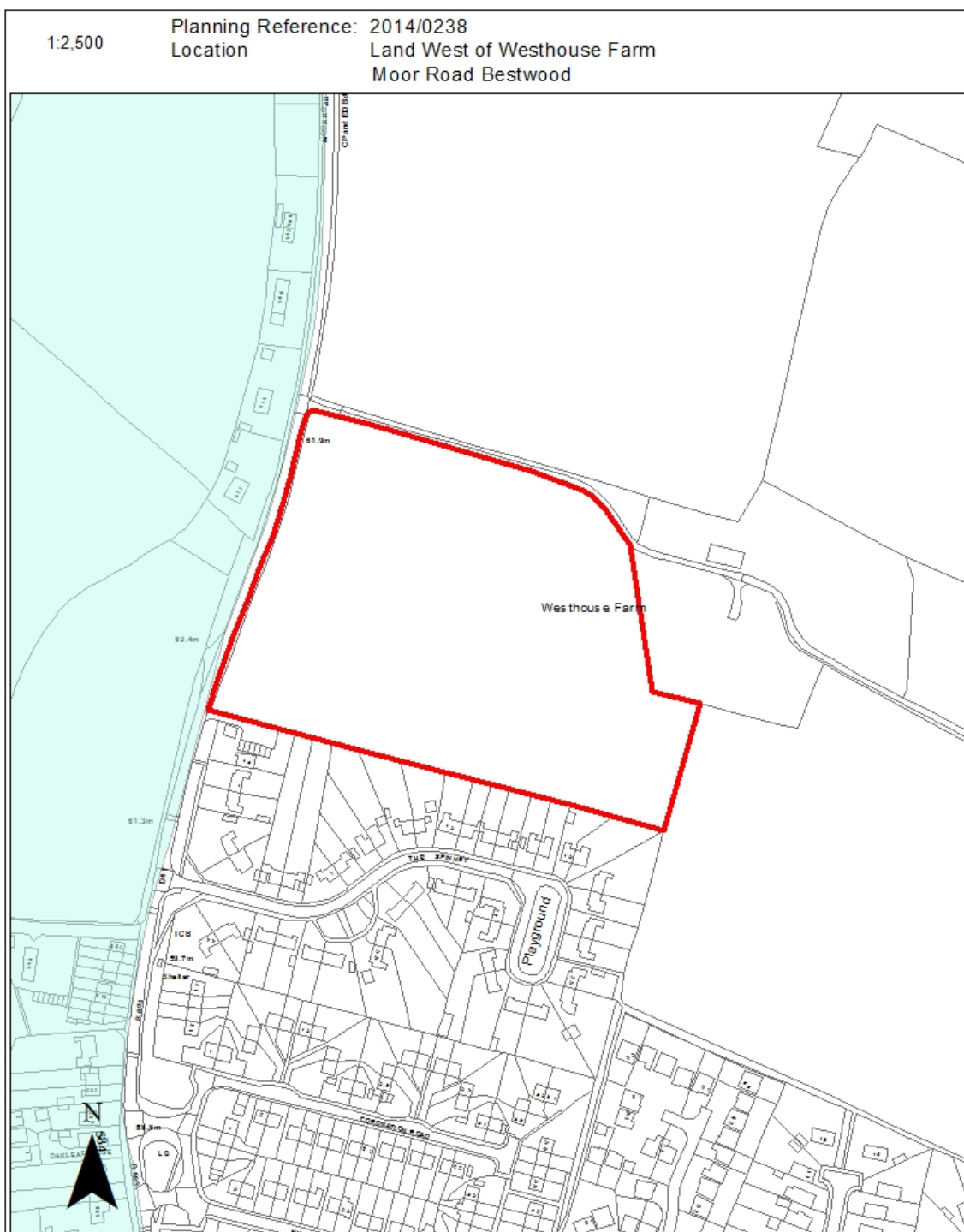




## Planning Report for 2014/0238



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

<b>Application Number:</b>	<b>2014/0238</b>
<b>Location:</b>	<b>Land West of Westhouse Farm Moor Road Bestwood Nottinghamshire</b>
<b>Proposal:</b>	<b>Proposed residential development for 101 market dwelling units, new access, amenity space, open space</b>
<b>Applicant:</b>	<b>Langridge Homes Ltd</b>
<b>Agent:</b>	<b>Geoffrey Prince Associates Ltd</b>
<b>Case Officer:</b>	<b>David Gray</b>

**The application is being referred back to Planning Committee following an independent viability assessment of the heads of terms relating to the s106 agreement previously presented to Planning Committee on 18<sup>th</sup> February 2015.**

**1.0 Site Description**

- 1.1 The application site comprises approximately 3.3 hectares of agricultural land, currently used for arable farming. It is situated directly to the north of residential properties on The Spinney, on the northern edge of Bestwood Village, and to the east of the B683 Moor Road, which forms the boundary of Gedling Borough with Ashfield District.
- 1.2 The development site falls relatively gently by about 9 metres, over a maximum distance of around 237 metres, from the east to west.
- 1.3 The site is bounded on all sides by mature hedgerows, which contain a number of mature trees.
- 1.4 The site is in the single ownership of Langridge Homes Ltd and is part of larger landholding comprising Westhouse Farm and which extends in total to 75 hectares.
- 1.5 The site is identified as 'Safeguarded Land' on the Gedling Borough Replacement Local Plan Proposals Map.
- 1.6 The site is identified in the emerging Local Plan Part 2 (LPD) as a Housing Allocation for Bestwood Village under Policy LPD65.

## **2.0 Proposed Development**

- 2.1 Outline planning permission is sought for a proposed residential development for 101 market dwelling units, new access, amenity space and open space.
- 2.2 All matters, apart from access, are reserved for subsequent approval.
- 2.3 The application is accompanied by a Proposed Phase 1 Site Layout plan, showing how the site could accommodate up to 101 new dwellings, with public open space and a Sustainable Urban Drainage System, including an attenuation pond.
- 2.4 A new vehicular access would be created through the existing hedgerow onto Moor Road, including a new right turn filter lane and pedestrian refuge within the highway. This is shown on the Proposed Site Access plan.
- 2.5 The application is also supported by the following drawings and documents:
- Arboricultural Survey
  - Archaeological Desk-based Assessment
  - Building for Life 12 Assessment
  - Contamination Risk Assessment
  - Design & Access Statement
  - Extended Phase 1 Habitat Survey
  - Flood Risk Mitigation & Drainage Strategy Statement
  - Hedgerow Assessment
  - Landscape & Visual Assessment
  - Planning Statement
  - Scale Parameters Schedule
  - Site Location Plan
  - Site Plan
  - Strategic Masterplan for Future Phases
  - Topographic Survey
  - Transport Assessment & Travel Plan
- 2.6 The following additional information has been submitted during processing of the application in response to comments received:
- Response to NCC Archaeological Comments
  - Response to NCC Nature Conservation Unit Comments
  - Response to Nottinghamshire Wildlife Trust Comments
- 2.7 Following a resolution to grant planning permission subject to s106 agreement, at Planning Committee on 18<sup>th</sup> February 2015, a viability assessment has been submitted to the Council by the applicant challenging the viability of the site with the level of planning obligations sort on the basis of abnormal costs associated with this specific site. The Council must consider the viability assessment in accordance with paragraph 205 of the NPPF which states: 'Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled'.

