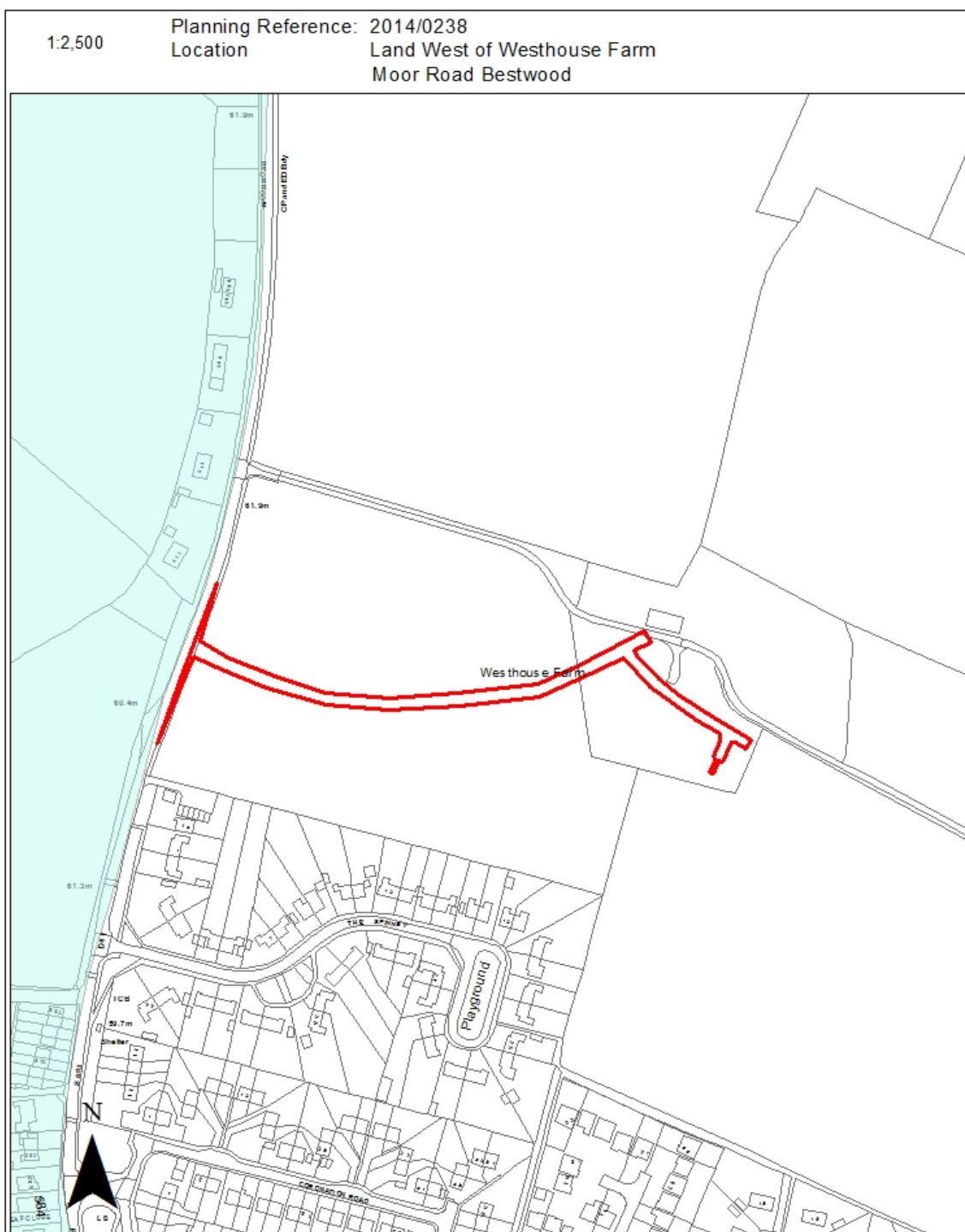




Planning Report for 2018/0578



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

Application Number: 2018/0578

Location: Land Adjoining Moor Road Moor Road Bestwood
Nottinghamshire

Proposal: New access road linking the new Hawthorne Primary
school to Moor Road, Bestwood

