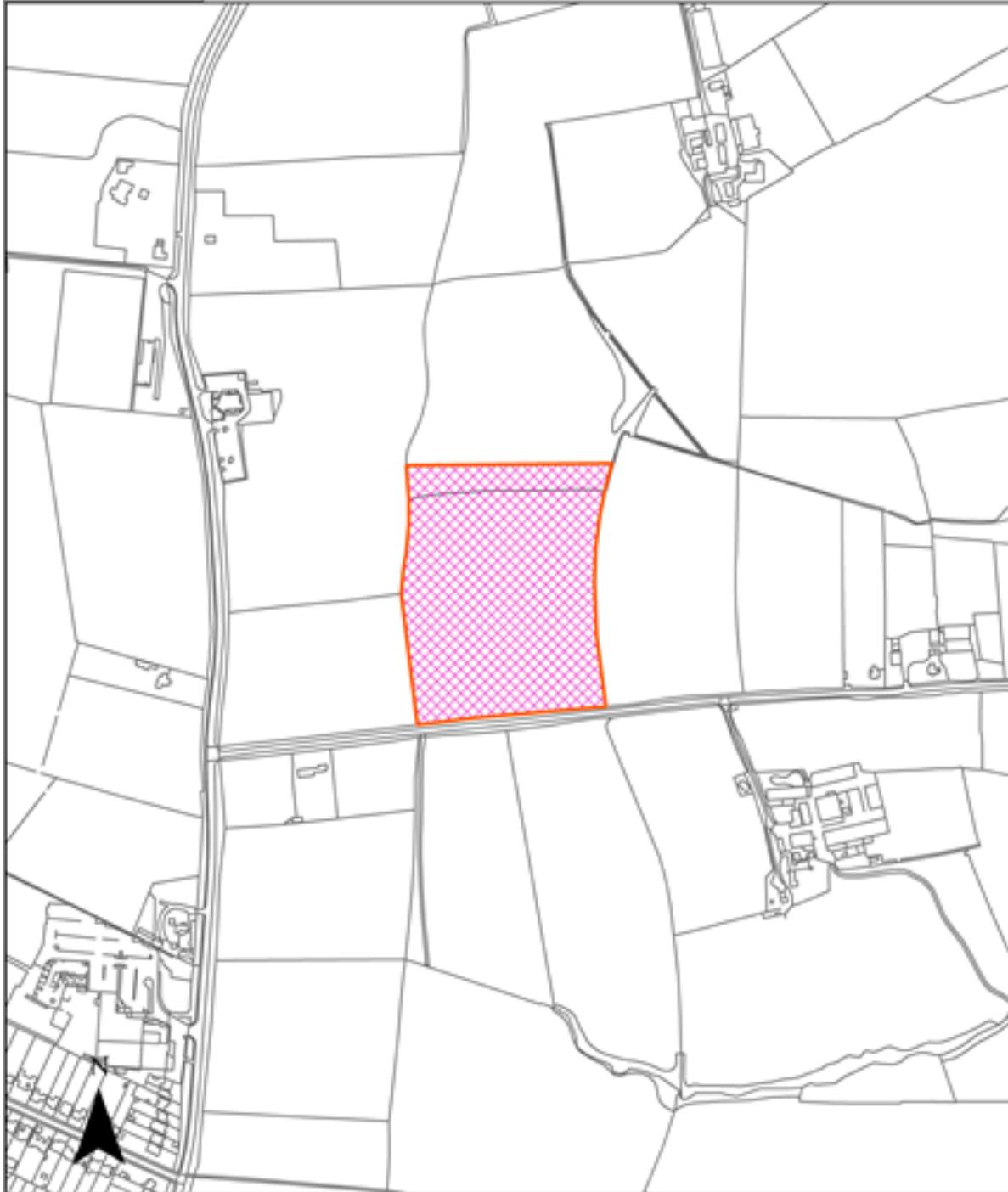


**Application Number:** 2016/1138  
**Location:** Proposed Crematorium, Catfoot Lane, Lambley, Nottinghamshire.



**NOTE:**  
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## **Report to Planning Committee**

**Application Number:** 2016/1138

**Location:** Proposed Crematorium, Catfoot Lane, Lambley, Nottinghamshire.

**Proposal:** Variation of Conditions 2 (approved drawings) and 19 (implementation of approved footway and highway works) of Planning Permission no: 2012/0616 for Proposed Crematorium for Gedling to remove provision of footway on the south side of Catfoot Lane and pedestrian island on the B684 Mapperley Plains and to provide 2 no. central refuge islands on the B684 Mapperley Plains

**Applicant:** Mr Richard Evans

**Agent:** Mr Matt Hubbard

**Case Officer:** Nick Morley

### **Site Description**

The application site consists of approximately 5.3 hectares (13 acres) of former agricultural land, within the Green Belt for Nottingham, a Mature Landscape Area and the Greenwood Community Forest.

The site is located on the north side of Catfoot Lane, which links Lambley and outlying residential properties and businesses with the B684 Mapperley Plains road. The application site is about 200 metres from the junction of Catfoot Lane with Mapperley Plains and some 1.3 miles from the edge of Lambley village, which lies to the east.

There are a number of relatively isolated residential properties, farms, a public house, rugby club and businesses within the general vicinity of the site, including The Lighthouse and Brookfields Garden Centre to the south-west; The Travellers Rest public house and Mellish Rugby Football Club to the north-west; Barn Farm to the north-east; 224 Catfoot Lane, Orchard Farm and Foxhill Farm to the east; and Cottage Farm and Floraland's Garden Centre to the south-east.

The site is bounded by mature hedgerows and trees, with the hedgerows along the eastern and western boundaries classed as 'important' under The Hedgerows Regulations 1997.

The site falls in level from its southern boundary with Catfoot Lane to its northern

boundary with the Dumble by between 4 to 15 metres, with a fall of approximately 19 metres measured diagonally from its south-western corner to its north-eastern corner. There is also a fall of between 4 to 15 metres across the site from west to east, with the lower figure being at the top of the site adjacent to Catfoot Lane.

Lambley Footpath No.33 passes through the site, running parallel to the eastern boundary, from where it runs back up the Dumble in a north-easterly direction towards Lambley House Farm, where it meets Lambley Bridleway No.24.

### **Relevant Planning History**

On 17th May 2013, the Borough Council granted planning permission to the Westerleigh Group for a crematorium and cemetery on land north of The Lighthouse, Catfoot Lane, under application no: 2012/0616.