### **3.0 Application Publicity and Procedures**

- 3.1 The application was originally publicised for representation on 9<sup>th</sup> February 2014.
- 3.2 Further to the resolution of Planning Committee on 18<sup>th</sup> February 2015 to grant outline planning permission, subject to the applicant entering into a s106 agreement, a viability assessment was submitted by the applicant challenging the Heads of Terms of the s106 due to abnormal costs associated with this specific site. The application was publicised again for representation following the conclusion of the independent Viability Assessment on 29<sup>th</sup> May 2018 for a *'Proposed residential development for 101 market dwellings units, new access, amenity space, and open space'*. No additional written representations were received from local residents.

### **4.0 Neighbour Consultation and General Publicity Responses**

- 4.1 The comments below have been made in respect of the application as originally submitted following consultation on 9<sup>th</sup> February 2014;
- 4.1.1 Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press. 34 written representations from local residents have been received, including photographs in support of certain points, which make the following comments:
- 4.1.2 Development Plan Issues
- Safeguarded land, which is still being farmed, should not be identified for residential development. If this proposal goes ahead, further phases are likely to follow, ruining the character of the surrounding countryside.
  - There are many other areas that should be considered for new residential development, such as renovating derelict buildings or by purchasing and restoring empty properties. More thought needs to go into providing new properties without impacting on villages that are supposed to be Green Belt. Why does there have to be a continual quest to build on the Green Belt? – the Borough Council should consider land that is for sale, such as former Metallifera or White Hart sites on Mansfield Road; Bestwood Business Park on the former colliery and other more suitable land within the Bulwell and Hucknall area.
  - There has been significant residential development in and around Bestwood Village for some years, some of which is still ongoing. Residents have already been informed that there may be more potential residential development on the former Coal Board land. If there are any further increases in residential development within the village, this will have an immense impact on the carbon footprint from heating, lighting and vehicles and also place a strain on services provided by the Borough Council, at a time of significantly reduced services due to financial constraints.

- There is over-development in the area, due to it bordering between two Councils. Problems arise due to this, as crime figures, incidents of burglaries and new developments are not shared.
- The village is now encroaching into the rural farmland to the north with this potential development and future phase plans.

#### 4.1.3 Sustainability Issues

- There has been no provision or improvements to essential amenities such as Health Services, GP's, dentists, chemist, shops or facilities for younger children, such as a play park or skate park. The primary school must now be at capacity. There is very little employment availability within the village. This is a small community, with few facilities, and a high level of social need. To date, no housing development in the village has resulted in the wider re-generation of the village facilities.
- Health provision is currently being considered using S106 money from previous developments. Some initiatives are being developed which could be supported to continue by further funds. These initiatives are important where transport to access facilities outside the village is poor, and currently no services are offered in the village.
- Any development needs to consider how the school capacity can be increased and ensure this happens at the beginning of the development, rather than having families move in and there being no places at the school. As public transport is poor, it is hard for families to take children to school outside the village.
- The possibility of re-locating the school from the heart of the village would be an issue for people living in the centre of the village or to the south.
- There is a poor bus service and access to the NET is over 1 km away, with no access for the disabled. The bus service is subsidised and will soon stop running in the evenings and weekends. Pavements are narrow and only in one direction on a road which at times can be very busy and fast. The road is so narrow, that at times it has to be completely closed for roadworks. With few facilities in the village, transport to access shopping, medical services and leisure is important. This also raises concerns about the provision of affordable housing on the site.
- There are no organisations, groups or facilities for the young teenagers within the village community. This means their only option is to hang around bus shelters, causing problems for residents who live nearby. Elderly residents find this very intimidating.
- This area is prone to flooding from rainfall run-off, including both the north and south ends of Moor Road and under the former railway bridge through Mill Lakes, cutting off access to Butlers Hill tram stop. Surely hard landscaping will exacerbate this, which makes the potential attenuation pond worrying.

- There have been many times when the village has flooded due to the weather climate changes which are affecting the whole country. The village has actually been cut off with no access/egress. This is a high risk for emergency vehicles when this occurs and there are two care homes in the village, plus many elderly residents who may need emergency assistance. Increased housing would lead to increased run-off onto Moor Road.
- The existing sewage system does not extend to the development site and the existing system is at capacity.
- Opportunities to develop former colliery brownfield land for housing should have been taken, rather than extending the Country Park.
- Loss of arable land, currently used for cereal production.

#### 4.1.4 Highway Issues

- The Transport Assessment, which includes the Travel Plan, is unacceptable and unfit for purpose. It has scant detail and no speed surveys have been undertaken. The upgrade of the pedestrian route to the Butlers Hill tram stop is only described as 'potential', but this route is susceptible to flooding and inadequate for disabled persons. Bus stop enhancements are only described as 'possibilities', but there are limited bus services for the village. References of a similar nature occur throughout the report, rather than stating what the development will provide. The site is not situated in a sustainable location.
- The impact of development traffic on off-site junctions (specifically Moor Bridge and the Griffins Head crossroads) has not been assessed properly in the Transport Assessment. Specific criticisms are also made about the calculations, statements and dates used in the report, and it is considered that these cannot be relied upon as they are either incorrect or out of date.
- It is questioned whether sufficient highway surveys or assessments have been undertaken to assess the impact of the increased traffic volume on health and safety and whether Moor Road can sustain any more traffic.
- There is a huge increase in traffic going through the village, with busy and problematic junctions at either end of Moor Road. Many of the vehicles are large HGV vehicles or delivery vans. These vehicles travel at speed through the village, as they are wide enough to go over the speed ramps, creating road safety dangers to cyclists and pedestrians. They also add to increased pollution levels to the environment and noise levels.
- Moor Road already carries a high volume of traffic, as it is used to avoid a bottleneck at Hucknall. It would not be able to cope with the increase in traffic generated by the proposed development, which would increase the existing road safety dangers.
- Residents of Moor Road have difficulty exiting their drives due to the volume of traffic through the village and this has caused accidents.

- There has been a planning request for a car park to be built adjacent to the Bestwood Country Park Mill Lakes, but this was rejected because of health and safety reasons regarding access/egress and the impact of increased traffic within the village.
- The lack of a car park at the Bestwood Country Park Mill Lakes leads to vehicles parking on Moor Road near The Spinney and restricting visibility, which is detrimental to road safety.
- When planning permission was sought for an MoT business on the Business Park within the village, this was refused. The owners were informed that the reason for this was increased traffic in the village.
- Forest Lane is a notorious black spot area and there have been several fatal accidents.

#### 4.1.5 Design Issues

- The Design and Access Statement states that the existing form of development in Bestwood Village is largely two storey housing and bungalows, but no bungalows are incorporated in this development.

#### 4.1.6 Ecological Issues

- The land which is now being considered for development was at one time Green Belt land, which should not be used for building residential properties. There are large oak trees on this land, many of which have stood for a considerable number of years. Building on this land will have a detrimental impact on wildlife. There has been a significant increase in the number of birds of prey and amphibians in and around this land and woodland areas. Surveys have not been carried out at the optimum times to assess the impact of wildlife.
- Whilst run-off water can flow into the River Leen via the drainage pond, increased flooding would affect the Mill Lakes Park and its wildlife.
- Loss of wildlife habitat. Measures should be taken to preserve and re-establish habitats.

