recommendation:** To note the information.

## **Report to Planning Committee**

**Application Number:** 2024/0349

**Appeal Ref:** APP/N3020/D/24/3353212

**Site Address:** The Headlands, Church Lane, Linby, Nottinghamshire

**Application description:** Proposed single storey rear extension and loft conversion with pitched roof design

**Case Officer:** Calum Smith

The planning application was refused permission on the 12<sup>th</sup> of July 2024 for the reason outlined below:

1. The application site falls within the Nottingham-Derby Green Belt and the proposed development would result in a disproportionate addition to the building and encroachment into the countryside and would therefore represent inappropriate development, which is, harmful to the Green Belt. The proposed development would result in an increase in floor space to the building greater than 50% and the circumstance put forward do not outweigh the harm to the openness and are therefore not capable of forming very special circumstances. In the absence of very special circumstances, the development is deemed inappropriate development in the Green Belt. The proposed development is consequently contrary to the NPPF (Section 13), Policy 3 of the ACS and policy LPD 13 of the Local Planning Document.

### *Reason for Refusal 1 – Green Belt*

The Inspector found that the proposal was in line with Paragraph 154, Part C of the NPPF, considering that it would “not result in disproportionate additions over and above the size of the original building”. Whilst noting that previous alterations had added more than 50% of additional floorspace to the host dwelling, the Inspector noted in paragraph 14 of their decision that the appeal proposal does not involve the creation of additional floorspace in itself. As a result, the proposal would not constitute inappropriate development in the Green Belt (GB) and this ground for refusal was not upheld. Nor, given the alteration was not inappropriate development within the Green Belt, was the Inspector obliged to go on to consider the impact on openness from the dormer extension.

### *Inspector Conclusions*

For the reasons stated above, the inspector concluded that the appeal should be allowed.

**Recommendation:** To note the information.

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## Report to Planning Committee

**Application Number:** 2024/0517

**Appeal Ref:** APP/N3020/W/25/3361750

**Site Address:** 284 Longdale Lane, Ravenshead, Nottinghamshire, NG15 9AH

**Application description:** New two-storey equestrian teaching facility for the disabled adjacent to an existing menage.

**Case Officer:** Joe Baldwin

The planning application was refused permission on the 29<sup>th</sup> November 2024 for the reasons outlined below:

- 1) *The proposed stable building would be exceptionally large, include a number of elements not equine in use, and would be detrimental to the openness of the Green Belt. Ancillary works associated with the use, including hardstanding, car parking and a passing bay would also be detrimental to the openness of the Green. The stables are not considered to be small, nor is it considered that Very Special Circumstances have been demonstrated to allow what is considered to be inappropriate development within the Green Belt. The application is therefore deemed contrary to policies LPD25, LPD47 and paragraph 154(b) of the NPPF (2023).*
- 2) *The design and scale of the built form, given its two-storey scale and overly domestic elevation treatment, is considered to be at odds with the rural character of the area. The application is, therefore, deemed contrary to chapter 12 of the NPPF (2023) and policy 10 2 (d and e) of the Aligned Core Strategy.*

The Inspector agreed with officers that the development could be considered to be appropriate development in the Green Belt as it may fall under paragraph 154 b of the National Planning Policy Framework (2024) however this is provided that the development would preserve the openness of the Green Belt. The Inspector agreed with officers that the building would be of a scale and in a location which would not preserve the openness of the Green belt as set out in reason 1 above and also agreed that the design of the building would appear incongruous in the rural setting as set out in reason 2 above.

The Inspector then however had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which “sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.”

The application stated that development would provide a specialist facilities for four resident horses and coaches which would support riders with a protected characteristic and would have links to nearby Portland College, a centre of excellence for Autism. The Inspector concluded that “to dismiss the appeal would have the potential to have an adverse impact on persons with a protected characteristic who could use the facility and deprive those persons of the benefits a facility such as this

could bring. Accordingly, the PSED considerations would attract substantial weight in this case”.