Following a Judicial Review, the decision was quashed by the High Court on the 11th March 2014. Appeals to the Court of Appeal by the Borough Council and Westerleigh regarding the quashed decision were heard on 3rd December 2014, with the final judgement being handed down on 22nd January 2015.

The Court of Appeal upheld the decision of the High Court and the planning permission remained quashed.

With the quashing of the permission, the application was remitted back to the Borough Council for re-determination and additional information and details were submitted as an update/revision to the information submitted as part of the original application. These included amendments to the proposed layout plan, showing the removal of the proposed cemetery land from the application and the re-configuration of the footpaths within the site, including the removal of the footpaths and car parking areas that were associated with the proposed cemetery use. Although these were submitted in October 2014, it was subsequently agreed by the Borough Council and Westerleigh that the application would not be reported back to the Planning Committee until the judgement of the Court of Appeal had been handed down.

The application was reported back to Planning Committee on 3<sup>rd</sup> June 2015, when it was resolved that the Borough Council grant planning permission, subject to the applicant entering into a Section 106 planning obligation with the County Council towards the provision of bus stop infrastructure.

Following the decision of the Secretary of State for Communities and Local Government not to call in the application and completion of the planning obligation, the decision notice was issued on 9<sup>th</sup> July 2015.

A second Judicial Review challenging this planning permission was dismissed by the High Court on the 9<sup>th</sup> February 2016.

Work commenced on site shortly after the final judgement was handed down and is now well advanced.

### **Proposed Development**

This Section 73 planning application is seeking for a variation of conditions 2 (approved drawings) and 19 (implementation of approved footway and highway works) of planning permission no: 2012/0616 for the proposed crematorium to remove the provision of a footway on the south side of Catfoot Lane and a pedestrian island on the B684 Mapperley Plains and to provide 2 no. central refuge islands on the B684 Mapperley Plains.

The applicant's agent has written a supporting letter with the application, which can be summarised as follows:

#### Background to this S73 Application

Since the grant of planning permission for the crematorium, there have been ongoing discussions with the Highway Authority in order to establish the best possible way in which to construct the proposed footpath link to join the development with the existing footpath network along Mapperley Plains, adjacent to its junction with Catfoot Lane. These works were intended to be finalised through discussions in relation to a Section 278 Agreement for works in the public highway which, under Section 55 of the Town and Country Planning Act would essentially be permitted development for the Highway Authority to implement.

The footpath was originally intended to provide a safer access to the site for pedestrians when the initial application that was put before the Council included the provision of a cemetery as part of the proposal. Whilst the number of pedestrians accessing a crematorium on foot is extremely low (due to distances from the urban edge, the proximity of bus stops, the infrequency of bus services and weather conditions), people visiting a cemetery, often over weekend periods, is more common and was therefore accounted for in the original proposal. The subsequent revisions to the application following the Judicial Review eliminated the cemetery from the proposal and therefore extinguished any real and reasonable requirement to provide the footpath at all.

Despite this, and conscious of the representations made to the Council in relation to highway safety during its consideration of the planning application, the footpath provision was retained within the proposal. The applicant's agent states that it is reasonable to suggest that the representations received by the Council at that time related more directly to traffic movements and safety at the Mapperley Plains/Catfoot Lane junction and not pedestrian movements within that area, or along Catfoot Lane itself [I would agree that more representations were made about vehicular traffic movements and safety overall, but representations about pedestrian movement and safety were not insignificant].

The plan to show the highway improvements to the Mapperley Plains/Catfoot Lane junction was shown on drawing no: SCP/11100/D01 Appendix 4 Rev B. This drawing showed the access provision and visibility splays at the point of access into the site from Catfoot Lane, as well as a pedestrian refuge in the centre of Mapperley Plains, to allow pedestrians to cross this road, and the provision of a footpath around the junction of Mapperley Plains and Catfoot Lane, extending to the east along the south side of Catfoot Lane until a point where it was opposite a pedestrian access

point into the site, to the sites south-west corner.

Aside from the access and visibility details to show the form of the new access into the site, the other works shown on this drawing were outside of the 'red line' planning application site and were shown for indicative purposes in order to allow for flexible discussions with the Highway Authority to finalise the Section 278 drawings. This was acknowledged by the Council in its wording of Condition 19.

The applicants highway engineers and architects established through compiling the Section 278 details for the Highway Authority, that a 2 metres wide footpath could not be accommodated in the manner shown on the drawings as this could not be achieved without major loss to the existing hedges (to their centre lines) and without intrusive structural works (kerbing, handrails and barriers), which would be visually intrusive within this area. Bearing in mind the land is within the Green Belt, where the openness of the area should be protected from built form and urbanising development, it was considered that these details would be incongruous and would harm the visual appearance of the area. A 2 metres wide footpath alone would have an urbanising effect in this rural area and, bearing in mind that it would hardly be used (in connection with the crematorium), there were open discussions with the Highway Authority in relation to the provision of a narrower footpath, and one which crosses to the north side of Catfoot Lane, where the verge is wider [I would comment here that the observations of the Highway Authority, outlined later in this report, make it clear that further third-party land would be required outside of the highway extents to incorporate a safe footway].

There were numerous discussions and on-site meetings with the Highway Authority regarding the above issues. With highway safety at the forefront of their minds as opposed to pedestrian access, the Highway Authority ultimately suggested that alternative improvements to the Catfoot Lane junction would be appropriate which, on balance, could offset the need for the pedestrian footpath to link the crematorium site completely.

In omitting the footpath from the off-site S278 works, the following works were suggested by the Highway Authority, via the Planning Department, in order to satisfy their concerns:

- The provision of 2 central refuges within the centre of Mapperley Plains, without pedestrian crossing facilities, in order to safeguard the central right turn lane and to create a physical barrier within the highway that would prevent overtaking in this area.
- The relocation of the 40 mph speed limit to the north of the Catfoot Lane junction (it is currently outside of the Brookfields Garden Centre) in order to reduce traffic speeds when nearing the junction from the north, and to maintain lower vehicle speeds for traffic moving in a northern direction, until that traffic has passed the Catfoot Lane junction. These works would be provided and completed as part of a subsequent Traffic Regulation Order (TRO).
- Street lighting within the area will be checked to ensure that the junction is adequately lit.