Applicant: Torkard Construction Ltd

Agent: Halsall Lloyd Partnership

Case Officer: David Gray

1.0 Site Description

- 1.1 The application site comprises an area of 0.42 hectares of agricultural land currently utilised for arable farming.
- 1.2 The site is located on the northern edge of built development in Bestwood Village to the east of Moor Road (B683). The B683 is the administrative boundary between Gedling Borough Council and Ashfield District Council.
- 1.3 The red line of the application site incorporates the main spine road proposed to serve a largescale residential development currently under consideration at Land West, Westhouse Farm and connects to Moor Road (ref: 2014/0238). This appears earlier in the planning committee agenda.
- 1.4 The application site is split between land that is designated as Safeguarded Land and Green Belt on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

2.0 Relevant Planning History

- 2.1 Full Planning Permission has been granted by Nottinghamshire County Council (NCC) for the construction of a 2 storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play, footpaths and campus access road. Associated landscaping and covered areas to nursery/reception classes, fenced bin store, and 2.4m high security fencing and gates. Off campus drainage works. The construction of an access road, footway and other associated works from Keeper's Close. (Nottinghamshire County Council Reference FR3/3756 and Gedling Borough Council Reference: 2017/1292NCC). Condition 36 of the planning approval reads:

- 36) *No later than one month of the vehicle access from Moor Road first being brought into operational use by the school, the vehicular access to the school from Keeper's Close shall cease to be used as a general vehicular school access and shall subsequently be used for the purpose of playing field maintenance or emergency access.*
- 2.2 An application for outline planning permission for a proposed residential development of 101 market dwelling houses is currently under consideration ref: 2014/0238. This application relates to 'Phase I' of a larger proposed residential development forming part of a Housing Allocation under the Local Plan Document Part 2. This item appears earlier in the agenda.
- 2.3 An application for a proposed Tree Preservation Order being made at Westhouse Farm for the Protection of a group of 9 trees and a group of 7 trees.

3.0 Proposed Development

- 3.1 Full Planning Permission is sought for a new estate road to serve both the new residential development and also to create a principal access from Moor Road to serve the proposed new Bestwood Hawthorn School. The new road would incorporate the main estate road for the proposed development of 101 market dwelling houses (ref: 2014/0238).
- 3.2 The development has been brought forward as a result of ongoing discussions with Langridge Homes Ltd (the applicant) and the County Council. Langridge Homes Ltd have facilitated the provision of land for the new primary school recently approved by Nottinghamshire County Council as part of their Masterplan proposals for the wider site in conjunction with their Phase I and Phase II proposals.
- 3.3 The access road would also form the main estate road of a later phase of residential development which is a proposed residential allocation in the Part 2 Local Planning Document (LPD).
- 3.3 Nottinghamshire County Council intend the construction of the new school to commence during July 2018 and Langridge Homes Ltd have agreed access for construction traffic via their existing farm access from Moor Road to limit inconvenience to existing residents from the ongoing construction operations. The planned opening of the school would be at the start of the academic year, September 2019.
- 3.4 The Design and Access statement states that the Langridge Home Ltd owns all of the land necessary for the construction of the road and is both able and committed to construct the adopted road prior to September 2019.

4.0 Application Publicity and Procedures

- 4.1 The application was publicised for representation on 15th June 2018. 4 x Site Notices (15.06.2018) were posted, a Press Notice (20.06.2018) was posted, and all statutory bodies were notified.

4.1.1 To date no representations have been received from local residents as a result of the statutory consultation period. Any material planning considerations received as a result of the consultation will be reported verbally at Planning Committee.

4.2 Gedling Borough Council (Scientific Officer) – No comments in relation to land contamination or air quality.

4.3 Nottinghamshire County Council (Forestry Officer) –

I am satisfied that the proposed construction will only involve the removal of trees of low visual amenity.

The construction of the new access will not be taking place within the root protection areas of the retained trees. Therefore, I would be happy if planning permission is granted conditionally that all tree protection methods for retained trees as described within the tree survey submitted are adhered to.

4.4 Nottinghamshire County Council (Highway Authority) –

Further to this application to construct a new access to the Hawthorn Primary School I can confirm that the link will be acceptable to serve the school and up to 101 dwellings as proposed under application reference 2014/0238.