It was concluded that the PSED considerations, economic benefits through employment of 2-5 staff members and biodiversity enhancements would constitute Very Special Circumstances which outweigh the harm to the Green Belt and general rural setting.

As a result, the appeal has been allowed.

**Recommendation:** To note the information.

## **Report to Planning Committee**

**Application Number:** 2025/0211

**Appeal Ref:** APP/N3020/D/25/3369980

**Site Address:** 289 Oakdale Road, Carlton, NG4 1BP

**Application description:** Hip to gable second floor conversion with dormer

**Case Officer:** Joe Davies

The planning application was refused permission on the 9<sup>th</sup> May 2025 for the reasons outlined below:

1. The proposed dormer by reason of its design and scale would represent an incongruous feature that would have a significant detrimental impact on the character and appearance of the area and the host dwelling itself. This would be contrary to Policy 10 of the Aligned Core Strategy 2014, Policy LPD 43 of the Gedling Local Planning Document 2018 and the Gedling Design Code 2024.

The Inspector considered that in isolation the proposal conflicted with the policies of the development plan because of its overall size and bulk. However it was considered that the existing dormer was of a similar appearance, even though it was slightly larger and would have a similar impact. The Inspector considered that this was a material consideration that outweighed the conflicts with the development plan. The appeal was therefore allowed.

**Recommendation:** To note the information.

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## **Report to Planning Committee**

**Application Number:** 2024/0862

**Appeal Ref:** APP/N3020/W/25/3369656

**Site Address:** 67 Queens Avenue, Gedling, Nottinghamshire, NG4 4DW

**Application description:** Erect a new 2-bed dwelling

**Case Officer:** Calum Smith

The planning application was refused permission on the 7<sup>th</sup> of March 2025 for the reasons outlined below:

1. The proposed dwelling, by reason of size, siting, scale, massing and design, would result in a cramped form of development, at odds with the established character and appearance of the site and locality. It would fail to integrate into the prevailing context and would not reinforce valued local characteristics. It is considered that the proposal is not visually acceptable, contrary to Policy 10 1c) of the Core Strategy and policies 34 ii) and 40 1) of the Local Planning Document Part 2 Local Plan. These require development to reinforce valued local characteristics, to provide satisfactory plot sizes and positioning of buildings and to secure a high standard of design.
2. The proposal, by reason of the limited plot depth and the siting, scale, design, size and massing of the proposed dwelling, would result in insufficient quality private amenity space being provided for the future occupants of the proposed dwelling. The proposal would be contrary to Policy 10 2 f) of the Core Strategy and Policies LPD 32 i) and Policy LPD 40 a) 3 of the Local Planning Document Part 2 Local Plan.

### *Reason for Refusal 1 – Character and appearance*

The Inspector found the proposal would not constitute development at odds with the character and appearance of the surrounding area. It was found that the surrounding area plays host to “a variety of types of housing, architectural styles and materials”. It was further noted that the appeal scheme would be “of a similar scale, massing and design to other dwellings nearby”, and consequently would be compliant with local and national relevant planning policies.

### *Reason for Refusal 2 – Living Conditions of Future Occupiers of the Proposed Dwellinghouse*

The Inspector did not find any express requirements relating to the provision of residential outdoor space, considering that it would be a matter instead for prospective occupants of the property to decide whether the amount of this was suitable for their needs. They also pointed out that flats, for instance, often do not possess any outdoor space. To this end, the inspector concluded that there was no conflict with relevant local or national planning policies.

### *Inspector Conclusions*

The Inspector noted a contribution to local and national housing targets from the proposed dwelling and did not identify any considerations that would outweigh this benefit. It was determined that the proposal complied with the development plan taken as a whole and, consequently, the appeal should be allowed.