## The S73 Application

Planning permission no: 2012/0616 contains 2 conditions that need to be varied in order to allow for the suggested highway improvements to be undertaken and implemented. These are as follows [the bold text highlights are the agent's emphasis]:

### *Condition 2*

Condition 2 on the existing planning permission states:

"The development hereby approved shall be built in accordance with the approved Elevations (04 Rev 4), Floor Plan (05), Floral Tribute Plans and Elevations (06) and Sections (M052.D.LS02) drawings, deposited on 23rd May 2012; **Proposed Footway drawings (SCP/11100/D01 APPENDIX 4 Rev B)**, received on 31st July 2012 and Site Layout drawing (GD01\_P(0)001 REV A), received on 6th October 2014."

The reason for this condition was for the avoidance of doubt and to allow a proportionate approach to minor material amendments.

The indicative footway drawing was clearly listed as part of Condition 2 of the planning permission. This drawing still needs to be referred to as part of Condition 2, as it still relates to the access and visibility splays at the point of access into the site, but the condition also needs to now refer to the junction improvement works as shown on pdp Green's drawing no: J13-086 3525 Rev F, the highway construction details as shown on drawing no: J13-086 3355 Rev C, and the submitted S278 Method Statement.

In this respect, it is proposed that Condition 2 of planning permission 2012/0616 is **varied** in order to read as follows (proposed revisions in bold text):

"The development hereby approved shall be built in accordance with the approved Elevations (04 Rev 4), Floor Plan (05), Floral Tribute Plans and Elevations (06) and Sections (M052.D.LS02) drawings, deposited on 23rd May 2012; **Proposed Access Detail drawings (SCP/11100/D01 APPENDIX 4 Rev B, in relation to the site access only)**, received on 31st July 2012; Site Layout drawing (GD01\_P(0)001 REV A), received on 6th October 2014; **the submitted S278 Method Statement, received on 26th October 2016; and the Plan B - Improvement Works drawing (J13-086 3525 Rev F) and the Highway Construction Details drawing (J13-086 3355 Rev C), received on 2<sup>nd</sup> December 2016.**"

Condition 19 on the existing planning permission states:

"No operation of the use hereby permitted shall commence on any part of the application site unless or until the vehicular access and footway on the south side of Catfoot Lane has been provided between the site access point and the B684 Mapperley Plains, together with the provision of a pedestrian island on the B684, as shown for indicative purposes only on drawing no: SCP/11100/D01 APPENDIX 4

Rev B.”

The reason for this condition was to ensure that the vehicular access and footway on the south side of Catfoot Lane are provided in the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

As there is no requirement from the Highway Authority for the footpath to be created, as other measures are proposed to ensure that highway safety is improved within the area as a result of the development, this condition needs to be varied to ensure that it relates to the highway improvement works now proposed.

It is proposed that a time-lapse element forms part of this condition to allow for the S278 to be formalised and the highway works to be suitably completed (road closures will be required and the TRO would take time to implement) without any delay to the opening and provision of this important and needed facility within the Borough.

In this respect, it is proposed that Condition 19 of planning permission no: 2012/0616 is **varied** in order to read as follows (proposed revisions in bold text):

**“Within 6 months of the grant of this planning permission, the highway improvement works to the Mapperley Plains/Catfoot Lane junction shall be carried out and completed in accordance with the Plan B - Improvement Works drawing (J13-086 3525 Rev F), the Highway Construction Details drawing (J13-086 3355 Rev C), and the S278 Method Statement, or in accordance with any minor variation to these details as may be sought by the Highway Authority through the resolution of the required S278 agreement.”**

Does Condition 18 need to be varied as part of this S73 Application?

It was advised that a S73 application should also allow a variation to Condition 18 of planning permission no: 2012/0616, as this also relates to drawing no: SCP/11100/D01 APPENDIX 4 Rev B, but only with reference to the visibility splays at the point of access into the site.

This is **not** considered necessary, as the works to the proposed access into the site are being undertaken in accordance with the details as shown on drawing no: SCP/11100/D01 APPENDIX 4 Rev B, albeit only in relation to the access and not in relation to the footpath as highway improvement details. It is understood that the Highway Authority is in full agreement to the access works taking place on site in accordance with the approved drawing and there is, therefore, no requirement to vary this condition in any way.

### Conclusion

Paragraph 32 of the National Planning Policy Framework states that improvements can be undertaken within the transport network that can cost-effectively limit any significant impacts of development. It goes on to state that development should only be refused on highway grounds where the residual cumulative impacts of the development are severe.

Firstly, it is argued that there are no 'significant impacts' as a result of the development. The crematorium proposal has already been approved and is currently under construction. It has, therefore, been duly considered and approved in planning terms as being an acceptable piece of development within this rural location.

Secondly, the proposed variations to Conditions 2 and 19 of planning permission no: 2012/0616 would not result in impacts that are 'severe' on highway grounds. Moreover, the proposed revisions to the highway improvement works are brought forward as a result of extended discussions with the Highway Authority, and were suggested to the applicant by the Highway Authority as a solution to address any minor issues of highway safety at the junction with Mapperley Plains and Catfoot Lane.

The Highway Authority is satisfied that should the suggested revisions be implemented, then the highway safety would be improved at the aforementioned junction and it would be able to safely operate, as would the crematorium, without the need for the provision of a footpath along the south side of Catfoot Lane.

In addition to this letter, the application comprises the following details:

- Application forms
- Site location plan
- Plan B - Improvement Works drawing no: J13-086 3525 Rev E
- Highway Construction Details drawing no: J13-086 3355 Rev B
- S278 Method Statement

Revised Improvement Works and Highway Construction Details drawings and details of street lighting have been submitted following discussions with the Highway Authority as part of the S278 Agreement.

The revised details are to address technicalities with the proposed development, and do not change the principle of what is being proposed, just the detail. The changes to the plans can be detailed as follows:

*Drawing No: 3525 Rev F, Plan B – Improvement Works*

- Northern refuge island repositioned centrally between the existing hatched road markings
- Both islands reduced in width from 1.8m – 1.6m
- Notes added in respect of the extent of road marking replacements
- Crematorium Directional sign shown opposite the junction rather than either side of the junction
- 'New Road Layout Ahead' signage indicated

*Drawing 3355 Rev C, Highway Construction Details 1 of 1*

- Refuge Island width reduced from 1.8m to 1.6m
- Refuge Beacon added

## Consultations

Local Residents (objections, concerns or issues) - I have received 7 representations, which raise objections, concerns or issues to this proposal, which can be summarised as follows:

- It is not agreed that because there is no longer going to be a cemetery, the site does not require pedestrian access. All public buildings and facilities should have pedestrian access.
- Catfoot Lane is not wide enough for pedestrians to walk along safely to the crematorium from the B684 Mapperley Plains, without the provision of a footway.
- If Westerleigh's agents are now arguing that there is not sufficient room to include the footpath, it shows that their original submission was not prepared carefully enough. In either case, it demonstrates their disregard of the rights of the public to be able to access public facilities on foot.
- The applicant receives planning permission and then wants to move the goalposts yet again. Is this a cheaper way of doing it, because the consultee certainly does not think it is safer. The problem is the hump from the right on coming out of Catfoot Lane. Not providing a footpath is avoiding spending money.
- The applicant's agent states in the supporting letter that "...a 2 metres wide footpath could not be accommodated...without intrusive structural works... Bearing in mind the land is within the Green Belt, where...the area should be protected from built form and urbanising development, it was considered that these details would be incongruous and would harm the visual appearance of the area. A 2 metres wide footpath alone would have an urbanising effect in this rural area...". This is a ground level footpath! If this argument is extended logically to the substantial and far more intrusive crematorium approved by the Borough Council, then the agent has by implication acknowledged that the crematorium development is even more unsuited to the area.
- It is ironic that strong and valid objections to the crematorium application, using especially the Green Belt argument now employed by the applicant's agent, were put forward by local residents to no effect. Consequently, there has always been concern and suspicion locally as to how that application managed to progress and be approved by the Borough Council.
- Consultee objects to the proposed omission of the pedestrian island and the 2 no. central refuge islands. Pedestrians wishing to go to and from the crematorium would be at danger if these works are not carried out, as would other pedestrians who wish to cross the road from Catfoot Lane. The latter would be in more danger than at present, due to the increased traffic that would be using this junction as a result of the new crematorium.
- Those pedestrians who would wish to visit the crematorium from Mapperley Plains would be in extreme danger if these works are not undertaken, due to:

- 1) The great width of the road at this point. It is especially wide due to the accommodation of a slip road for traffic going onto 'Catfoot Lane. The current road has markings to delineate this facility for vehicles. These are totally insufficient for pedestrians and would give them no protection or even expectation for drivers that pedestrians might be there.
  - 2) There is no speed restriction (other than 60 mph) along this part of Mapperley Plains. In addition, there is a brow in the hill next to the junction, meaning that for both reasons pedestrians already have difficulty crossing the road, as they cannot see vehicles coming, especially in poor weather.
- There would be even more pedestrians trying to cross at this point as a result of the crematorium, meaning even more in danger.
  - There are no other safe crossing points or paths nearby that people can use.
  - Anybody who visits the site would realise what a problem this would be if the works are not carried out. Pedestrians would be seriously injured or killed. In addition, more vehicles would crash, as drivers try to avoid pedestrians who are trying to cross the road.
  - It seems that the proposal to put two substantial bollards into the main Mapperley Plains Road, together with the extension of the 40 mph limit, should overcome the objections previously raised to the crematorium. It is suggested that an illuminated sign, drawing attention to actual speeds of individual cars should be installed. However, it is not clear what proposal is now put forward for the very necessary footpath down to the crematorium, nor what standard of street lighting would be installed beyond the noted retention of two lamps which are already there. Certainly a proper footpath and proper lighting is very necessary and the road down into Lambley needs similar provision.
  - The greatest danger would be after the service, when mourners are leaving for the wake and are likely to be emotionally upset and unlikely to drive safely. They may have no local knowledge, so will follow in convoy, but may only be able to exit Catfoot Lane onto Mapperley Plains two or three vehicles at a time, so accidents are guaranteed to happen.
  - The best solution is a set of traffic lights, which would help improve safety on this busy road. If this is not possible, then the proposals should be amended as follows:
    - 1) The 40 mph limit should be to the north of the Travellers Rest, preferably north of the Woodborough turn.
    - 2) The south refuge only gives enough space for 3 or 4 vehicles to queue to turn right.
    - 3) There is a significant dip in the highway between the junction and the Travellers Rest so low vehicles not seen travelling south until they are close to the junction. The road should be re-aligned to remove the crest and so reduce the chance of death or serious injury.

- The above consultee is sure that no one in the Planning or Highways department would want to have even one injury or death on their conscience, and all the cost would be met by the developers now, not the ratepayers later.

Local Residents (comments in support) - I have received 1 representation in support of the proposal, which can be summarised as follows:

- No objection to the removal of the previous condition requiring the provision of a footway and central refuge.
- Strongly supportive of the replacement proposal to extend the 40 mph speed limit from its present termination at the Brookfield Garden Centre to an unspecified point north of Catfoot Lane, together with the provision of central refuges to the north and south of the junction, within the ghost island right turn lane hatched areas. Indeed, recent efforts were made to persuade County Highways to implement such a change of speed limit, even when it was still planned to provide the original highway improvements.
- It is assumed that the intention is to extend the 40 mph limit to a similar point to where the present junction warning sign for southbound traffic is located (there is also a SLOW carriageway marking at this point). This is a very good location for visibility of the new speed limit signs and is probably sufficiently far from the Catfoot Lane junction itself to achieve the objective.
- However, a greater extension of the 40 mph would not be too unreasonable, given the presence of the Travellers Rest concealed access, the Mellish Rugby Club access and the No.46 and No.47 bus stops near the Travellers Rest, as well as bends in the road approaching these features from the north. However, the possible 50 mph speed limit referred to below is also relevant in this context.
- Although the case for the 40mph extension was not accepted by County Highways, it did emerge from the debate that the County already had an intention to reduce the speed limit to 50 mph over a much greater length of the B684, probably extending beyond Dorket Head and linking up with the start of the 50 mph limit near the A614 Ollerton Road. This proposal was unlikely to be implemented in the near future, purely due to shortage of funds.
- The argument for the short term situation was that serious safety issues would remain, relating to both the safety of the junction itself and also to making provision for pedestrians to cross Mapperley Plains at a point where visibility was severely restricted on a road subject to a 60 mph speed limit.
- The County's intention to reduce the limit to 50 mph implies that they do agree that the present 60 mph limit is too high. The only point of contention was that the length of the B684 straddling the Catfoot Lane junction was too rural for a 40 mph limit to be suitable and may be difficult to enforce if it was therefore not respected by drivers.
- The view of an experienced traffic engineer, and regular user of this length of road, was that a 40 mph limit extending through and beyond the Catfoot Lane junction would be generally accepted as sensible, given the very restricted

forward visibility along Mapperley Plains and the presence of a junction which was consequently very difficult to negotiate comfortably, knowing that a southbound vehicle on Mapperley Plains could potentially be travelling at up to 60 mph.