#### 4.1.7 Landscaping, Visual Impact & Arboricultural Issues

- Potential partial loss of historic important hedgerow fronting Moor Road, allowing views into the site of the development.
- Residents of The Spinney would lose their view over the existing farmland.
- The visual impact of the proposed development on the existing public footpath would change the view permanently.

#### 4.1.8 Other Issues

- If ongoing residential development continues, Bestwood will lose the status of a village and just become another urban jungle, eventually merging with Nottingham.
- Apart from a meeting in the village school, no surveys have been undertaken to ascertain the views of local residents.
- Insufficient information has been provided in support to the application.
- The value of adjacent properties will be decreased.

## **4.2 Statutory and Technical Bodies Consultation Responses**

4.2.1 The comments below were made in respect of the application as originally submitted in 2014. Following re-consultation of the application, which is now subject to a viability assessment, significant material planning considerations have occurred that supersede the requirements set out in some of the previous responses. The relevant comments are now outlined as follows:

### **4.2.2 Friends of Bestwood Country Park (FBCP) –**

The FBCP object on Green Belt Grounds as follows:

- FBCP is opposed to any development on Green Belt land, and would also be concerned about any strain imposed on the Country Park and on the village through any further extensive development in the surrounding area. FBCP would be concerned about any threat to its remaining adjacent open land and to the wildlife corridors to and from the Park.
- FBCP raise objections in relation to the impact on biodiversity in the area including endangered species. The development would create an increased burden by way of human and pet activity on the existing wildlife and would undoubtedly have a severe and irreversible negative impact on the area's biodiversity.
- FBCP are concerned that the drainage necessary from such extensive new housing as proposed will have an adverse effect on all of the wildlife and protected species that have been recorded in the area.

4.3.3 Village Vision (VV) - the following comments are made on behalf of Village Vision, which is a properly constituted community group made up of residents of Bestwood Village. It is considered that these comments reflect those of a considerable proportion of village residents, obtained following lengthy consultation on a number of issues, one of which was further housing development in the village:

1. Some or all of the land involved in this proposal is termed 'white land', it is development of farming land and thus generally considered as green space. VV is unhappy that any such further land should be lost to more housing.

2. The proposed land, north of The Spinney would, if developed, further elongate the village, causing any new housing here to be remote from the village centre.
3. VV is aware that Langridge own more land adjacent to this site which it would like to develop. Creeping development of 100 or so houses at a time appears to be a tactic, each application, denying impact on the school capacity, traffic problems at Moor Bridge and Griffins Head crossroads and lack of adequate public transport.
4. Langridge have made no attempt to consult with the local community on their proposals.

4.3.4 Bestwood Parish Council – There is a submission from another developer for 220 houses and this fulfils the Bestwood Village housing requirement, as the quota for the village has been reduced from 500 to 260. However, some properties have already been built and further land at The Sycamores has been allocated, leaving a total of 198.

The Parish Council would prefer any new development to be on brownfield sites, which is much more preferable to expanding the village boundary.

4.3.5 Nottinghamshire County Council (Education Authority) –

Bestwood Hawthorn Primary School is at capacity and a new primary school would be required.

*Since these comments were received Bestwood Hawthorne Replacement School has received full planning permission from the County Council on land owned by the applicant.*

4.3.6 NHS England –

The development is proposing 101 **(A)** dwellings which based on the average household size (in the Gedling Borough Council area) of 2.5 per dwelling and assuming 50% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 252.5**(B)** (2.5 x A).

The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

NHS requires a contribution of **£54,471.00**

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

*General*

Although this application is being considered on its own merits, the Highway Authority is aware that the application could eventually form part of a

development of up to 550 [the actual ACS figure is 560] houses. In the long-term interests of all parties involved, consideration of the proposed access arrangements has taken place.

The applicant has demonstrated that within the parameters of the National Planning Policy Framework, the traffic generation of this site as proposed does not have a severe impact on the existing highway network in the vicinity of the development. In addition, the applicant has also made a number of proposals to ensure that the site is sustainable in terms of alternative transport options for residents. These take account of the 12 key objectives of the third Nottinghamshire Local Transport Plan, the Gedling Borough Replacement Local Plan and the Greater Nottingham (Broxtowe Borough, Gedling Borough and Nottingham City) Aligned Core Strategies Publication Version June 2012.

There is a public footpath (Bestwood St Albans Footpath Number 3) that runs along the northern edge of the site. It is proposed by the applicant that the footpath would be improved within the site and further upgrades/links outside of the site would be made via the use of appropriate highways infrastructure contributions.

The Transport Assessment produced by BSP Consulting states that the development traffic increases would not result in any detrimental impact on the surrounding highway network. However, there are also proposals for a range of alternative travel options that would have a benefit for residents as well as addressing some of the perceived issues that may be raised by local residents.

These include:

1. *Providing pedestrian links and a suitable crossing point to the nearby bus stops*

The proposals are welcomed, although the details of any improvements would need to be agreed as part of the overall detailed planning application and there would be a need to incorporate these into any 'Gateway' treatment. It is also noted that the applicant proposes to discuss the provision of travel discounts with local bus operators for new residents.

2. *Potential upgrades to the public footpath link to the NET tram stop at Butlers Hill as well as cycle links to the Leen Valley Country Park*

The proposals are again welcomed, although the details of any improvements would need to be agreed as part of the overall detailed planning application. The involvement and agreement of the County Council's Rights of Way Section, as well as Sustrans, would be needed at the detailed design stage.

3. *Potential new 'Gateway' treatment and extended traffic calming zone for Moor Road*

The applicant has made a number of suggestions on how this can be achieved and the Highway Authority welcomes these. The final choice of features would be agreed at the detailed design stage.

#### *4. Provision of Travel Information Welcome Packs for all residents*

The applicant would provide all new residents with Travel Information Packs which would contain information about local pedestrian and cycling links together with information on local public transport options.

#### *Access onto Moor Road*

The applicant has provided details of the proposed access. The Highway Authority would highlight that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council's Highway Technical Design Manual (6Cs) and it would be the responsibility of the applicant to ensure that this can be achieved.

Whilst the application is for outline permission for the site, the applicant should be aware that the proposals shown on Plan Number 102 within the Transport Assessment document show the existing public footpath running at the northern edge of the site being improved and forming part of the access arrangements to houses. Whilst this in itself may not pose a problem with suitable design, it is feared that the route may be used by residents as a way of accessing Moor Road. This would not be acceptable to the Highway Authority and there would be a need for the applicant to make the necessary provisions to address this concern

#### *Highway Authority Conclusion.*

In light of the applicant's evidence and proposals with respect to highway matters the Highway Authority has no objections to the proposal.

#### *Masterplan*

Vehicular parking associated with the proposed development should provide 2 off street parking spaces for each 1 – 3 bedroomed dwelling and 3 spaces for a 4 or more bedroomed dwelling. Provision for apartments and flats may be reduced, following consultation with the Highway Authority.

The design speed of the new residential access roads should be 20 mph and the carriageway width of the main spine road should be 6.75 metres with 2 x 2.00 metres footways on either side. The cul-de-sac from the spine road may be 4.8 metres wide and may have 2.00 metres wide footways, service strips, or be of a shared surface nature.

The centreline radius of carriageway would need to be defined by tracking, to allow refuse and emergency vehicles access and egress from the development site.

Carriageway crossfalls should be 1:40 and longitudinal gradients should all be a minimum of 1:100 for flexible paving, 1:80 for block surfacing, in all cases a maximum gradient of 1:20. At junctions, in all cases the gradient should not exceed 1:30 for the first 10 metres of the side road.