**Recommendation:** To note the information.

## **Report to Planning Committee**

**Application Number:** 2024/0510

**Appeal Ref:** APP/N3020/W/25/3366727

**Site Address:** Rose Cottage, Goosedale Lane, Bestwood, NG6 8UJ

**Application description:** Change of use from garage to dwelling.

**Case Officer:** Joe Davies

The planning application was refused permission on the 17<sup>th</sup> December 2024 for the reasons outlined below:

1. The proposed development would result in the provision of an isolated dwelling in the open countryside. This isolated home would not be for an essential rural worker, not result in the re-use of either a heritage asset or a redundant disused building and would not be of an innovative design. The proposed development would, therefore, be contrary to B(ii) of Policy LPD 12 of the Gedling Local Planning Document 2018.

The Inspector considered that, as no increase in built footprint was proposed, the impact on the Green Belt would be acceptable, with the isolation of the dwelling being irrelevant to national Green Belt policy. Whilst considered irrelevant to Green Belt policy, the Inspector considered that this was relevant to the acceptability of the scheme as a whole. The Inspector concluded in relation to this that isolated referred to isolation from other buildings, rather than isolation from public services. They considered that the proposed dwelling wouldn't be isolated on this basis. The Inspector therefore determined that the appeal should be allowed.

**Recommendation:** To note the information.

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 19/11/2025

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

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

<b><u>App No</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Possible Date</u></b>
2019/1080	Land At Broad Close Woodborough	Outline application for 11 no. residential properties	TBC
2023/0083	Land Off Longdale Lane, Ravenshead	Erection of 33 dwellings, including open space, landscaping and associated infrastructure	TBC
2024/0095	Land East Of Westhouse Farm Moor Road Bestwood	Construction of 93 houses, associated infrastructure, and external works	TBC
2025/0550	Development Site Chase Farm Arnold Lane Gedling	Reserved Matters application for Appearance, Landscaping, Layout and Scale in relation to outline planning permission 2017/1571 for "Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping."	TBC
2025/0702	Notts Fire and Rescue Service Bestwood Lodge Drive Bestwood	Demolish existing buildings and develop a new private residential therapy and treatment centre	TBC
2025/0567	Midlands Academy Of Dance and Drama 428 Carlton Hill Carlton	Change of use from dance school and offices to 11 flats	TBC

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

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## **ACTION SHEET PLANNING DELEGATION PANEL 29th August 2025**

2025/0396

114 Bridle Road Burton Joyce Nottinghamshire

Proposed extensions and alterations

- Verbal update provided in relation to proposed materials which have now been provided by applicant and deemed acceptable. Condition 4 to be removed.

Whilst the proposed development would result in disproportionate extensions to the existing built form within the Green Belt, it is accepted that a realistic fallback position regarding Permitted Development Rights exists, as demonstrated through recent planning history. The proposed development would result in no greater harm to the Green Belt than the fallback position and would respect the character of the area, residential amenity and highway safety.

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

Decision to grant conditional planning permission.

2025/0480

172 Shelford Road Gedling Nottinghamshire

Construction of a single-storey and part two-storey rear extension, loft conversion including side dormer, and installation of a contemporary glazed orangery to the front elevation.

The proposed development would not have an unacceptable impact on the amenity of neighbouring occupiers, the visual amenity of the area or highway safety

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

Decision to grant conditional planning permission.

## **29th August 2025**

Video Conference Call Meeting

Cllr Roy Allan

Cllr David Ellis

Cllr Lynda Pearson

Cllr Ruth Strong

Lewis Widdowson – Principal Planning Officer and Community Infrastructure Levy /  
Section 106 and Monitoring Officer

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## **ACTION SHEET PLANNING DELEGATION PANEL - 5th September 2025**

2025/0559

39 Byron Street, Newstead, Nottinghamshire

Erection of 3 bedroom dwelling

The proposed development would have a detrimental impact on the character of the area given its location on a prominent corner at odds with the established layout and form of the former colliery village.