- Events have now fortuitously evolved in such a way that the County and consultee are in accord on the best way forward. Indeed, the present proposal exceeds the consultees own suggestion by including central refuges either side of Catfoot Lane, which would, as stated in the application documents, prevent overtaking.
- It is believed that the proposal would also create safer conditions for the occasional pedestrian to cross Mapperley Plains, by virtue of the whole right turn harbourage area being physically protected by the refuges and by the much lower traffic speeds, which will effectively address the present severe visibility problem.
- The consultee has a couple of minor suggestions which it is believed would enhance the scheme further:
  - 1) The plans show that the central refuges only carry normal “keep left” bollards. As the refuge on the north side would be partly hidden by the crest, it is suggested that it would be helpful to increase the conspicuousness of this refuge by adding a tall illuminated beacon, similar to the one on the refuge just north of the Coppice Road junction.
  - 2) The proposed 40 mph extension covers only Mapperley Plains, presumably terminating in the mouth of Catfoot Lane. It is suggested, in line with the footway omission, that an extension along Catfoot Lane itself to just past the crematorium access would be a more complete and coherent replacement condition.
- The consultee would also like to make another suggestion, going beyond the detail of the current proposals and referring back to discussions with the County.
- It is assumed that the County would ideally like to see the whole of the B684 become a combination of the now proposed 40 mph and 50 mph limits. Given that the processing and implementation of the 40 mph extension would be financed by the crematorium applicant, it is suggested that the addition of the residual 50 mph proposals into a single package, all to be covered by the same consultation and contract, would require the County to provide a much-reduced level of finance to cover only the marginal extra cost of including the 50 mph limit, compared with the cost of implementing the 50 mph as a stand-alone scheme at a later date. This would seem to present an ideal opportunity to complete all the speed limit changes on the B684 much sooner and at lower cost than would previously have been possible. It is not suggested that any reference to this is made in the variation of conditions, just that the County should themselves implement the change in this way when they process the TRO [these comments have been forwarded to the County Council for consideration as part of its consideration of any TRO application].

## *Revised Plans*

No further re-consultations have been undertaken in respect of the revised drawings and lighting details which have been submitted, as these have been provided following discussions with the Highway Authority in order to address technicalities with the proposed development as part of the S278 agreement.

Lambley Parish Council – no comments received to date, although some Parish Councillors have made representations as local residents, which have been summarised above.

Woodborough Parish Council - is concerned about the lack of pedestrian access. You can use the hourly bus now stopping on Plains Road to join this field footpath or walk to the Crematorium. The planned five funerals a day will add to the traffic along Catfoot Lane, so some 'off road' provision for pedestrians should be made

- The provision of a 2m wide footpath may well be difficult, but (for example), is the adjacent field that lies between the crematorium site and the main road on the Northern side of Catfoot Lane within the same ownership? If so, could the footpath be considered on the Northern side of the Northern hedge, rather than on the Southern side?
- A level grass verge may be all that is needed provided it is wide enough to walk along safe from the road.
- If not built now, perhaps the need for the footpath could be reassessed 12 months following the start of operation of the crematorium, and if then still felt required, it could be re-sited on the northern side of the hedge, ownership allowing?

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

Part of planning permission no: 2012/0616 required the provision of a footway on the south side of Catfoot Lane from the B684 Mapperley Plains towards the proposed crematorium pedestrian access on Catfoot Lane.

There are verges and then ditches either side of the carriageway on Catfoot Lane, together with hedge and tree boundaries to fields. This existing arrangement does not allow for a design to be approved by and implemented to Nottinghamshire County Council highways satisfaction, as indicated on drawing reference SCP/11100/D01 Appendix 4 Rev B. It is considered that a footway that is safe for pedestrians to use together with adequate drainage provision cannot be achieved within the existing highway constraints. Further land would be required outside of the highway extents to incorporate a safe footway.

There is restricted vision for vehicle users both at the junction of the de-restricted (60 mph) B684 Mapperley Plains/Catfoot Lane junction and along Mapperley Plains, due to the existing highway alignments/gradients and geometry and therefore highway improvements in the form of central refuges should be constructed either side of the

Catfoot Lane junction to help protect the existing right turn facility and prevent overtaking of vehicles on the B684 in close proximity to the junction. There should also be an application made for a reduction of the speed limit from de-restricted 60 mph to 40 mph adjacent to Brookfields Garden Centre to an agreed location to the north of the junction with Catfoot Lane, this should be undertaken by requesting a Traffic Regulation Order. These works are considered necessary to improve the safe access and egress of vehicles at the junction leading to and from the development site.

Indicative details are shown on the Plan B - Improvement Works drawing, the Highway Construction Details drawing, and the submitted S278 Method Statement.

Revised Improvement Works (drawing no: 3525 Rev F) and Highway Construction Details (drawing no: 3355 Rev C) and details of street lighting (drawing no: 3950 Rev B), have been submitted following discussions with the Highway Authority as part of the S278 Agreement.

It is suggested that any final minor amendments to these will be covered as part of the Section 278 agreement approval.

It is recommended that conditions 2 and 19 can be varied subject to the following:

- Part of condition 2 needs to remain as it refers to the access arrangements onto Catfoot Lane, which are still acceptable
- The Highway Authority has suggested an amendment to Condition 19:

“Within 6 months of **either** the grant of this planning permission or use of the development, whichever is the sooner, highway improvement works incorporating central refuges at the Mapperley Plains/Catfoot Lane junction shall be provided as indicated on the Junction Improvement Works drawing (J13-086 3525 Rev F), the Highway Construction Details drawing (J13-086 3355 Rev C), and the submitted S278 Method Statement, or in accordance with any minor variation to these details as may be sought by the Highway Authority through the resolution of the required S278 agreement.”

*Reason:* In the interests of highway safety

The Highway Authority considers that this wording would enable the crematorium to become operational before the highway works are provided, whilst ensuring delivery of the highway works in a reasonable timescale.

- It is also recommended that a note be attached to any decision regarding the S278 Agreement for off-site highway works.

The County Council's Traffic Improvements team have advised that the applicant Westerleigh has already instigated the TRO process, with a view to the Order to reduce the speed limit being advertised before Christmas.

It is considered that the TRO would help to advise motorists of the reduction in

speed required in the proximity of the Mapperley Plains and Catfoot Lane junction, together with the physical measures in the form of refuge islands either side of the junction.