Visibility at junctions should be 2.4 metres x 25 metres and 25 metres forward visibility at bends.

Any sustainable urban drainage systems would not be currently adopted by the County Council and would remain the responsibility of the developer/land owner. To ensure these areas are adequately maintained, the Highway Authority would require a maintenance agreement to be set up by way of a Section 106 Agreement; this agreement would also need to cover any non-highway pedestrian/cycle links that are proposed.

The development would be subject to the Advance Payments Code, unless a suitable agreement is entered into with regards to road adoption and the applicant should be advised to contact the Highway Authority at an early stage to discuss this procedure.

#### *Nottinghamshire County Council's Planning Contributions Strategy*

In accordance with the above document, the proposed development would be subject to a contribution of J70k, together with any mitigation works that would be required. This needs to be secured as part of a Section 106 Agreement.

A number of appropriate conditions are recommended (specific details of which have been provided), regarding:

- Details of the new road.
- Any garage doors to be set back specified distances from the highway boundary.
- Suitable access arrangement; the provision of pedestrian links and a crossing point to nearby bus stops; the provision of potential upgrades to the public footpath link to the NET tram stop and cycle links to the Leen Valley Country Park; and the provision of a new 'Gateway' treatment and extended traffic calming zone for Moor Road.
- Wheel washing facilities.

There are also a number of notes for the applicant (specific details of which have been provided).

#### **4.3.8 Nottinghamshire County Council (Rights of Way) – The development may impact upon Bestwood St Albans Parish Footpath No.3, which runs alongside the northern boundary of the site.**

Whilst not an objection, the County Council would require that the availability of the path is not affected or obstructed in any way by the proposed development at this location, unless subject to appropriate diversion or

closure orders. The County Council should be consulted on any re-surfacing or gating issues and the developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

4.3.9 Environment Agency – advises that the proposed development would be acceptable, subject to the imposition of planning conditions requiring the following details:

- 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 (specific details of what the scheme should demonstrate have been provided).
- A remediation strategy that includes components to deal with the risks associated with contamination of the site (specific details of the required components have been provided and additional advice).

These conditions are required in order 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.

4.3.10 Severn Trent Water (STW) – no objection to the proposal, so long as the development is not commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

4.3.11 Nottinghamshire County Council (Nature Conservation Unit) – makes the following comments regarding nature conservation issues:

The proposals will not affect any designated nature conservation sites. The nearest Local Wildlife Site, Mill Lakes Bestwood (2/231) is located around 150m to the south-west, whilst the nearest SSSI, Linby Quarries, is around 3.4km to the north.

- In the event that planning permission is granted, conditions should be used to cover the following matters:
  - That bat and bird boxes would be incorporated into the new buildings on the housing estate;
  - That a detailed landscaping plan is produced, utilising native species appropriate to the local area within areas of open space and boundary planting;
  - That no vegetation clearance takes place during the bird nesting season (which runs from March to August inclusive);
  - That measures are put in place for the protection of retained vegetation.

The letter from Middlemarch Environmental (10th April 2014) confirms that the development site is a smaller part of a wider survey area, and that impacts on protected species appear unlikely, provided that appropriate mitigation is put

in place. Therefore, in addition to the mitigation measured recommended in the Nature Conservation Unit's letter dated 12th March 2014, the following measures should also be secured by condition:

- The production of a 'bat friendly' lighting scheme to ensure that artificial lighting avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat (including the balancing pond);
- A pre-commencement walkover survey of the site is undertaken to ensure that badgers have not moved into the site;
- The covering of excavations or installation of ramps, and the capping of pipes of 15cm diameter or greater overnight, to prevent mammals becoming trapped during construction works;
- The production and implementation of a reptile method statement, to ensure the field margins are cleared sensitively.

#### 4.3.12 Nottinghamshire Wildlife Trust (NWT) - makes the following comments:

The NWT has reviewed the Extended Phase 1 Habitat Survey and whilst having no objection in principle to the application and generally supporting the approach to survey and assessment, would like to make the following comments on this document:

##### *Nature Conservation Sites*

In relation to Local Wildlife Sites, the NWT considers that development impacts are highly unlikely due to the location of the proposed development.

##### *Habitats*

The NWT would wish to seek confirmation that the boundary hedges to the south, east and west would be retained and, preferably, enhanced for biodiversity where possible.

The report suggests inclusion of nest/ bat roost features within the development. Further to this, NWT recommends nesting opportunities for specific species including house sparrows and swifts. A range of bat tubes and access panels are now available that would provide roosting opportunities for those species of bat that inhabit buildings (a possible source of bird and bat boxes/bricks has been provided).

Regarding other possible enhancements, the NWT would wish to see opportunities for wildlife maximised in relation to the open space at the south-west corner of the site (this feature appears to be a SuDS system).

The NWT recommends the use of condition(s) to secure advice in relation to nesting birds and terrestrial mammals.

##### *Revised Comments*

The NWT has reviewed the letter from Middlemarch Environmental (10th April 2014). This provides an assessment of the ecological impacts of the scheme

in relation to the development parcel subject to this planning application (the submitted ecological report covered a wider area).

The NWT considers this information is adequate and is aware that the recommendations for detailed ecological surveys (e.g. for reptiles etc) relate to adjacent development parcels which are outside the red line boundary of this application.

Should the application be approved, the NWT would recommend the use of condition(s) to secure advice in the letter dated 10th April in relation to:

- Provision of enhancements, including details (type, number and location) of bat and bird boxes (R1).
- Precautions to protect nesting birds during construction phase (R4).
- Pre-works phase check for badgers (R5).
- Precautions to protect terrestrial mammals (R6).

With regard to the possible Sherwood potential Special Protection Area (SPA), the NWT wishes to reiterate that this site lies within the 5 km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Gedling Borough Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their updated note dated March 2014.

4.3.13 Nottinghamshire County Council (Archaeological Advice) – has made the following comments:

After discussion with the applicant's archaeological consultant, the County Council has amended its original advice:

The current application only deals with 'Phase 1' of the site which is approximately 3.3 hectares in size and located in the south-west corner of the overall site. As this outline application only seeks to establish the principle of the development along with a site access point, the County Council is happy for an archaeological scheme of investigation to be secured as a Reserved Matters condition. This archaeological scheme of investigation should include post-determination evaluation, beginning with a scheme of geophysical survey in the first instance, possibly with a subsequent scheme of trial trenching and/or archaeological monitoring, as deemed necessary.

4.3.14 Public Protection (Land Contamination & Travel Plan) – make the following comments:

*Contaminated Land*

Public Protection confirms that the site is unlikely to be affected by significant contamination. As such, Public Protection would have no further comment regarding this part of the development.

Should a follow up application be made that includes the farm buildings, then this would need further assessment.

#### *Air Quality*

The applicant has submitted a Transport Assessment and Travel Plan. Having reviewed Section 5: Travel Plan; most of the proposals included in the plan would help to mitigate and thus make the development sustainable, from an air quality point of view (including a commitment to incorporate provision for dwellings to have dedicated outside electric power points; to allow residents to charge electric/hybrid vehicles into the future).

However, Public Protection would consider it appropriate to ensure that during development issues relating to construction dust are managed to an agreed level. As such, it is recommended that a condition requiring the submission of a dust management plan is imposed on any permission.