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

**Decision: to refuse permission**

**5th September 2025**

Video Conference Call Meeting

Cllr Roy Allan

Cllr Lynda Pearson

Cllr Grahame Pope

Nigel Bryan – Development Manager

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## **ACTION SHEET PLANNING DELEGATION PANEL 19th September 2025**

2025/0187

Harlow Wood Farm Park Lane Lambley

15mx7.6m x 3.66m high. Steel framed, metal clad open fronted storage shed for tractor and farm machinery, hay and fodder storage

The proposed development constitutes appropriate development in the Green Belt and results in no due impact on neighbouring properties or the character of the area.

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

Decision to grant planning permission

2025/0453

92 Meadow Road Netherfield Nottinghamshire

Retrospective planning for storage containers

The proposed development would not have an unacceptable impact on the amenity of neighbouring occupiers, the visual amenity of the area or highway safety.

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

Decision to grant planning permission

2025/0481

Newstead Abbey Park, Robin Hill Nottingham Road Ravenshead

Demolition of existing shed, conservatory and partial demolition of garage and construction of single storey rear extension to dwelling - Removal of Condition 4 (Removal of Permitted Development Rights) of Planning Permission Ref 2024/0451

The proposed development would have an unacceptable impact on the openness of the Green Belt.

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

Decision to refuse planning permission.

2025/0555

4 Bank Hill Woodborough Nottinghamshire

Demolition of existing garage / annexe, proposed single-storey extensions & alterations to the front, rear and side.

The proposed development would not have an unacceptable impact on the amenity of neighbouring occupiers, the visual amenity of the area, the adjacent conservation area, the setting of the nearby listed building, protected trees or highway safety.

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

Decision to grant planning permission.

**19th September 2025**

**Video Conference Call Meeting**

**Cllr Roy Allan**

**Cllr David Ellis**

**Cllr Ruth Strong**

**Cllr Stuart Bestwick**

**Nigel Bryan – Development Management Manager**

**Claire Turton – Principal Planning Officer**



## **ACTION SHEET PLANNING DELEGATION PANEL - 26th September 2025**

2025/0544

2 Welham Crescent, Arnold, Nottinghamshire

Two storey side extension and single storey rear extension, dropped kerb to create off-street parking spaces

The proposed development would have a detrimental impact on the character of the area through a terracing impact and would be harmful to residential amenity.

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

**Decision: refuse permission**

2025/0564

19 Carlton Square, Carlton, Nottinghamshire

Change of Use from Retail (Class E) to Hot Food Takeaway (Sui Generis) and installation of a flue

**The application was deferred.**

2025/0598

7 Prospect Road, Carlton, Nottinghamshire

Single-storey rear conservatory extension

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

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

**Decision: to grant permission**

2025/0596  
25-27 Calverton Road, Arnold  
First floor extension to accommodate new apartment

The proposed development would have a detrimental on the amenity of neighbouring properties.

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

**Decision: to refuse permission**

**26th September 2025**

Video Conference Call Meeting

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

Nigel Bryan – Development Manager  
Claire Turton – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL - 3rd October 2025**

2024/0735

60 Sheepwalk Lane, Ravenshead, Nottinghamshire

New garage in the front garden

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.**

2025/0158

48 Bridle Road, Burton Joyce, Nottinghamshire

The construction of 1no three-bedroom detached self-build infill property with a three-bay garage within the curtilage of number 48 Brindle Road. Access to be via an existing access point.

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.**

2025/0424

82 Main Street, Burton Joyce, Nottinghamshire

Single storey side and rear wrap around extension Raised patio area to rear c.600mm above ground level

Loft conversion with dormer to rear elevation

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.**

2025/0606

87 Shelford Road, Gedling, Nottinghamshire

Proposed single storey rear extension, two storey side extension and removal of front porch

The proposed development would result in a terracing impact that would be detrimental to the character of the area.