Again, regarding the TRO, the Section 278 Agreement under the highways act 1980 (as amended) allows for orders within the agreement and the Highway Authority can put a clause in the agreement which is a Developer Obligation and states;

“Any additional costs incurred by the Council arising out of any work undertaken by the Council pursuant to this Agreement and including any Bond supplementary Deed or Agreement (including any variation or release thereof) all Traffic Regulation Order and public consultations costs properly incurred by the Council as a consequence of this Agreement and which may be carried out at the Director’s sole discretion.”

#### *Additional Comments*

The following comments have been made by the Highway Authority in response to questions raised by Members and Officers during processing of this application:

- 1) *When County Highways say it is not possible to construct the footpath from an engineering point of view, what do they mean?*

There are verges and then ditches either side of the carriageway on Catfoot Lane together with hedge and tree boundaries to fields. This existing arrangement does not allow for a design to be approved by and implemented to Nottinghamshire County Council highways satisfaction, as indicated on the previous Drawing reference SCP/11100/D01 Appendix 4 Rev B. It is considered that a footway that is safe for pedestrians to use together with adequate drainage provision cannot be achieved within the existing highway constraints. Further land would be required outside of the highway extents to incorporate a safe footway.

Nottinghamshire County Council, as Lead Local Flood Authority (LLFA), is generally opposed to the culverting of ditches and considers it beneficial for ditches to remain in an open state for both flood defence and environmental purposes. Conserving open watercourse is a major aim and, where possible, the County Council promotes the removal of culverts in order to restore a more natural environment.

With regard to culverting the ditch on Catfoot Lane to allow a footway to be constructed over the top of it, this is something that would also require consent and the LLFA would not wish to see this happening, as the additional length would increase maintenance requirements and further restrict the potential capacity and flow. Therefore, the applicant would be unlikely to have consent granted. The ditch would have to be relocated to enable the footway to be constructed.

- Are they saying it is too difficult and/or too expensive?*

It would not be achievable within the constraints that exist on Catfoot Lane. We will not have costed the footway as it will be the developers responsibility

to implement the scheme

- *Are they saying that they cannot achieve the standard width? and if so, would not a narrower footpath be better than none? There are numerous examples throughout the County of footpaths that do not meet standards, not least of which is the Strata Homes development at Top Wighay.*

The developer cannot achieve a standard width footway of 2 metres, retain it and maintain the ditches on either side of Catfoot Lane. Various iterations of the footway have been discussed with the developer, including constructing part of it on the North side and part on the South together with a reduced footway width, however, the footway which would include Street Lighting cannot be achieved. Unfortunately the ditches that drain the surrounding area are the main constraint.

- 2) *What is the cost of overcoming the engineering problems in order to provide the footpath?*

Land would be required from the landowners of the fields, the ditch and hedges relocated and the Highway Authority does not know the value of the land or works involved.

- 3) *What is the standard width for a footpath in this location?*

The design standard width is 2 metres.

- 4) *If the original approved drawing cannot be implemented for engineering reasons, why did the Highway Authority not advise of this when originally consulted on the application and on subsequent revisions?*

Unfortunately, the Highway Authority cannot comment on the engineering reason, as at the time of the original planning application and subsequent revisions the technical details would not have been checked. The technical details for the highway would not normally be submitted and checked until the applicant approaches the Highway Authority to enter into an agreement to undertake the works in the highway. It is suggested that at the time of the application that the 'indicative' plans that were submitted did show a 2 metres wide footway and that it could be achieved on an ordnance survey mapping base. However, the ditches may not have been apparent and therefore would not have been taken into account.

- 5) *Why were the proposed highway works on Mapperley Plains not requested as part of the original application?*

There were highway works to construct a refuge island to the south of Catfoot Lane on the original application; this would have been to allow pedestrians to cross together with providing protection to vehicles wishing to turn right into Catfoot Lane. As a result of the proposed changes to the application, Safety Audit colleagues have been consulted and, since the original application in 2012 was submitted, there have been some slight injury collisions which involve a vehicle turning right off the B684, into Catfoot Lane and colliding with an

oncoming southbound B684 vehicle. As it is anticipated that there will be an increase of this type of movement at the junction to access the development, it is considered necessary to provide the two refuge islands; to the south for protection to right hand turning vehicles; and to the North to help prevent overtaking movements by vehicles from the North in the vicinity of the junction. The 40 mph speed limit will be a measure to advise drivers of the requirement to reduce their speed

- 6) *If the omission of the cemetery negates the need for the footpath, why are any highway works considered necessary?*

To protect those highway users that wish to access the development from the B684 Mapperley Plains, (please also see 5 above).

- 7) *Are there any footfall figures for crematoria?*

This depends on how many chapels a Crematorium has, its location, how many services per day etc. The Highway Authority would not have this information, but suggests that Westerleigh may be able to provide figures from some of their other sites.

I have since been advised by the applicant's agent, that in Westerleigh's experience virtually all mourners arrive by car for a funeral at the crematorium. This is borne out by studies taken at sites which confirm that people choose to travel together to a funeral, attending with friends or family. This is still true where public transport links are close by, as the number of visitors using this mode of transport is still a fraction of 1%. Subsequent visits to the gardens of remembrance reveal a similar pattern, as families still tend to travel together by private car to attend the memorial.

## **Planning Considerations**

The main considerations in the determination of this application are the impact of the proposed variations to conditions 2 and 19 with regard to highway safety, accessibility and sustainability.

### **Relevant Planning Policy Considerations**

#### *National Planning Policies*

National planning policy guidance is set out in the NPPF, at the heart of which is the presumption in favour of sustainable development. The proposal is for the construction of a crematorium and associated works. The site is located within the Green Belt and within a Mature Landscape Area. As such, the following national policies in the NPPF with regard to achieving sustainable development are most relevant to this planning application:

- NPPF Section 4: Promoting Sustainable Transport (paragraphs 29–41)

With regard to core planning principles, plan-making, decision-taking and

implementation, the following sections and annex of the NPPF are most relevant to this planning application:

- NPPF: Core planning principles (paragraph 17)
- NPPF: Planning conditions and obligations (paragraphs 203–206)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

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

### *Local Planning Policies*

Gedling Borough Council, at its meeting on 10th September, approved 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 are relevant to this planning application:

- ACS Policy 1: Climate Change
- ACS Policy 10: Design and Enhancing Local Identity

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policy of the RLP is most relevant to this planning application:

- RLP Policy ENV1: Development Criteria

The weight to be given to the relevant policies of the Replacement Local Plan has been considered in accordance with paragraph 215 of the NPPF.