- 4.3.15 Urban Design Consultant – requested a Building for Life assessment in order to judge the proposal in a clearer way, but made the followings comments initially:

The layout has a structure with a spine access and roads off, which address the site boundaries.

There are some areas where the potential streetscene could be made more interesting at the detailed stage, including reducing the visual impact of parked vehicles so that they do not dominate parts of the street frontage.

A few private drives terminate with a row of garaging, which is not a desired design solution and the distance between some rear elevations on the illustrative layout are too short.

Connectivity with the surrounding area should also be considered.

#### *Additional Comments (Building for Life Assessment)*

Generally concurs with the submitted assessment, but comments with regard to meeting local housing requirements that it is important that there is a mix of housing that reflects local need, which should be agreed with Housing Strategy.

- 4.3.16 Housing Strategy (HS) - would require 30% affordable housing in the Bestwood St Albans submarket area. HS's starting point would be that 70% of this should be for either social rent or Affordable Rent, with the remainder for shared ownership, so this would give 21 units for rent and 9 for shared ownership.

However, following receipt of the applicant's viability assessment, an independent viability assessment was undertaken by the District Valuers Office. This confirmed that the findings of the assessment are supported and the scheme would be unviable with affordable housing. There are critical abnormal infrastructure costs that have deemed the affordable housing unviable on Phase I of this development.

#### 4.3.17 Nottinghamshire County Council (Forestry Officer)

*The Following comments were received in respect of the revised consultation in May 2018:*

Concerns are raised that some development works are within proximity of root protection zones of retained trees. Request that a condition is attached requiring the following: a protection plan of root protection barriers; an Arboricultural Impact Assessment; Arboricultural Method Statement; and details of any special engineering works.

#### 4.3.18 Ashfield District Council

No objection to the principle of the development at this location, however, the site needs to be supported by the necessary services and facilities. Given the location of the proposed development, on the boundary of Hucknall, the application should consider and through CIL contributions make appropriate provision for the infrastructure of Hucknall. This should include contributions for the following:

- Education contributions towards secondary schools within Hucknall;
- Transport – financial contributions will be needed to provide safe access from Moor Road and support local transport infrastructure (Footpaths, cycle ways, and roads);
- Health Care – financial contributions will be required to support GP surgeries in Hucknall, given that there is currently no GP surgery in Bestwood Village;
- Potential contributions towards Hucknall Town Centre.

#### 4.3.19 Parks and Street Care

As this site is over 0.4ha it triggers for S106 open space contributions according to GBC's SPG for S106 open space provision (101 Houses, Area; 3.4ha).

	<b>New Provision offsite commuted sum.</b> (assumes no provision on site)	<b>10 year Maintenance sum</b>
Play Area / Informal Sports Facilities	152,279.20	68,952.00
Open Space	50,755.20	15,504.00
<b>Total</b>	<b>£203,034.40</b>	<b>£84,456.00</b>

10% open space area = 3400m<sup>2</sup> total requirement. Based on this sum we would require **2040m<sup>2</sup> of amenity open space**, which can include SUDS attenuation ponds as long as they are landscaped as an amenity feature, and **1360 m<sup>2</sup> of Playground/Play Space**.

As no provision for a play area/informal sports facility has been indicated, there will therefore need to be an offsite contribution required to compensate for its loss by way of mitigation. This sum will be used to improve play area provision in the immediate area and may be pooled to provide a nearby larger onsite facility in the future.

This equates to **£152,279.20** with a maintenance sum of **£84,456.00**.

If the developer provides a management company to maintain the site into the future, there is no sum to pay to GBC. But the developer will be responsible for the open space maintenance of the site in its entirety moving forwards.

## 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 of 101 dwellings, new access, amenity space and open space on safeguarded land adjacent to the village of Bestwood, which is identified as a 'key settlement for growth' in Policy 2 of the Aligned Core Strategy.

### 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 4: Promoting sustainable transport (paragraphs 29-41)
- NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47-55)
- NPPF Section 7: Requiring good design (paragraphs 56-68)
- NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)
- NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126-141)

- 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: Ensuring viability and deliverability (paragraphs 173-177)

- NPPF: Planning conditions and obligations (paragraphs 203–206)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

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

5.8 Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:

- RLP Policy C2: Community Facilities for New Development
- RLP Policy ENV1: Development Criteria
- RLP Policy ENV3: Development on Contaminated Land
- RLP Policy ENV31 (Safeguarded Land);
- RLP Policy ENV42 (Aquifer Protection);
- RLP Policy ENV43: Greenwood Community Forest
- RLP Policy H8: Residential Density
- RLP Policy R3: Provision of Open Space with New Residential Development
- RLP Policy T10: Highway Design and Parking Guidelines

5.9 Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF.

5.10 Where the LPD policies meet the requirements set out in Paragraph 216 (i.e. the stage of preparation of the emerging plan) the greater weight may be given. The Inspectors report has now been received by the Borough Council and the inspector has recommended the Local Planning Document is 'sound' and provides an appropriate basis for the planning of the Borough. The

Policies within the LPD can now be afforded 'significant weight' in the planning balance.

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
- LPD65 – Housing Allocations – Bestwood Village

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;
- Whether the design, layout and scale of the development is acceptable;
- The highway implications of the development including car parking;
- Whether the development would have an adverse impact on neighbouring amenity;
- The impact on Ecology;
- Landscape, Visual Amenity & Arboriculture;
- Pollution & Contamination;
- Heritage;
- Socio Economic Impacts and Planning Obligations.

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

6.1 The proposed development is on land which was safeguarded for possible future development within the adopted RLP and is not within Green Belt. Paragraph 85 of the NPPF sets out that Safeguarded Land is land that has been removed from the Green Belt in order to meet long term development needs; it is not allocated for development and planning permission for the permanent development should only be granted following a Local Plan review which proposes the development. ENV31 identifies that Safeguarded Land shall be safeguarded from inappropriate development until such time that it is allocated for development; appropriateness is to be established by considering proposals as if they were in the Green Belt.

6.2 The Policy context contains tensions between different policies/guidance at Local Plan and NPPF level. The main factor in distilling the complex policy considerations is that Gedling Borough cannot demonstrate a five year housing land supply as required by the NPPF and in that situation policies which seek to control/direct/constrain residential development – including spatially – should be considered out of date and little or no weight attached to them. Residential development should be assessed in line with Paragraph 14 of the NPPF which states that there “is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking”. In respect of decision-taking paragraph 14 goes further to emphasise that where relevant policies are out of date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or be contrary to the guidance within the rest of the NPPF.

6.3 Paragraph 85 of the NPPF states at Bullet Point 4 that:

*‘Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;’*

Therefore, if Gedling Borough had a five year land supply then Para 85 would mean that safeguarded land shouldn’t be developed prior to a Local Plan review, and a recommendation for refusal of this application would follow.

6.4 However, as the most recent assessment indicates that the Council cannot demonstrate a five year land supply until the adoption of the Local Plan Part 2, policies which restrict the supply of houses are considered out of date in accordance with paragraph 49 of the NPPF and the presumption in favour of sustainable development should be applied to applications for residential development.

6.5 Whilst this includes assessing applications against the whole of the NPPF, including para 85, the need to meet housing targets is considered to outweigh the harm caused to the purpose of safeguarded land (i.e. meeting longer term development needs).