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

**Decision: to refuse permission.**

2025/0617

Gas Governor, Cross Street, Arnold

Variation of Conditions 2 (approved plans) and 19 (materials) of planning permission

2024/0283 (Construction of part 3 storey, part 2 storey detached building containing 7 2 bedroom apartments, 3 electric car charging bays, 1 disabled parking bay and 4 standard parking bays. Provision for 3 motorcycle spaces and enclosed waste and recycling storage).

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.**

2025/0629

18 Clementine Drive, Mapperley, Nottinghamshire

Change of use from C3 dwelling to sui generis, 8 bedroom, house in multiple occupation.

The proposed development would provide inadequate parking provision for the number of occupants.

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

**Decision: to refuse permission.**

**3rd October 2025**

Video Conference Call Meeting

Cllr Roy Allan  
Cllr David Ellis  
Cllr Lynda Pearson  
Cllr Ruth Strong

Nigel Bryan – Development Manager  
Lewis Widdowson – CIL Officer

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## **ACTION SHEET PLANNING DELEGATION PANEL 10th October 2025**

2025/0329

28 Church Street Arnold Nottinghamshire

Proposed extension to existing care home

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 planning permission

2025/0449

Horse And Groom 12A Main Street Linby

ERECTION OF ILLUMINATED AND NON-ILLUMINATED SIGNS TO EXTERIOR OF THE BUILDING AND FREE STANDING SIGNAGE POST

The proposed development would not have an unacceptable impact on amenity or safety

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

Decision to grant advertisement consent

2025/0564

19 Carlton Square Carlton Nottinghamshire

Change of Use from Retail (Class E) to Hot Food Takeaway (Sui Generis) and installation of a flue

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 planning permission

2025/0641

17 Askew Road Linby Nottinghamshire

Change of use of current standard one storey garage into a beauty studio.

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 planning permission.

2025/0644

51 Third Avenue Carlton Nottinghamshire

Proposed raising of roof, loft conversion with front and rear dormers

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 planning permission.

**10th October 2025**

**Video Conference Call Meeting**

**Cllr Roy Allan**

**Cllr David Ellis**

**Cllr Lynda Pearson**

**Cllr Ruth Strong**

**Cllr Stuart Bestwick**

**Nigel Bryan – Development Manager**

**Claire Turton - Principal Planning Officer**



## **ACTION SHEET PLANNING DELEGATION PANEL - 17th October 2025**

2025/0467

5 Woodchurch Road, Bestwood, Nottinghamshire  
Change current use of garage to dog grooming salon.

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.**

2025/0558

10 Trinity Crescent, Lambley, Nottinghamshire  
Single storey side extension with external raised decking to the rear. Detached garage within the frontage garden of the dwelling. Re-roofing work and new rooflights introduced to the front elevation roof.

The proposed garage would have a detrimental impact on the setting of Lambley Conservation Area

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

**Decision: to refuse permission.**

2025/0575

B & M Homestore, Madford Retail Park, Mansfield Road  
Variation of condition 3 of planning permission 2013/1158 (Variation of condition 3 92/1024) to include food sales within Use Class E

The proposed development would not have a detrimental impact on the viability of Arnold Town Centre, passing the sequential test and impact assessment.

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

**Decision: to grant permission.**

**17th October 2025**

Video Conference Call Meeting

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

Nigel Bryan – Development Manager

## **ACTION SHEET PLANNING DELEGATION PANEL 24th October 2025**

2025/0452

Unit 2 Road No 1 Colwick

Change of Use from Class B2 to Class B8 (with ancillary offices and trade counter), plus associated infrastructure

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

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

Decision to grant planning permission

2025/0628

94 Furlong Avenue Arnold Nottinghamshire

Rear first floor 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 planning permission

**24th October 2025**

**Video Conference Call Meeting**

**Cllr David Ellis**

**Cllr Lynda Pearson**

**Cllr Ruth Strong**

**Cllr Stuart Bestwick**

**Claire Turton - Principal Planning Officer**

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## **ACTION SHEET PLANNING DELEGATION PANEL - 31st October 2025**

2025/0691

864 Woodborough Road, Mapperley, Nottinghamshire

Change of use of dwelling (Use Class C3) to care home (Use Class C2)

The proposed development would be in a sustainable location, not lead to a concentration of similar uses, would not be detrimental to highway safety; and 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.**

2025/0706

21 Main Street, Lambley, Nottinghamshire

Proposed extension and alterations to form a granny annexe.