Additionally, the 6C's Design Guide, which deals with highways and transportation infrastructure for new developments, is relevant.

### Highway Considerations

The most relevant planning policies which need to be considered in relation to highway matters are set out in Section 4 of the NPPF and Policy ENV1 of the RLP.

Section 4 of the NPPF states at paragraph 32 that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Development proposals should include adequate provisions for the safe and convenient access and circulation of

pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

When re-determining the crematorium application, the Borough Council concluded that, subject to the proposed mitigation works (which included the footway and pedestrian island), the proposed development would not have any significant impact on highway safety or traffic volumes and that there would be adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. As such, the Borough Council considered that highway considerations were a limited negative factor in the overall planning balance.

The County Council as Highway Authority has outlined in its observations why it is not now considered feasible to construct the previously approved footpath along Catfoot Lane.

Whilst I can appreciate the comments which have been made in respect of the removal of the proposed footpath, this must be considered in the planning balance against the additional highway safety improvements which are now proposed at the junction of Mapperley Plains and Catfoot Lane, and which were not proposed or required as part of planning permission no: 2012/0616.

In this respect, I am mindful that previous representations about the crematorium have made reference about both vehicular traffic movements and safety overall, as well as about pedestrian movement and safety.

There is no doubt that any benefits for pedestrian safety arising as a consequence of the originally approved footpath along this part of Catfoot Lane would be lost and that additional traffic will be using Catfoot Lane as a consequence of the approved crematorium. However, any increased risk to pedestrian safety along Catfoot Lane arising as a consequence of this proposal has to be weighed against the new benefits for vehicular and pedestrian safety at the Mapperley Plains and Catfoot Lane junction, about which many representations were also made previously. In these circumstances, I would attach substantial weight to the comments of the Highway Authority and consider, on balance, that the highway works as now proposed are acceptable and that the development can proceed in the absence of the footpath on the southern side of Catfoot Lane.

In addition, whilst not forming part of this particular application, it should be noted that:

- A TRO is proposed to extend the existing 40 mph speed limit from Brookfields Garden Centre to a point beyond the Mapperley Plains and Catfoot Lane junction.
- Additional street lighting is proposed along Catfoot Lane up to and beyond the access to the crematorium.

I would attach substantial weight to the observations of the Highway Authority and consider, on balance, that the proposal would ensure that adequate, safe and suitable access to the site can still be achieved, in accordance with Section 4 of the

NPPF and Policy ENV1 of the RLP.

### Accessibility & Sustainability Considerations

The most relevant planning policies that need to be considered in relation to accessibility are set out in paragraph 17 and Section 4 of the NPPF and Policies 1 and 10 of the ACS. The 6C's Design Guide is also relevant.

With regard to core planning principles, paragraph 17 of the NPPF states, amongst other things, that planning should support the transition to a low carbon future in a changing climate, manage patterns of growth to make the fullest use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

Section 4 of the NPPF states at paragraph 32 that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Section 4 of the NPPF also requires at paragraph 34 that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 35 of the NPPF then states that developments should be located, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities and should consider the needs of people with disabilities by all modes of transport.

Policy 1 of the ACS requires all development proposals to deliver high levels of sustainability in order to mitigate against and adapt to climate change and to contribute to national and local targets on reducing carbon emissions and energy use and sets out how this should be achieved.

Policy 10 of the ACS requires all new development to be designed to be adaptable to meet evolving demands and the effects of climate change and reflect the need to reduce the dominance of motor vehicles and to perform highly when assessed against best practice guidance and standards for sustainability.

In my opinion, the proposed development cannot be considered as 'significant' within the context of paragraph 17 of NPPF and I note that the Highway Authority does not consider that there will be a 'significant' increase in traffic as a result of the proposed development, which I consider reduces the weight which should be given to paragraph 17 and Section 4 of the NPPF.

When re-determining the crematorium application, the Borough Council appreciated that the distance of the site from Mapperley Plains and the nearest bus stop would make it difficult to access the site by alternative modes of transport, but noted that the scheme did incorporate improvements within the highway for pedestrian access

and was mindful that pedestrians access other local facilities in the Mapperley Plains area by foot.

The distance between the pedestrian access to the site and the nearest bus stops on Mapperley Plains and Coppice Road for the No. 46 bus service is just under/over 1000 metres. The 6C's Design Guide states at paragraph 3.78, with regard to pedestrian access to bus routes, that in rural areas the walking distance to bus stops should not be more than 800 metres. However, to put the distance of 1000 metres into context, this is approximately the same distance as that between the Civic Centre and the middle of Arnold Town Centre, which the Borough Council did not consider to be unreasonable. There is also an existing footpath along the western side of Mapperley Plains, which extends from the edge of the urban area and continues past the Mapperley Plains and Catfoot Lane junction to the Mellish Rugby Football Club.

A financial contribution has also been made, via a planning obligation, towards the improvement of bus stop infrastructure in the vicinity of the site, which will improve accessibility further.

When re-determining the crematorium application, the Borough Council attached considerable weight to accessibility and sustainability considerations, and did not consider that any shortcomings or weaknesses in relation to accessibility and sustainability should on its own outweigh the key considerations in relation to the application. As such, the Borough Council considered that accessibility and sustainability considerations were limited positive factors in the overall planning balance.

In my opinion, the current application would have a slightly negative impact on accessibility, as the removal of the footpath is more likely to discourage people from accessing the facility by foot. However, I would only attach limited weight to the resulting reduction in accessibility and sustainability in the overall planning balance.

It is considered, therefore, that the proposed development can still be considered to be accessible and sustainable in accordance with paragraph 17 and Section 4 of the NPPF and Policies 1 and 10 of the ACS.

#### Planning Conditions & Obligations

The relevant planning policies which need to be considered in relation to planning conditions and S106 planning obligations are set out in paragraphs 203-206 of the NPPF.

Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Nottinghamshire County Council has confirmed that the S106 planning obligation attached to planning permission no: 2012/0616, requiring a financial contribution of £6,000 towards the provision of bus stop infrastructure on Edison Way, has been discharged.

As a consequence, there is no requirement for another S106 planning obligation if

the Borough Council resolves to support this application.

### Other Issues

An application to instigate the TRO process has now been submitted to the County Council. As a consequence, there is no need for either a condition or note to this effect to be attached to any new planning permission.