6.6 I consider it appropriate for a ‘Planning Judgement’ to be made where there are competing requirements or a ‘tension’ between different sections of the NPPF, and that the planning balance in this instance weighs in favour of paragraph 49 which directs Local Planning Authorities towards prioritising housing delivery and against paragraph 85 which seeks to safeguard land for, unknown, future development needs when the current situation is a clear and present need being unfulfilled in terms of housing delivery.

6.7 In this context the basis for protecting ‘Safeguarded Land’ is outweighed by the need to meet immediate housing needs. This position is in line with a recent appeal decision at a site at Wigan which found that the need for housing development outweighed the need to ‘safeguard’ land for future development; *Appeal Ref: APP/V4250/A/14/2226998 - Land South West of Bee Fold Lane, Atherton, Wigan, Greater Manchester.*

- 6.8 In addition to the above assessment, under the emerging Policy LPD65, which carries significant weight following the publication of the Inspectors Report, the site will no longer be designated as Safeguarded Land and would form part of the Housing Allocation for Bestwood Village.
- 6.9 The National Planning Practice Guidance and the accompanying NPPF Technical Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:
- The application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development; and
  - The Local Plan is at an advanced stage, but has not yet been adopted.
- 6.10 The NPPF Technical Guidance adds that Local Authorities would need to indicate clearly why the development would prejudice the outcome of the Plan making process. Given the LPD has been examined and the Inspector's report published I am satisfied that given the site is a Housing Allocation supported by LPD65 which now carries significant weight in the planning balance that the proposal would not compromise decisions about the scale, location or phasing of new development and is consistent with the development plan for the area going forward.
- 6.11 The ACS identifies Bestwood Village as a Key Settlement and a strategic location for housing growth and as such the principle of the residential redevelopment of the site is supported by this policy.
- 6.12 Policy H8 of the GBRLP sets out residential density requirements of at least 30 dwellings per hectare and LPD33, which should also be given significant weight, sets out a density for Bestwood Village of at least 25 dwellings per hectare, and gives support where higher densities are proposed provided that such proposals '*reflect local characteristics and does not harm the character of the area*'. The development is to provide 101 residential units on a site of 3.3 hectares equating to a residential density of approximately 31 dwellings per hectare. As such, the proposed density accords with Policy H8 and LPD33.
- 6.13 The applicant has stated that a range of densities would be utilised within the site with generally lower densities along the Moor Road frontage and at the countryside edge. An indicative layout has been provided demonstrating that an acceptable density can be achieved taking into account the local characteristics, the semi-rural village location, and the need for open space and sensitive landscaping.
- 6.14 Given the location of the development on safeguarded land that is being brought forward as a Housing Allocation under the LPD there would be no objection in principle to the residential redevelopment of the land. 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 acceptable in principle.

**7.0 Whether the design, layout and scale of the development is acceptable;**

- 7.1 Policies ENV1, H7, H8, H16 of the Replacement Local Plan, LPD35, and Policy 10 of the ACS require development to be of high standard of design that is safe, accessible and inclusive. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance and defensible space and well considered layouts and landscaping.
- 7.2 All matters except access 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.
- 7.3 Whilst only indicative a layout has been submitted in support of this application that indicates that a development of 101 dwellings can be accommodated on the application site without appearing over intensive. The layout illustrates the use of front facing development along the main route with strong frontages to the public realm and footpath links, 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.
- 7.4 Overall it is considered that an imaginative design can be achieved on the site that suitably connects to the existing residential boundary of Bestwood Village. 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.

## **8.0 The highway implications of the development including car parking;**

- 8.1 Paragraph 32 of the NPPF requires that safe and accessible access to the site can be achieved and that any improvements to the transport network effectively limit the significant impacts of the development. The NPPF requires all developments that generate significant movements should be supported by an appropriate Transport Statement or Transport Assessment (TA). A Transport Assessment and Travel Plan have been submitted with the planning application.
- 8.2 The National Planning Practise Guidance (NPPG) (March 2014) states that Transport Assessments, Statements and Travel Plans can positively contribute to:
- Encouraging sustainable travel
  - Lessening traffic generation and its detrimental impacts
  - Reducing carbon emissions and climate impacts
  - Creating accessible, connected, inclusive communities
  - Improving health outcomes and quality of life
  - Improving road safety

- Reducing the need for new development to increase existing road capacity or provide new roads.

- 8.3 The applicant considers that the location is sustainable and accessible to public transport with bus services 141 (City Centre) and 228 (Hucknall – Bestwood – Bulwell) providing hourly bus service. Butlers Hill Tram stop is located approximately 1km away and is accessible via a footpath from Moor Road through Lean Valley Park. The location is close to Cycle Route 6.
- 8.4 The Highway Authority has no objection to the proposals on highways grounds and comments that the applicant has demonstrated that the traffic generation of the site would not have a severe impact on the existing highway network in the vicinity of the development. The Highway Authority has advised that it supports the proposals forwarded by the applicant to promote sustainable travel options, which would need to be secured via s106 Agreement for Integrated Transport Improvement contributions. The following are the proposals that have been forwarded:
- Providing pedestrian links and a suitable crossing point to the nearby bus stops;
  - Potential upgrades to the public footpath link to NET tram stop at Butlers Hill as well as cycle links to the Lean Valley Country Park;
  - Potential new “Gateway” treatment and extended traffic calming zone for Moor Road; and
  - Provision of Travel Information Welcome Packs for all residents.
- 8.5 A single access is proposed to the application site from Moor Road. The access would be 6.5 metres wide with visibility splays in excess of 42 metres and a setback of 2.4 metres. The Highway Authority considers that the general arrangement of the access appears to conform to the various details highlighted by the applicant, including visibility splays, and speed of approaching vehicles and also that the accident history of the road has been taken into account. The Highway Authority also notes that the access would appear to be designed to a standard that would be suitable for the full expansion of the site. It is added that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council’s Technical Design Manual (6C’s) and an appropriate condition requiring the access provision prior to any other development of the site is attached to this report. It is noted that any works to the public highway would need Technical Approval from the Highway Authority prior to adoption.
- 8.6 Having taken account of the Highway Authority’s comments, I have considered the proposals against ACS Policies 14 and 15. Policy 14 seeks to reduce travel demand by locating development in accordance with the ACS locational strategy for new development set out in ACS Policy 2. ACS Policy 14 then goes on to set out a hierarchical approach to delivering sustainable transport networks. ACS Policy 15 states that where development gives rise to the need for additional transport infrastructure, it should be prioritised in accordance with the locational strategy in ACS Policy 2. Part 2 of ACS Policy 15 requires new development on its own or in combination with other development to include a sufficient package of measures to encourage non-

car borne modes of travel, but requires that any residual car trips arising from the development should not unacceptably compromise the efficient operation of the wider transport system.

- 8.7 The proposal accords with ACS Policy 2, which identifies Bestwood Village as a strategic location for housing growth thereby according with both ACS Policies 14 and 15, which seeks to integrate planned housing growth with sustainable transport provision and investment priorities. The Highway Authority welcomes the proposals set out by the applicant to encourage more sustainable travel options, which accords with the provisions in ACS Policies 14 and 15 to promote sustainable travel modes. With respect to traffic impacts, the Highway Authority considers that the proposal and its resultant car borne traffic would not lead to a severe impact on the existing highway network. Accordingly, I consider that the proposal accords with ACS Policies 14 and 15 and Policy LPD61 Highway Safety.