Access to the site from B683 Moor Road is to be accommodated by providing a right hand turn harbourage which is indicated on Drawing 13152-010. There are currently no footways on either side of Moor Road in the vicinity of the development and footway provision will be required to the frontage of the site to link up with Bestwood Village to the South and the bus stop to the North. Footway will need to be provide opposite the crossing point on the West side of Moor Road to give pedestrians safe access to the bus stop. The current speed limit in the vicinity of the proposal is 40 mph and appropriate measures will need to be implemented to ensure that the speed of traffic is reduced to 30mph or less with a reduction in the speed limit. Appropriate visibility splays will need to be provided. Moor Road is a bus route with bus stops close to the site access and visibility splays of 2.4m x 47m will be required at the access together with satisfactory pedestrian facilities.

Should planning permission be granted the Highway Authority recommend standard conditions be attached requiring provision of the suitable access and precise technical details of the new road.

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 a new access from Moor Road to the proposed Bestwood Hawthorn Primary School 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 In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

5.6 Local Planning Policies

Gedling Borough Council at its meeting on 10th September 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The adopted ACS will form Part 1 of the new Local Plan for Gedling Borough (Part 2 of the new Local Plan has been publicised following inspection). 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 10: Design and Enhancing Local Identity
- ACS Policy 14: Managing Travel Demand
- ACS Policy 15 (Transport Infrastructure Priorities);
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure

5.7 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 ENV1: Development Criteria
- RLP Policy ENV31 (Safeguarded Land);

- RLP Policy ENV42 (Aquifer Protection);
- RLP Policy ENV43: Greenwood Community Forest
- 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 35 – Safe, Accessible and Inclusive Development
- LPD63 – Housing Distribution
- LPD65 – Housing Allocations – Bestwood Village

- 5.11 In making a recommendation in relation to this application the application site is required to be considered as two separate elements due to the classifications of land it occupies. The west section of the application site is on Safeguarded Land and the east section is within the Green Belt. Regard has been given to the above legislation and policies and as a result it has been determined that the main planning considerations in relation to this proposal (and each separate section) relate to: -

West Section of Application Site:

- (a) Safeguarded Land

East Section of Application Site:

- (b) Whether the proposal would be inappropriate development in Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- (c) The effect on the openness of the Green Belt and the purposes of including land within it.
- (d) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the 'very special circumstances' necessary to justify it.

Other considerations relating to the whole application site:

- (e) Traffic and Transport;
- (f) Biodiversity / Ecology;
- (g) Neighbouring Amenity.

6.0 West Section of Application Site

(a) Safeguarded Land

- 6.1 Approximately two thirds of the proposed development is on land which was safeguarded for possible future development within the adopted RLP ENV31 and is not within Green Belt. It would also form the main arterial access road of a residential development currently under consideration for 101 dwellings (Ref: 2014/0238).

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 However Gedling Borough cannot demonstrate a five year housing land supply as required by the NPPF until the adoption the Local Plan Part 2 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. ENV31 constrains residential development as the residential development at Westhouse Farm would be restricted without this proposed development. ENV31 should therefore be considered out of date and have little or no weight afforded to it.

- 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;'

- 6.4 I note paragraph 5.10 above which outlines that the Inspectors Report has been received in respect of the Local Planning Document, which now affords 'significant weight' in the planning balance, following its review. Under Policy LPD65 the whole of the application site would form part of housing allocation H12 and would not be safeguarded land following adoption. Due to the advance nature of the Local Plan significant weight can be afforded to LPD 65, under which the proposed development would not be prohibited.
- 6.5 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 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.

- 6.6 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 to include the new access road under consideration is supported by this policy.
- 6.7 Given the location of the development on safeguarded land which has been brought forward as a Housing Allocation under the emerging LPD, in my opinion, the construction of an arterial residential / school access is acceptable in principle. It is also my opinion that it would represent sustainable development providing a more sustainable access to the proposed Bestwood Hawthorne Replacement Primary and Nursery School.