I am satisfied that Condition 18 does not need to be varied as part of this S73 Application, as the works to the proposed access into the site are being undertaken in accordance with the details as shown on drawing no: SCP/11100/D01 APPENDIX 4 Rev B.

### Conclusion

Substantial weight should be attached to the observations of the Highway Authority when balancing the differences between what was previously approved, and what is now proposed, in terms of highway safety.

The proposal would ensure that adequate, safe and suitable access to the site can still be achieved, in accordance with Section 4 of the NPPF and Policy ENV1 of the RLP, and that the proposed development can still be considered to be accessible and sustainable in accordance with paragraph 17 and Section 4 of the NPPF and Policies 1 and 10 of the ACS.

### **Recommendation:**

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

1. The development must be begun not later than three years from 9th July 2015.
2. The development hereby approved shall be built in accordance with the approved Elevations (04 Rev 4), Floor Plan (05), Floral Tribute Plans and Elevations (06) and Sections (M052.D.LS02) drawings, deposited on 23rd May 2012; Proposed Access Detail drawings (SCP/11100/D01 APPENDIX 4 Rev B, in relation to the site access only), received on 31st July 2012; Site Layout drawing (GD01\_P(0)001 REV A), received on 6th October 2014; the submitted S278 Method Statement, received on 26th October 2016; and the Plan B - Improvement Works drawing (J13-086 3525 Rev F) and the Highway Construction Details drawing (J13-086 3355 Rev C), received on 2nd December 2016.
3. The development shall be carried out in accordance with the details of the materials approved under application no: 2014/0236DOC, unless otherwise prior agreed in writing by the Borough Council.
4. The development shall be carried out in accordance with the details of the means of enclosure approved under application no: 2014/0236DOC, unless

otherwise prior agreed in writing by the Borough Council.

5. The development shall be carried out in accordance with the details of any proposed alterations to the existing ground levels of the site, other than those shown on Sections drawing (M052.D.LS02), approved under application no: 2014/0236DOC, unless otherwise prior agreed in writing by the Borough Council.
6. The access road, driveways, car parking areas, turning and servicing areas and other unbuilt on portions of the site shall be provided and completed in accordance with the details of the means of surfacing approved under application no: 2014/0236DOC before the development is first brought into use and the parking, turning and servicing areas shall not be used for any other purpose other than the parking, turning, loading and unloading of vehicles.
7. The access gates shall be provided in accordance with the details approved under application no: 2014/0236DOC before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. The means of surfacing and/or enclosure of the remaining land on the northern and eastern part of the site, beyond the new hedgerows, shall be provided in accordance with the details approved under application no: 2014/0236DOC and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. The surface water drainage scheme shall be implemented in accordance with the details approved under application no: 2014/0236DOC before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
10. The external plant shall be provided in accordance with the details approved under application no: 2014/0236DOC before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
11. The external lighting shall be provided in accordance with the details approved under application no: 2014/0236DOC before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
12. The cycle stands shall be provided in accordance with the details approved under application no: 2014/0236DOC before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
13. The landscape plan approved under application no: 2014/0236DOC shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of the

planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.

14. The ecological enhancement plan approved under application no: 2014/0236DOC shall be implemented in accordance with the approved details and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
15. The landscape and ecological management plan shall be implemented in accordance with the details approved under application no: 2014/0236DOC and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. The scheme for the protection of the existing hedgerows and hedgerow trees shall be implemented in accordance with the details approved under application no: 2014/09236DOC and shall be retained until all construction works have been completed.
17. The recommendations in the updated badger survey with regards to best practice during construction shall be implemented in accordance with the details approved under application no: 2014/09236DOC.
18. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no: SCP/11100/D01 APPENDIX 4 Rev B have been provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.90 metres in height.
19. Within 6 months of the grant of this planning permission, the highway improvement works incorporating two central refuges at the Mapperley Plains/Catfoot Lane junction shall be carried out and completed in accordance with the Plan B - Improvement Works drawing (J13-086 3525 Rev F), the Highway Construction Details drawing (J13-086 3355 Rev C), and the S278 Method Statement, or in accordance with any minor variation to these details as may be sought by the Highway Authority through the resolution of the required S278 agreement, which shall be prior agreed in writing by the Borough Council.
20. No part of the development hereby permitted shall become operational until a Travel Plan has been submitted to and approved in writing by the Borough Council. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to reduce the traffic and environmental impacts of the development and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan and shall

subsist for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

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

### **Reasons for Decision**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to allow a proportionate approach to minor material amendments.
3. To ensure that the materials used in the external elevations of the proposed building are in accordance with the approved details, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that the means of enclosure are provided in accordance with the approved details, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that the alterations to the existing ground levels of the site are provided in accordance with the approved details, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that the means of surfacing of the development is provided in accordance with the approved details, to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure that the proposed access gates are provided in accordance with the approved details, in the interests of highway safety and in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure that the means of surfacing and/or enclosure of the remaining land on the northern and eastern part of the site is provided in accordance with the approved details, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

9. To ensure that the surface water drainage scheme is provided in accordance with the approved details; to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the aims of Section 10 of the National Planning Policy Framework, Policies ENV1 and ENV40 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
10. To ensure that the external plant is provided in accordance with the approved details, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To ensure that the external lighting is provided in accordance with the approved details, in the interests of visual amenity and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To ensure that cycle stands are provided in accordance with the approved details, in accordance with the aims of Section 4 of the National Planning Policy Framework, Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2014).
13. To ensure the landscape plan is implemented for the whole site in accordance with the approved details, in the interests of visual amenity and to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework, Policies 10 and 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
14. To ensure the ecological enhancements are implemented in accordance with the approved details to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To ensure the landscape and ecological management plan is implemented in accordance with the approved details to maximise the value of new habitats and enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
16. To ensure the scheme for the protection of the existing hedgerows and hedgerow trees is implemented in accordance with the approved details, to minimise any potential impacts on biodiversity and the landscape in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
17. To ensure the recommendations in the updated badger survey are

implemented to minimise any potential impacts on biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

18. To ensure that visibility splays are provided in the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. To ensure that the vehicular access and highway improvement works at the Mapperley Plains/Catfoot Lane junction are provided in the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. To ensure the traffic and environmental impacts of the development are mitigated and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. To minimise any potential impacts on biodiversity in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Notes to Applicant**

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

The Environment Agency advises that condition 9 should not be altered without its prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.

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

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

The Environment Agency advises that there should be no siting of the package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply. It should be noted that the private treatment plants may require a separate permit from the Environment Agency. This would be

additional to planning permission.

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

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