**9.0 Whether the development would have an adverse impact on neighbouring amenity;**

- 9.1 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.
- 9.2 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 The Spinney where the rear boundaries adjoin 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 existing dwellings as well as new occupiers of the dwellings within the site.
- 9.3 The application site adjoins rear boundaries of properties on The Spinney. It is noted that an indicative layout plan has been submitted to support the outline planning application. Whilst only indicative at present the Masterplan illustrates that a single access road using an access from Moor Road could be provided centrally on the site to ensure that the rear boundaries of the existing residential properties can be adjoined by the rear garden boundaries of the proposed new dwellings. The properties on the Spinney that adjoin the side boundaries of the proposed dwellings all have long rear amenity areas that in my view would restrict any significant undue impact on neighbouring amenity.
- 9.4 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.

- 9.5 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.

#### **10.0 The impact on Ecology and Arboriculture;**

- 10.1 The relevant planning policies which need to be considered in relation to ecological matters are set out in Section 11 of the NPPF, Policy 17 of the ACS, GBRLP ENV36 and LPD18.
- 10.2 GBRLP Policy ENV36 requires the decision maker to weigh the reasons for the proposal against the local ecological and community value of the site. Where development is permitted a balance is to be struck between the need for the development and ecological interest of the site with damage to be kept to a minimum and mitigation and compensatory measures required where relevant.
- 10.3 I note the concerns raised by the Friends of Bestwood Country Park, I note that neither the County Council's Nature Conservation Unit nor the Nottinghamshire Wildlife Trust (*following consultation in 2014*) consider that the proposals would affect any designated nature conservation site and that appropriate mitigation measures for any protected species, together with biodiversity enhancements, could be secured by appropriate conditions.
- 10.4 With regard to the possible Sherwood potential Special Protection Area, I note that the addendum to the Ecology Report concludes that the existing habitats within the site do not appear suitable for woodlark or nightjar.
- 10.5 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'.
- 10.6 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.

- 10.7 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.
- 10.8 Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated on the edge of an indicative 5km buffer zone. An addendum ecology report has however been prepared by the applicant and this confirms that the site does not appear to be suitable for woodlark or nightjar. I am therefore satisfied an assessment of the likely impacts arising from the proposals have been adequately identified. 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.
- 10.9 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 118 refers to pSPAs and footnote 26 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.
- 10.10 I note that there is a proposal to implement a Tree Preservation Order for a group of 9 trees and a group of 7 trees which is being considered at this planning committee. However, given that the application is outline with matters relating to landscaping being reserved for consideration at a later date, that an appropriate layout and design can be achieved without impacting on the trees which are proposed to be statutorily protected.
- 10.11 Given the above I am satisfied, therefore, that the proposed development would protect existing areas of biodiversity interest and provide new biodiversity features. As such I consider that the proposed development would accord with the aims of Section 11 of the NPPF, GBACS Policy 17, GBRLP ENV36, and LPD18 and where there is variance the public benefit of the scheme outweighs any harm identified.

## **11.0 Landscape & Visual Amenity:**

- 11.1 GBACS Policies 10 and 16 requires a landscape character approach towards assessing the impacts of proposals on the landscape. Proposals should protect, conserve, or where appropriate, enhance landscape character. The Greater Nottinghamshire Landscape Character Assessment (GNLCA) includes the application site within the Killarney Park Wooded Farmlands which should be protected and enhanced. In addition, Policy 16 of the GBACS identifies that the application site is located within the Sub-Regional Green Infrastructure Corridor, which should be protected and enhanced. Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 11.2 Given existing features, in particular the hedges that delineate the rear boundaries on The Spinney are to be retained where possible, and that there is also potential to secure a comprehensive landscape management plan at reserved matters stage I consider that by securing precise details of landscaping through conditions, the proposal would be in accordance with Policy ENV37.
- 11.3 It is concluded that any reserved matters application should be accompanied by a Landscape Strategy to support the requirements of Policies 10 and 16 of the GBACS. Noting the above considerations, and accepting the visual impacts that the redevelopment of this disused farm would have; I consider that a Landscape Strategy (secured by condition), managed and delivered over the site would make the development visually acceptable under the provisions of GBACS Policies 10 and 16.

## **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, Policies ENV3 and ENV42 of the GBRLP 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 ensure that during development issues relating to construction dust are managed to an agreed level.

- 12.5 In addition, I note that Public Protection considers that most of the proposals included in the Travel Plan would help mitigate, and thus make the development sustainable, from an air quality point of view, including commitment to incorporate provisions for dwellings to have dedicated outside electric vehicle power points in order to allow residents to charge electric/hybrid vehicles.
- 12.6 The site is located on the Lenton Sandstone formation, which is a Principal Aquifer and is situated within the Source Protection Zone 3 of water supply. Whilst having no objection in principle, I note that the Environment Agency recommends the imposition of an appropriate condition, if permission is granted, to deal with the risks associated with contamination of the site in order to protect the water environment from pollution. It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and Policies ENV3 and ENV42 of the GBRLP and LPD7, LPD10 and LPD11.

### **13.0 Heritage;**

- 13.1 Section 12 of the NPPF states at paragraph 126 that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 13.2 Policy 11 of the ACS states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
- 13.3 Archaeological and cultural heritage issues have been assessed within the Archaeological Desk-Based Assessment and the Design and Access Statement.
- 13.4 I am satisfied that the proposed residential development would not have any undue impact on the setting or significance of any nationally or locally designated assets and would not impact the Conservation Area of Bestwood given its location on the village edge on the opposing side of the village.
- 13.5 Following correspondence between the applicants consultant and the County's Archaeologist no objections are raised subject to the imposition of an appropriate condition to ensure that further investigation is undertaken on an area of potential archaeological interest.
- 13.6 I am satisfied that the proposed development would accord with the aims of Section 12 of the NPPF and Policy 11 of the ACS.

### **14.0 Socio Economic Impacts and Planning Obligations;**

- 14.1 The relevant planning policies which need to be considered in relation to s106 planning obligations are set out in paragraphs 173 – 177 and 203 – 206 of the NPPF, in relation to plan-making and decision-taking, Policies 18 and 19 of the ACS and Policy C2 of the GBRLP.

14.2 The National Planning Policy Framework policy on viability states that decision-taking on individual schemes does not normally require an assessment of viability; however, viability can be important where planning obligations or other costs are being introduced. Where the viability of a development is in question, local planning authorities are encouraged by the NPPF to look to be flexible in applying policy requirements wherever possible.

14.3 The Heads of Terms / Planning Obligations required for policy compliance with the Development Plan are set out below:

30% affordable housing provision onsite	
Healthcare contribution	£ 54,471
Transport	£ 70,000
Off Site Play Space (Assuming no provision Site)	£152,279
Off Site Maintenance Fee (only applicable if GBC adopt the Public Open Space)	£ 84,456
Education	<u>£252,601</u>

**Total:** **£614,077**

14.4 Paragraph 5.3 of the Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy and Development Management. It is for the applicant to provide details of any abnormal costs, which may reduce ability to provide affordable housing.