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

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

**Decision: to grant permission.**

### **31st October 2025**

Video Conference Call Meeting

Cllr Roy Allan

Cllr David Ellis

Cllr Lynda Pearson

Cllr Ruth Strong

Nigel Bryan – Development Manager

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## **ACTION SHEET PLANNING DELEGATION PANEL - 7th November 2025**

2025/0464

15 Galway Road, Arnold, Nottinghamshire

Double Storey Rear Extension and Erection of Out Building

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.**

2025/0638

7 Arnold Lane, Gedling, Nottinghamshire

Create a vehicular access and reduce ground levels to provide one off street parking space

The proposed development would be detrimental to highway safety given it would not be possible to achieve the requisite visibility splay.

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

**Decision: to refuse permission.**

2025/0654

2 Copse Close, Newstead, Nottinghamshire

New detached garage to the front/side of the existing dwelling.

The proposed development would respect the character of the area, residential amenity and highway safety, nor would be it detrimental to the openness of the Green Belt.

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

**Decision: to grant permission.**

2025/0708

43 Broadway East, Carlton, Nottinghamshire

Variation of Condition 2 (Approved Plans) of Planning Application 2024/0938 to allow for a larger two storey front/side extension to the dwelling.

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

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

**Decision: to grant permission.**

**7th November 2025**

Video Conference Call Meeting

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

Nigel Bryan – Development Manager  
Claire Turton – Principal Planning Officer



## **ACTION SHEET PLANNING DELEGATION PANEL 14th November 2025**

2025/0443

108 Bridle Road Burton Joyce Nottinghamshire

Outline application for the construction of a bungalow - all matters reserved except access

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

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

Decision to grant planning permission

2025/0462

5 Chapel Lane Ravenshead Nottinghamshire

Proposed detached garage

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 planning permission

2025/0695

45 Broadfields Calverton Nottinghamshire

Garden and storage shed with pitched roofs

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 planning permission

2025/0707

313 Mapperley Plains Arnold Nottinghamshire

Proposed demolition of existing dwelling and redevelopment comprising 3 dwellings with associated access and landscaping

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 planning permission

2025/0714

14 Trentdale Road Carlton Nottinghamshire

Single storey rear/side extension

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

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

Decision to grant planning permission

**14th November 2025**

#### **Video Conference Call Meeting**

**Cllr Roy Allan**

**Cllr David Ellis**

**Cllr Lynda Pearson**

**Cllr Ruth Strong**

**Cllr Stuart Bestwick**

**Nigel Bryan – Development Manager**

**Claire Turton – Principal Planning Officer**

## **ACTION SHEET PLANNING DELEGATION PANEL 21st November 2025**

2025/0597

Car Park North Green Calverton

Erection of 2 dwellings, associated external works and landscaping.

The principle of the proposed development is acceptable and the proposed development would not have an impact on the openness of the Green Belt, would respect the character of the area, residential amenity, highway safety, ecology and drainage.

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

Decision to grant planning permission

2025/0678

Lambley Caravan Storage Spring Lane Lambley

Conversion and extension of existing workshop to form 2 dwellings (including an extension), and construction of an additional single new dwelling.

The principle of the proposed development is acceptable and the proposed development would respect the character of the area, residential amenity, highway safety, ecology and air quality.

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

Decision to grant planning permission

**21st November 2025**

**Video Conference Call Meeting**

**Cllr Roy Allan**

**Cllr David Ellis**

**Cllr Lynda Pearson**

**Cllr Ruth Strong**

**Nigel Bryan – Development Manager**

**Claire Turton – Principal Planning Officer**

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