7.0 East Section of Application Site

(b) Inappropriate Development

- 7.1 The remaining east section of the development is within the Green Belt until the adoption of the LPD, following which it would fall within housing allocation H12 – Westhouse Farm. Policy 3 of the ACS supports the principle of retaining Green Belt.
- 7.2 Paragraph 80 of the NPPF states that: 'Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'
- 7.3 Paragraph 87 of the NPPF provided that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF lists forms of development that would not be inappropriate development in the Green Belt. Paragraph 90 of the NPPF provides that engineering operations and local transport infrastructure are not inappropriate development in the Green Belt provided that they 'preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 7.5 Given that the section of road to the east is within the Green Belt to the north of Bestwood Village it is my opinion that the proposal would not assist in safeguarding the countryside from encroachment and would therefore, under the current plan period, conflict with one of the five purposes listed at Paragraph 80. The proposal of the section of road to the east would therefore be inappropriate development.
- 7.6 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' in accordance with paragraph 87 of the NPPF. Substantial weight should be given to any

harm to the Green Belt by reason of inappropriateness, and any other harm, and would need to be clearly outweighed by other considerations.

8.0 (c) The effects on the openness of the Green Belt and the purposes of including land within it.

8.1 Whilst there is no specific definition of openness in the NPPF, this is a concept which relates to the absence of building; it is land that is not built upon. Any construction harms openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions or qualities.

8.2 It is noted that the section of road within the Green Belt only extends approximately 40 metres in length and needs to be considered in relation to the extant planning permission for Bestwood Hawthorn Primary School. Whilst I consider that the development would harm the openness of the Green Belt in this location it is my assessment, when viewed in the context of providing access for the new school and the new housing development on safeguarded land, that the actual harm to the Green Belt in this location could be considered less than substantial.

8.3 I note the considerations highlighted in chapter 7.0 above, that the development would constitute inappropriate development within the Green Belt, and would result in other harm to the Green Belt in terms of five purposes of Green Belt. I have assessed that there will be less than substantial impact on openness in this location. In line with paragraphs 87 – 89 of the NPPF an applicant is required to provide ‘very special circumstances’ that clearly outweigh the harm by reason of inappropriateness in the Green Belt and any other harm.

9.0 (d) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the ‘very special circumstances’ necessary to justify it.

9.1 The ‘very special circumstances test’ is a high test. The circumstances which are relied upon must be ‘very special’.

9.2 I note that the land to which the road relates forms part of a residential development currently under consideration (2014/0238) and adjacent land that is allocated for housing under LPD65 allocation H12.

9.3 I note in the supporting statement provided by the agent a number of ‘special circumstances’ have been forwarded in support this application. These can be outlined as follows: -

- 1) The applicant and land owner has facilitated the provision of land for the new Bestwood Hawthorn Primary School recently approved by Nottinghamshire County Council;
- 2) As part of the Master Planning proposals for the wider site in conjunction with the current outline planning application (2014/0238) and the provision of the New Primary School this proposal is the preferred access to the new school. A temporary access has been

approved subject to the release of the land from the Green Belt following the Local Planning Document adoption.

- 3) There is an identified need for a new primary school places in this area and there is a statutory requirement to find such places.
- 4) The expansion of the existing school has been thoroughly investigated with no potential for further expansion of existing buildings.
- 5) Nottinghamshire County Council has granted planning permission for the school (ref: 7/2017/1292NCC) with access currently agreed at the turning head of Keepers Close. It would be a public benefit for the access to be agreed from Moor Road – as proposed.
- 6) An extensive site selection exercise has been undertaken to establish that the school site now granted planning permission is the most suitable.
- 7) The construction of the new school site is proposed to begin in July 2018 and early provision of the access would facilitate its delivery.
- 8) The planned submission of Phase 2 of the residential development is under preparation and would be formally submitted on adoption of the Local Planning Document which releases the land from Green Belt.
- 9) The Client owns all the land necessary to achieve the development and is committed to construct the adopted road, prior to September 2019 in time for the school opening.

9.4 Since the submission of this application 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. Therefore significant weight can be attached to Policy LPD65 that designates the land subject to this application as a Housing Allocation no longer within the Green Belt.

9.5 In light of the above I consider that the following could be considered as being capable of forming the 'very special circumstances' required to permit inappropriate development in the Green Belt:

- 1) The release of the Inspectors Report and the Local Planning Document now receiving significant weight in the planning balance. The new plan period reclassifying the land as a housing allocation and not Green Belt;
- 2) The established need for new primary school places in the area and the facilitation of an extant planning permission for the new school with the preferred access through third party land;
- 3) The public benefit in providing the new access through a newly adopted arterial road preventing the requirement for traffic calming measures and parking restrictions on the existing network to the detriment of existing residents.