14.5 Paragraph 176 of the NPPF states that *‘Where safeguards are necessary to make particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.’* Paragraph 176 is further explained within the Planning Practice Guidance (PPG) which goes on to state: *‘Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability’.*

14.6 The applicant has demonstrated abnormal construction costs associated with the scheme, which include external works to improve Moor Road and additional drainage solutions that would be utilised by the proposed school development. The viability of the development has been independently assessed by the District Valuer and they are content that the costs assigned to the scheme are appropriate. Given the contributions required by the scheme towards Healthcare, Transport, Offsite Play Space, Off Site Maintenance Fee, and Education the onsite requirement for 20% affordable housing has been omitted. The outcome of the assessment without the

Affordable Housing would still deem the development marginally unviable; however, following negotiation with the applicant it has been agreed that the Heads of Terms for all the financial contributions set out above would be met by the applicant. In line with the requirements of paragraph 176 and the guidance contained within the PPG I consider that the requirement for affordable housing would make the scheme unviable, and in this instance the affordable housing requirement should be omitted. Whilst it has been demonstrated that the scheme is unviable this would not account for changes in market circumstances moving forward. Should planning permission be forthcoming and a s106 agreement be completed it is my opinion that the s106 should include provision for viability reassessment to account for market changes and this could be based on a pre agreed market index trigger – e.g. house price / tender price index change of 10% or review based on a pre agreed phasing plan following reserved matters approval.

- 14.7 I note the comments from the Highway Authority with regards to the maintenance of flood attenuation and the incidental open space not to be adopted by the County Council. Given that the development would result in an attenuation pond, an access road 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 space not within the curtilages of dwellings or within the adopted highway would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.
- 14.7 I note the comments received from Ashfield District Council with regards to the distribution of s106 contributions connected with this development. With regards to the NHS contributions these are administered by CCG Clinical Commissioning Group East and would be distributed in accordance of established / future need and location, there is nothing restricting these contributions being allocated across boundaries. With regards to the education contribution this would be administered by Nottinghamshire County Council (which Ashfield District forms part of) and would need to be distributed in a manner that would benefit the immediate surrounding area. It is noted that there is a new primary school that has recently received planning permission within Bestwood Village. With regards to the transport contributions the Highway Authority are seeking improvements to Moor Road to facilitate the development. I note the comments with regards to Hucknall Town Centre but contributions need to be reasonable and justified and no evidence of a need generated by this development has been provided to support this request. I note the comments with regards to CIL and can confirm that the development in this location is not CIL liable.

## **15.0 Secretary of State Referral**

- 15.1 I am satisfied that the Secretary of State for Communities and Local Government does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

## **16.0 Other Issues**

- 16.1 I note the comments of Village Vision regarding lack of consultation by the applicant with the local community. However, I am aware that the applicant wrote to the Parish Council shortly after first submission in 2014 and indicated that they would welcome the opportunity to meet with the Parish Council during the consultation period and to attend a public meeting which took place in April 2014.
- 16.2 I am satisfied that sufficient information has been provided in support of the application.
- 16.3 Loss of view and the impact of the proposed development on the valuation of existing properties are not material planning considerations that would warrant a refusal of this application.

## **17.0 Conclusions**

- 17.1 The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Plan Part 2 where appropriate.
- 17.2 In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion 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.
- 17.3 Planning obligations are being sought in accordance with the requirements of the NPPF.
- 17.4 The application does not need to be referred to the Secretary of State for Communities and Local Government.
- 18.0 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, Open Space, Healthcare Facilities, Integrated Transport, Management Company and Educational Facilities; and subject to the following conditions:**

### **Conditions**

- 1 Approval of the details of 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 vehicular access hereby permitted shall be constructed strictly in accordance with the Proposed Site Access drawing (13152-010), deposited on 28th February 2014.
- 4 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 Borough Council and once the Borough Council 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 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 Borough Council. The Remediation Scheme shall be implemented as approved.
- 5 In the event that remediation is required to render the development suitable for use, a written remediation scheme and timetable of works shall be submitted to and approved in writing by the Borough Council. The scheme shall then be implemented in accordance with the approved details. Prior to the development being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action) must be submitted to and approved in writing by the Borough Council.
- 6 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 demolition and construction works.
- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the new road, including longitudinal and cross sectional gradients, visibility splays, Traffic Regulation Orders, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. All details submitted to the Borough Council for approval shall comply with the County Council's Highway Design and Parking Guides which are current at the time the details are submitted. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 8 No development shall commence on any part of the application site unless or until; (1) a suitable access arrangement, as shown for indicative purposes on drawing number 13152-010; (2) the provision of pedestrian links and a

suitable crossing point to the nearby bus stops; (3) the provision of upgrades to the public footpath link to the NET tram stop at Butlers Hill, as well as cycle links to the Leen Valley Country Park; and (4) the provision of a new 'Gateway' treatment and extended traffic calming zone for Moor Road; have been provided to the satisfaction of the Local Planning Authority.

- 9 Before development is commenced there shall be submitted to and approved in writing by the Borough Council 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.
- 10 Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of an archaeological scheme of treatment. The scheme shall include post-determination evaluation beginning with a scheme of geophysical survey, possibly with a subsequent scheme of trial trenching and/or archaeological monitoring, as deemed necessary. The scheme shall be implemented strictly in accordance with the approved details.
- 11 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree protection plan to graphically show the locations of any tree and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the arboricultural impact assessment. The AMS 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.
- 12 Before development is commenced there shall be 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 (including the balancing pond). The scheme shall be implemented strictly in accordance with the approved details.
- 13 Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the incorporation of integrated bird and bat boxes within the fabric of a proportion of the houses;

bird boxes should target species such as house sparrow, swallow and swift. The scheme shall be implemented strictly in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

- 14 Before development is commenced, including any vegetation clearance or ground works, there shall be submitted to and approved in writing by the Borough Council a reptile method statement to ensure the field margins are cleared sensitively. The method statement shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 15 No vegetation clearance or ground works shall be undertaken until the site has been walked by an ecologist to ensure that badgers have not moved onto the site. If any badgers are found to be present, details of any mitigation measures that may be deemed necessary shall be submitted to and approved in writing by the Borough Council before vegetation clearance or ground works commence. The mitigation measures shall be implemented in accordance with the approved details before development commences.
- 16 During the construction phase, if any trenches are left open overnight, they should be left with a sloping end or ramp to allow badgers or other mammals that may fall into the excavation to escape, and any pipes over 150 mm in diameter should be capped off at night to prevent mammals from entering them.
- 17 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
- 18 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 19 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 the boundary treatments, including those to individual plot boundaries; (c) 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 (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

- 20 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.
- 21 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards. The garage doors shall be retained to this specification for the lifetime of the development.

## **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 For the avoidance of doubt.
- 4 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 Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 5 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 Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 6 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).
- 7 To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 8 To ensure an adequate form of development in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 9 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.

- 10 To ensure the appropriate investigation and recording of archaeological features, in accordance with Section 12 of the National Planning Policy Framework and Policy 11 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 11 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 12 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).
- 13 To enhance biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 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 and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
- 16 To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 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 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).
- 19 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).
- 20 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).

- 21 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).

### **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**

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

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

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

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

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 condition 8 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 SuDS involve a range of techniques, including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

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 meeting the applicant to discuss issues raised, 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.

The County Council Rights of Way require that the availability of the Bestwood St Albans Parish Footpath No.3, which runs alongside the northern boundary of the site, is not affected or obstructed in any way by the proposed development at this location, unless subject to appropriate diversion or closure orders. The County Council should be consulted on any re-surfacing or gating issues and the developers should be aware of potential path users in the area, who should not be impeded or endangered in any way.

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).

Date Recommended: 18th June 2018