9.6 Whilst I consider that very special circumstances can be demonstrated that outweigh the less than substantial harm to the openness (paragraph 8.2 above) these need to be balanced against the overall harm to the Green Belt by means of inappropriateness, impacts on openness and the other constraining factors. The planning impacts that need addressing and balancing against the very special circumstances established relate to factors such as:

- Traffic and Transport;
- Biodiversity / Ecology;
- Neighbouring Amenity;

10.0 Traffic and Transport;

- 10.1 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). As part of the wider planning exercise for the housing allocation H12 in the LPD the applicant has undertaken Transport Assessment.
- 10.2 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.
- 10.3 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 highlight that the final approved design of the junction layout and link road will 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 will be the responsibility of the applicant to ensure that this can be achieved. The Highway Authority also confirms that the link road will be acceptable to serve the school and up to 101 dwellings as proposed under application reference 2014/0238 subject to recommended conditions.
- 10.4 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.

11.0 Biodiversity / Ecology

- 11.1 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.
- 11.2 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.

- 11.3 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. Following consultation with the Forestry Officer I am satisfied that the proposed protected trees would not be impacted by the development.
- 11.3 I also note that the application site is within the possible Sherwood potential Special Protection Area. Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 11.4 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.
- 11.5 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.
- 11.6 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 the benefits of the scheme would outweigh any harm identified.

- 11.7 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.
- 11.8 I note the comments from the Forestry Officer and I am satisfied that the proposed development would not impact on any significant or visually important trees or vegetation.
- 11.9 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.

12.0 Neighbouring Amenity;

- 12.1 Residential amenity considerations relevant to this proposal include the impact from noise generated from the development, the level of activity, noise and disturbance during 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.
- 12.2 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 are a minimum of 60 metres from 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 proposed outline residential development.

13.0 Conclusion

- 13.1 In light of the considerations given above in relation to:

- (a) Safeguarded Land
- (b) Whether the proposal would be inappropriate development in Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- (c) The effect on the openness of the Green Belt and the purposes of including land within it.
- (d) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the 'very special circumstances' necessary to justify it.
- (e) Traffic and Transport;
- (f) Biodiversity / Ecology;
- (g) Neighbouring Amenity.

I consider that, on balance and taking into account the benefits that would be generated as a result of this proposal, that it would constitute sustainable form of development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 – 12.0, above, I consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

- 13.2 This application has been advertised as a departure; however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this application should be referred to the Secretary of State.

14.0 Recommendation: Subject to no further material planning considerations being raised following the expiry of the Statutory Press Notice Consultation period - The Borough Council GRANTS PLANNING PERMISSION, subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby approved shall be constructed in accordance with the details within the Application Form, Drawings, and Submission Documents received on 9th June 2018 drawing no's: Planning Statement dated 8th June 2018; RT-MME-126954-01 (Arboricultural Survey - Middlemarch Environmental); N1100/2 - GA_104 (School Access Road); N1100/2 - GA_105 (Site Location Plan); and N1100/2 - GA_107_A (Proposed Vegetation Alterations).

- 3 The new link road cannot be utilised unless or until; a suitable access arrangement as shown for indicative purposes on drawing number 13152-010 has been provided to the satisfaction of the Local Planning Authority.
- 4 No part of the New Access Road hereby permitted shall be provided until details of the new road have been submitted to and approved in writing by the Local Planning Authority 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. The access road shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure an adequate form of access arrangement is provided in the interests of highway safety
- 4 To ensure the new link road is constructed to adoptable standards.

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

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

The link road should be designed to Nottinghamshire County Councils Highway Design guidance link <http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide> and an appropriate agreement entered into with the Highway Authority to enable construction of the highway

An application is to be made for a Traffic Regulation Order to reduce the speed limit on Moor Road from 40mph to 30mph to facilitate the access arrangement to the link

road which is to be undertaken at the applicants' expense. All correspondence with the Highway Authority should be addressed to: - NCC (Highways Development Control) (Floor 3), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford.

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

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.

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 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.

Date Recommended: 28th June 2018